

# Transit Peace Officers - Potential Oversight

## Recommendation

That the November 2, 2020, Citizen Services report CR\_8455, be received for information.

## Previous Council/Committee Action

At the July 6/8, 2020, City Council meeting, the following motion was passed:

2. That Administration:
  - c. report on immediate options to better hold Transit Peace Officers accountable for excessive use of force, including an arm's length oversight mechanism, and advice on further submissions to the Alberta's Solicitor General on the *Police Act*,
  - e. return with a report on equipment options for City of Edmonton Community Standards Officers, Municipal Enforcement Officers, Transit Peace Officers.

## Executive Summary

The Alberta Ministry of Justice and Solicitor General sets out comprehensive guidelines and associated legislation that governs the provincial peace officer program for approximately 4,600 peace officers throughout the province. The City of Edmonton is an authorized employer under the provincial program and obtains its authorities and appointments from the program. Peace officers are appointed under the provincial *Peace Officer Act* whereas police officers fall under the *Police Act*. The review of the *Police Act* has no impact on peace officers at the City of Edmonton.

All City peace officers are held accountable through different layers of professional oversight when it comes to use of force, including provincial legislation, guidelines and mandatory reporting to the peace officer program, as well as the City's Code of Conduct, policies, and internal processes. All criminal allegations against peace officers, including excessive use of force complaints, are investigated by the Edmonton Police Service.

Administration identified potential areas to enhance the independence and transparency of the existing oversight mechanisms.

1. Transferring the internal Professional Standards unit to a different business area within Administration
2. Engaging an external body to provide use of force reviews and investigations

### 3. Moving the investigation and review process to the same body as the Edmonton Police Service

Administration will share this information with the Community Safety and Well-being Task Force. Any additional models or recommendations identified by the Task Force in March 2021 could further inform potential future improvements. In the interim, Administration will maintain the current provincially-mandated reporting and accountability process. Administration also has ongoing and upcoming work to enhance services to Edmontonians and build stronger relationships between peace officers and the public.

The Government of Alberta authorizes peace officers to carry equipment and requires that peace officers carry a baton and oleoresin capicum spray. Municipal enforcement officers, who are not classified as peace officers, do not have authority to carry equipment; however, they are trained in defensive tactics for the purpose of self defense and escape.

### Report

In July 2020, City Council directed Administration to provide immediate options to improve accountability for transit peace officers in cases where excessive use of force has been alleged. Administration was also asked to provide equipment options for community standards peace officers, municipal enforcement officers and transit peace officers.

The City has approximately 180 peace officers divided into nine distinct groups to provide a number of different enforcement duties throughout Edmonton. Duties include customer service, public safety, infrastructure security, and the enforcement of various municipal and provincial laws. Transit peace officers are one of those groups and provide safety and security services to Edmonton Transit Service. While municipal enforcement officers enforce certain bylaws, they are not classified as peace officers and are appointed by Administration instead of the provincial government.

Peace officers are appointed under the provincial *Peace Officer Act* whereas police officers fall under the *Police Act*. The review of the *Police Act* has no impact on peace officers at the City of Edmonton.

### Complaint Investigation and Accountability

Peace officers are appointed under the provincial *Peace Officer Act* and are overseen by the Alberta Ministry of Justice and Solicitor General. The Act requires that the authorized employer investigate each complaint made against a peace officer and provides timelines for those complaints to be investigated. The *Peace Officer Act* also

provides guidance on when complaints may be dismissed and when they should be escalated to the Director of Law Enforcement. Any internal City processes must align with these regulations. In addition, Administration has a Professional Standards unit and a defined process for investigating formal complaints (Attachment 1).

In August 2020, Administration engaged the Government of Alberta around greater oversight of use of force matters. Provincial officials have advised that they are satisfied with the current reporting and accountability processes in place for officer conduct and use of force complaints and are not recommending further enhancements at the provincial level.

### Use of Force Data

Peace officers endeavour to seek voluntary compliance and behavioural change through education, awareness, warnings and, when necessary, ticketing. On rare occasions, it is necessary for officers to use force during the course of their duties.

From January 1 to August 31, 2020, peace officers have recorded a total of 375 use of force incidents, with 10 incidents using a baton or oleoresin capicum spray (OC spray). Use of a baton or OC spray is a defensive option for peace officers. The other 365 reported use of force incidents were 325 soft empty hand techniques (grabs, holds and escorts), and 40 hard empty hand (strikes/stuns).

Year	Total Calls for Service	Recorded Use of Force	Defensive Equipment Use	Complaints for Excessive Use of Force
2020 (to August 31)	34,669	375	10	0
2019	73,173	506	10	1
2018	59,769	495	7	5
2017	63,837	428	4	4
2016	61,739	324	4	5

Administration requires reporting on use of force incidents. Once a report has been filed, the sergeant and a management representative review the file. If a deviation in use of force protocol is determined, the file is referred to the professional standards investigator and training section for follow up as deemed necessary.

### Opportunities/Options for Greater Accountability

Administration identified three alternate models that could achieve greater transparency and public trust in addition to the current state of oversight:

1. Reorganize the existing internal Professional Standards unit out of the Community Standards and Neighbourhoods branch to another area within Administration, such as the Labour Relations section.
2. Create or engage an external body to provide use of force reviews and investigations.
3. Move the investigation and review process to the same body as the Edmonton Police Service, allowing for better consistency and alignment of enforcement groups and accountability into one stream.

These options will be shared with the Community Safety and Well-being Task Force for their information. Any additional models or recommendations identified by the Community Safety and Well-being Task Force will be considered by Administration to inform potential improvements. Until there are recommendations from the task force or other direction is provided, Administration will maintain the current reporting and accountability process and continue to follow the provincial reporting guidelines. To improve transparency, use of force information will be published on the City's Open Data Portal beginning in 2021.

### Equipment Options

Peace officers are only permitted to carry equipment authorized by the Government of Alberta. Officers must complete mandatory training before receiving authorization to carry the equipment and ongoing workplace hazard assessments are conducted to ensure the safety of officers and the public. The City's peace officers currently carry a baton and OC spray. Peace officers must report any use of equipment which is recorded in the use of force statistics above.

Municipal enforcement officers, which are not classified as peace officers, are non-uniformed bylaw enforcement officers appointed by Administration, not the provincial government, to enforce City bylaws. They do not have authority to engage in situations that may require use of force and, as a result, do not carry equipment such as OC spray or batons. While they do not carry equipment, they are trained in defensive tactics for the purpose of self defense and escape. There have been no complaints of excessive force against a municipal enforcement officer in the past five years.

### Next Steps

The following work is ongoing or planned to enhance services to Edmontonians and build stronger relationships between peace officers and the public:

#### *Ongoing work*

- continued focus on inclusive questions during the hiring process to determine whether willingness to learn and stay informed on social considerations is present in the candidate

- continued training with social agencies to understand lived experience for citizens experiencing homelessness and mental health distress
- ongoing internal reviews to understand gaps in training and authorities
- continuing to increase cultural awareness and address implicit bias through training and hiring practices

### 2021 projects

- adding investigation and use of force data to the Open Data Catalogue
- remove systemic barriers and support innovation through a Gender Based Plus Analysis (GBA+) review of standard operating procedures and policies to determine opportunities for improvement and alignment to more equitable and inclusionary lenses in day to day practices
- exploring use of the mediation services to resolve conflict between citizens and peace officers
- enhancement of mental health awareness and de-escalation training .

### Legal Implications

The investigation and disposition of complaints against peace officers is regulated by the *Peace Officer Act*. Any internal process at the City must align with these regulations.

### Corporate Outcomes and Performance Management

Corporate Outcome(s): Edmonton is a Safe City			
Outcome(s)	Measure(s)	Result(s)	Target(s)
Increased transparency and peace officer accountability	Number of use of force incidents	<b>2020:</b> 375 incidents (Jan 1-Aug 31) <b>2019:</b> 506 incidents	Decrease in incidents

### Attachments

1. Complaint Process

### Others Reviewing this Report

- G. Cebryk, Deputy City Manager, City Operations
- C. Owen, Deputy City Manager, Communications and Engagement
- K. Armstrong, Deputy City Manager, Employee Services
- M. Persson, Chief Financial Officer and Deputy City Manager, Financial and Corporate Services
- B. Andriachuk, City Solicitor