

Student Legal Services Recommendations - Administration's Response

- 1. Transit Peace Officers stop issuing verbal bans for intoxication;**
To ensure the safety and enjoyment of individuals, officers have been given direction, when warranted, to give short-term transit bans to intoxicated individuals on transit if they are causing damage, creating safety hazards, or have a long history of problematic intoxicated behaviour on transit property or services. Bans are not generally given to individuals who are solely intoxicated and are not exhibiting any problematic behaviour or creating safety concerns. Incidents of public intoxication in most cases are referred to Emergency Medical Services or the 24/7 Crisis Diversion van for transportation and care if required. Officers can use their discretion to ticket individuals displaying problematic behaviour, ban them from transit property, or arrest them if that threshold is reached. Although verbal bans may be seen as highly subjective, the same guidelines for decision-making and issuance have been established for written notification and verbal notification. Verbal bans are only given for bans that are under 72 hours where the duration is relatively short and more transitory in nature. Any longer-term bans that may be more impactful and substantive are done in writing and with additional oversight. Written notification may not always be practical due to the volume, complexity or temporary nature.
- 2. Edmonton City Council repeal the prohibition of loitering on transit property and in transit vehicles;**
Administration has done a comprehensive review of all enforcement bylaw provisions and their effect on vulnerable citizens (March 24, 2021 Citizen Services report CR_8484 Community Safety and Well-being Bylaw Review). This review included the prohibition of loitering on transit property and in transit vehicles, as well as any other provisions that disproportionately affect homeless and historically marginalized communities.
- 3. Edmonton City Council decrease fine amounts issued under Bylaws 8353, and other bylaws that disproportionately affect people with "no fixed address";**
Administration reviewed bylaws that most commonly affect marginalized individuals and found six that cover public safety, civil conduct in public and maintaining community standards and cleanliness and how their application may be unevenly impacting some communities of diversity. Further actions have been identified to update and amend areas identified for improvement (March 24, 2021 Citizen Services report CR_8484 Community Safety and Well-being Bylaw Review).

Specifically in relation to proof of payment from an equity lens, reducing transit fare fine amounts does not resolve some of the root causes of fare evasion, such as addressing the person's ability to pay. Finding ways to improve access to fare passes for those who need them most helps riders comply with proof of payment requirements (March 24, 2021, City Operations report 7813 Transit Fare Fines).

4. City of Edmonton provide more effective, transparent, and regular oversight regarding the effect that Transit Peace Officers have on Edmontonians living in homelessness;

In November of 2020 Administration brought forward a report CR_8455 Transit Peace Officers - Potential Oversight. This report outlined the mechanisms in place that govern peace officer conduct and provide oversight of their actions ranging from Alberta Justice and Solicitor General Peace Officer Program, the Edmonton Police Service for criminal matters. Internal controls include the Peace Officer Sections Professional Standards Unit and the City of Edmonton's Labour Relations area within Employee Services. Also included were a number of next steps related to incorporating GBA+ approaches into hiring practices, continued training with social agencies and improving relationships with communities served.

5. The Minister of Justice and Solicitor General of Alberta add "housing status" to the Public Security Peace Officer Policy and Procedure Manuals list of bases on which peace officers should not differentially apply the law; and that

This item is outside the purview of the City of Edmonton authority and is unable to make this change. Additionally, the City is concerned that this change may have the opposite effect in requiring peace officers to ticket a person with no fixed address regardless of the circumstances. Enforcement officers endeavour to apply legislation in a manner that considers the entire context of a situation and does not disadvantage any individual, group or community of diversity.

6. The Parliament of Canada removed "screaming, shouting, swearing, singing" and "being drunk" from section 175(1)(a) of the Criminal Code.

The City of Edmonton does not have the authority to enforce this section of the *Criminal Code*.