



*Guardian of Public Trust*

June 28, 2024

**BRIEFING NOTE:**

Purpose: Decision

TO: Chair and Members of Governance Committee

FROM: Bonnie Riddell, Policy & Research Analyst

**SUBJECT: Meeting Procedures Revisions – Input From the Public**

**BRIEFING INTENT:**

- To recommend approving the proposed revisions to the Commission's meeting procedures as they pertain to public speakers and conduct of attendees at Commission meetings.

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**BACKGROUND:**

- First briefing note on this subject was presented to the Commission in May 2024.
- The Commission, at that, time provided input and gave direction for several minor changes to the proposed revisions.
- An updated proposed revisions policy was presented to the Commission on June 20, 2024.
- The Commission provided input and requested further revisions to be reviewed by the Governance Committee prior to returning to the Commission for approval.

**Analysis:**

As part of the Commission's addendum to their policy manual (Appendix B) there is a procedural document pertaining to meeting procedures. This document supports and compliments the Commission's Policy Manual and acts as a tool which contributes to the Commission's overall efficiency and effectiveness during meetings. This procedural document is written in such a way that it addresses, under normal circumstances, the specific meeting procedures the Commission requires to conduct its monthly meetings

and is governed by the overarching policy document 5.1.1 – Establishing Rules of Order for Meetings. If there is a question relating to procedures that is not addressed in the meeting procedures, then these questions are informed by referring to the most recent version of Robert’s Rules of Order.

As part of this addendum there is a specific item that deals with input from the public where there is an opportunity to hear from members of the public. This item is considered a standing item on the Commission’s agenda as part of the public portion of the monthly meetings. Over the past several months, public and speaker comments and activities suggest a review of these existing practices and rules would be prudent to formalize into policy comprehensive guidelines around public speakers and general expectations on conduct. There are additional meeting processes that have changed since the last iteration of this document, such as the meetings being recorded and stored for future viewing, that are not reflected in the current procedural appendix. Commission’s administration has internal processes in place that are not reflected as well in this document and have been added for the public’s awareness.

A comprehensive environmental scan was undertaken of the bylaws, policies, and procedures of other Police Boards, Commissions, and municipalities which included a review of the City of Edmonton’s Public Hearing information and their “Request to Speak at a Council/Committee Meeting” document.

The Police Commissions/Boards reviewed were Calgary, Lethbridge, Taber, Toronto, Ottawa, Peel, Delta, Niagara, London, Halifax and Vancouver. Most, if not all, of these organizations have more comprehensive guidelines around deputations or public presenters, including stricter rules than currently in place at EPC.

Additionally, as part of this analysis, Robert’s Rules of Order (12<sup>th</sup> Edition) on how to run an effective meeting was reviewed and many of the suggestions outlined there were incorporated as they reflect best practises. It should be noted that there are several principles that are outlined which often assist boards and commissions to ensure decorum is maintained and a safe meeting for everyone is created. They are:

- CONFINING REMARKS TO THE SUBJECT MATTER UNDER DISCUSSION
- REFRAINING FROM ATTACKING A PERSON OR MOTIVE
- REFRAIN FROM DISTURBING THE ASSEMBLY

There is also an entire section (sec. 61 – Discipline of Members & Guests) dedicated to disciplinary procedures for attendees at a meeting and outlines strategies to deal with offensives, such as the Chair requesting members of the public to leave should they become disruptive.

There is a basic understanding that in most societies, boards, committees, councils, etc. that there will be a set of rules or code of conduct that guide behaviour and outline expectations at formal meetings. Every one of these organizations has the ultimate right to make and enforce its own rules from conduct that may be injurious to the

organization or interfere with its purposes. Conduct such as defamatory or degrading remarks, disturbing the proceedings, and hampering the ability for members and staff to be able to carry out their work is considered a serious offense and should be subject to disciplinary action, whether the bylaws, policies, or meeting procedures mention it or not.

Under these Robert's Rules of disciplinary procedures an assembly has the right to determine who may be present at its meetings and that non-members (i.e. Members of the public) may be excluded at any time from part or all of a meeting, such as the case when a meeting needs to go in camera. In the cases of disorder, exclusion or removal from a meeting can be implemented by the ruling of the Chair, adoption of a motion on the matter, or raising a question of privilege (Point of Privilege).

All public members in attendance at a meeting are considered guests of the hosting organization and have no rights with reference to the proceedings of the meeting, and the organization has the right to protect itself from misconduct or disorderly behaviour which is also a power the Chair, acting alone, can exercise.

These rules were designed to preserve and protect the ability of the board or commission to perform its function in a civil and orderly manner. Public comment is to be germane to the duties of the body, relate to current or new items for discussion and decision by the body, be respectful, and avoid the use of names or pejoratives. Adherence to these principles and others by the Commission will promote the efficient and effective performance of its duties and functions and will ensure all guests in attendance feel comfortable.

It should be noted the Commission has the additional obligation and duty under the Respectful Workplace policy, and its associated legislation, to ensure that they are maintaining a safe and caring work environment for all its employees which includes promoting an environment free from discrimination or harassment. As part of the Commission's policy statement, harassment, or any form of discrimination which affects an individual's dignity, will not be tolerated.

It has been noted that some of the comments in public presentations from speakers over the last few months have been defamatory, derogatory, and demeaning and directed to individual Commission members as well as EPS and EPC staff. Administration went back and reviewed some of these portions of the public agenda and have provided some examples to support the claim:

(NOTE: Administration has not provided exact quotes as some of the language used was/is offensive and does not want to cause further harm by repeating any egregious statements.)

- A Commission staff member was accused of being racist and not able to carry out their function for which they were hired as they alleged that they were in a conflict of interest due to past employment with another organization.
- The Chief of Police has had many unsubstantiated allegations levied against him from many speakers over several months, such as allegations that he is a

- political hire, he perpetuates ongoing genocide, that he is biased and has no integrity, that he is a liar, and that he is failing in his duties.
- Derogatory comments made against EPS staff include allegations such as they are tone-deaf, skirting accountability, misleading and gaslighting the public, and are incompetent and dishonest in their reporting to the Commission. Other comments levied included allegations that officers were using heinous violence and barbarism and that they were an oppressive institution. Another speaker stated that the EPS was out of control and disgusting and disingenuous. The EPS Leadership Team was called an embarrassment and that reports tabled at the Commission meeting were questioned in regard to their integrity.
  - The Commission has been accused of acting with cowardice, are nothing but a charade and rubber stamp for the Service.

It should also be noted that there were several instances where presenters spoke on topics that are currently not allowed such as complaints about officer conduct, ongoing investigations, or legal proceedings. This procedural clause has always been a part of the Input From the Public Meeting Procedures as the Commission ought not to offer a public forum for one-sided discourse on such matters while they are being investigated. If it did, this could give the impression of bias or prejudgment. In the case of matters that may eventually come before the Commission for a statutory decision, this is especially important to avoid.

These, and others, could open the Commission to a legal liability for not upholding the Respectful Workplace policy, OH&S regulation, Alberta Human Rights Act, freedom of Information and Protection of Privacy Act, and other possible pieces of provincial and federal legislation.

New guidelines and code of conduct expectations have been added which clearly outlines behaviour expectations of the public and procedural tools that can be used to deal with breaches. As part of the Meeting Procedures Appendix, a Conduct of Commission Members is included, part of which states that a member addressing the meeting shall conduct themselves in a professional and courteous manner and not use offensive words or language. This same principle has been incorporated into the proposed procedural and guideline provisions of this document as it pertains to input from the public.

<b>PROCEDURAL CLAUSES:</b>	<b>COMMENTS:</b>
Speakers must register in advance by filling out the Request to Speak form, which is available online,	Current procedure.
or by email to the Commission's office no later than noon on the business day preceding the day of the Commission meeting.	Revised – addition to sentence.  Rational: Assists in agenda management and scheduling. Allows some time for an

	evaluation of the request to ensure it aligns with policy.
Public presentations must be relevant to matters within the Commission's mandate	Current procedure.
or pertain to an item on the public meeting agenda. The Executive Director will make this assessment on behalf of the Commission.	Revised – addition to sentence.  Rational: Allows applicants to speak to be assessed and scheduled in a timely manner.
Complaints about officer conduct, ongoing investigations, or legal proceedings are not topics for this forum	Current guideline.
and any requests for these matters must be denied by the Executive Director.	Revised procedure.  Rational: Allows ED to assess requests in a timely manner and provide the applicant with a response.
The request to speak must set out the particulars of the matter and any materials the speakers wish to have distributed to Commissioners should be included.	New procedure.  Rational: Currently in practice but not reflected in guidelines. Informs members of the public that they can submit written materials to the Commission.
Monthly reports on requests to speak that have not been approved due to topics contrary to these procedures will be submitted to the Commission for awareness. This report will be in private due to personal and other privacy considerations under the Freedom of Information and Protection of Privacy Act.	New procedure.  Rational: Reporting requested by Commission. FOIP considerations needed to be taken into account.
The request must include the individual's name and email address of the person who will speak to the matter and include a confirmation that the speaker has read the rules and expectations of conduct and agrees to abide by them. This personal information is being collected under the authority of Section 33 of the Freedom of Information and Protection of Privacy Act and will be used in scheduling you as a speaker before the Commission.	New guideline and procedure.  Rational: Procedure already in practice (submission of name) and informs the individual under which authority the information is being collected (FOIP).
Upon receipt of a request to speak, providing the requirements above are met, the Executive Director will confirm acceptance of the request and will add	New procedure.  Rational: Currently in practice.

the names to the speaker's list for the corresponding public meeting. Presenter names will also appear on the official meeting minutes of the Commission.	Added to procedures for publics' awareness.
All public Commission meetings are recorded and any public participation through a presentation to the Commission will be recorded. Members of the media may also be in attendance and are allowed to record for their purposes as well.	New guideline and procedure.  Rational: Currently in practice. Added to procedures for publics' awareness.
Requests to make a presentation by a member of the public after the deadline and/or the day of the Commission's public meeting will be denied for that meeting and the requestor will be offered to book for the next regularly scheduled Commission meeting.	New procedure.  Rational: Assists in agenda management and the ability to assess individual requests.
Information presented will relate only to the subject matter specified in the written request to speak.	Current guideline
The maximum time allowed for any one presenter or spokesperson(s) for on behalf of a group or organization of presenters is limited to 5 five minutes unless there is consent by the Commission by motion formal resolution to extend the allotted time.	Current guideline and procedure
Members of the Commission will not enter into debate with the person making the presentation and may only ask questions for clarification for up to five minutes.	Current guidelines and procedures.
Presenters who pose questions to the Commission will not have their queries answered at the public meeting, however, presenters may wish to follow up through an email to the Commission's Executive Director at a later date who will assess the correspondence for possible reply.	New procedure.  Rational: Trying to answer questions posed during a public meeting by presenters does not give the opportunity for either the Service or the Commission to be prepared and may not be able to provide a fulsome response.
All presenters will conduct themselves in a professional and courteous manner and will obey the rules of procedure or a decision of the Chair.	New guideline.  Rational: Similar guidelines in policy for Commission members.

	Reflects guidelines in Robert's Rules on public members attending a meeting.
<p>Speakers must also not:</p> <ul style="list-style-type: none"> <li>• Make allegations against, or disparage, individual Commission members, Commission or Service staff members.</li> <li>• Make unreasonable or unfounded statements or demands, or otherwise misuse the privilege of addressing the Commission.</li> </ul>	<p>New guidelines.</p> <p>Rational: Reflects Commission's responsibilities under the Respectful Workplace policy.</p>
<p>NOTE: For agenda and time management purposes, the Commission may decide to limit the number of speakers and/or allot the maximum amount of time the Commission will hear from presenters at a particular public meeting. This decision shall be made prior to the Input From The Public portion of the agenda and shall be made by general consensus by all Commissioners in attendance.</p> <p>The Commission may also consider calling a Special Meeting to be held at a later date for the purposes of hearing from all registered speakers.</p>	<p>Current procedure</p>
<p><b>CONDUCT OF THE PUBLIC:</b> Public members in attendance at a Commission meeting will not:</p> <ol style="list-style-type: none"> <li>a) Address the Commission without permission.</li> <li>b) Engage in any activity or behaviour that would interfere with the Commission's deliberations.</li> <li>c) Engage in conduct that is disruptive.</li> <li>d) Disobey the ruling of the Chair or Commission for breaching these rules to be expelled.</li> </ol>	<p>New section added.</p> <p>Rational: Reflects many of the same rules that are applicable to commissioners.</p> <p>Incorporates codes of conduct and principles within Robert's Rules of Order on public attendance at a meeting.</p>
<p><b>BREACH OF RULES OR CONDUCT:</b> The Chair may caution any individual who is in breach of the rules or conduct provisions. If the behavior continues the Chair may declare that their presentation is concluded. The individual or individuals</p>	<p>New section added.</p> <p>Rational: Provides parliamentary tools to deal with breaches to the Code of Conduct portion of the document.</p>

<p>presenting will vacate the presenter's area immediately.</p> <p>Any other Commissioner may raise a Point of Order or Privilege if they feel a speaker has breached the rules or conduct provisions and the Chair will make a ruling.</p>	<p>Reflects some of the principles governing discipline at meetings for members of the public contained within Robert's Rules of Order.</p>
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### **ADDITIONAL INFORMATION:**

Through previous discussions on this item a request to look at the Commission's Order of Business on the public agenda to consider moving this item to another spot on the agenda. The following is an analysis with the pros and cons for each:

1) Leave agenda item as is:

▪ **Pros:**

- Allows members of the public registered to speak to an agenda item to hear the presentations beforehand to, possibly, get some of their questions addressed.

▪ **Cons:**

- Public members registered to speak must wait for previous agenda items to be completed prior to being given their opportunity to address the Commission.

2) Move agenda item to another place on the agenda:

▪ **Pros:**

- Dependent on where this agenda item is moved to, will allow for an opportunity for possible presenters to be in attendance for different reasons (eg. At the beginning of the meeting will give assurance that this item will start shortly after the meeting is called to order. Moving it to the last item of the agenda might provide an opportunity for others to attend as their workday might be over).

▪ **Cons:**

- If agenda item is placed as the first order of business on the public agenda, public presenters miss the opportunity to hear from the Service on specific presentation items that they may have registered to speak on.

3) Make the Input From The Public agenda item time certain:

▪ **Pros:**

- Members of the public who have registered to speak will be assured that their opportunity will be slated to a time certain on the day of the meeting and they will not have to take extra time out of their day



sitting through several agenda items prior to their opportunity to present to the Commission.

- **Cons:**
  - Time certain items can be disruptive to the proceedings and flow of a Commission meeting.
  - Any item currently being discussed needs to be suspended and postponed to another time on the agenda for completion or an immediate vote on a pending motion needs to be called, without allowing further debate.

Additionally, when Commissioners were discussing this item, a suggestion was made to take this document out to the public for feedback. While administration agrees that involving citizens in policy-development is generally beneficial, the document revisions being proposed are related to procedural matters and not policy as such (it is a procedural appendix to the policy manual). This document, and its proposed revisions, pertain to the inner workings of the Commission, its meetings, guidelines for public speakers, and contains parliamentary tools and procedures the public may not be familiar with. All the proposed revisions state a rationale (reference chart provided) for their inclusion into the document and reflect standard practise for boards, commissions, municipalities, and other forms of public assemblies and are generally accepted as best practises. Robert's Rules state that any organized assembly, such as the Commission, require certain rules to establish its basic structure and manner of operation. There is a need to formally adopt these rules of procedures especially for situations of disagreement or digressions to ensure a safe environment for everyone in attendance.

Commission administration usually does not avoid the use of consultative and other participatory instruments – they play an important role when the conditions are right, but feel, in this instance as per the rationale provided, would not add value to the process and would not be an efficient use of public resources.

## **CONCLUSION:**

Under current legislation, members of the public have a right to attend public meetings of the Commission, however they do not have a right to participate or speak unless the Commission provides the opportunity to do so. It should also be noted that all Commissions and Boards reviewed set aside time on their agendas to hear from members of the public.

The Edmonton Police Commission has also agreed to mission statements (conscious inclusivity, connecting with communities, and continual accountability) and values inclusivity and transparency which are outlined in their strategic plan that would support the continuation of this practise.

With that in mind and in the spirit of the underlying principles of openness and transparency, the Edmonton Police Commission should continue to reserve a spot on

its agenda to hear from members of the public. However, with extending this privilege comes with some level of responsibility to both parties. It is beneficial to hear from diverse individuals and groups to get differing points of view as they are in the best interest of the community, there is no reason not to expect that these opinions are levied with respect and a level of civility. Having well laid out procedures around the rules and expectation of conduct for those wishing to speak to the Commission protects it and other guests in being able to perform its function in an orderly manner. The Commission should also expect that speakers will adhere to and observe commonly accepted rules of courtesy and decorum to ensure a safe space for all meeting participants.

It has been suggested that many individuals fear public speaking and allowing such actions such as cheering or booing or any other forms of heckling discourages other people to come forward and share their views. Also, personal attacks or questioning people's motives or character rarely moves the conversation forward to a solution of a problem. These types of actions become intimidating, and many people will then consider it unsafe to participate. These actions also diminish the usefulness of public input with loud and aggressive individuals or groups, who only represent a minute fraction of the community, becoming the influencers that determine Commission policy and decision-making.

### **RECOMMENDATIONS:**

- 1) That the Edmonton Police Commission approves the proposed revisions to Appendix B – Meeting Procedures as it pertains to the Input From the Public Section.
- 2) That the Commission decides where they want to place the Input From the Public item on their public agenda.  
Options are:
  - Leave as is (no formal motion or additional action required)
  - Move to another place on the agenda and maintain as a Standing Item (Commission will need to decide where on the agenda they would like to place this item)
  - Make this item time specific (agenda item can remain as is but with a time specific as chosen by the Commission. Note: this would be the same time every public meeting as a Standing Item).

## **PRESENTATIONS:**

**INPUT FROM THE PUBLIC:** During the Public Input Item of the Commission Meeting agenda members of the public may make a presentation to the Commission **if the following requirements are met:**

- a) Speakers must register in advance by filling out the Request to Speak form which is available online, **or by email to the Commission's office no later than noon on the business day preceding the day of the Commission meeting.**
- b) Public presentations must be relevant to matters within the Commission's mandate or **pertain to an item on the public meeting agenda. The Executive Director will make this assessment on behalf of the Commission.**
- c) Complaints about officer conduct, ongoing investigations, **or legal proceedings** are not topics for this forum **and any requests for these matters must be denied by the Executive Director.**
- d) The request to speak must set out the particulars of the matter and any materials the speakers wish to have distributed to Commissioners should be included.
- e) Monthly reports on requests to speak that have not been approved due to topics contrary to these procedures will be submitted to the Commission for awareness. This report will be in private due to personal and other privacy considerations under the Freedom of Information and Protection of Privacy Act.
- f) The request must include the individual's name and email address of the person who will speak to the matter and include a confirmation that the speaker has read the rules and expectations of conduct and agrees to abide by them. This personal information is being collected under the authority of Section 33 of the Freedom of Information and Protection of Privacy Act and will be used in scheduling you as a speaker before the Commission.

## **GENERAL RULES FOR PRESENTATIONS FROM THE PUBLIC:**

- a) Upon receipt of a request to speak, providing the requirements above are met, the Executive Director will confirm acceptance of the request and will add the names to the speaker's list for the corresponding public meeting. Presenter names will also appear on the official meeting minutes of the Commission.
- b) All public Commission meetings are recorded and any public participation through a presentation to the Commission will be recorded. Members of the media may also be in attendance and are allowed to record for their purposes as well.
- c) Requests to make a presentation by a member of the public after the deadline and/or the day of the Commission's public meeting will be denied for that meeting and the requestor will be offered to book for the next regularly scheduled Commission meeting.

- d) Information presented will relate only to the subject matter specified in the written request to speak.
- e) The maximum time allowed for any one presenter or spokesperson(s) for on behalf of a group or organization of presenters is limited to 5 five minutes unless there is consent by the Commission by motion formal resolution to extend the allotted time.
- f) Members of the Commission will not enter into debate with the person making the presentation and may only ask questions for clarification for up to five minutes.
- g) Presenters who pose questions to the Commission will not have their queries answered at the public meeting, however, presenters may wish to follow up through an email to the Commission's Executive Director at a later date who will assess the correspondence for possible reply.
- h) All presenters will conduct themselves in a professional and courteous manner and will obey the rules of procedure or a decision of the Chair.
- i) Speakers must also not:
  - i. Make allegations against or disparage, individual Commission members, Commission or Service staff members.
  - ii. Make unreasonable or unfounded statements or demands, or otherwise misuse the privilege of addressing the Commission.

NOTE: For agenda and time management purposes, the Commission may decide to limit the number of speakers and/or allot the maximum amount of time the Commission will hear from presenters at a particular public meeting. This decision shall be made prior to the Input From The Public portion of the agenda and shall be made by general consensus by all Commissioners in attendance.

The Commission may also consider calling a Special Meeting to be held at a later date for the purposes of hearing from all registered speakers.

### **CONDUCT OF THE PUBLIC:**

Public members in attendance at a Commission meeting will not:

- a) Address the Commission without permission.
- b) Engage in any activity or behaviour that would interfere with the Commission's deliberations.
- c) Engage in conduct that is disruptive.
- d) Disobey the ruling of the Chair or Commission for breaching these rules to be expelled.

**BREACH OF RULES OR CONDUCT:**

The Chair may caution any individual who is in breach of the rules or conduct provisions. If the behavior continues the Chair may declare that their presentation is concluded. The individual or individuals presenting will vacate the presenter's area immediately.

Any other Commissioner may raise a Point of Order or Privilege if they feel a speaker has breached the rules or conduct provisions and the Chair will make a ruling.