



Calgary

Mandate

- I. Established in 2002, as a conditional requirement of authorization of Calgary Transit Special Constables to carry OC spray and baton, the Citizen Oversight Committee was established to oversee all public complaints related to the use of force by Calgary Transit Special Constables (today Peace Officers).
- II. Legislation in place at the time was the Special Constable Regulation, enabled by the *Police Act* (Alberta).
- III. The Committee meets two times per year on average.

26/06/2019

SPC on Transportation and Transit

<div style="font-weight: bold; font-size: 1.2em;">RECEIVED</div> <div style="font-weight: bold; font-size: 0.8em;">IN COUNCIL CHAMBER</div> <div style="color: blue; font-style: italic; font-size: 1.1em;">Distribution</div> <div style="font-weight: bold; font-size: 1.1em;">JUN 26 2019</div>	
ITEM: <span style="color: blue; font-style: italic;">1.3 TT 2019-0684</span>	<div style="color: blue; font-style: italic; font-size: 1.1em;">Administration</div>
<div style="font-weight: bold; font-size: 0.8em;">CITY CLERK'S DEPARTMENT</div>	



## Legislative Framework

- I. In 2006, following the Government MLA Review of the Special Constable Program (2005), the *Peace Officer Act* was enacted, along with the *Peace Officer (Ministerial) Regulation* and *Peace Officer Regulation*.
- II. The *Peace Officer Act* applies to over 3000 peace officers in the Province of Alberta, employed by over 280 public sector employers.
- III. Calgary Transit employs 102 peace officers, which includes the management team (4).



## Citizen Oversight Committee Composition

- I. The Committee consists of three (3) volunteer members of the public.
- II. A Use of Force instructor sits in an advisory role to provide any necessary technical knowledge on use of force issues.
- III. Committee members are screened on the basis of security checks and previous qualifications. Previous knowledge of law enforcement is not considered relevant in the selection process.
- IV. Once selected, committee members are required to swear an oath and serve on the committee for up to a three-year period.
- V. Upon conclusion of their three-year term, a committee member can apply to extend their appointment beyond their current term.
- VI. Committee members will receive training in the use of force issues, such as the legal framework for using force and its practical application.



## Previous Work of the Committee

### Case 1

The Citizen Oversight Committee recognized that many citizens did not understand the role and authority of peace officers on the Calgary transit system and advocated for a Peace Officer Public Awareness campaign. This resulted in the highly successful 'On-Duty' campaign.

### Case 2

The Committee recognized Peace Officers were not authorized to release an arrestee in the field which resulted in longer than necessary arrests/detentions. New procedures and authorities were obtained allowing peace officers to release arrested people without having to transport to a police arrest facility.



## The Public Complaint Process

1. Section 14 *Peace Officer Act (POA)* states:

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

2. The file is assigned to Calgary Transit Professional Standards Unit for investigation.
3. The complainant is notified in writing of the disposition of the complaint.
4. The public complaint investigation is reviewed by the Citizen Oversight Committee.
5. The complainant may appeal to the Provincial *Director of Law Enforcement* for a review of Calgary Transit's investigation. A provincial investigator will be assigned.
6. The Director of Law Enforcement's decision is final.
7. A Peace Officer who receives discipline may grieve the decision through the Collective Agreement process.

Calgary		Current Oversight Mechanisms		
		Calgary Transit	2017	2018
POA Requirement	Reportable Incidents sent to Province of Alberta (Public Security Peace Officer Program)		Eight (8) 3 OC spray deployments, 3 Baton Deployments, 2 Sensitive Matters (PO collapse due to drug exposure, "near" death in custody)	Eight (8) 7 OC spray deployments, 1 death in custody
	Cases sent to CPS for criminal investigation		0	3 including the death in custody
City Requirement	Officer Safety Review Team (Files reviewed)		121	146
	Files reviewed by the Citizen Oversight Committee		One (employer initiated investigation, s. 16 POA)	One (Citizen Complaint s. 14 POA)

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## Challenges to the Mandate

- I. The Committee is able to exercise its oversight role, however there are very few complaint files which come before the Committee.
- II. The *Peace Officer Act* and Provincial Oversight through the *Public Security Peace Officer Program* provides new public accountability which did not exist prior to 2006.
- III. Administration has adopted the practice of sharing peace officer use of force case information which occurs outside the prescribed mandate.

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## Administration Recommendation

That the SPC on Transportation and Transit recommends that Council direct Administration to:

1. Increase the number of citizen members on the Calgary Transit Public Safety Citizen Oversight Committee from three to five; and
2. Broaden the mandate of the committee to include:
  - i. Oversight of employer initiated use-of-force investigations;
  - ii. Participation in use-of-force reviews undertaken by Calgary Transit's Officer Safety Incident Review Team; and
  - iii. Policy formation and educational development related to use-of-force.



***Questions?***