

# MEMORANDUM FOR CITY COUNCIL

ISC: Unclassified



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| <b>SUBJECT:</b> | IMPACT OF POLICE ACT AMENDMENTS ON CITY OF CALGARY |
| <b>DATE:</b>    | MAY 9, 2023  |
| <b>PURPOSE:</b> | FOR INFORMATION                                    |

## REASON FOR THIS MEMORANDUM

City Administration requested that the Calgary Police Commission provide its perspective on what actions will need to be taken by Council as a result of the December 16, 2022, amendments to Alberta's *Police Act*.

## DETAILS

The Calgary Police Commission has reviewed the amendments to the *Police Act* and is now waiting for corresponding updates to the *Police Service Regulation* before the legislation can be fully proclaimed. The provincial government has advised the Commission that the new *Police Act* will be proclaimed in phases as regulatory updates allow, and that there will be further consultation as the new regulations are considered.

The Commission has already submitted recommendations for the new regulations to the provincial government and is ready to be engaged further when the time comes. The Calgary Police Service and Commission have also created a joint committee that is ensuring the Service is ready for the changes as they come into effect.

At this time, the Commission wishes to note several things that impact Council:

### 1. **Commission Appointments**

On March 29, 2023, the province proclaimed the section of the new *Police Act* that allows for provincial appointees on police commissions. This allows the province to appoint up to three members of a 12-member commission.

There is a brief transition period during which provincial appointees may be in addition to the 12 members currently appointed by a municipal council. However, as the terms for municipal appointees end, Council is not able to appoint or reappoint members until the Commission size is back down to 12.

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The new legislation also allows the Minister to expand commissions up to 15 members in exceptional circumstances (where deemed necessary by the Minister). Municipal appointees may still only be removed by Council with cause and only the Minister can remove provincial appointees.

## 2. **Creation of a Police Review Commission**

The province will be establishing a Police Review Commission over the next 18 months to handle complaints about police conduct. The Alberta Serious Incident Response Team will report into the new agency. This change is very welcome by the public and the Commission as it will remove the conflict of interest that exists with the current system of police services investigating their own officers.

There is still no funding model for this agency and the Commission has asked that the province ensure the model used does not negatively impact local police budgets. If this cannot be achieved, a budget adjustment may be required for the Calgary Police Service.

## 3. **Workplace Performance Issues**

All workplace discipline for police officers currently must be addressed through a highly-regulated, quasi-judicial court martial process. The new *Police Act* will allow the Calgary Police Service to instead address workplace issues using modern human resource practices. This change will impact labour relations and potentially collective bargaining in the future.

## 4. **Provincial Policing Priorities**

The new Police Act requires municipal police commissions to annually prepare (with the police service) a Community Safety Plan and Equity, Diversity and Inclusion Plan. Much of this work is already done by the Calgary Police Service.

Additionally, the province can now establish provincial policing priorities and require municipal commissions to report back on how those priorities are being addressed. It should be noted that the province already had powers similar to this in the old legislation, as they established policing and police governance standards. However, the new powers could be more significant depending on

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their level of direction.

## 5. Ministerial Dispute Resolution

The new Police Act allows the Minister to intervene in disputes between a council, commission and police service, and direct whatever remedy they believe is appropriate. In the old legislation, the Minister could only intervene if it was required to ensure adequate and effective policing. The amendments appear to remove this restriction and do not even specify that the parties in dispute need to request intervention for it to occur.

### RECOMMENDED NEXT STEPS

Most of the impacts of the new *Police Act* will not be fully understood until the regulations are updated and the Police Review Commission is created.

The only action that requires Council's immediate attention is updating the *Calgary Police Commission Bylaw 25M97*. The number of Council appointees will need to be adjusted to comply with the new legislation.

The Commission has not had an opportunity to discuss other potential changes to the bylaw that would help the Commission better fulfill its mandate, but it is likely there are some. If Council directs City Administration to draft bylaw amendments, the Commission would like to request an opportunity to review the bylaw from its perspective to see if there are any other amendments it wishes to propose for Council's consideration.