

Calgary Police Commission Bylaw Revisions

PURPOSE

This report recommends updates to the Calgary Police Commission Bylaw 25M97 to align with provincial legislation. The Calgary Police Commission also requested further updates to the bylaw to be better equipped to fulfill its mandate.

PREVIOUS COUNCIL DIRECTION

On 2023 May 9, Council voted against proceeding with amendments to the Calgary Police Commission Bylaw 25M97 which would have aligned the bylaw with recent changes to the Police Act. However, under the Municipal Government Act, municipal bylaws cannot conflict or be inconsistent with provincial legislation. Therefore, Administration is bringing forward proposed amendments to ensure alignment with the Municipal Government Act and Police Act.

RECOMMENDATION:

That the Community Development Committee recommend that Council:

- 1) Give three readings to the proposed bylaw to amend the Calgary Police Commission Bylaw 25M97 to ensure it remains updated and consistent with the Alberta Police Act; and
- 2) Rescind the 1996 City of Calgary/Calgary Police Commission Protocol, as the relevant protocol sections are included in the proposed amendments to the Calgary Police Commission Bylaw.

RECOMMENDATION OF THE COMMUNITY DEVELOPMENT COMMITTEE, 2023 OCTOBER 2:

That Council:

1. Give three readings to **Proposed Bylaw 48M2023** to amend the Calgary Police Commission Bylaw 25M97 to ensure it remains updated and consistent with the Alberta *Police Act*; and
2. Rescind the 1996 City of Calgary/Calgary Police Commission Protocol, as the relevant protocol sections are included in the proposed amendments to the Calgary Police Commission Bylaw.

Opposition to Recommendation: Councillor Carra and Councillor Walcott

CITY MANAGER/GENERAL MANAGER COMMENTS

General Manager Katie Black and Calgary Police Commission Chair Shawn Cornett concur with this report.

HIGHLIGHTS

- On 2023 March 29, updates to the Alberta Police Act came into effect and as a result the Calgary Police Commission Bylaw must be amended.

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- The Alberta Police Act updates allow Council to appoint nine members to the Calgary Police Commission, and the Government of Alberta will appoint the remaining three members.
- Other proposed bylaw amendments ensure alignment to legislation, modernize practices, and better meet the needs of the Calgary Police Commission.
- Proposed amendments would also move key components of the 1996 City of Calgary/Calgary Police Commission Protocol in the Police Commission Bylaw and rescind the protocol.

DISCUSSION

Council is required under Alberta's Police Act to establish a police commission and to create rules that, along with relevant provincial regulations, govern the operation of the commission. In Calgary, this is done through the Calgary Police Commission Bylaw 25M97. This bylaw has received multiple, but minor, updates since its inception in 1997.

In 2022 December the provincial government amended the Police Act and the changes impacting the size and composition of police commissions came into effect in 2023 March. The Police Act amendment allows the current Commission of 15 members to continue until the end of 2023 October when the terms expire for six of the existing members. Previously, Council has appointed all Calgary Police Commission members, however, under the new legislation, the provincial government will appoint three of the maximum 12 Commission members. This is consistent with practices in most provinces and was the practice in Alberta through the 1970s.

The Municipal Government Act requires that a municipality's legislation align with provincial legislation, therefore Administration is required to bring forward an amendment on the Commission's composition. Section 13 of the Municipal Government Act states "If there is a conflict or inconsistency between a bylaw and this or another enactment, the bylaw is of no effect to the extent of the conflict or inconsistency."

When Administration consulted with the Calgary Police Commission regarding the required amendment, the Calgary Police Commission requested other amendments to ensure the bylaw better meets the needs of the Commission. These proposed changes, along with rationale, are outlined in Attachment 3. Some highlights include:

- Excluding the Calgary Police Commission from Procedure Bylaw 35M2017 – as requested by the Commission. The Commission cannot comply with sections of the Procedure Bylaw, including allowing any member of Council to join in-camera portions of any City of Calgary board, commission, or committee. The proposed bylaw amendments establish high-level procedural expectations and then empower the Calgary Police Commission to establish its own detailed procedures.
- Moving key information pertaining to a new police chief's contract into the bylaw and rescinding the November 1996 protocol that currently outlines this information. This move ensures a single source of information and aligns the bylaw with requirements in the Police Act. A process for Freedom of Information requests has also been removed to avoid any duplication or confusion with provincial regulations.

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Next Steps

Calgary Police Commission requested a change in how honorariums are determined for Commission members. The current Police Commission Bylaw ties the Commission's honorariums with those of the Subdivision and Development Appeal Board. Police Commission requested that the honorariums be determined independently given the distinct nature of the two bodies. Administration will review the approach with Police Commission following the report back on *Notice of Motion: EC2022-1371 Establishment of a Remuneration and Expense Policy for Council-established Boards, Commissions and Committees* – expected in 2024 Q1 – and, if necessary, report back through Community Development Committee with recommended changes. Administration will ensure that any recommendations align with the findings from the EC2022-1371 report.

EXTERNAL ENGAGEMENT AND COMMUNICATION

- | | |
|--|---|
| <input type="checkbox"/> Public engagement was undertaken | <input checked="" type="checkbox"/> Dialogue with interested parties was undertaken |
| <input type="checkbox"/> Public/interested parties were informed | <input type="checkbox"/> Public communication or engagement was not required |

The Calgary Police Commission was consulted on the required bylaw amendment relating to the number of Council appointed members. During that consultation, additional amendments to the bylaw were requested by the Calgary Police Commission.

IMPLICATIONS

Social, Environmental and Economic

The Calgary Police Commission is tasked with ensuring adequate, effective, efficient, and equitable policing in Calgary. The proposed amendments will better support the commission in delivering on this mandate. Proposed changes to the bylaw simplify and reduce duplication between the Alberta Police Act and the November 1996 protocol. This bylaw also obliges Council to endeavour to have an Indigenous member as per the Truth and Reconciliation Commission's Calls to Action and ensure members reflect the diversity of Calgary.

Service and Financial Implications

No anticipated financial impact

RISK

The existing bylaw poses some risks including:

- Outlining a process for Freedom of Information request appeals that differs from the usual process, which can create incorrect expectations for the public. The proposed amendments will eliminate the different process.
- Conflicting with the Police Act as to how members are appointed, this could force the Commission into non-compliance with bylaw. The proposed amendment will eliminate the conflict with the Police Act.

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 Community Development Committee
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ATTACHMENTS

1. Previous Council Direction
2. **Proposed Bylaw 48M2023**
3. Summary of Proposed Changes to the Calgary Police Commission Bylaw 25M97
4. Presentation

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Jill Floen	Law	Consult
Katarzyna Martin	City Clerks	Inform

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