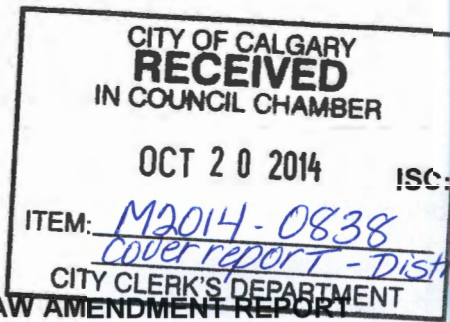


Calgary Police Commission Report to  
Organizational Meeting of Council  
2014 October 20



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M2014-0838  
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## CALGARY POLICE COMMISSION BYLAW AMENDMENT REPORT

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

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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.

Calgary Police Commission Report to  
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#### **CALGARY POLICE COMMISSION BYLAW AMENDMENT REPORT**

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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.



**BYLAW NUMBER 64M2014****BEING A BYLAW OF THE CITY OF CALGARY  
TO AMEND BYLAW 25M97, THE  
POLICE COMMISSION BYLAW**

\*\*\*\*\*

**WHEREAS** Council deems it necessary to amend Bylaw 25M97, the Police Commission Bylaw;

**NOW THEREFORE THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:**

1. Bylaw 25M97, the Police Commission Bylaw, as amended, is hereby further amended.
2. Subsection 3(1) is deleted and replaced with the following:
  - "3. (1) The City shall have a Commission composed of up to 12 Members appointed by Council, two Members of which shall be Councillors or City employees."
3. Subsection 3(2) is deleted and replaced with the following:
  - "(2) Council must appoint Members for a two year term, effective on November 1 of the year of the Organizational Meeting at which the appointment is made and expiring on the second October 31 thereafter or when a successor is appointed, whichever is later and Subsection 4(2) applies to the appointment of a successor."
4. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME THIS \_\_\_\_ DAY OF \_\_\_\_, 2014.

READ A SECOND TIME THIS \_\_\_\_ DAY OF \_\_\_\_, 2014.

READ A THIRD TIME THIS \_\_\_\_ DAY OF \_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR  
SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_, 2014.

\_\_\_\_\_  
CITY CLERK  
SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_, 2014.

**OFFICE CONSOLIDATION**

**BYLAW NUMBER 25M97**

**A BYLAW OF THE CITY OF CALGARY  
TO ESTABLISH A POLICE  
COMMISSION**

\*\*\*\*\*

(As Amended by Bylaw Numbers 46M2000, 47M2001, 52M2001, 59M2004, 38M2005, 61M2010, 40M2011 *Effective 2013 Oct 21*, 47M2011, 47M2012, 46M2013)

**WHEREAS** the Legislature of the Province of Alberta has passed the Police Act, 1988, S.A. 1988, c.12.01;

**AND WHEREAS** section 27 of the Police Act provides that a municipality shall establish and maintain an adequate and effective municipal police service under the general supervision of a municipal police commission;

**AND WHEREAS** section 28 of the Police Act provides that a municipality that has a municipal police service shall establish a police commission;

**NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF CALGARY ENACTS  
AS FOLLOWS:**

**Title**

1. This Bylaw may be cited as the "Police Commission Bylaw".

**Interpretation**

2. (1) In this Bylaw,
  - (a) "Councillor" means a person elected to Council under the MGA;
  - (b) "Act" means the Police Act, R.S.A. 2000, c. P-17;
  - (c) "Chief" means the chief of police of the Calgary Police Services;
  - (d) "City" means The City of Calgary, a municipal corporation in the Province of Alberta and includes the area contained within the boundaries of The City of Calgary where the context requires;
  - (e) "Commission" means the Calgary Police Commission established by Council under the Act;
  - (f) "Council" means the municipal council of The City;
  - (g) "Executive Director" means the Executive Director of the Commission;
  - (h) "Member" means a member of the Commission;

- (i) "MGA" means the Municipal Government Act, R.S.A.2000, c. M-26
- (4) This Bylaw shall be interpreted to conform with the Act.  
(B/L 38M2005, 2005 July 25)  
(B/L 40M2011, 2011 July 05 *Effective 2013 Oct 21*)

**Creation and Appointment of the Commission**

- 3. (1) The City shall have a Commission composed of up to 10 Members appointed by Council, two Members of which shall be Councillors or City employees.  
(B/L 61M2010, 2010 December 13)  
(B/L 46M2013, 2013 November 19)
- (2) Council must appoint Members for either a two or three year term, effective on November 1 of the year of the Organizational Meeting at which the appointment is made and expiring on the second or third October 31 thereafter as applicable or when a successor is appointed, whichever is later and Subsection 4(2) applies to the appointment of a successor.  
(B/L 47M2012, 2012 October 22)
- (3) Notwithstanding the period for which a Member was appointed, a Councillor may be a Member of the Commission only so long as they remain a Councillor.
- (4) A Member is eligible for reappointment to the Commission if the reappointment does not result in more than 10 consecutive years of service on the Commission by that Member.  
(B/L 47M2011, 2011 July 25)
- (5) All Members shall be residents of the City.
- (6) Council may revoke any Member's appointment to the Commission for cause.
- (7) Members shall endeavour to attend all meetings of the Commission. A Member shall not miss more than three consecutive meetings without providing a reasonable excuse. Failure to provide a reasonable excuse shall be cause for revocation of the Member's appointment.
- (8) Each Commission member, excluding those members who are members of Council, may be paid an honorarium from the budget of the Commission for attendance at Commission meetings in an amount established by the Commission which amount shall not exceed the honorarium paid to the Chairman and citizen members of the Calgary Subdivision and Development Appeal Board established under Bylaw 25P95.
- (9) Current and former employees of the Calgary Police Service, including both sworn and civilian employees, shall not be appointed to the Commission.  
(B/L 46M2000, 2000 November 06)  
(B/L 47M2001, 2001 November 05)  
(B/L 52M2001, 2001 November 12)  
(B/L 59M2004, 2005 January 10)  
(B/L 38M2005, 2005 July 25)  
(B/L 40M2011, 2011 July 05 *Effective 2013 Oct 21*)



**BYLAW NUMBER 25M97**

4. (1) Where a vacancy occurs in the membership of the Commission by any reason other than the expiration of the term for which the Member was appointed, Council shall appoint a successor to fill the vacancy or the remainder of the vacating Member's term.
- (2) Where, for any reason, a vacancy occurs Council shall fill the vacancy within 60 days from the date Council is notified that the vacancy has occurred.

**Duties of the Commission**

5. (1) The Commission is responsible for the general supervision of the Calgary Police Service and shall perform its functions according to the Act and this Bylaw.
- (2) The Commission shall establish policies for efficient and effective policing.
- (3) The Commission is not responsible for collective bargaining negotiations with the Calgary Police Service. Subject to the Police Officers Collective Bargaining Act, section 4(1)(b) and the Labour Relations Code, the Board of City Commissioners shall appoint a Committee which shall be responsible for negotiating salary, benefits and working conditions for employees of the Calgary Police Service.
- (4) The Commission shall appoint a Chief, subject to the approval of Council. Prior to the approval of Council, the Commission shall submit the employment contract for the Chief to Council. The employment contract for the Chief is subject to the approval of Council and Council may make a final determination on any of the terms in the employment contract.
- (5) The Commission shall not issue an instruction to a police officer other than to the Chief.
- (6) The Commission shall cause to be prepared estimates of all money required for the fiscal year and a yearly plan according to section 29(1) of the Act. These estimates and the yearly plan shall be submitted to Council and are subject to the approval of Council.

**Commission Procedure**

6. At the first meeting of the Commission after Council's organizational meeting, the Members shall:
  - (1) Elect one of the Members, other than a Councillor or a municipal employee, to act as chair of the Commission and one or more Members to act as vice-chairs.
  - (2) Subject to section 28(2) of the Act, the Commission shall follow The City's Procedure Bylaw 30M2002 for the conduct of Commission meetings.
  - (3) The Commission shall appoint an Executive Director who shall prepare an agenda for each meeting, circulate the agenda to Members prior to the meeting and record decisions and recommendations made by the Commission.
  - (4) The Commission may close all or part of its meetings to the public if the matter to be

discussed is within one of the categories of information, referred to in Division 2 of the Freedom of Information and Protection Privacy Act, R.S.A. 2000, c. F-25 as replaced or amended from time to time, in which a public body may or must refuse to disclose information.

(B/L 38M2005, 2005 July 25)

(B/L 40M2011, 2011 July 05 *Effective 2013 Oct 21*)

#### **Access to Information**

7. (1) The Executive Director shall, on the request of any person, provide to that person, information in the possession of the Commission, except when that information:
  - (a) relates to a Commission meeting closed to the public, or
  - (b) is required to be kept confidential, or may be kept confidential, in accordance with the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25 as replaced or amended from time to time.
- (2) The Executive Director shall give a written notice that the information is withheld and the reason why it is withheld to the person who requested the information.
- (3) A written appeal may be made to the Commission,
  - (a) by a person who receives a written notice that information is withheld, within 15 days of receiving notice, or
  - (b) by a person who does not receive the requested information and does not receive a written notice that the information is withheld, within 60 days of requesting the information.
- (4) The only grounds for an appeal are that the released information was not complete, that the information has been withheld without any reason being stated or that the reason for withholding the information was insufficient or wrong.
- (5) The Commission shall not consider an appeal unless the persons to whom the information relates and the persons who would be affected by the release of the information have been notified or reasonable attempts have been made to notify them of the appeal.
- (6) The Commission's decision to withhold or release information must be in writing and is final.

(B/L 38M2005, 2005 July 25)

#### **Pecuniary Interest and Disqualification**

8. No Member shall participate in any discussion nor vote upon any matter that may involve a conflict of interest of the type referred to in sections 170, 172, 173 and 174 of the MGA.



## BYLAW NUMBER 25M97

**Accounts and Audit**

9. The Commission shall keep such accounts as are necessary to provide for its own expenses and such accounts shall be subject to inspection and audit by the internal or external auditors appointed by the City.

**Repeal**

10. Bylaw Number 8862 is repealed.

**Effective Date**

11. This Bylaw comes into force on the date it is passed with the exception of Section 3.(5) which will come into force 1997 October 27.

READ A FIRST TIME THIS 23<sup>RD</sup> DAY OF JUNE, 1997.

READ A SECOND TIME, AS AMENDED, THIS 23<sup>RD</sup> DAY OF JUNE, 1997.

READ A THIRD TIME, AS AMENDED, THIS 14<sup>TH</sup> DAY OF JULY, 1997.

(Sgd.) A. Duerr  
MAYOR

(Sgd.) D. Garner  
CITY CLERK

**ALBERTA POLICING  
OVERSIGHT STANDARDS**

**AUDIT FILE BOX VERSION  
SEPTEMBER 2014**

## ROLES AND RESPONSIBILITIES (RR)

### RR.1 – Establishing a Police Oversight Agency

#### PREAMBLE

Although the *Police Act* assigns the Minister responsibility for ensuring that policing is adequate and effective, it also requires governing bodies to oversee the policing provided to their citizens. Albertans expect their police services to be accountable and to operate with integrity, fairness and transparency.

The core principles for oversight of policing in Alberta are:

- The participation of the public in determining priorities of the police service is essential;
- The police service must be accountable to the public; and
- The police service must operate in the absence of political influence.

#### STATEMENT

Pursuant to the *Police Act* and to guidance provided in the Alberta Law Enforcement Framework (2010), local governing bodies should establish a police oversight body that will facilitate meaningful community input into local policing needs and provide credible mechanisms to address concerns regarding the conduct of law enforcement personnel.

#### RR.1.1 Policing Committee

Municipalities that have entered into an agreement for the provision of municipal policing services by the RCMP **may** establish a policing committee in accordance with the provisions of the *Alberta Police Act*.

The municipal bylaw or policy shall:

- a. Prescribe the rules governing the operation of the policing committee;
- b. Describe how members of the policing committee are appointed;
- c. Outline number of, and any special considerations of members (non-voting, council representatives, youth representatives, other organizations etc.);
- d. Describe the length of board member appointments;
- e. Describe procedures for resignations and removal of members;
- f. Describe the procedure for informing the ministry when an RCMP policing committee is established and when it is dissolved;
- g. If applicable, describe how any remuneration/gratuity/allowance to members of the policing committee is provided.
- h. All persons appointed to the policing committee take the Oath (Schedule 2 found in the *Police Act*).

Compliance: Bylaw that includes all items listed above (a to g), or relevant sections of the policing committee's policy



## Verification:

- Oversight Agency Policy
- Copy of signed and dated bylaw

**ROLES AND RESPONSIBILITIES (RR)****RR.1 – Establishing a Police Oversight Agency****PREAMBLE**

Although the *Police Act* assigns the Minister responsibility for ensuring that policing is adequate and effective, it also requires governing bodies to oversee the policing provided to their citizens. Albertans expect their police services to be accountable and to operate with integrity, fairness and transparency.

The core principles for oversight of policing in Alberta are:

- The participation of the public in determining priorities of the police service is essential;
- The police service must be accountable to the public; and
- The police service must operate in the absence of political influence.

**STATEMENT**

Pursuant to the *Police Act* and to guidance provided in the Alberta Law Enforcement Framework (2010), local governing bodies should establish a police oversight body that will facilitate meaningful community input into local policing needs and provide credible mechanisms to address concerns regarding the conduct of law enforcement personnel.

**RR.1.2 Police Commission**

Municipalities that have established a Regional, Stand-Alone, or First Nations municipal police service, **shall**, via resolution/bylaw, establish a police commission in accordance with the provisions of the Alberta *Police Act*. The bylaw or policy shall:

- a. Prescribe the rules governing the operation of the police commission;
- b. Describe how members of the police commission are appointed;
- c. Outline number of, and any special considerations of members (non-voting, council representatives, youth representatives, other organizations etc.);
- d. Describe the length of board member appointments;
- e. Describe procedures for resignations and removal of members;
- f. If applicable, describe how any remuneration/gratuity/allowance to members of the police commission is provided.
- g. All persons appointed to the police commission take the Oath (Schedule 1 found in the *Police Act*).

## #9.1.7

**Compliance:** Bylaw that includes all items listed above (a to f), or relevant sections of the police commission's policy

**Verification:**

- Oversight Agency Policy
- Copy of signed and dated bylaw

**RR.2 – Selecting and Appointing Oversight Agency Members****PREAMBLE**

Once a municipal police service has been established, the second requirement is an oversight agency that will oversee the police service. To fulfill this requirement, the municipality **shall** select and appoint qualified oversight agency members through a process sensitive to the principles of openness and equity.

**STATEMENT**

Although recruiting board members is the responsibility of the municipality, it is the oversight agency that will provide proof of compliance for this process. It is expected that the oversight agency will be aware of the municipality's board member selection and appointment process for auditing and compliance purposes.

**RR 2.1 Cultural diversity**

The municipality shall have a selection and appointment strategy in place that considers the cultural diversity of the community.

Compliance: Recruitment strategy/policy

Verification:

- Volunteer job posting, advert, pamphlet or equivalent
- Evidence of the recruitment process used



## **RR.2 – Selecting and Appointing Oversight Agency Members**

### **PREAMBLE**

Once a municipal police service has been established, the second requirement is an oversight agency that will oversee the police service. To fulfill this requirement, the municipality **shall** select and appoint qualified oversight agency members through a process sensitive to the principles of openness and equity.

### **STATEMENT**

Although recruiting board members is the responsibility of the municipality, it is the oversight agency that will provide proof of compliance for this process. It is expected that the oversight agency will be aware of the municipality's board member selection and appointment process for auditing and compliance purposes.

### **RR 2.2 Informing applicants**

The municipality shall, at the time of application, provide written information to applicants about the application process as well as details of the time and workload commitments required for fulfilling the duties of the oversight position.

Compliance: Sample copy of application information package or job description

Verification:

- Job advertisement
- Evidence of the application process

**RR.2 – Selecting and Appointing Oversight Agency Members****PREAMBLE**

Once a municipal police service has been established, the second requirement is an oversight agency that will oversee the police service. To fulfill this requirement, the municipality **shall** select and appoint qualified oversight agency members through a process sensitive to the principles of openness and equity.

**STATEMENT**

Although recruiting board members is the responsibility of the municipality, it is the oversight agency that will provide proof of compliance for this process. It is expected that the oversight agency will be aware of the municipality's board member selection and appointment process for auditing and compliance purposes.

**RR 2.3 Security checks**

The municipality shall conduct a background check/security clearance of all applicants (including council-appointed members) before their appointment to the oversight agency, including at a minimum:

- a. Police information check;
- b. Reference checks;
- c. Interview of applicant (including an assessment of overall suitability)
- d. PCD shall receive an Enhanced Security Clearance (RCMP or municipal equivalent)

Compliance: Job advertisement

Verification:

- Blank copy of the criminal records check application form/package
- Proof that Police staff performed the various security checks as requested by the oversight agency
- Proof of enhanced security clearance for the PCD

## **RR.2 – Selecting and Appointing Oversight Agency Members**

### **PREAMBLE**

Once a municipal police service has been established, the second requirement is an oversight agency that will oversee the police service. To fulfill this requirement, the municipality **shall** select and appoint qualified oversight agency members through a process sensitive to the principles of openness and equity.

### **STATEMENT**

Although recruiting board members is the responsibility of the municipality, it is the oversight agency that will provide proof of compliance for this process. It is expected that the oversight agency will be aware of the municipality's board member selection and appointment process for auditing and compliance purposes.

### **RR 2.4 Oath of office**

Pursuant to the *Police Act*, upon appointment, successful applicants shall:

- a. **Take the Oath of Office**; and receive the following:
- b. The *Alberta Police Act* and the *Police Service Regulation*;
- c. The *RCMP Act* and/or Community Tripartite Policing Agreement, or Municipal Police Service Agreement (MPSA) as per the nature of their police service;
- d. A Conduct/Ethics policy that the oversight agency will follow; and
- e. The oversight agency's policy manual.

Compliance: Policy

Verification:

- Sample copy of a signed and dated Oath of Office
- Sample copy of a signed and dated Conduct/Ethics form
- Member orientation handbook or equivalent



**RR.3 – Oversight Agency Role****PREAMBLE**

The delicate balance between the independence and authority of law enforcement on one hand, and their accountability to the public and the civilian authority, on the other, is a vital part of our democratic society. Oversight and governing bodies need to strike this balance between police independence to conduct investigations and maintain order without undue political or other influence, with the need for accountability to the public.

Policing oversight agencies in Alberta are required to ensure efficient and effective policing and provide a local mechanism for receiving and monitoring public complaints against the police service.

**STATEMENT**

This standard is intended to ensure that the role, responsibilities and expectations of the oversight agency, the municipality, the municipal police service and the community are met.

**RR 3.1 Police Committee Responsibilities**

The oversight agency shall elect, from amongst its members, a Chair and one or more Vice-Chairs. Additionally the oversight agency shall, carry out its responsibilities as follows:

**3.1.1 Oversight responsibilities of the policing committee:**

- a. Elect, from amongst its members, a Chair and one or more Vice Chairs;
- b. Oversee the administration of the policing agreement (MPSA);
- c. Participate/assist in selecting the officer in charge;
- d. Represent the interests of the council to the officer in charge of the municipal police service;
- e. In consultation with the officer in charge, develop a yearly plan of priorities and strategies for municipal policing;
- f. Issue instructions to the officer in charge respecting the implementation and operation of the yearly plan;
- g. Represent the interests and concerns of the public to the officer in charge;
- h. Assist the officer in charge in resolving complaints; and
- i. Appoint a Public Complaint Director to fulfil the duties set out in the *Police Act*.

Compliance: Policy and Procedures manual

Verification:

- Oversight Agency Policy and Procedures manual
- Proof of procedures electing the Chair and Vice Chair

- Sample copies of meeting minutes
- Copy of the APP/yearly plan of priorities
- Evidence of consultations with the community for input into priorities
- Member interviews and observation for knowledge of committee duties, attendance and participation in meetings, identifying community needs, bringing issues forward, understanding of policing committee goals and objectives, etc.

### **RR.3 – Oversight Agency Role**

#### **PREAMBLE**

The delicate balance between the independence and authority of law enforcement on one hand, and their accountability to the public and the civilian authority, on the other, is a vital part of our democratic society. Oversight and governing bodies need to strike this balance between police independence to conduct investigations and maintain order without undue political or other influence, with the need for accountability to the public.

Policing oversight agencies in Alberta are required to ensure efficient and effective policing and provide a local mechanism for receiving and monitoring public complaints against the police service.

#### **STATEMENT**

This standard is intended to ensure that the role, responsibilities and expectations of the oversight agency, the municipality, the municipal police service and the community are met.

#### **RR 3.1 Police Commission responsibilities**

The oversight agency shall elect, from amongst its members, a Chair and one or more Vice-Chairs. Additionally the oversight agency shall, carry out its responsibilities as follows:

##### 3.1.2 Oversight responsibilities of the police commission:

- a. Elect, from amongst its members, a Chair and one or more Vice Chairs;
- b. In consultation with the Chief of Police produce an estimated budget and yearly plan specifying the level of police service and programs to be provided in respect of the municipality, and shall submit those estimates and plans to the council;
- c. Allocate and monitor the budgeted funds that are provided by council;
- d. Assist the Chief of Police in establishing policies providing for efficient and effective policing;
- e. Issue instructions, as necessary, to the Chief of Police in respect of the established policies;
- f. Ensure that sufficient persons are employed for the police service to carry out its functions;
- g. Appoint a Chief of Police, subject to the ratification of the municipal council; and

- h. Appoint a Public Complaint Director to fulfil the duties set out in the *Police Act*.

Compliance: Policy and Procedures manual

Verification:

- Oversight Agency Policy and Procedures manual
- Proof of procedures electing the Chair and Vice Chair (meeting minutes)
- Copy of the Police Service Annual Plan and budget or equivalent and evidence that those were submitted to council
- Member interviews and observation for knowledge of commission duties, attendance and participation in meetings, identifying community needs, bringing issues forward, understanding of police commission goals and objectives, etc.

### **RR.3 – Oversight Agency Role**

#### **PREAMBLE**

The delicate balance between the independence and authority of law enforcement on one hand, and their accountability to the public and the civilian authority, on the other, is a vital part of our democratic society. Oversight and governing bodies need to strike this balance between police independence to conduct investigations and maintain order without undue political or other influence, with the need for accountability to the public.

Policing oversight agencies in Alberta are required to ensure efficient and effective policing and provide a local mechanism for receiving and monitoring public complaints against the police service.

#### **STATEMENT**

This standard is intended to ensure that the role, responsibilities and expectations of the oversight agency, the municipality, the municipal police service and the community are met.

#### **RR 3.2 Member contact information**

For good business practice, the oversight agency should maintain current membership contact information of its members. Suggested contact information as follows:

Name	Home Address	Phone Number	Email Address	Term (commencement & expiry)	Position (if held)

Compliance: Policy

Verification: Copy of current Membership list



## PERSONNEL ADMINISTRATION (PA)

### PA.1 – Training Oversight Agency Members

#### PREAMBLE

Oversight agency members shall be supported by formal and informal training and professional development. This training should begin on appointment and continue throughout the oversight agency member's term.

#### STATEMENT

This standard addresses the minimum requirements for maintaining predictable and consistent skill development in policing oversight in Alberta. A training plan provides for regular education and training regarding developments in legislation and policy and should not limit any oversight agency from designing, delivering or participating in enhanced training to meet the needs of the community they serve.

At a minimum, members must be familiar with the oversight agency's policy manual that includes policies for these provincial standards (see OM1.1).

#### PA 1.1 Member training

The oversight agency shall provide training that addresses the training needs of its members. Suggested inclusions are:

- a. Policing oversight and complaints in Alberta (Justice and Solicitor General Website)
- b. Legislated roles and responsibilities (*Police Act*)
- c. Public complaints process – in general
- d. Oversight agency policy and procedures manual
- e. Provincial policing oversight standards
- f. Orientation to RCMP Professional Standards (Policing Committees only)

Compliance: Policy or Orientation checklist

Verification:

- Oversight Agency policy or member orientation manual
- Sample copy of a training plan or a record of training completed by agency members
- Member interviews and observation for knowledge of oversight duties (i.e. good understanding of the role of the oversight agency, how the agency functions, and any particular job functions)

**PA.2 – Oversight Agency Public Complaint Director**

**PREAMBLE**

Albertans need equitable access to oversight mechanisms and processes that ensure timely and transparent investigation of public complaints regarding police conduct. Police services in Alberta are required to thoroughly and promptly investigate complaints relating to officer conduct, service delivery and/or policy. When a complaint is made, police services are to fully inform all affected parties, on an ongoing basis, as to the status of the complaint investigation.

**STATEMENT**

Oversight agencies in Alberta that are identified as either police commissions or policing committees under the *Police Act* **shall appoint a Public Complaint Director (PCD) or Regional Public Complaint Director (RPCD)** to receive complaints and monitor complaint investigations as they proceed through the complaint process. The R/PCD shall offer a dispute resolution process to resolve matters if appropriate.

**PA 2.1 – Administering public complaints**

The oversight agency policy for the administration and review of complaints shall comply with the Alberta *Police Act* and ensure the R/PCD meets the requirements established within the Policing Oversight Standards.

Compliance: Policy

Verification:

- Review of the Oversight Agency policy & procedure for the administration and review of public complaints

**PA.2 – Oversight Agency Public Complaint Director****PREAMBLE**

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**PA 2.2 Standardized public complaint process**

The R/PCD shall be familiar with complaint processes within the province and ensure the information provided by the police service or material approved by the Provincial Public Complaint Director to explain the complaint process to the public is made available.

Compliance: Policy

Verification:

- Oversight Agency policy
- Oversight Agency website, pamphlets, brochures, handouts, forms etc. detailing the police complaints process
- PCD interview for knowledge of the complaints process and their specific duties

## **PA.2 – Oversight Agency Public Complaint Director**

### **PREAMBLE**

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### **PA 2.3 Processes to receive and refer complaints**

The oversight agency shall have clearly defined processes to receive and refer a public complaint to the police service for investigation. This includes consideration and offer of alternative dispute resolution (ADR) rather than a formal investigation, if applicable (when both parties consent to ADR).

Compliance: Policy and Procedure

Verification:

- Oversight Agency policy and procedures
- Blank complaint form or equivalent
- Sample copy of an RCMP Record of Complaint or Advice (ROCA) form (policing committees only)
- PCD interview for knowledge of the complaints process and the ADR process if considered/used



**PA.2 – Oversight Agency Public Complaint Director****PREAMBLE**

Albertans need equitable access to oversight mechanisms and processes that ensure timely and transparent investigation of public complaints regarding police conduct. Police services in Alberta are required to thoroughly and promptly investigate complaints relating to officer conduct, service delivery and/or policy. When a complaint is made, police services are to fully inform all affected parties, on an ongoing basis, as to the status of the complaint investigation.

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**PA 2.4 Access to complaints related information**

The R/PCD shall have access to records pertaining to complaints and citizen contacts. Records include those in hard copy and those contained in real time in the complaint/professional standards database (IAPro). Records shall include, but are not limited to, the following information:

- a. Pertinent dates,
- b. Timelines,
- c. Allegations,
- d. Findings,
- e. Dispositions, and
- f. Status of all complaints whether brought directly to the R/PCD or arriving directly through the police service.

Compliance: Policy

Verification:

- Oversight Agency policy and procedures
- Proof of access to the police complaints database (IAPro), or
- Evidence that PCD has access to a report of all public complaints received
- Evidence of an organized system for tracking/monitoring public complaints

## **PA.2 – Oversight Agency Public Complaint Director**

### **PREAMBLE**

Albertans need equitable access to oversight mechanisms and processes that ensure timely and transparent investigation of public complaints regarding police conduct. Police services in Alberta are required to thoroughly and promptly investigate complaints relating to officer conduct, service delivery and/or policy. When a complaint is made, police services are to fully inform all affected parties, on an ongoing basis, as to the status of the complaint investigation.

### **STATEMENT**

Oversight agencies in Alberta that are identified as either police commissions or policing committees under the *Police Act* **shall appoint a Public Complaint Director (PCD) or Regional Public Complaint Director (RPCD)** to receive complaints and monitor complaint investigations as they proceed through the complaint process. The R/PCD shall offer a dispute resolution process to resolve matters if appropriate.

### **PA 2.5 Complaint statistics and reporting**

The oversight agency shall receive a summary report of public complaints and their current status (i.e. complaints received directly by the R/PCD or by the police service). The oversight agency shall make annual complaints statistics available to the public and municipality.

Compliance: Policy

Verification:

- Evidence that PCD has access to a summary report of all public complaints received (either directly (IAPro) or through the police service)
- Sample copy of complaint report(s) provided to the oversight agency
- Sample copy of complaint statistics made available to the public and municipality

**PA.2 – Oversight Agency Public Complaint Director****PREAMBLE**

Albertans need equitable access to oversight mechanisms and processes that ensure timely and transparent investigation of public complaints regarding police conduct. Police services in Alberta are required to thoroughly and promptly investigate complaints relating to officer conduct, service delivery and/or policy. When a complaint is made, police services are to fully inform all affected parties, on an ongoing basis, as to the status of the complaint investigation.

**STATEMENT**

Oversight agencies in Alberta that are identified as either police commissions or policing committees under the *Police Act* shall appoint a **Public Complaint Director (PCD) or Regional Public Complaint Director (RPCD)** to receive complaints and monitor complaint investigations as they proceed through the complaint process. The R/PCD shall offer a dispute resolution process to resolve matters if appropriate.

**PA 2.6 Reporting to Director of Law Enforcement**

The oversight agency shall have a prescribed procedure in place to meet reporting requirements to the Director of Law Enforcement pursuant to Section 52 of the *Police Act*.

Compliance: Policy

Verification:

- Oversight Agency policy and procedure
- Copy of a standardized Complaint Report (IAPro output) provided to the Director of Law Enforcement, or equivalent, to prove that quarterly data submission has occurred.

## **ORGANIZATIONAL MANAGEMENT (OM)**

### **OM.1 - Oversight Agency Structure and Administration**

#### **PREAMBLE**

The oversight agency shall operate efficiently and effectively and in the best interests of the community it represents. All members and personnel must have a clear understanding of their authority in carrying out their duties in accordance with legislation, regulations, written policy, and procedures.

#### **STATEMENT**

These standards are intended to ensure the oversight agency establishes a formal structure to organize, define, direct and coordinate its duties.

#### **OM 1.1 Policies and procedures manual**

The oversight agency shall have a written policy and procedures manual addressing provincial oversight standards that includes, at a minimum, the following sections:

- |  |   |
|--|---|
| a. Intent of the Policy/Procedural Manual                      | i. Police Commission/Policing Committee Yearly Plan of Objectives     |
| b. Legislative Obligations of the Oversight Agency             | j. Police Commission/Policing Committee Yearly Report of Achievements |
| c. Role and Responsibilities of Oversight Members              | k. Oversight Member Remuneration (if any)                             |
| d. Roles and Responsibilities of Chair and Vice-Chair          | l. Financial Management   |
| e. Roles and Responsibilities of the Public Complaint Director | m. Records Management   |
| f. Orientation and Training of New Members                     | n. Communication and Media Relations                                  |
| g. Public Complaints Process                                   |   |
| h. Conduct/Ethics and Conflict of Interest                     |   |

Compliance: Policy

Verification:

- Copy of policy and procedure manual with indication of review/production within the last 3 years (maximum)



**OM.2 – Planning and Reporting of the Oversight Agency****PREAMBLE**

Planning and reporting processes are essential for effective management. The oversight agency needs to operate openly and transparently as an organization. One way to achieve this is to have clearly written goals and objectives documented in a yearly (operational) plan, as well as mechanisms in place for reporting achievements to its stakeholders.

**STATEMENT**

The yearly plan should contain provisions for frequent evaluation and updating. Timely and accurate information must be shared with all stakeholders, including the public, regarding the business of the oversight agency and the goals set out in their yearly operational plan.

**OM 2.1 Oversight agency planning**

The oversight agency shall, each year, set priorities for themselves as a Board. The oversight agency shall:

- a. Set annual goals and objectives for the oversight agency; and
- b. Communicate those annual goals and objectives to the Municipality and Chief of Police

Compliance: Policy

Verification:

- Copy of the Oversight Agency's yearly plan endorsed by the oversight agency
- Evidence that the Oversight Agency's yearly plan has been communicated to the Municipality and the Chief of Police

## **OM.2 – Planning and Reporting of the Oversight Agency**

### **PREAMBLE**

Planning and reporting processes are essential for effective management. The oversight agency needs to operate openly and transparently as an organization. One way to achieve this is to have clearly written goals and objectives documented in a yearly (operational) plan, as well as mechanisms in place for reporting achievements to its stakeholders.

### **STATEMENT**

The yearly plan should contain provisions for frequent evaluation and updating. Timely and accurate information must be shared with all stakeholders, including the public, regarding the business of the oversight agency and the goals set out in their yearly operational plan.

### **OM 2.2 Informing stakeholders**

The oversight agency shall have a mechanism for reporting its achievements to its stakeholders. The oversight agency shall produce a report of its accomplishments during the previous year relating to the goals set out in their yearly operational plan (i.e. quarterly or annual reports or equivalents).

Compliance: Policy

Verification:

- Copy of the document outlining the oversight agency's yearly accomplishments
- Evidence that the oversight agency's yearly accomplishments have been communicated to the Municipality, the Chief of Police and the Community (i.e. website or equivalent)

**OM.2 – Planning and Reporting of the Oversight Agency****PREAMBLE**

Planning and reporting processes are essential for effective management. The oversight agency needs to operate openly and transparently as an organization. One way to achieve this is to have clearly written goals and objectives documented in a yearly (operational) plan, as well as mechanisms in place for reporting achievements to its stakeholders.

**STATEMENT**

The yearly plan should contain provisions for frequent evaluation and updating. Timely and accurate information must be shared with all stakeholders, including the public, regarding the business of the oversight agency and the goals set out in their yearly operational plan.

**OM 2.3 Announcing public meetings**

The oversight agency shall make available to the public a meeting schedule, clearly identifying where and when policing oversight meetings will take place.

Compliance: Policy

Verification:

- Evidence that the yearly meeting schedule has been communicated to the public (i.e. website or equivalent)

## **OM.2 – Planning and Reporting of the Oversight Agency**

### **PREAMBLE**

Planning and reporting processes are essential for effective management. The oversight agency needs to operate openly and transparently as an organization. One way to achieve this is to have clearly written goals and objectives documented in a yearly (operational) plan, as well as mechanisms in place for reporting achievements to its stakeholders.

### **STATEMENT**

The yearly plan should contain provisions for frequent evaluation and updating. Timely and accurate information must be shared with all stakeholders, including the public, regarding the business of the oversight agency and the goals set out in their yearly operational plan.

### **OM 2.4 Access to meeting records**

The oversight agency shall make available to the public (respecting *Freedom of Information and Protection of Privacy* guidelines) records of meetings including:

- a. Agenda;
- b. Minutes; and
- c. Supplementary material from the meeting (non-confidential).

Compliance: Policy

Verification:

- Evidence that the above documents have been made available to the public (i.e. website or equivalent)



**OM.3 - Financial Management of the Oversight Agency****PREAMBLE**

The oversight agency shall have an accounting system that is compatible with, or a part of, the central accounting system of the governing jurisdiction. (for managing the oversight agency's budget, if applicable).

**STATEMENT**

Using generally accepted accounting principles, formal financial control procedures establish authority and responsibility, and they alert the agency to problems that may require remedial action.

**OM 3.1 Financial records**

The oversight agency shall, as required, have an accounting system that complies with generally accepted accounting principles. This shall be confirmed through yearly financial audits of the oversight agency's budget.

Compliance: Policy

Verification:

- Copy of annual financial audit report cover letter
- Alternatively, a signed letter from the Director of Finance, responsible for the central accounting system verifying that generally accepted accounting principles are being followed by the oversight agency.

### **OM.3 - Financial Management of the Oversight Agency**

#### **PREAMBLE**

The oversight agency shall have an accounting system that is compatible with, or a part of, the central accounting system of the governing jurisdiction. (for managing the oversight agency's budget, if applicable).

#### **STATEMENT**

Using generally accepted accounting principles, formal financial control procedures establish authority and responsibility, and they alert the agency to problems that may require remedial action.

#### **OM 3.2 Budgeting processes**

The oversight agency shall have a written policy that describes its own budgeting process and responsibilities for budget preparation, fiscal management and how financial audits are handled. The policy shall also describe a process for making the oversight agency's budget and audit information available to the public.

Compliance: Policy

Verification:

- Member information handbook
- Completed audit reports (internal and external)
- Any dated documents by which the oversight agency's financial information is made available to the public

**OM.3 - Financial Management of the Oversight Agency****PREAMBLE**

The oversight agency shall have an accounting system that is compatible with, or a part of, the central accounting system of the governing jurisdiction. (for managing the oversight agency's budget, if applicable).

**STATEMENT**

Using generally accepted accounting principles, formal financial control procedures establish authority and responsibility, and they alert the agency to problems that may require remedial action.

**OM 3.3 Tracking the use of funds**

The oversight agency shall have written policies that address procedures for handling funds, including honoraria (as they exist) and reimbursement of expenses for its members.

Compliance: Policy

Verification:

- Copy of audited financial statements outlining honoraria and/or expense reimbursement to members

**OM.4 – Records Management of the Oversight Agency**

**PREAMBLE**

To meet management and information needs, the oversight agency must have a system for keeping records well organized and easily retrievable. Privacy and security precautions shall be in accordance with any relevant policy and/or relevant legislation (i.e. FOIP and Records Management).

**STATEMENT**

The records system shall be designed to ensure proper access to the records as well as proper control, storage, retrieval, security and disposition of records.

**OM 4.1 Responsibility for records management**

The oversight agency shall have written policies that address responsibility and procedures for the records management function.

Compliance: Policy

Verification:

- Observation of the oversight agency's record management system



**OM.4 – Records Management of the Oversight Agency****PREAMBLE**

To meet management and information needs, the oversight agency must have a system for keeping records well organized and easily retrievable. Privacy and security precautions shall be in accordance with any relevant policy and/or relevant legislation (i.e. FOIP and Records Management).

**STATEMENT**

The records system shall be designed to ensure proper access to the records as well as proper control, storage, retrieval, security and disposition of records.

**OM 4.2 Indexing of records**

All records shall be indexed for quick retrieval.

Compliance: Policy

Verification:

- Observation of the oversight agency's record management system

**OM.4 – Records Management of the Oversight Agency**

**PREAMBLE**

To meet management and information needs, the oversight agency must have a system for keeping records well organized and easily retrievable. Privacy and security precautions shall be in accordance with any relevant policy and/or relevant legislation (i.e. FOIP and Records Management).

**STATEMENT**

The records system shall be designed to ensure proper access to the records as well as proper control, storage, retrieval, security and disposition of records.

**OM 4.3 Record retention**

The oversight agency shall have written policies that address schedules for records retention.

Compliance: Policy

Verification:

- Observation of the oversight agency's record management system

**OM.4 – Records Management of the Oversight Agency****PREAMBLE**

To meet management and information needs, the oversight agency must have a system for keeping records well organized and easily retrievable. Privacy and security precautions shall be in accordance with any relevant policy and/or relevant legislation (i.e. FOIP and Records Management).

**STATEMENT**

The records system shall be designed to ensure proper access to the records as well as proper control, storage, retrieval, security and disposition of records.

**OM 4.4 Record and information security**

The oversight agency shall have written policies that address document security in particular *Freedom of Information and Protection of Privacy Act* adherence.

Compliance: Policy

Verification:

- Observation of the oversight agency's record management system

**OM.5 – Media Relations of the Oversight Agency**

**PREAMBLE**

Oversight agencies shall establish a positive and open working relationship with the media.

**STATEMENT**

Guidelines are needed to ensure a balance between the public's right to be informed and the police service's need to manage information that affects police investigations. The oversight agency shall determine who is responsible for interacting with the media.

**OM 5.1 Release of information**

The oversight agency shall have a policy that governs the release of information, such as, who, what and when information can be released to the media and public.

Compliance: Policy

Verification:

- Copies of publicly released information