



Calgary Transit Public Safety Citizen Oversight Committee

Mandate and Composition

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| Mandate | The purpose of this committee is to review all public use of force complaints, after the conclusion of the investigation. Essentially, the committee operates as an objective body; to ensure that the investigation was conducted in a proper and professional manner and that it satisfies all requirements of the Peace Officer Act, the Peace Officer Regulation and the Peace Officer (Ministerial) Regulation and the Calgary Transit Public Safety and Enforcement policy and mandate. |
| Composition | <ul style="list-style-type: none">• 3 Citizen Members of the Public• 1 Use of Force Instructor (advisory non-voting) |

Calgary Transit Public Safety Citizen Oversight Committee (formerly Protective Services Citizen Oversight Committee)

The Calgary Transit Public Safety Citizen Oversight Committee was established in 2002 as the Protective Services Citizen Oversight Committee. It was established at the request of the Calgary Police Service as a condition of granting intermediate weapon authority (oleoresin capicum (OC) spray and baton) to Calgary Transit Special Constables as they were then.

In 2006, when the *Special Constable Act* was repealed and replaced with the *Peace Officer Act*, statutory provisions for Provincial oversight of all Peace Officer Programs was enacted. This includes a comprehensive framework for citizen complaints and employer-initiated investigations. In particular, a citizen who is dissatisfied with the findings of a public complaint investigation may appeal the disposition to the Provincial Director of Law Enforcement. Regular audits are conducted on higher risk departments including both Edmonton and Calgary Transit and Alberta Health Services. In addition, all intermediate weapon deployments (OC spray and baton) and sensitive matters are reported to the Provincial Peace Officer Program. Unlike the Police Act (Alberta) mandating a requirement for police commissions there is no requirement to create a police board or commission. It is worth noting that the latest provincial audit of the Calgary Transit Peace Officer Program conducted in 2018 found 100 per cent compliance with provincial statutory and policy requirements.

Calgary Transit is one of over three hundred employers of peace officers in the province. Calgary Transit currently employs the largest number of peace officers in the province totaling 102 peace officers, which includes four management exempt peace officers, including the Superintendent who is also a member of the Alberta Association of Chiefs of Police. The Superintendent is accountable to the Provincial Government of Alberta, the Calgary Police Service and the City of Calgary. There are approximately 3200 peace officers in the Province of Alberta and the roles of peace officers, sheriffs, police, indigenous Nations police and security professionals are set out in the *Law Enforcement Framework of Alberta*. Calgary Transit's Peace Officer authorities are set out in a *Memorandum of Understanding and Information Sharing Agreement* with the Calgary Police Service. Similar agreements are in place with Canadian Pacific Police. Calgary Transit Peace Officers are also appointed under the *Municipal Government Act* as bylaw enforcement officers.

The purpose of the Citizen Oversight committee is to review all public complaints related to the use of force specifically the two intermediate weapons listed above. The Committee reviews all in scope investigations. It operates as an objective body to ensure the investigation was conducted in a thorough and professional manner and that it satisfies all requirements of the *Peace Officer Act* (S.A.2006 c. P-3.5)and two ancillary regulations, the *Peace Officer Regulation* and *Peace Officer Ministerial Regulation* Investigations are also reviewed to ensure adherence to policies of the City of Calgary including the Public Safety and Enforcement policy manual.

1. Number of meetings in the last two years.

The Citizen Oversight Committee is scheduled to meet on a quarterly basis based on the workload of the Committee. In 2017 the Committee met on 2017 June 21 and 2017 September 26. In 2017 the Committee reviewed two files. In 2018 the Committee met once on 2018 June 17 and reviewed one new file and concluded a 2017 file. One additional meeting was held as an Orientation meeting for new members to the Community.

2. Do you have any subcommittees? If yes, please list.

There are no subcommittees at the present time.

3. Summary of initiatives, projects, or work completed or ongoing in the last two years.

Over the last two years, there has been commitment to re-examine the role and mandate of the Committee given that there are few files falling within the original mandate of the Committee for review.

Today, a file for review would fall under the process established in section 14 of the *Peace Officer Act*, as follows:

Any person may, in accordance with the regulations, make a complaint in writing regarding a peace officer to the peace officer's authorized employer.

The complaint would fall within the mandate if OC spray or a baton was issued.

4. Outline of 2019 workplan.

In addition to a review of public complaints falling within the mandate, the Committee will take steps to conduct a thorough examination of the current role and make recommendations in terms of the ongoing mandate and governance function. This process will entail benchmarking with other Transit agencies across Canada and consulting key stakeholders including the Calgary Police Service and Calgary Police Commission.

A Notice of Motion filed by Counsellor Dianne Colley-Urquhart on February 25th, 2019 will direct Administration to produce a report on the current and future role of the Committee

5. Challenges to fulfilling mandate.

The mandate is easily fulfilled. However, there is a broader issue in terms of whether the scope of the current governance model should provide greater oversight. In the past for example, the Citizen Oversight Committee recognized peace officer assaults may be related to a lack of community awareness about the roles, and authorities of peace officers. Working with the City of Calgary Creative Services a public information campaign called the '*On-Duty*' campaign served an important educational purpose. Today the community of transit riders have a much better understanding of the role, function and authorities of Calgary Transit Peace Officers and peace officer assaults have decreased.

In addition, the Committee urged Administration to develop an approved process enabling peace officers to terminate an arrest of an individual, if the grounds no longer existed to detain the individuals further. Prior to this, a peace officer would have to transport the individual to the

Calgary Police Service Arrest Processing Unit. In addition, Calgary Transit Public Safety developed detailed procedures for dealing with individuals who refused to provide their name.

6. Additional information you would like to share with Council.

See Appendix 1

**APPENDIX 1: PUBLIC SAFETY AND ENFORCEMENT CITIZEN OVERSIGHT
COMMITTEE AND PROFESSIONAL STANDARDS INVESTIGATIONS
2017/2018**

Table 1 - Disposition of 2017 Public Complaint Investigations (Section 14 Peace Officer Act)

| Allegation Type | Founded | Unfounded | Unsubstantiated | Informally Resolved | Ongoing | Total |
|-----------------|---------|-----------|-----------------|---------------------|---------|-------|
| Conduct | 0 | 0 | 1 | 0 | 0 | 1 |
| Excessive Force | 1 | 0 | | 0 | 0 | 1 |
| Total | 1 | 0 | 1 | 0 | 0 | 2 |

In 2017, Calgary Transit Public Safety & Enforcement also conducted 5 employer-initiated investigations (Section 16 Peace Officer Act). These fall outside the review scope of the Citizen Oversight Committee.

In 2018, Calgary Transit Public Safety and Enforcement conducted 3 public complaint investigations.

Table 2 - Disposition of 2018 Public Complaint Investigations (Section 14 Peace Officer Act)

| Allegation Type | Founded | Unfounded | Unsubstantiated | Informally Resolved | Ongoing | Total |
|-----------------|---------|-----------|-----------------|---------------------|---------|-------|
| Conduct | 1 | 0 | 0 | 1 | 1 | 3 |
| Excessive Force | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 1 | 0 | 0 | 1 | 1 | 3 |

In 2018, Calgary Transit Public Safety & Enforcement conducted 5 employer-initiated investigations (Section 16 Peace Officer Act). These fall outside the review scope of the Citizen Oversight Committee.