



CALGARY TRANSIT PUBLIC SAFETY CITIZEN OVERSIGHT COMMITTEE

Mandate and Composition

Mandate	<p>The purpose of this committee is to:</p> <ul style="list-style-type: none">• Review all public use of force complaints, after the conclusion of the investigation;• Oversight of employer-initiated use of force investigations;• Participation in use-of-force reviews undertaken by Calgary Transit's Officer Safety Incident Review Team; and• Policy formation and educational development related to use-of-force. <p>The work of the committee includes participation in the Officer Safety Incident Review Team which reviews over 150 use-of-force incidents per year.</p> <p>The committee review mandate includes files that have made their way into the public domain, typically through social medias, or other means.</p> <p>The role and mandate of the committee corresponds with Calgary Transit's Customer Commitment for providing safe and informative transit service and also aligns with RouteAhead direction to ensure Calgary Transit continues to be safe and secure.</p> <p>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.</p>
Composition	<ul style="list-style-type: none">• 5 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 (PSCOC) was established in 2002, as the Protective Services Citizen Oversight Committee. Its formation was as a result of a request made by Calgary Police Service as a prerequisite of granting intermediate weapon authority (oleoresin capsicum (OC) spray and baton) to Calgary Transit Special Constables as they were then known.

In 2006, the *Special Constable Act* was repealed and replaced with the *Peace Officer Act*, along with the imposition of statutory provisions and Provincial oversight of all Peace Officer Programs. This included a comprehensive framework for citizen complaints and employer-initiated investigations. A citizen who is dissatisfied with the findings of a public complaint investigation, can now appeal the disposition to the Provincial Director of Law Enforcement. As a result, routine audits are conducted of all large and/ higher risk agencies, including Edmonton and Calgary Transit, and Alberta Health Services. It is worth noting that the last provincial audit of the Calgary Transit Peace Officer Program was conducted in 2018 and found 100 per cent compliance with provincial statutory and policy requirements. The deployment of any intermediate weapon (i.e. OC spray or baton) and/or any other sensitive matters are also required to be reported to the Provincial Peace Officer Program. Unlike the Police Act (Alberta) which mandates the appointment of a Police Commission, there is no requirement for Calgary Transit to create a police board or commission.

There are approximately 3,200 peace officers in the Province of Alberta, fulfilling a variety of roles, including Bylaw Services, Provincial Sheriffs, Municipal and Indigenous Nations Police services and specified Government or Health services. These are outlined in the *Law Enforcement Framework of Alberta*. Calgary Transit is one of over three hundred employers of peace officers in the province and outside of any Municipal Police Service, remains one of the largest employers. The agency has a total of 102 peace officers, which include four management exempt positions, one of whom holds the rank of Superintendent, and as the head of the agency is also a member of the Alberta Association of Chiefs of Police. The Superintendent is directly accountable to the Provincial Government of Alberta, the Calgary Police Service and the City of Calgary. Calgary Transit's Peace Officer authorities are specifically 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.

On July 22, 2019 by a resolution of Council, the committee's citizen membership was increased from 3 to 5 and the mandate of the committee was broadened to include:

- (a) Oversight of employer-initiated use-of-force investigations;
- (b) Participation in use-of-force reviews undertaken by Calgary Transit's Officer Safety Incident Review Team; and
- (c) Policy formation and educational development related to use-of-force.

The purpose of the PSCOC is to review all use of force and in scope investigations. It operates as an objective body to ensure the investigation was conducted in a thorough and professional manner and to ensure that it satisfies all requirements of the *Peace Officer Act* (S.A.2006 c. P-3.5), along with two ancillary regulations: The *Peace Officer Regulation* and *Peace Officer Ministerial Regulation*. Investigations are also internally reviewed to ensure adherence to established policies of the City of Calgary, which includes the Public Safety and Enforcement policy manual.

1. Number of meetings in the last two years.

The PSCOC is scheduled to meet on a quarterly basis, based on the workload of the Committee. In 2018, the Committee met once on June 17 and reviewed one new file and concluded a 2017 file. In 2019, the Committee did not meet due to no investigations requiring their review.

With the appointment of new Committee members, an orientation meeting was originally planned for April 1, 2020, but was cancelled and later rescheduled for June 20, 2020, due to the COVID 19 pandemic. With the expansion of its mandate, it is however anticipated that quarterly meetings will now be required in the future, as the workload of the committee will be increased.

2. Are there any subcommittees? If yes, please list.

There are no subcommittees at the present.

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

Over the last two years, there has been an ongoing commitment to re-examine the role and mandate of the Committee, given that there were only a few files falling within its original scope. This has since been expanded, as detailed above.

Today, a file scheduled for review would fall under the processes established in section 14 and 16 of the *Peace Officer Act*, as follows:

Section 14: Any person may, in accordance with the regulations, make a complaint in writing regarding a peace officer to the peace officer's authorized employer.

Section 16: Where an authorized employer becomes aware, other than through a complaint under section 14, that a peace officer has failed to comply with the terms of the peace officer's appointment, the authorized employer must

- (a) investigate and dispose of the matter in accordance with the procedures set out in this Act or the regulations, and*
- (b) notify the Director of the authorized employer's investigation and disposition of the matter.*

The complaint would fall within the mandate if the complaint or authorized employer investigation arises from the use of force.

4. Outline of 2020 workplan.

In addition to a review of public complaints and authorized employer investigations, it is intended that the committee will participate in use-of-force reviews, undertaken by Calgary Transit's Officer Safety Incident Review Team (OSIRT); and will also be engaged in policy review and benchmarking of training or educational development related to use-of-force.

5. Challenges to fulfilling mandate.

Because of the broadened mandate and while it is anticipated that the workload of the committee will increase, it could therefore impact the availability of some of its members. The addition of 2 more committee members will ensure, that where possible, that a quorum can always be achieved. In addition, the aim is also to ensure that the role of the PSCOC offers increased transparency and accountability.

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
2018/2019**

Table 1 - Disposition of 2018 Public Complaint Investigations (Section 14 Peace Officer Act)

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

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

In 2019, Calgary Transit Public Safety and Enforcement conducted no public complaint investigations related to the use of force. In 2019, Calgary Transit Public Safety & Enforcement conducted 11 employer-initiated investigations (Section 16 Peace Officer Act). All these fall outside the review scope of the PSCOC, as none related to the use of force.

To date in 2020, Calgary Transit Public Safety and Enforcement is conducting 2 employer-initiated investigations (Section 16 Peace Officer Act) related to the use of force, which will all now fall within in the scope of the PSCOC.