

## BYLAW 2019-08

### A BYLAW OF THE TOWN OF CALMAR, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE EMPLOYMENT, POSITION DESCRIPTION, CODE OF CONDUCT, DISCIPLINE AND APPEAL PROCESS OF COMMUNITY PEACE OFFICERS.

**WHEREAS**, the Council of the Town of Calmar wish to provide for the employment of a Community Peace Officer(s),

**NOW THEREFORE**, pursuant to the provisions of the Municipal Government Act, RSA, Chapter M-26, 2000 and amendments thereto, and the Police Act, RSA, 2000, Chapter P-17, 2000 and amendments thereto, the Council of the Town of Calmar, in the Province of Alberta, duly assembled enacts as follows;

#### **1. INTERPRETATION:**

- 1.1 This bylaw is cited as the Community Peace Officer Bylaw.
- 1.2 Words that are defined in the Police Act or in the Peace Officer Act, Chapter/Regulation P-3.5, 2006 provides regulations for the investigation and disposition of complaints against Peace Officers, and for the discipline of Peace Officers.
- 1.3 "Town Manager" is the Town Manager of the Town of Calmar as appointed by Council.
- 1.4 "Mayor" is the Mayor of the Town of Calmar.
- 1.5 "Council" is the Council of the Town of Calmar in the Province of Alberta.
- 1.6 "Community Peace Officer" is the Designated Officer appointed as Community Peace Officer by Alberta Solicitor General and under the Peace Officer Act, permits the Town of Calmar as an Authorized Employer of Community Peace Officers, being that of the Town Manager, to employ the Community Peace Officer to carry out the duties of a Community Peace Officer as specified on their Authorization. To perform the duties as outlined in Schedule "A" attached hereto.
- 1.7 "Town" is the corporation of the Town of Calmar of the geographic area within the corporate boundaries thereof as the context may require.

#### **2. GENERAL PROVISIONS:**

- 2.1 The Town Manager is hereby authorized to make application to the Solicitor General on behalf of the Town for the authorization to employ Community Peace Officers.
- 2.2 Any Community Peace Officer employed by the Town must obtain their appointment through the Solicitor General.
- 2.3 The position description for Community Peace Officers is as set out in Schedule "A" attached hereto.
- 2.4 The Code of Conduct for Community Peace Officers is as set out in Schedule "B" attached hereto.
- 2.5 The procedure for handling public complaints and the administration of discipline and appeal process for Community Peace Officers is as set out in Schedule "C" attached hereto.

**3. EFFECTIVE DATE:**

3.1 Bylaw 2001-05, Special Constable Bylaw, is hereby rescinded.

3.2 This Bylaw shall take effect of the date of the third and final reading.

READ a first time this 1<sup>st</sup> day of April, 2019.

READ a second time this 1<sup>st</sup> day of April, 2019.

READ a third time, by unanimous consent, this 1<sup>st</sup> day of April, 2019.

**TOWN OF CALMAR**

  
\_\_\_\_\_  
MAYOR YACHIMETZ

  
\_\_\_\_\_  
TOWN MANAGER RODBERG

**This Bylaw signed this 1<sup>st</sup> day of April, 2019**

## **SCHEDULE "A"**

### **POSITION DESCRIPTION FOR COMMUNITY PEACE OFFICERS**

**1. Scope of Position**

Under the general direction of the Town Manager, a Community Peace Officer(s) is responsible for law enforcement activities within the Town.

**2. Duties of Community Peace Officer(s)**

A Community Peace Officer will:

- (a) enforce all municipal bylaws and the following provincial statutes and regulations passed pursuant thereto:
  - The Animal Protection Act;
  - The Dangerous Goods Act;
  - The Gaming and Liquor Act, Part 3 and Part 5 as it relates to the enforcement of Part 3, and Cannabis;
  - The Environmental Protection and Enhancement Act, Part 9, Division 2;
  - The Petty Trespass Act;
  - The Trespass to Premises Act;
  - The Tabaco and Smoking Reduction Act;
  - The Traffic Safety Act;
- (b) cooperate with and assist the Development Officer, the Safety Codes Officers, the Public Works Foreman, Lead Hand Supervisor, the Town Solicitor and the local Royal Canadian Mounted Police authority in the performance of their duties;
- (c) investigate complaints, accidents and disputes and take appropriate action to render assistance and enforce the laws that are within the Community Peace Officers jurisdiction;
- (d) prepare accident and other related reports for the Town's solicitors and insurers;
- (e) patrol the Town on a regular basis paying particular attention to the protection and prevention of damage to property owned by the Town or under the Town's management and control;
- (f) swear information and issue Summons Violation Tickets and Offence Notice Violation Tickets to ensure appropriate penalties are imposed for infractions of laws that are within the Community Peace Officers jurisdiction;
- (g) provide to the Town Manager such monthly, annual or other reports in writing as Council or the Town Manager may require bi-monthly;
- (h) assist as required in the preparation of annual budgets for law enforcement activities within the boundaries of the Town that are within the jurisdiction of a Community Peace Officer; and
- (i) take the official oath as prescribed by the Police Act.

**3. Experience and Training**

A Community Peace Officer must, by training or experience, qualify for appointment by the Solicitor General as a Community Peace Officer.

**4. Performance Requirements**

A Community Peace Officer must:

- (a) act in a mature and responsible manner in all dealings with the public;
- (b) refrain from abusing the authority of a Community Peace Officer;
- (c) provide effective public relations between the Town and its residents in relation to law enforcement, including educational, promotional and safety programs and campaigns;
- (d) call upon the local RCMP detachment for assistance when threatening, abusive or dangerous situations are encountered; and
- (e) comply with the code of conduct for Community Peace Officers adopted by the Town as the same may be amended from time to time.

**5. Discipline**

A Community Peace Officer will be subject to discipline according to the Human Resources Manual #2017-026 of Discipline AND Schedule C, Section (3) a, b, c, d for a Community Peace Officer as adopted by the Town as the same may be amended from time to time.

**6. Extra-Territorial Authority of a Community Peace Officer**

A Community Peace Officer will have authority to perform the Community Peace Officers duties outside of the corporate boundaries of the Town in the following circumstances:

- (a) service of court documents, both civil and criminal, related to offences or other activities that occurred within the corporate boundaries of the Town;  
or
- (b) when actively engaged in an attempt to stop or apprehend a person whom the Community Peace Officer believes by reason of personal observation to have committed an offence and is leaving the corporate boundaries of the Town. In any such case the Community Peace Officer must, as soon as practicable, call upon the local provincial police service for assistance and direction and discontinue such pursuit if directed to do so by the local provincial police service or if, in the opinion of the Community Peace Officer, continuing the pursuit would be futile or could present an unreasonable risk of harm to the public or the Community Peace Officer.

## SCHEDULE "B"

### CODE OF CONDUCT FOR COMMUNITY PEACE OFFICERS

#### Misconduct by a Community Peace Officer

A Community Peace Officer must not:

1. violate
  - a. an Act of the Parliament of Canada,
  - b. an Act of the Legislature of Alberta,
  - c. any Regulation made under an Act of either the Parliament of Canada or the Legislature of Alberta,
  - d. any provision of the Community Peace Officer Appointment, or
  - e. any provision of the Position Description for Community Peace Officers adopted by the Town.
2. act in
  - a. a disorderly or inappropriate manner,
  - b. a manner that would be harmful to organizational discipline within the Town, or would be likely to discredit the reputation of law enforcement.
3. apply the law or exercise authority differently on the basis of race, colour, religion, sex, physical disability, marital status, age, ancestry or place of origin;
4. withhold or suppress a complaint against or a report made about a peace officer;
5. neglect, without a lawful excuse, to promptly or diligently perform the Community Peace Officers duties;
6. wilfully or negligently make or sign a false, misleading or inaccurate statement in any official document or record;
7. without a lawful excuse
  - a. destroy, mutilate or conceal an official document or record, or
  - b. alter or erase an entry in an official document or record for purposes other than the correction of a bona fide error, in which case the alternation must be made in such a manner that the original entry is legible and must be dated and initialled by the Community Peace Officer.
8. make known any matter that the Community Peace Officer has a duty to keep in confidence;
9. fail to account for or to make a prompt and true return of money or property that the Community Peace Officer receives in the capacity of a Community Peace Officer;
10. directly or indirectly as for or receive a payment, gift, pass, subscription, testimonial or favour without the consent of the employer;
11. become involved in a financial, contractual or other obligation with a person concerning whom the Community Peace Officer could reasonably expect to report or give evidence;
12. without lawful excuse, use the Community Peace Officer's position as a peace officer for personal advantage or another person's personal advantage or disadvantage;
13. exercise authority as a Community Peace Officer when it is unlawful or unnecessary to do so;

14. consume alcohol/cannabis while on duty;
15. consume or otherwise use or possess drugs that are prohibited by law;
16. report for duty, be on duty or be on stand by for duty while unfit to do so by reason of the use of alcohol or drug;
17. demand, persuade or attempt to persuade another person to give, purchase or obtain any liquor for a peace officer who is on duty;
18. apply excessive or otherwise inappropriate force in circumstances where force is used;
19. be in possession of any firearm while on duty that is
  - a. not approved by the Solicitor General, and
  - b. is not issued to the Community Peace Officer by the employer of the Community Peace Officer;
20. when on duty discharge a firearm either intentionally or by accident, and not report the discharge of the firearm to the Town Manager and/or their designate;
21. fail to exercise sound judgement in the use of any restraining device.

## **SCHEDULE "C"**

### **HANDLING PUBLIC COMPLAINTS AND ADMINISTRATION OF DISCIPLINE AND APPEAL PROCESS FOR COMMUNITY PEACE OFFICERS**

#### **1. RECEIPT OF COMPLAINT**

- a. Public complaints or other information about alleged misconduct by a Community Peace Officer will be directed to the Town Manager, Town of Calmar, PO Box 750, Calmar, Alberta, T0C 0V0. All complaints must be accepted and dealt with according to the procedure set out in this document. Complaints must be in writing, signed by the complainant. The name, address and telephone number of the complainant must be obtained.
- b. The complaint will be immediately forwarded to the Town Manager and/or their designate.

#### **2. INVESTIGATION**

- a. The Town Manager and/or their designate will initiate the investigation of all complaints.
- b. The Town Manager and/or their designate may resolve minor complaints informally, with a solution that is satisfactory to all parties.
- c. If the Town Manager and/or their designate is satisfied that a misconduct by a Community Peace Officer may have occurred, the Town Manager and/or their designate will take disciplinary action in accordance with Item 3.
- d. If the Town Manager and/or their designate discovers misconduct of a criminal nature, they will immediately forward this information to the local Royal Canadian Mounted Police (RCMP) Detachment Commander as well as the Solicitor General.

#### **3. DISCIPLINARY ACTION**

- a. The Town Manager and/or their designate will present the allegations that were made and the findings of the investigation to the Community Peace Officer.
- b. The Community Peace Officer will be given an opportunity to make a full response to the allegations and supporting evidence.
- c. The Town Manager and/or their designate will hear the explanation of the Community Peace Officer and any other information that is relevant to determine the facts. The Town Manager and/or their designate will determine if the complaint of misconduct is proven or unproven.
- d. If the Town Manager and/or their designate finds that a complaint of misconduct against a Community Peace Officer has been proven, the Town Manager and/or their designate may take of the following disciplinary actions;
  - i. warn the Community Peace Officer;
  - ii. reprimand the Community Peace Officer;
  - iii. suspend the Community Peace Officer without pay for a period not exceeding 10 (ten) days;
  - iv. recommend that the Community Peace Officer be dismissed.



#### 4. APPEAL PROCESS

- a. The Town Manager and/or their designate shall cause the complaint to be investigated and as soon as possible after receipt of the said complaint, shall inform the complainant in writing as to whether he has found all or any portion of the said complainant founded or unfounded.
- b. If the complaint or portion thereof is found to be unfounded, the complainant may, within 15 days after receipt of the information referred to in Section 4, file with the Town Manager a notice of appeal setting forth the grounds of which the appeal is based.
- c. A Community Peace Officer who feels themselves aggrieved by disciplinary action taken against him/her under this bylaw or the regulations, may, within 15 days after being advised of disciplinary action, file with the Town Manager a notice of appeal setting forth the ground of which the appeal is based.
- d. When an appeal is filed under section 4 (c), any disciplinary action taken as a result of the decisions from which the appeal is taken shall be stayed without further order until the appeal is decided upon.
- e. In determining an appeal under section 4 (b) and (c), the Town Manager may
  - i. dismiss the appeal;
  - ii. allow the appeal;
  - iii. revoke or vary disciplinary action imposed;
  - iv. affirm the disciplinary action imposed;
  - v. refer the matter to Town Council for a review;
- f. The Town Manager shall in writing inform
  - i. the complainant in the case of an appeal under section 4 (b) or the appellant in the case of an appeal under section 4 (c);
  - ii. the Town Council;as to the decision of the Town Manager.