

## **The Use of Special Constables within the City of Edmonton Transportation and Streets Department and Community Services Department**

### **Executive Summary**

This report recommends that both Transit Security and Park Rangers be transitioned to Special Constable status, subject to approval by the Solicitor General, based on four main reasons.

These are:

1. The right people doing the right job;
2. Increased efficiency;
3. Increased effectiveness; and
4. Enhanced internal and external credibility.

These recommendations allow for synergies and effective use of existing resources between Transportation and Streets and Community Services, focusing on enhanced service to the public, increased officer safety and effective use of training opportunities.

The total cost of implementing these recommendations is \$395,000 per year in operating expenses in total for both areas, based on negotiated salary and classifications between the City of Edmonton and Amalgamated Transit Union, Local 569. It must be noted that costs to Community Services could change, depending on negotiations with CUPE Local 30.

### **Report**

This report is intended to provide additional information, options and recommendations relative to the provision of enhanced security services, utilizing Special Constables.

Currently, Special Constables are **used** or **proposed** within the following areas of the City of Edmonton:

- Transportation and Streets Department, Edmonton Transit System.  
Currently 24 Protective Services Officers and six Team Leaders within Transit are Bylaw Enforcement Officers.

- Community Services Department, Park Rangers.  
Currently, ten Park Rangers and one Supervisor are Bylaw Enforcement Officers.
- Planning and Development Department, Municipal Enforcement Officers.  
There are currently 29 Special Constables in this area with very specialized, limited appointments pursuant to the *Special Constable Regulation*.
- Edmonton Police Service (EPS), Document Servers, Arrest Processing Unit assistants and Photo Radar Operators.  
Within these three areas of the EPS, there are some 42 Special Constables, all with very specialized, limited appointments pursuant to the *Special Constable Regulation*.

This report will primarily focus on two areas, Transit and Parks that currently utilize Bylaw Enforcement Officers. However, each area foresees a need for enhanced authority and officer safety provisions, which can be addressed by being appointed as Special Constables. In fact, the “*Transit Security Best Practices Review: A Strategic Report for the Future*” report of June 2004 made this specific recommendation – relative to Edmonton Transit.

In order to provide clarity for this report, it is first necessary to distinguish between each of the different classes of safety and security provision within the legislative framework of Alberta. Special Constables fill an important role in the continuum along which the provision of Security and Policing is provided.

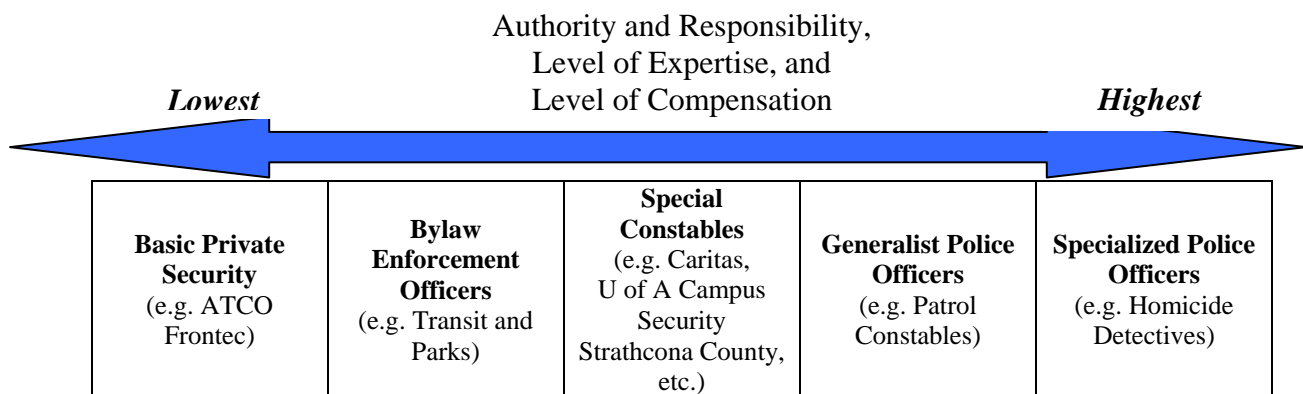


Figure 1- Provision of Safety and Security Continuum

For the purposes of this report, an explanation of each of these categories is in order. Basic Private Security includes the type of work that is often low skilled, low paying and has low

responsibility. These types of workers typically have perimeter patrol responsibilities at large properties and can be contracted on an ‘as needed’ basis. Moving to the right on the continuum, bylaw enforcement officers typically are employed by a municipality, have limited training and authority (almost always limited to municipal bylaws, with “citizen” criminal code powers) and are accountable through municipal processes.

By contrast, at the other end of the continuum are highly skilled and trained specialized police officers (appointed provincially under the *Police Act* or federally under the *RCMP Act* as “Peace Officers” or “Police Officers” depending on the statute), usually denoted by some sort of expert qualification. By way of example, these can be most likely compared to “CSI” detectives of television fame – highly skilled, extremely specialized, expensively trained in narrow areas, and uniquely qualified for specialized activities. Moving left from that end of the continuum are generalist police officers – the “beat cops” or patrol officers who are on the front line, responding to calls for service from the general public and providing front-line community policing services. Again, these officers are appointed either provincially or federally as “Peace Officers” or “Police Officers” and are still highly trained, usually for periods up to six months or more in all areas of criminal law, report writing, all provincial acts and regulations and a wide range of other activities. In short, these individuals are the “jacks of all trades”, expected to know and be proficient in a wide range of activities, and compensated accordingly.

In the center of the continuum are Special Constables. Their function, role, level of authority and responsibility, level of compensation and level of expertise can best be described as being between that of a bylaw enforcement officer and that of a generalist police officer. Although having more responsibility and authority than their bylaw enforcement cousins, they have less than police officers. In Alberta, Special Constables are appointed via provincial legislation, after employers are granted “approved employer status”. This status is granted by the Solicitor General after the employer has in place acceptable policies and procedures, minimum training standards and has agreed to assume the liability related to the actions of Special Constables in their employ. Practically speaking, these individuals have **less** training, **less** authority, limited to defined provincial statutes as applied for by the Authorized Employer, are paid **less** and have **less** responsibility within the criminal justice system than police officers – although **more** than bylaw

enforcement officers. Special Constables fill an identified niche, as an efficient and effective alternative to police officers or bylaw enforcement officers.

The EPS recently completed a thorough overview of this subject entitled “*Final Report, Differentiated Staffing, 2004 Organizational Review*”, by Sergeant Brad Mandrusiak of the Legal Advisors Section. This comprehensive document examines this staffing continuum from the EPS perspective, addressing a challenge from the Edmonton Police Commission to: “*To fully research the concept of a differentiated staffing plan as it pertains to relevant legislation and collective agreements, and to identify differentiated staffing opportunities*”.

In this report, Sgt. Mandrusiak proposed a definition of “differentiated staffing” which is useful in this context. He writes:

*“Differentiated Staffing within the Edmonton Police Service is an on-going process designed to maximize the effectiveness of police personnel. It is a process that examines a police officer’s duties and responsibilities to identify and assign non-core or low-risk high frequency work tasks capable of being legally and competently performed by other sworn (e.g. special constables) or non-sworn personnel (e.g. civilian EPS personnel, volunteers/auxiliaries and cadets).”* (emphasis added)

Several recommendations within the report have directly applicability on the issue at hand.

Specifically:

*“That the EPS continue to utilize special constables for the limited law enforcement related tasks currently being performed and adopt a reasonable and cautious approach in respect of the use of special constables on a much broader basis”,*

*“That managing the risk to the City of Edmonton, Chief (of Police), EPS employees and the public be one of the primary considerations in respect of any substantial compositional change to front-line staffing”, and*

*“That, in assessing whether a position currently held by a police officer should be converted, consideration is given to the following critical factors: 1) the potential legal requirement(s), if any, associated with the performance of the tasks in question; and 2) whether force is necessary or likely to be necessary in the performance of the particular job,” and*

*“That special constables be clearly limited to only: 1) “authorized” duties, and 2) those duties competent and equipped to perform.”*

Although Sgt. Mandrusiak’s report was written in the context of examining what, if any, generalist police officer positions could be “devolved” to special constables, it is clear that the same considerations apply in examining what, if any, bylaw enforcement officer positions can “evolve” into special constable positions.

In summary, Sgt. Mandrusiak identified “mission creep”, risk management, legal requirements, use of force, and training issues as important considerations in the decision making process as to whether a function or position should be “devolved” or “evolved”, depending on the context.<sup>1</sup> Each of these issues can be mitigated through comprehensive policy and procedure, specific legislative authority, and continued linkages with the EPS relative to ongoing training, personnel development and intelligence sharing between the EPS and other agencies.

It is possible to address each of these issues by expanding on the rationale for the recommendations in this report.

### **Recommendation Rationale**

There are four main, inter-related justifications for these recommendations. These are:

#### **1. The Right People doing the Right Job**

The primary consideration in this rationale is that the function performed by Transit Security and the Park Rangers is NOT a function that ought to be performed by a police officer. Police Officers do not have the **specific** expertise related to the unique functions of either Transit or the parks system, nor does our community need police officers to perform this function, given the vast amounts of training, expertise and experience that would be not as effectively used by their presence in these functions – not living up to the full potential of their training and experience. In practice, a useful consideration is that for the purposes of comparison, in a “fully loaded, benefits in” situation, experienced police officers are approximately twice as expensive as Special Constables<sup>2</sup>, meaning that from a resource allocation perspective, nearly twice as many Special Constables can be deployed for roughly the same amount of salary and benefit dollars as

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<sup>1</sup> It should be noted that this is the author’s paraphrased summary, and not that of Sgt. Mandrusiak.

<sup>2</sup> For the purposes of this report, a 4<sup>th</sup> year EPS Constable costs approximately \$120,000 per year, versus approximately \$70,000 per year for an experienced ETS Special Constable, based on 2005 negotiated rates, benefits, equipment and overhead included.

police officers, yet be practically as effective, given the nature of the function, within limited mission parameters.

As noted above in the continuum of law enforcement practitioners within Alberta, there is a 'gap' between generalist police officers and bylaw enforcement officers that is filled by Special Constables. The changing environment that both Transit Security and Park Rangers are working in is well-documented. Although the **types** of low to mid-level occurrences that these groups are dealing with have not changed, the people who are involved in the occurrences have. By way of example, public disorder and drunkenness still exist both on the Transit system and in our parks, however over the past number of years, people involved in these are now more combative, have taken to carrying and using weapons (most often knives) and, are less likely to follow the direction of a security officer in a social context, without the perception that the officer carries some sort of official status. This is especially true of some of the social elements that rely on Transit, demonstrated by the increased levels of gang activity reported within Transit centers. This is also borne out by the number of lost time injuries suffered by Transit over the years. Although steps have been taken to address these unfortunate occurrences (primarily through enhanced training), the reality is that the external environment dictates our response.

In addition to the "right people doing the right job", there is a requirement for these people to be properly equipped – in this case, with defensive officer safety equipment, namely, Oleoresin Capsicum spray (commonly referred to as either 'OC' spray or pepper spray) and expandable batons. The use of OC spray is restricted to "peace officers" as it is a prohibited weapon by definition within the Criminal Code of Canada, therefore bylaw enforcement officers would be forbidden for using or possessing it in a work related context. However, by virtue of being appointed as a Special Constable, this type of defensive weapon would be available to provide an additional level of protection to individuals. It should be noted that the Calgary Transit system and other transit properties across Canada have used this level of authority and responsibility for some time, including the use of OC spray and batons.

Expandable batons are not prohibited weapons and can be carried by bylaw enforcement officers, however as a matter of practice – this is rarely done in Alberta, primarily due to the liability

issues and increased cost of effective training in the equipment. In order to be approved to carry OC spray (and with similar conditions – extendable batons), authorized employers must comply with strict conditions, as set out by the Solicitor General. These are:

*“An Authorized Employer may make application for a special constable to carry OC spray during the course of his/her duties. The application must be in writing to the Public Security Division and include the following:*

- (i) Define the responsibilities of a special constable that require the carriage of OC spray.*
- (ii) Have liability coverage for a special constable authorized to carry OC spray.*
- (iii) Provide a Council Resolution, bylaw or other like document, which evidences that the Authorized Employer accepts responsibility and liability for a special constable authorized to carry a prohibited weapon.*
- (iv) Have written policy describing the care and handling of OC spray.*
- (v) Have written policy describing when it is appropriate for a special constable to carry and use OC spray.*
- (vi) Provide policy and insurance documentation to the Public Security Division upon request, showing coverage for OC spray.*
- (vii) Report to Public Security Division **each** incident where a special constable on duty uses OC spray whether intentionally or by accident, other than a training exercise.*
- (viii) Ensure each special constable has successfully completed an accredited training course in the use of OC spray and use of force continuum. Proof of such training must be submitted to the Public Security Division prior to authority being granted.”<sup>3</sup>*

Similar conditions apply to the carrying of batons. Each of these conditions has either been addressed, is the subject of this report, or will be addressed in the immediate future for both Transit and Parks.

Along with the increased access to defensive tools comes a mandated increased level of accountability. By virtue of being appointed as a Special Constable and being given authorization to employ Special Constables, employers commit to a rigorous reporting regime that includes all use of pepper spray and any use of force that results in injury. These incidents must all be reported to the Solicitor General’s office in a timely manner, reviewed externally and documented accordingly, enhancing the accountability within the employee’s organization.

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<sup>3</sup> Source: Alberta Solicitor General Public Security Division “Special Constable Handbook for Employers.” Available: [http://www.solgen.gov.ab.ca/special\\_constable/downloads/special\\_constable\\_employer\\_handbook\\_may\\_2005.pdf](http://www.solgen.gov.ab.ca/special_constable/downloads/special_constable_employer_handbook_may_2005.pdf)

None of these documentation or external review requirements currently exists in any manner for bylaw enforcement officers.

As mentioned above, by transitioning these groups to Special Constables, additional legislative authority may be granted by the Solicitor General (including authority to enforce provisions of the *Trespass to Premises Act*, the *Traffic Safety Act*, the *Gaming and Liquor Act*, the *Youth Tobacco Act*, the *Public Health Act*, the *Mental Health Act* and others). These powers will allow Special Constables to be more effective and efficient, negating the need to summon a police officer to deal with these types of occurrences when encountered either within the Transit system or in our parks, a type of activity becoming all the more frequent.

Initial and ongoing training is an issue that is mentioned by both the EPS and the Solicitor General with respect to employing and equipping Special Constables. For the purposes of Transit and Parks, initial training that meets Solicitor General standards has either been delivered, or is in the process of being delivered to all existing staff in both areas. Ongoing, in-service training has been identified through an innovative shift schedule within Transit (training that will also be made available to Parks) to a maximum of 32 days per year (although some of these “training days” will be used for proactive deployment to identified special events, targeted deployment or other activities). By way of comparison, the EPS currently has four training days per year for police officers.

Finally, there is a body of research and anecdotal evidence that suggests that enhanced authority (in the social context) increases the likelihood of voluntary compliance with direction from authority figures<sup>4</sup>. In the Alberta context, the difference between the levels of compliance received by Special Constables versus bylaw enforcement officers is striking. There are numerous documented cases of individuals “taunting” existing Transit security officers, knowing full well that their level of authority would require them to call the EPS to assist, knowing also that the likelihood of the EPS responding in a timely manner is also low. The end result is that

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<sup>4</sup> Incorporated into all modern use of force models. Based on Crime and Self-Control theory (Hirschi & Gottfredson), Broken Windows theory (Kelling & Wilson) and Routine Activities theory (Cohen & Felson). See also “*Community Policing in the Years Ahead: And Now for the Really Hard Part*”, Bonnie Bucqueroux, in *Community Policing: The Past, Present and Future*; Police Executive Research Forum, (2004), Lorie Fridell and Mary Ann Wycoff editors.



the low to mid-level offence being dealt with by the security officer either goes under-enforced (or un-enforced), results in public dissatisfaction with the system, and results in officer job stress and frustration.

## **2. Increased Efficiency**

The primary consideration of this rationale is that by enhancing the authority, responsibility and accountability of both Transit Security and Park Rangers, additional efficiencies will be created within both systems, and the Edmonton Police Service. These units will be dedicated resources to their respective organizations, requiring far less resource assistance from the EPS. In addition, both Transit and Parks will be able to deal with the vast majority of the workload (from an enforcement perspective) created by them, not subject to the inconsistencies of police response in a prioritized response model, where a Transit incident (although tremendously important in terms of time and resources to Transit) is less so in the total context of policing in Edmonton.

Response times to ETS and Parks concerns will not be dependent on EPS resources.

Additionally, time spent on occurrences will be lessened, due to the fact that either ETS or Parks personnel will not be required to ‘stand by’, detaining persons until EPS response. There are numerous documented examples of situations where either ETS or Parks employees eventually forego an enforcement activity that requires a police officer (usually provincial statute related – public drunkenness, certain types of parking offences, etc) due to the lack of a timely police response. If approved, these recommendations to employ special constables would prevent this from occurring in the future.

Enhanced authority, under provincial statutes, will allow a “catch and release” type of approach whereby Transit or Parks personnel would be empowered to deal with the provincial offences (i.e. issue a provincial summons for trespassing, possessing liquor or other minor provincial offences) that they witness or are dispatched to, without relying on the EPS to attend to issue a summons. This change alone would create efficiencies within all three agencies (EPS, ETS and Parks). At this point, it is not feasible or prudent to attach numbers to these savings; however experience suggests that ETS Security currently summons the EPS to a minimum of two incidents per day, based on current resource deployment levels. These levels will be

significantly enhanced with the addition of new staff in December of 2005, thereby significantly reducing the demand on EPS resources.

### **3. Increased Effectiveness**

Media coverage of heightened security concerns within major transit properties continues to keep public awareness of transit security as a “top of mind issue.” These recommendations will ensure that Council and City management is seen as being proactive with respect to these emerging and ongoing issues, specifically relating to public safety by enhancing the capacity of the two areas to proactively respond to community concerns.

Increasing the effectiveness of enforcement within the scope of the specific duties undertaken by Transit Security and Park Rangers has been and will certainly remain a primary concern. Having dedicated personnel with job-specific training and resources will enhance the effectiveness of the organization(s) as a whole and provide the necessary backbone for a safer transit and parks systems. Professional staff entrusted with the safety and security of an important facet of the community will naturally see the value in their work and perform accordingly.

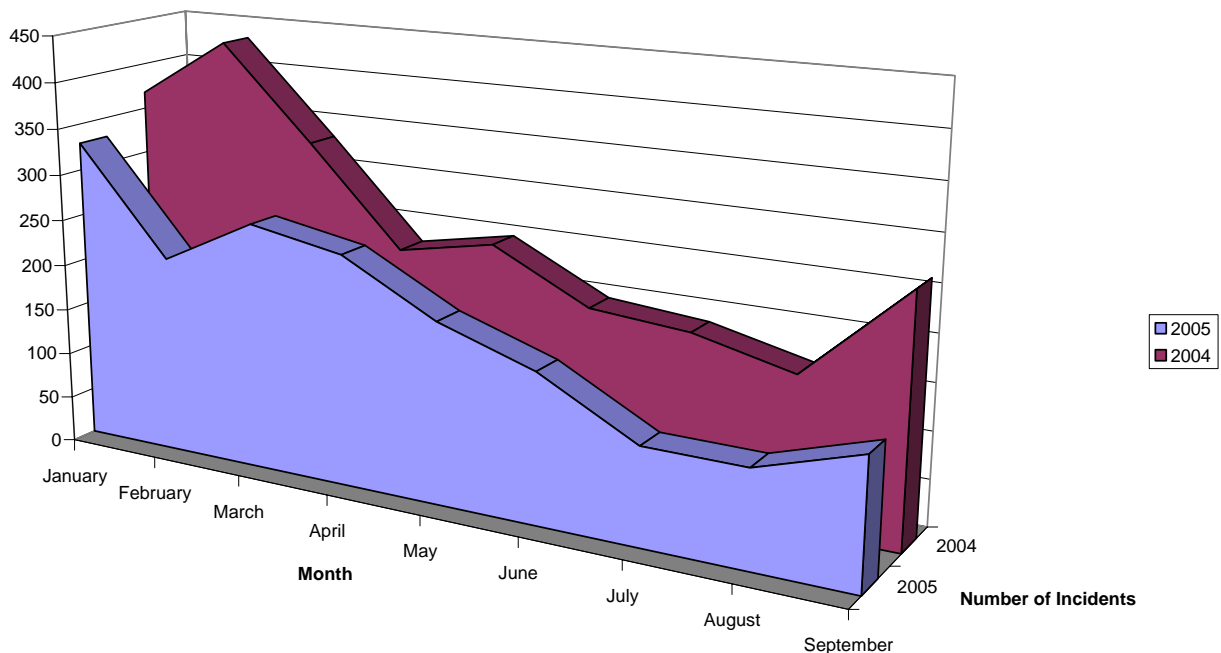
ETS is moving forward with the implementation of specific measures that will increase the effectiveness of Transit Security. Employing a new (to Transit) but nonetheless proven intelligence led model, Transit Security is working towards using a pro-active approach to security rather than the traditional reactive approach. In this new model, available resources are deployed in a manner as to maximize the effectiveness of the security unit as a whole. Through forward thinking and shared intelligence with other stakeholders, the model is streamlined to target times and locations where issues are emerging or already pervasive in nature. Based on empirical data and targeted analysis, specific recommendations to management are prepared ensuring that sound business decisions are made.

Another fundamental component of this model has been the decision to develop measurable and tangible Key Performance Indicators (KPI's) that will allow the unit to continuously reassess the impact its operations has on security within Transit. Several of these KPI's are being considered as new measures of success while others have already shown encouraging results.

The Key Performance Indicators for Transit Security (determined in March of 2005) are:

<b>Objective: Improve security on public transit<sup>5</sup></b>		Unit of Measure	YTD 2004	YTD 2005
Indicator 1	Number of <b>Violent</b> crimes per 1 million ridership (e.g. Assault, Robbery, Sexual Assault, Utter Threats, Weapons, etc.)	#	6.4	6.3
Indicator 2	Number of <b>Property</b> crimes per 1 million ridership (e.g. Break & Enter, Mischief, Theft, Possession of Stolen Property, etc.)	#	5.8	6.7
Indicator 3	Number of <b>Other</b> crimes per 1 million ridership (e.g. Drugs, Fraud, Liquor, Disturbance, Trespass, Suspicious Persons, etc.)	#	55.7	35.3

Year to Date Comparison of All Crime Related Incident Statistics

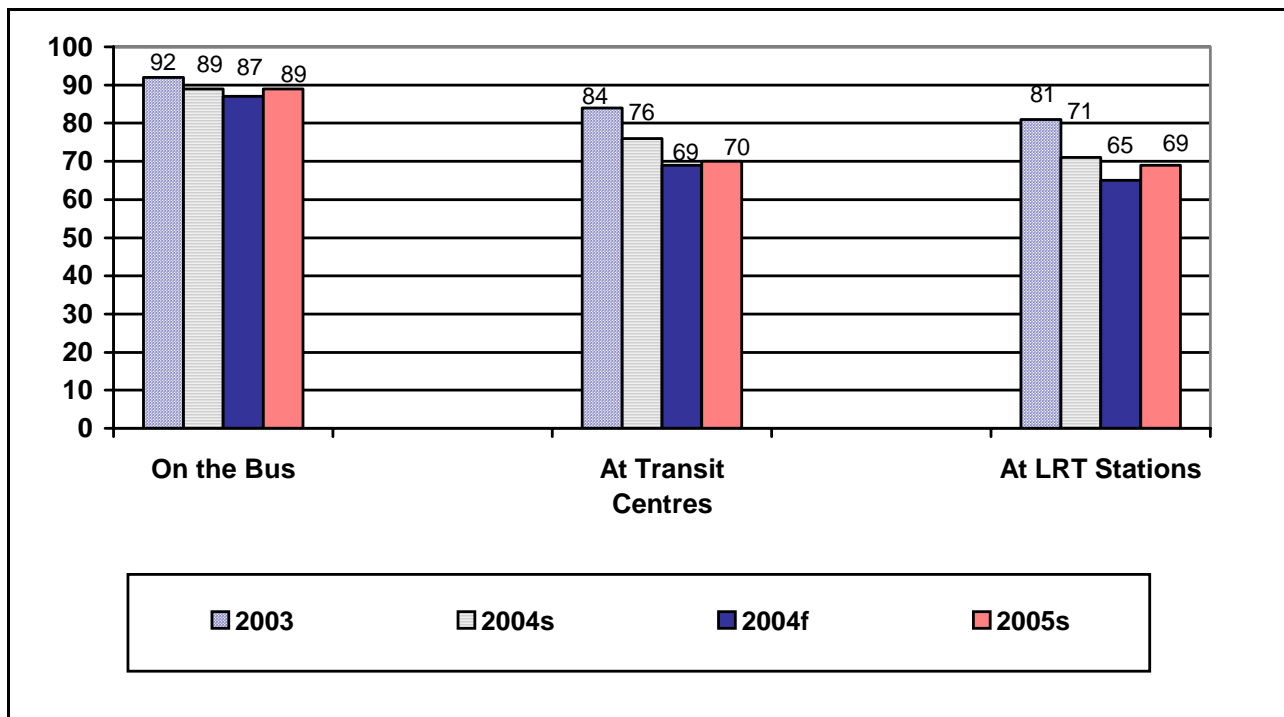


<sup>5</sup> 2005 ridership statistics for ETS were extrapolated from 2001-2004 data using the method of least squares linear trend analysis.

**Objective: Safe and Secure Staff and Customers<sup>6</sup>**

		Unit of Measure	Fall 2004	Spring 2005
Indicator 4	Percent who answered on annual survey that they “feel safe” at <b>LRT stations</b>	%	65	69
Indicator 5	Percent who answered on annual survey that they “feel safe” at <b>Transit Centers</b>	%	69	70
Indicator 6	Percent who answered on annual survey that they “feel safe” on <b>Buses</b>	%	87	89

**Feelings of Safety When on the Bus, at Transit Centers and LRT Stations  
2003 – 2005 (Spring)**



<sup>6</sup> ETS Customer Satisfaction Research 2004-2005, Spring 2005 Final Report V1.0: Prepared For City Of Edmonton Transit System by R.A. Malatest & Associates Ltd.

<b>Objective: Higher Security Skills and Training</b>		Unit of Measure	YTD 2004	YTD 2005
Indicator 7	Number of Transit Security personnel trained to Special Constable Level	#	0	9
Indicator 8	Number of person-days spent on Transit Security training	#	18	278

<b>Objective: Officer Safety<sup>7</sup></b>		Unit of Measure	YTD 2004	YTD 2005
Indicator 9	Number of days lost by Transit Security due to work related injuries	#	172	26
Indicator 10	Number of Lost Time Incidents	#	5	6

#### **4. Enhanced Internal and External Credibility**

The final rationale for the recommendations is that by transitioning to Special Constable status, the relative “worth” of both areas, both internally and externally increases dramatically. In terms of Edmonton Transit, there has already been a noticeable shift in attitudes by bus operators, and other staff towards the increasing professionalism of the security function. Simply put, the security function has changed significantly in the past few years, (especially since 9/11, Madrid and London) and the professionalism of the function needs to be reflected by a change in status, in Edmonton as well. The perception within the public and staff is that the practice of placing low skilled workers in security uniforms as an effective and efficient security component of a major urban transit system needs to change.

Increased professionalism (through the transition to Special Constable status) results in less turnover of staff, which results in lower costs for initial and ongoing training, recruitment, and development. By way of example, in March of 2005, prior to the implementation of a number of the approved recommendations of the *“Transit Security Best Practices Review: A Strategic*

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<sup>7</sup> Occupational Health and Safety Statistics - Transportation and Streets: September 2005

*Report for the Future*” document approximately 20 applications were received for an open posting for Transit Security officers. By way of contrast, after shift schedule design, organizational and other recommendations were implemented over 120 applications were received on the area’s latest posting. Anecdotal evidence suggests that the popularity of the position has skyrocketed primarily due to the changes that are both ongoing or are scheduled to occur in the near future.

Increased professionalism through the deployment as Special Constables equates to more pride in the work, in the organization, increased productivity and increased effectiveness within the workforce. The professionalization of the security function has already begun to pay dividends externally, with the EPS, with University of Alberta Campus Security, with Northlands Security, West Edmonton Mall Security, community groups such as the Alberta Avenue community, Eastwood community, the Clareview Crime Council, and the Downtown Business Association. This relationship building has resulted in shared intelligence, shared training activities, enhanced communication with stakeholders and more willingness on the part of these important stakeholders to work together to achieve a safe, secure system for both Transit and the many stakeholders Transit users are involved with.

In terms of enhancing external credibility, a key building block is the unique relationship between EPS Intelligence Analysts and the ETS Security Analyst. Not only have they participated in joint training activities, but the ETS Security Analyst is already being recognized as a training resource to the EPS relative to unique software that has been acquired for both agencies. Intelligence information relative to identified Transit problem areas, times and patrons is routinely shared widely with the EPS. There is also useful intelligence information that is routinely received from the EPS.

Finally, enhanced professionalism is already leading to comprehensive internal policy development, including such items as a specific code of conduct, policy and procedure for investigation of complaints against Security officers and improved use of force guidelines, reporting mechanisms and review procedures.

### **Options and Implications**

Maintaining the status quo in terms of the security service provision model is not an available option in this case. The recommendation to move to deploying Special Constables (as related to Transit) is consistent with the recommendations recommended in the “*Transit Security Best Practices Review: A Strategic Report for the Future*” document. This change was presented by external consultants after a national security best practices comparison with similar sized transit agencies.

Although a review of the Community Services Park Rangers was not included in that report, the specific recommendation to include the Park Rangers allows the City of Edmonton to take advantage of synergies created in the training environment, and allows Community Services to lever some of the resources either currently assigned to or proposed for Edmonton Transit.

Additionally, Community Services and Transit will demonstrate cost efficiencies by sharing these resources, leveraging some of the recent work of Transit, relative to training and policy development, to “fast-track” a Special Constable proposal that they have been pursuing (albeit with far fewer resources) for over two years.

Finally, there are liability issues associated by the move to Special Constables, especially as it relates to the use of OC spray and extendable batons. However, these additional liability issues are mitigated by enhanced training and improved policy, procedure and accountability associated with the Special Constable process.

**Budget Implications**

Based on 2005 salary rates negotiated between the City of Edmonton and ATU Local 569, the estimated cost difference between existing Bylaw Enforcement Officers and Special Constables (within Transit Security) is approximately \$285,000 per year (including salary, overhead, supervision and ancillary costs). This amount includes approximately \$20,000 for specialized equipment, including OC spray, batons and related paraphernalia.

With respect to Park Rangers, using the rates negotiated between the City and ATU Local 569 as a baseline, recognizing that Park Rangers belong to a different union, CUPE Local 30, and that Special Constable rates would need to be negotiated in that context, the estimated cost difference between existing Bylaw Enforcement Officers and Special Constables (within the Park Ranger area) is approximately \$110,000 (including salary, overhead, supervision and ancillary costs). This amount includes approximately \$5,000 for specialized equipment, including OC spray, batons and related paraphernalia.

With respect to financing the budgetary implications, the two departments involved will find offsetting savings in 2006, but may require a budget adjustment in the 2007.

By way of comparison, a fully trained, experienced police officer, including overhead and equipment costs is budgeted at approximately \$120,000 per year. Implementing the recommendation (as it pertains to Transit), and transitioning the 30 existing Transit Security staff to Special Constable status, results in personnel costs (including benefits and equipment) of approximately \$2.1 million. Providing the same function with 30 experienced police officers would result in personnel costs of over \$3.6 million, resulting in a savings (assuming the EPS had the capacity and was willing to undertake the Transit Security function) of at least \$1.5 million.

The approval of these recommendations will provide for service levels that are ideally suited to the needs of each individual Department (Transportation and Community Services), with existing staff and enhanced training.