

Establishing The Community Peace Officer Oversight Committee

RECOMMENDATIONS:

That the Community Development Committee:

1. Recommend that Council:
 - a. Establish the Community Peace Officer Oversight Committee (formerly Calgary Transit Public Safety Citizen Oversight Committee) by giving three readings to the proposed Bylaw (Attachment 2);
 - b. Appoint the members of the Calgary Transit Public Safety Citizen Oversight Committee to the newly established Committee for the existing terms; and
 - c. Confirm the existing Chair and Vice-Chair of the Committee; and
2. Forward Report CD2023-0372 to the 2023 June 14 Regular Meeting of Council on Boards, Commissions, and Committees.

RECOMMENDATIONS OF THE COMMUNITY DEVELOPMENT COMMITTEE, 2023 MAY 31:

That Council:

1. Establish the Community Peace Officer Oversight Committee (formerly Calgary Transit Public Safety Citizen Oversight Committee) by giving three readings to the **Proposed Bylaw 31M2023** (Attachment 2);
2. Appoint the members of the Calgary Transit Public Safety Citizen Oversight Committee to the newly established Committee for the existing terms; and
3. Confirm the existing Chair and Vice-Chair of the Committee.

HIGHLIGHTS

- This report provides a proposed Bylaw to continue the existing Calgary Transit Public Safety Citizen Oversight Committee under the new name and expanded mandate of the Community Peace Officer Oversight Committee (Committee). A bylaw is required because of the amendments to the *Municipal Government Act (MGA)* that require all committees to be established through a bylaw. The Community Peace Officer Oversight Committee Bylaw is presented as Attachment 2.
- The establishment of the Bylaw provides the opportunity to expand the scope to apply to all Emergency Management & Community Safety (EMCS) peace officers beyond its existing scope of just Transit Safety peace officers.
- In addition, the Bylaw provides the opportunity to expand the mandate of the Committee to include oversight for peace officer code of conduct and use of force investigations.
- **What does this mean to Calgarians?** The Community Peace Officer Oversight Committee serves the public's interest by building trust in peace officer practices.
- **Why does it matter?** Peace officer actions, including alleged code of conduct violations and use of force, are subject to review by an objective body. The review includes determining if policies were followed and if the use of force was reasonable, necessary, and proportional.
- Background and Previous Council Direction is included as Attachment 1.

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DISCUSSION

Background

The purpose of the Community Peace Officer Oversight Committee (Committee), as set out in the proposed Bylaw (Attachment 2), is to act as an objective body to review peace officer use of force investigations and misconduct allegations as identified in the Peace Officer Ministerial Regulation. After the investigation concludes, the Community Peace Officer Oversight Committee ensures the investigation was conducted in a proper, transparent, and professional manner and ensures that the investigations align with the requirements of the *Peace Officer Act*, *the Peace Officer Regulation*, and *the Peace Officer (Ministerial) Regulation*.

The Committee consists of five public members and one professional standards inspector (an advisory, non-voting role). Based on workload, the Committee is scheduled to meet on a quarterly basis. After receiving investigation results from City Administration, the Committee evaluates the investigation procedures to determine whether elements of alleged misconduct occurred. This includes evaluating adherence to policies and whether any use of force was reasonable, necessary, and proportional. The Committee may recommend escalation of a matter as outlined in the *Peace Officer Act*, S.A. 2006, c. P-3.5, including referral to the Calgary Police Service or the Public Security Peace Officer Program. The current Terms of Reference of the Calgary Transit Public Safety Citizen Oversight Committee (Attachment 3) was amended in 2017 (PFC2017-0312) and 2019 (TT2019-0684), which include clarifying membership terms, increasing the number of committee members from three to five, and expanding the mandate of the Committee to oversee both employer-initiated and public-complained use of force investigations.

Rationale for Changes

The continued Bylaw proposes an expanded scope to apply to all EMCS peace officers. In 2022 August, four peace officer groups (Transit Public Safety, Community Safety, Business Safety, and Vehicle-for-Hire) aligned functionally under the EMCS business unit. This update provides the opportunity to align the governance and policies of the peace officers.

The Bylaw also proposes an expanded mandate of the Committee to include the review of investigations into alleged peace officer code of conduct violations in addition to use of force investigations. Peace officers are authorized to respond to incidents that mandate the application of physical force against another person using a reasonable amount of force as defined by their appointment as a peace officer. Peace officer code of conduct ensures peace officers conduct themselves in a manner reflective of the powers, protections, and responsibilities associated with peace officer status (for example, prohibiting peace officers from engaging in disorderly or inappropriate conduct, or acting in a way that is likely to discredit peace officers). The expansion of the mandate of the Committee to include code of conduct allegation investigations will increase transparency and accountability.

A summary of the rationale and the proposed changes is included in Attachment 4.

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EXTERNAL ENGAGEMENT AND COMMUNICATION

- | | | | |
|-------------------------------------|---|-------------------------------------|---|
| <input type="checkbox"/> | Public engagement was undertaken | <input checked="" type="checkbox"/> | Dialogue with interested parties was undertaken |
| <input checked="" type="checkbox"/> | Public/interested parties were informed | <input type="checkbox"/> | Public communication or engagement was not required |

The Calgary Transit Public Safety Citizen Oversight Committee members were engaged to review the proposed Bylaw and their input has been incorporated into the proposed Bylaw. Calgary Police Service and the Provincial Public Security Peace Officer Program were informed about the Bylaw. The City Clerk's Office, Human Resources, and the Law Department were consulted on the Bylaw development and reporting process. The Anti-Racism Team was engaged to review the Peace Officer Code of Conduct policy and Peace Officer Use of Force policy which will provide a foundation for the Committee to review investigations.

IMPLICATIONS

Social

Expanding the Committee's mandate and scope supports the needs of Calgarians for transparency and accountability in government.

Environmental

Not applicable

Economic

Not applicable

Service and Financial Implications

No anticipated financial impact

RISK

Expanding the mandate of the Committee to include peace officer code of conduct allegations may increase the volume of, and add complexity to, the review investigations. To manage this risk, additional training will be provided to support the Committee members for this transition.

ATTACHMENTS

1. Background and Previous Council Direction
2. **Proposed Bylaw 31M2023**
3. Current Terms of Reference
4. Summary and Rationale of The Proposed Changes
5. Establishing The Community Peace Officer Oversight Committee Presentation

**Community Services Report to
Community Development Committee
2023 May 31**

**ISC: UNRESTRICTED
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Page 4 of 4**

Establishing The Community Peace Officer Oversight Committee

Department Circulation

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Mark Lavallee	Human Resources	Consult