

## **CALGARY POLICE COMMISSION BYLAW AMENDMENT REPORT**

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### **EXECUTIVE SUMMARY**

The Calgary Police Commission has proposed text that would amend the Police Commission Bylaw (25M97). The amendments provide flexibility in the number of Commission members; ensure appropriate staggering in appointment terms. The City of Calgary Law Department has drafted the proposed text. The proposed amendments are compliant with the *Police Act*, RSA 2000, c.P-17.

### **CALGARY POLICE COMMISSION RECOMMENDATION**

1. That Council give three readings to the proposed bylaw to amend the Police Commission Bylaw 25M97 (Attachment 1).
2. That Council direct Administration to work with the Police Commission to ensure the City and the Commission are in compliance with the Alberta Ministry of Justice and Solicitor General Policing Oversight Standards, including preparing any necessary policies and bylaw amendments.

### **PREVIOUS COUNCIL DIRECTION / POLICY**

A Bylaw Tabulation that was heard at the 2012, October 22nd, Organizational Meeting of Council, where Council amended The Police Commission Bylaw (25M97) to alter the number of members of the Calgary Police Commission from nine (9) to eleven (11). At that time, Council also amended appointment terms from two (2) years to two (2) or (3) years.

A Bylaw Tabulation was heard at the 2013 Organizational Meeting of Council, resulting in a motion at the 2013, November 18th combined meeting of Council, where Council amended The Police Commission Bylaw to alter the number of members of the Calgary Police Commission from eleven (11) to ten (10).

### **BACKGROUND**

The Police Commission Bylaw (25M97) (Attachment 2) has been amended a number of times in recent years to comply with amendments to the *Police Act*, RSA 2000, c.P-17, and changes that Council wished to implement.

### **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

The Calgary Police Commission would like to make amendments to The Police Commission Bylaw to ensure consistency from year to year, as well as compliance with both the governing legislation and Policing Oversight Standards.

As Council has changed the number of members on the Commission from year to year, the Police Commission would like to follow the legislation and clarify that the Commission will be composed of up to 12 members. This allows Council flexibility from year to year, without a Bylaw amendment.

Two years ago, appointment terms were changed from 2 years to 2 or 3 years. At that time, the maximum consecutive years of appointment was also changed to ten (10) years, as permitted under the legislation. The impact of this change has restricted some members with three (3) year appointments from being eligible to fulfill the full ten year maximum consecutive years of appointment, as the legislation does not permit an appointment term of less than two years. The

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two year appointment terms provide effective staggering of appointments, allows for regular turn-over of appointments and provides Commissioners with the opportunity to fulfill the full ten years, should they be reappointed the maximum number of times possible.

The Calgary Police Commission is working with the Solicitor General's Office to ensure compliance with the Policing Oversight Standards. Additionally, the Calgary Police Commission, through discussions with the City Clerk's Office and the Law Department, has identified opportunities for clarification and documentation of the appointment process for Commission Members, to ensure compliance with the Standards.

The Calgary Police Commission suggests an additional amendment to the Police Commission Bylaw. Under the Ministry of Justice and Solicitor General Policing Oversight Standards (Attachment 3), standard RR 2.3, the Ministry has clarified that a background check, including a criminal record check, must be conducted on all Commission members, including the two members who may be members of the Council or employees of the municipality. Though required by policy alone, the Calgary Police Commission believes it is important to clearly state this requirement for a criminal record check in the Bylaw, to ensure knowledge of and compliance with the requirement.

### **Stakeholder Engagement, Research and Communication**

The Calgary Police Commission has worked with the City of Calgary Law Department to amend the current Police Commission Bylaw.

### **Strategic Alignment**

The proposed amendments have no impact, positive or negative, on the current alignment with the City of Calgary's strategic alignment.

### **Social, Environmental, Economic (External)**

The proposed amendments have no impact, positive or negative, on the external social, environmental or economic situation.

### **Financial Capacity**

#### **Current and Future Operating Budget:**

None

#### **Current and Future Capital Budget:**

None

### **Risk Assessment**

No significant risks have been identified.

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### **REASON(S) FOR RECOMMENDATION(S):**

Approval of the amendments to The Police Commission Bylaw, provides the Calgary Police Commission with certainty over appointment terms, allows Council the maximum flexibility available under the Police Act in how many members are appointed and complies with the governing legislation. Approval of the direction to Administration to work with the Police Commission to ensure the City and the Commission are in compliance with the Alberta Ministry of Justice and Solicitor General Policing Oversight Standards, including preparing any necessary policies and bylaw amendments, will ensure compliance is achieved.

### **ATTACHMENT(S)**

1. Proposed Bylaw 64M2014
2. Bylaw 25M97, A Bylaw of the City of Calgary to Establish a Police Commission
3. Alberta Policing Oversight Standards, Audit File Box Version, September 2014.

