



TOWN OF BOW ISLAND
BYLAW 2021:04
PEACE OFFICER BYLAW

WHEREAS pursuant to section 7(a) of the Municipal Government Act, a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of property;

WHEREAS Council deems it necessary to implement a bylaw to regulate the behaviors, action, omissions and discipline of a Peace Officer.

NOW THEREFORE, THE COUNCIL OF THE TOWN OF BOW ISLAND PURSUANT TO THAT AUTHORITY COVETED UPON IT BY THE LAWS OF THE PROVINCE OF ALBERTA ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the *“Peace Officer Bylaw”*

DEFINITIONS

2. In this bylaw:
 - a) **“Assigned Supervisor”** means the Chief Administration Officer of the Town of Bow Island appointed to control the actions of the Bylaw Enforcement Officers and Peace Officers,
 - b) **“Bylaw”** means any bylaws passed by the Municipality under the authority of the *Municipal Government Act*,
 - c) **“Bylaw Committee”** means the Bylaw Committee appointed as such by Council,
 - d) **“Bylaw Enforcement Officer”** means any Bylaw Officer appointed as such by Council,
 - e) **“Council”** means the elected Council of the municipality,
 - f) **“Municipality”** means the Town of Bow Island and all the land contained therein,
 - g) **“Peace Officer”** means any person appointed as such by the Solicitor General of Alberta, while on duty and acting under the scope of his appointment,
 - h) **“Violation Tag”** a municipal ticket in the form prescribed from time to time by Council,
 - i) **“Violation Ticket”** a Provincial Court summons violation ticket (Part 2), or an offence notice violation ticket (Part 3) pursuant to and regulated by the *Provincial Offence Procedures Act*.

POWERS AND DUTIES OF A BYLAW ENFORCEMENT OFFICER

3. To take the official oath prescribed by the Oaths of Office Act upon being appointed as a Bylaw Enforcement Officer and to carry upon his person, at all times as he is acting as a Bylaw Enforcement Officer, evidence in writing of his appointment.
4. To ensure that all bylaws brought into force by Council are enforced, which include, but are not limited to:
 - a) Animal Control Bylaw
 - b) Business License Bylaw



- c) Cannabis Bylaw
 - d) Cemetery Bylaw
 - e) Dangerous Goods Route Bylaw
 - f) Fire Protection Services Bylaw
 - g) Fire Works Bylaw
 - h) Noise Bylaw
 - i) Nuisance, Untidy and Unsightly Premises Bylaw
 - j) Land Use Bylaw
 - k) Parks Bylaw
 - l) Traffic Bylaw
 - m) Utilities Bylaw
5. Shall enforce the provisions of the following Statutes of Alberta in so far as they apply within the Town of Bow Island:
- a) *Environmental Protection and Enhancement Act* R.S.A 2000 Chapter E-12,
 - b) *Weed Control Act* R.S.A 2008 Chapter W-5.1,
 - c) *Weed Control Regulation* A.R 19/2010,
 - d) *Provincial Offence Procedures Act*,
 - e) *Agricultural Pests Act*
 - f) *Municipal Government Act*, and
 - g) *All Provincial Statutes the Peace Officer is given authorization to enforce pursuant to his appointment as a Peace Officer issued by the Solicitor General of Alberta.*
6. To report to Council and carry out the directions of Council or their agent.
7. To follow the directions of the Assigned Supervisor and to report to Assigned Supervisor as required.
8. To abide by the rules and regulations of the Town as outlined in the Town of Bow Islands' Policies and abide by all enacted Bylaws of the Town.
9. To respond to complaints and carry out investigations of any alleged breaches of the bylaws of the Town, incidents or occurrences.
10. Conduct routine patrols to observe and document contraventions or any occurrences which are related to the general duties of a Peace Officer.
11. To issue Notices, Municipal Violation Tags as prescribed by the Town, or Violation Tickets/Summons pursuant to the *Provincial Offence Procedures Act* Part 2 and 3, as may be required.
12. To prepare necessary documents and process charges filed, according to law, and represent the Town in prosecuting those charges, in court, as required.
13. Perform all other duties as may from time to time be assigned by the Assigned Supervisor.
14. Provide security for the property, out buildings, enforce the Parks Bylaw, as well as aid or guide patrons using the parks.



15. Assist all enforcement partners (RCMP, Sheriffs, D.O.T.) in conducting traffic stops, public education and any related enforcement regarding the Town's Traffic Bylaw or Alberta Traffic Safety Act.
16. Assist the Development Officer in enforcing developmental issues within the Town.

AUTHORIZED EQUIPMENT TO BE CARRIED BY BYLAW ENFORCEMENT OFFICERS AND PEACE OFFICERS

17. A Bylaw Enforcement Officer/Peace Officer duly appointed is authorized to carry the following equipment:
 - a) Rabies Stick,
 - b) Cat Trap,
 - c) Dog spray,
 - d) Flash light,
 - e) All other equipment must be listed on the Peace Officer's appointment issued by the Solicitor General, and may include, but is not limited to:
 - i. Hand Cuffs,
 - ii. Baton,
 - iii. Protective vest, and
 - iv. OC Spray (oleoresin capsicum)
 - f) at no time is a Bylaw Enforcement Officer or Peace Officer authorized to carry upon his person, or in his vehicle, any type of fire arm.
18. It is the intent of Council that a Peace Officer, if authorized by his appointment as a Peace Officer, may carry a baton. In the event that he uses said baton on another human the officer and assigned supervisor shall follow the Operational Policy and Procedures Manual.
19. It is the intent of Council that a Peace Officer, if authorized by his appointment as a Peace Officer, may carry OC Spray (oleoresin capsicum). In the event that OC Spray is used on another human the officer and assigned supervisor shall follow the Operational Policy and Procedures Manual.
20. The uniform to be utilized in the course of appointed duty be one of appropriate and professional design, approved and supported by the Solicitor General of Alberta and the Peace Officer Program. currently incorporating a dark blue uniform unlike the local RCMP detachment. Dark blue pants, shirt, uniform hat, and CSA approved black boots.

BYLAW COMMITTEE

21. Council hereby establishes a Bylaw Committee to be composed of those persons appointed by resolution of Council from time to time, one of which members shall be appointed as a chairman.
22. The duties and responsibilities of the Bylaw Committee are as follows:



- a) To hear appeals from any decisions of the Assigned Supervisor made regarding the disciplining of the Bylaw Enforcement Officer or Peace Officer pursuant to section 24 of this bylaw,
- b) To carry out such investigation of the enforcement of bylaws of the municipality as Council may from time-to-time request of the investigation of the committee, and
- c) To give reading to newly developed or updated bylaws and approve said bylaws for reading by Council

Complaints Process for Peace Officers working for the Town of Bow Island

23. Established pursuant to section 15 of the *Peace Officer Act*.
- a) A complaint must be in writing and received by the employer.
 - b) The employer must, within 30 days and in writing, acknowledge receipt of the complaint to the complainant.
 - c) Notify the peace officer involved of the complaint if appropriate. (see section 21.6 of the Program Manual for details)
 - d) The employer must submit details of complaints made to the Director of Law Enforcement in accordance with the Public Security Peace Officer Program Policy and Procedure Manual.
 - e) The employer will investigate the allegations of the complaint by interviewing the complainant, any witnesses, the peace officer(s) involved if they so consent, and any other person who may have knowledge relevant to the occurrence.
 - f) The employer will review any relevant documents in existence pertaining to the occurrence including, but not limited to:
 - i) Occurrence reports
 - ii) Dispatch logs
 - iii) Peace officer notebook(s)
 - iv) Court reports
 - v) Legal documents
 - g) The employer will notify the complainant, the peace officer involved if appropriate, and Director as to the status of the investigation at least once every 45 days.
 - h) Upon conclusion of the investigation the employer must notify the complainant, the peace officer involved, and the Director of the disposition of the complaint using wording found in Section 22 of the Peace Officer (Ministerial) Regulation, which reads as follows:
 - i) 'the complaint is unfounded.' This means that on the basis of a thorough investigation no reasonable belief exists that the complaint has merit or basis.
 - ii) 'the complaint is unsubstantiated.' This means that on the basis of a thorough investigation there is insufficient evidence to determine the facts of the complaint and that it may or may not have occurred.
 - iii) 'the complaint is found to have merit in whole or in part.' This means that on the basis of a thorough investigation that:
'in whole' a reasonable belief exists that the peace officer has engaged in misconduct in regards to the entirety of the complaint or;
'in part' a reasonable belief exists that the peace officer has engaged in misconduct in regards to a portion(s) of the complaint, but not in its entirety.
 - iv) 'the complaint is frivolous, vexatious or made in bad faith'. This disposition will be used when an authorized employer chooses not to investigate a complaint as per section 15(2) of the Act which allows no investigation to occur when the



complaint is deemed to be frivolous, vexatious, or made in bad faith.

- v) The conclusion letter issued to the complaint must contain the following closing paragraph which communicates to the complainant that appeals of the decision reached by the authorized employer must be addressed to the Director as required in Section 15 of the act.

PLEASE BE ADVISED YOU HAVE THE RIGHT TO APPEAL THESE FINDINGS TO THE DIRECTOR OF LAW ENFORCEMENT FOR THE PROVINCE OF ALBERTA PURSUANT TO SECTION 15(4) OF THE *PEACE OFFICER ACT*. AN APPEAL MUST BE IN WRITING AND INITIATED WITHIN 30 DAYS OF RECEIPT OF THIS DECISION, AND ANY DECISION REACHED BY THE DIRECTOR OF LAW ENFORCEMENT ON APPEAL IS FINAL.

Correspondence to the Director must be sent to:

Director of Law Enforcement
10th Floor, 10365 - 97 Street
Edmonton AB T5J 3W7

Informal Complaints Process for Peace Officers working for the Town of Bow Island

- 24. Section 15(2)(b) of the Peace Officer Act allows for an authorized employer to refuse to investigate or may discontinue the investigation of a complaint if, in the authorized employer's opinion and having regard to all of the circumstances, no investigation is necessary.
- 25. The direct manager of the Peace Officer against which a complaint has been made has the authority to informally resolve the public complaint.
- 26. This shall be accomplished by meeting with the complainant to discuss their concerns, circumstances, facts and any information pertaining to the complaint. If a mutually agreeable solution can be reached by all parties involved the complaint shall be deemed to be resolved and no investigation is necessary.
- 27. All complaints resolved in this manner, pursuant to the *Peace Officer Act*, will be reported to the Director on a monthly basis.

Discipline for Misconduct

- 28. In the event a complaint is found to have merit in whole or in part, the employer must state what disciplinary action has been taken. Discipline practices in use at an agency must be filed with the Director of Law Enforcement. Many agencies already have disciplinary policy in place to cover all employees and this policy is often applicable to the peace officers who work for that agency. The policy can then simply advise that the existing general disciplinary policy will be utilized thus fulfilling the requirement of the Peace Officer Program.

SOLICITOR GENERAL REPORTING REQUIREMENTS

- 29. **Report within two (2) business days**
 - Use of baton
 - Use of other weapon as detailed in policy
- 30. **Report within one (1) month**
 - Lesser public complaint about a peace officer (not captured above)
 - Authorized employer-initiated investigation (not captured above)



- Other type of report (not captured above)
- Disposition of current or previous investigation or incident
- (Optional) monthly update to advise that there were no incidents to report

31. **Report within 45 days**

- Update to the status of ongoing investigation until disposition

32. **Director, Designate or Police to Investigate**

- Use of a firearm discharged at a person or not as part of peace officer's duties
- Peace officer involved in serious injury or death of a person
- Complaint of excessive force (public or internal)
- Peace officer involved where weapon was used by another person
- Peace officer involved in serious or sensitive matter

33. **Annual Report by Employer** (Section 12 POMR)

- Current name and position of the program contact person
- Updated list of peace officers employed and their positions within the agency
- A short summary describing the general nature of services provided by the peace officers, the operational practices of peace officers employed, and listing showing enforcement and enforcement-related activities that took place
- The report due date will be January 31 each year unless the employer advises the Director of alternate annual report date.

34. **Peace Officer Reporting Requirements**

Report within 24 hours

- Any event in which the peace officer has been charged or arrested for an offence under the Criminal Code, Controlled Drugs and Substances Act or any other enactment of Canada.
- Any event in which the peace officer has been charged or arrested for an offence under a provincial statute of Alberta.
- Loss of a peace officer ID card.

Notifying Peace Officers about Complaints

35. A peace officer will normally be advised of a public complaint of which he is the subject and provided with a copy of the written complaint.

36. There are circumstances where the employer may choose to not disclose the complaint to the peace officer as it may have a negative impact on the investigation or it may cause the complainant excess discomfort or to fear for his/her safety. The following are some examples:

- The complainant may be placed in physical danger
- The complainant may face non-violent retaliation by the peace officer
- There may be potential destruction of evidence during the investigation
- If there is any likelihood of a criminal investigation being initiated
- Other situations determined by the employer

BYLAW ENFORCEMENT OFFICER AND PEACE OFFICER CODE OF CONDUCT

37. At all times while on duty a Peace Officer shall comply with the terms and conditions of the Towns' authorization and must comply with the terms and conditions of the Peace officer's appointment, as well as the provisions of the Operational Policy and Procedures Manual.



38. At all times while on duty and acting as a representative of the Town Bylaw Enforcement Officer or a Peace Officer shall abide by the code of conduct laid out in this bylaw.

GENERAL

39. It the intention of Council that each separate provision of this Bylaw shall be deemed to be independent of all other provisions and if any provision of the bylaw is deemed or declared to be invalid all other provisions shall remain valid and enforceable.

40. Bylaw number 2014:05 is hereby repealed.

Read a first time this 22th day of February, 2021.

Read a second time this 8th day of March, 2021.

Read a third time and passed this 8th day of March, 2021.

Passed and Signed this _____ day of _____, 2021.

MAYOR

CAO