

# PROPOSED

CD2023-0372  
ATTACHMENT 2

## BYLAW NUMBER 31M2023

### BEING A BYLAW OF THE CITY OF CALGARY TO ESTABLISH THE COMMUNITY PEACE OFFICER OVERSIGHT COMMITTEE

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**WHEREAS** Council by resolution established the Calgary Transit Public Safety Citizen Oversight Committee on 2002 January 28;

**AND WHEREAS** the Red Tape Reduction Statutes Amendment Act, 2022, S.A. 2022, c.16, came into force on May 31, 2022 and amended section 145 of the MGA such that Council must establish committees by bylaw rather than resolution;

**AND WHEREAS** Council has considered CD2023-0372 and deems it necessary to pass this bylaw to continue the Calgary Transit Public Safety Citizen Oversight Committee by establishing the Community Peace Officer Oversight Committee under a new name and expanded mandate;

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

#### SHORT TITLE

1. This Bylaw may be cited as the “Community Peace Officer Oversight Committee Bylaw”.

#### DEFINITIONS

2. (1) In this Bylaw:
  - (a) “*Committee*” means the Community Peace Officer Oversight Committee established by this Bylaw;
  - (b) “*Council*” means the municipal council of the *City*;
  - (c) “*City*” means the municipal corporation of The City of Calgary;
  - (d) “*Director, Emergency Management & Community Safety*” means the Chief Administrative Officer of the *City* (City Manager), or the employee of the *City* who has received delegated authority under this Bylaw to exercise the powers, duties, and functions of the Chief Administrative Officer;
  - (e) “*Organizational Meeting*” means the meeting of Council held under section 192 of the Municipal Government Act, RSA 2000, c M-26;

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- (f) “*peace officers*” means any peace officer employed by The City of Calgary in any business unit or department under employer authorization #139;
  - (g) “*Peace Officer Code of Conduct*” means the code of conduct established and maintained by the *City* as an authorized employer under Part 2 of the *Peace Officer (Ministerial) Regulation*, A.R. 312/2006, made under the *Peace Officer Act*, S.A. 2006, c. P-3.5;
  - (h) “*use of force*” means any incident governed by the *Peace Officer Code of Conduct* or any other *City* policy on the use of force by its *peace officers*;
- (2) Any schedules attached to this Bylaw form part of the Bylaw.
  - (3) If this Bylaw refers to any statute, regulation or bylaw, the reference is to the statute, regulation or bylaw as amended, whether amended before or after the commencement of this Bylaw, and includes reference to any statute, regulation or bylaw that may be substituted in its place.

### ESTABLISHMENT

- 3. The Community Peace Officer Oversight Committee is hereby established as a committee of *Council*.

### MANDATE

- 4. (1) The mandate of the *Committee* is to review the following types of investigations conducted by *City* administration in order to ensure that such investigations were conducted in a proper, transparent, and professional manner, and satisfied all requirements in the *Peace Officer Act*, S.A. 2006, c. P-3.5 and its regulations:
  - (a) investigations into alleged *Peace Officer Code of Conduct* violations by its *peace officers*; and
  - (b) investigations into *use of force* by its *peace officers*.
- (2) For greater certainty, the *Committee* may conduct a review of an investigation pursuant to subsection (1) above regardless of whether the investigation was initiated by a complaint from a member of the public or was initiated by the *City* as an employer.
- (3) The *Committee* may only conduct a review of an investigation pursuant to subsection (1) at the conclusion of that investigation (such as after a disposition by the *City* under Part 5 of the *Peace Officer (Ministerial) Regulation*, A.R. 312/2006 or otherwise considered concluded under *City* policy).
- (4) The *Committee* may provide recommendations to the *Director, Emergency Management & Community Safety* following its reviews.

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- (5) The *Committee* may attend as an observer on the Emergency Management & Community Safety Officer Safety Review Team (OSRT).

### SPECIFIC RESPONSIBILITIES

5. (1) The *Committee* may:
- (a) receive and review information provided by *City* administration on its concluded investigations;
  - (b) evaluate the investigation procedures used by *City* administration to determine whether elements of an alleged misconduct occurred;
  - (c) evaluate adherence to policies;
  - (d) evaluate whether any *use of force* was reasonable, necessary, and proportional;
  - (e) recommend escalation of a matter as outlined in the *Peace Officer Act*, S.A. 2006, c. P-3.5, including referral to the Calgary Police Service or the Public Security Peace Officer Program;
  - (f) recommend a *peace officer* receive additional training;
  - (g) recommend policy revisions and educational materials to *City* administration; and
  - (h) monitor recommendations made by fatality inquiries, court rulings, or other oversight bodies in relation to law enforcement.
- (2) The *Committee* will report annually to *Council* on the work accomplished in the previous year and present their work plan for the coming year.

### COMPOSITION OF THE COMMITTEE

6. (1) The *Committee* shall consist of five (5) voting public members who are appointed by *Council*.
- (2) The *Committee* shall also include one (1) non-voting member, appointed by the *Director, Emergency Management & Community Safety*, who will sit in an advisory role to the *Committee* and provide technical knowledge on *peace officer* duties and responsibilities.

### QUALIFICATIONS

7. (1) *Council* will appoint members based on the following qualifications:
- (a) knowledge and experience in law enforcement, or knowledge and experience in governance and oversight of law enforcement; and
  - (b) a complete and approved police information check.

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- (2) A member of *Council* may not be appointed as a member of the *Committee*.
- (3) An employee of the *City* may not be appointed as a voting public member of the *Committee*.

### TRAINING

8. Members will receive training provided by the *Director, Emergency Management & Community Safety*, in *peace officer* roles and responsibilities under the relevant legislation and the *Peace Officer Code of Conduct* requirements established by the *City*.

### MEETINGS

9. (1) The *Committee* will meet as required to carry out its mandate. Meetings of the *Committee* will be called or cancelled at the call of the Chair.
- (2) Notice of meetings must comply with the *Municipal Government Act*, R.S.A. 2000, c. M-26, sections 195 and 196(2).
- (3) *Committee* meetings are open to the public; however, the *Committee* may use its discretion under section 197(2) of the *Municipal Government Act* to close all or part of its meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25.
- (4) The *Committee* may also, by majority vote, permit public submissions on an item at a *Committee* meeting.

### TERM

10. (1) Members will be appointed by *Council* at the annual *Organizational Meeting of Council*.
- (2) Members will serve three-year terms expiring at the *Organizational Meeting* in the year their term expires, or until their successors are appointed, whichever is later.
- (3) *Council* may stagger the terms between one and three years to ensure the efficient transition of new members.
- (4) A member appointed by *Council* may serve a maximum of six consecutive years unless re-appointed beyond that time by a two-thirds vote of *Council*.

### VACANCIES

11. (1) Vacancies on the *Committee* may be filled by resolution of *Council* at any time.
- (2) A member of the *Committee* who is appointed to fill a vacancy shall be appointed for remainder of the term of the vacant position.

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- (3) In the event of a vacancy or vacancies, the *Committee* may continue to operate and conduct business until the vacancy or vacancies are filled provided that quorum requirements are fulfilled.
- (4) If the balance of the term to be served is half the original term or less then that service shall not count towards the limit on the length of service for the member appointed to fill that vacancy. If the balance is more than half the original term then that service shall count towards the new member's limit on length of service.

## SUB-COMMITTEES

12. The *Committee* may establish sub-committees and prescribe the terms of reference for such sub-committees.

## QUORUM

13. Quorum for the *Committee* is three (3) voting members.

## CHAIR AND VICE CHAIR

14. A Chair and Vice Chair shall be elected annually by the voting members at the first *Committee* meeting after the *Organizational Meeting*.

## MEETING AGENDAS

15. The Chair and Vice-Chair, in consultation with the *Director, Emergency Management & Community Safety*, will establish the agenda for *Committee* meetings.

## GOVERNANCE

16.
  - (1) The *Committee* will act in accordance with Council Policy CP2016-03, *Governance and Appointments of Boards, Commissions and Committees* and the Procedure Bylaw 35M2017.
  - (2) Any records submitted to the *Committee* are governed by the applicable provisions of the *Municipal Government Act* and the *Freedom of Information and Protection of Privacy Act*.
  - (3) Members of the *Committee* will act in accordance with the Council Policy CP2022-05, Code of Conduct for Public Members Appointed to Council Established Boards, Commissions and Committees and will sign the declaration required by this policy. Members of the *Committee* will act in a manner appropriate to the position held and any other relevant *Council* policies and in the best interest of the city taking into account the city as a whole. Members of the *Committee* will consider all issues consistently and fairly, and in the light of all relevant facts, opinions and analysis of which the member should be reasonably aware.

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- (4) The *Committee* will ensure that there is purposeful dialogue between the *City*, established entities, and key interested parties, to provide information to inform sound decision-making.

## CONSEQUENTIAL AMENDMENTS

17. The Terms of Reference for the Calgary Transit Public Safety Citizen Oversight Committee, established by resolution of *Council* on January 28, 2002, is hereby rescinded.

## COMING INTO FORCE

18. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME ON \_\_\_\_\_

READ A SECOND TIME ON \_\_\_\_\_

READ A THIRD TIME ON \_\_\_\_\_

\_\_\_\_\_  
MAYOR

SIGNED ON \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

SIGNED ON \_\_\_\_\_