

FINE INCREASE FOR BYLAW 13145

Animal Licensing and Control Bylaw - Interference with Peace Officer

Recommendation			
That the December 4, 2023, Community Services report CS01708, be received for information.			
Requested Action		Information Only	
ConnectEdmonton's Guiding Principle		ConnectEdmonton Strategic Goals	
CONNECTED This unifies our work to achieve our strategic goals.		Healthy City	
City Plan Values	LIVE		
City Plan Big City Move(s)	N/A	Relationship to Council's Strategic Priorities	Community safety and well-being
Corporate Business Plan	Serving Edmontonians		
Council Policy, Program or Project Relationships	<ul style="list-style-type: none"> • Bylaw 13145 - Animal Licensing and Control Bylaw • Bylaw 2202 - Parkland Bylaw • Animal Licensing and Control Bylaw Renewal Initiative • Public Spaces Bylaws Review Project 		
Related Council Discussions	<ul style="list-style-type: none"> • March 4, 2024, Community Services Report CS01972, Safe and Inclusive Public Spaces 		

Previous Council/Committee Action

At the January 31, 2023, City Council meeting, the following motion was passed:

That Administration provide a report on increasing the fine for Bylaw 13145 - Animal Licensing and Control, Interference with Peace Officer - Parkland to \$250, and how that could increase revenue.

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Executive Summary

- A review of the Animal Licensing and Control Bylaw 13145 and Parkland Bylaw 2202 sections for interfering with Peace Officers found that the \$100 penalty fine for these offences is lower than the \$250 penalty consistently found in other bylaws.
- Increasing these penalty fines to \$250 should enhance the overall effectiveness of the Animal Licensing and Control Bylaw and Parkland Bylaw.
- The fine increase will act as a stronger deterrent to interference with Peace Officers.
- Administration recommends making these changes as part of the ongoing Animal Licensing and Control Bylaw renewal project, currently in the Public Engagement Phase, and the new Public Spaces Bylaw project which will consolidate the Parkland Bylaw into a new Public Spaces Bylaw.

REPORT

This report considers the benefits and potential impacts of increasing the penalty fine amounts for interfering with a Peace Officer in the Animal Licensing and Control Bylaw 13145 and the Parkland Bylaw 2202. Interfering with a Peace Officer may include behaviour such as attempting to obstruct an Officer who is trying to capture an animal, attempting to remove an animal from the possession of an Officer, refusing to comply with an Officer's order to put an animal on a leash or providing a false name or licence number for an animal or owner to an Officer.

The current fine amount for interference with a Peace Officer in the Animal Licensing and Control Bylaw 13145 and Parkland Bylaw 2202 is \$100. In comparison to other bylaws with similar violations, it is the lowest fine amount and establishes less of a deterrent. The Community Standards, Traffic, Conduct of Transit Passengers and Public Places Bylaws all specify a \$250 penalty fine amount for interfering with and/or obstructing a Peace Officer.

The higher fine amount is comparable to the \$250 fine for interfering or obstructing an officer in Calgary's Licensing and Control Bylaw 47M2021. When compared with penalty fine amounts in other Canadian jurisdictions, as detailed in Attachment 1, even the higher penalty fine amount of \$250 is on the lower end of the spectrum of fines for similar offences.

Administration recognizes that the \$100 penalty fine amounts currently in place are significantly lower than the fines specified in other bylaws both in the City of Edmonton and in other Canadian jurisdictions. Accordingly, increasing these penalty fines to \$250 should enhance the overall effectiveness of the Animal Licensing and Control Bylaw and Parkland Bylaw.

As shown in Attachment 2, the number of tickets historically issued for these offences under the Animal Licensing and Control Bylaw and Parkland Bylaw is very low. The primary benefit of increasing the fine amounts would be enhancing general deterrence with a higher penalty fine amount in these specific bylaws and in aligning penalties consistently across a range of bylaws. Budgetary impacts will be negligible.

Administration recommends making these changes as part of the ongoing Animal Licensing and Control Bylaw renewal project, currently in Public Engagement Phase I, and the new Public Spaces Bylaw project, which will consolidate the Parkland Bylaw into a new Public Spaces Bylaw. This

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approach will enable changes to the penalty fine amounts to be considered holistically alongside other changes to these bylaws when drafts are presented to City Council for consideration.

Community Insight

The Animal Care and Park Ranger Section is currently engaged in Phase I of public engagement on the Animal Licensing and Control Bylaw Renewal Project. This project, once completed, will result in the presentation of a new, contemporary draft of the Animal Licensing and Control Bylaw to City Council for consideration.

The research and engagement phases of the project include a review of penalty fine amounts and engagement with Edmontonians and stakeholder organizations to understand their perspectives on fine amounts. 'What We Heard' reports will be shared with City Council when the draft bylaw is presented.

Public engagement was completed in the second quarter of 2023 for the Public Spaces Bylaws review. The results of that engagement will be presented with the draft Public Spaces Bylaw.

GBA+

Increasing penalty fine amounts to \$250 could potentially have a greater negative impact on people who are facing financial hardship. However, the historical data on ticket issuance reveals that the "Interfering with Peace Officer" sections of the bylaws in question are rarely used.

Community Peace Officers are trained to employ alternative strategies, such as strategic communication and de-escalation techniques, to encourage compliance from people involved in bylaw infractions. They are also trained in intercultural competencies and legally mandated and specific training related to community needs, including trauma-informed training, procedural justice, and crisis intervention.

Internal training is delivered through a field training program in combination with classroom learning. Some external training delivery is informed by, developed by, and taught by members of marginalized communities.

Enforcement actions are only considered when engagement, explanation and encouragement are not successful in gaining compliance (the 4Es of enforcement). This combination of training, enforcement practice, and historically very low numbers of tickets for these types of offences suggests that there will be little to no negative impact from this change on people facing financial hardship and/or members of marginalized communities.

Attachments

1. Obstruction or Interference with Peace Officers Penalty Amount
2. Historical Issuance of Tickets