Terms of Reference

Issued by: Chief Roger Chaffin, Calgary Police Service

To: The Honourable Neil Wittmann, Q.C.

Date: 2017 May 16

Independent Review: Use of Force within the Calgary Police Service

Regrettably, the incidence of police involved shootings has increased in Calgary over the last two years, with six of fourteen total incidents resulting in fatalities. As the Chief of Police I am compelled to ensure our members have the correct leadership, policy, procedures and equipment - as well as training - to ensure that we are policing the community in the safest, most contemporary way possible. Therefore, I have concluded that it is appropriate to have an independent review undertaken.

The purpose of directing a systemic review is not to assign individual fault, or to concentrate on the examination of any one particular shooting, but rather to determine whether systemic drivers, gaps or opportunities can be identified that may increase public and officer safety, and enhance public confidence in the Calgary Police Service (CPS). We also hope that although the review will focus on shootings in particular, some of the results may provide ideas and guidance that assists us in ensuring we have the best possible practices in respect of the use of force generally.

The mandate of your independent review will be to examine the policies, procedures, practices, training, equipment, and culture of the CPS with respect to the use of lethal force - with the goal of achieving zero fatalities for all critical incident police encounters. I note that in the 2014 report of the Honourable Frank Iacobucci “Police Encounters with People in Crisis”, police encounters which result in death:

> …is a failure for which blame in many situations cannot be assigned; it is more likely a failure of a system. Policies and procedures should be designed and exercised with that zero target

> in mind but, of course, not at the cost of ignoring the safety of the subject, the police or the public.[1]

The result of the review will be a preliminary outline providing a high level overview of the current CPS environment highlighting areas that merit further focus or analysis. These areas will be prioritized with you and our leadership team, for the purposes of setting the scope of issues that will be examined for the final report. The final report will be written for CPS and public audience with an executive summary laying out recommendations that will be used as a blueprint for the CPS to reform our policies, procedures, practices, training, equipment, and culture as determined to be necessary and appropriate.

With CPS providing required logistical and administrative support, the intended hallmark of your review is its independence. You are asked to conduct an independent and objective review, to the extent of your mandate, of the following:

1. CPS policies, procedures, practices, equipment, and culture relating to the use of lethal force;

2. Training (both initial and continuing) provided to CPS members both internally and by external partners/ agencies; and

3. Current command, control and supervision models of personnel as it relates to the use of lethal force.

As part of your review you are authorized to:

1. Review current CPS policies, procedures, practices, equipment, training and culture relating to the use of lethal force;

2. Assemble and retain an advisory panel of experts;

3. Consult with other experts in the use of force, training of police, crisis intervention and all other matters that are the subject of the review;

4. Examine CPS use of force equipment;

5. Attend to observe CPS training;

6. Interview CPS personnel;

7. Receive submissions and/or meet with stakeholder groups or individuals as you see fit;

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[1] (Iacobucci, 2014 p. 39)

8. Consider best practices and precedents from major police forces;

9. Consider the Police Encounters with People in Crisis Report of Hon. Frank Iacobucci for the Chief of Police of the Toronto Police Service dated July 2014 and any other such reviews or reports that you deem relevant and appropriate;

10. Consider reports from past fatality inquiries involving CPS as you see fit;

11. Consider research, reviews, and assessments that have been completed/ implemented with CPS;

12. Make recommendations as you deem fit and proper based on the work performed and the information obtained;

13. Perform such other work and review of materials as may be reasonably incidental to the independent review; and

14. Ensure that all considerations and recommendations acknowledge the current climate of policing within Calgary, including the economic and socio-cultural realities of our city, our population, and our Police Service.

The review will not examine the specific conduct of individual police officers in any of the aforementioned officer involved shootings, as each incident has been or is currently the subject of a statutory external investigation by the Alberta Serious Incident Response Team (ASIRT), as well as an administrative review by the CPS Professional Standards Section. Nor will the review make any findings of civil, criminal or disciplinary liability against any person, agency or organization.

Similarly, the review is not intended to make findings of fact or otherwise in respect of any one or more specific shootings or incidents. It is most likely that the fatal incidents will be subject to inquiries under the *Fatality Inquiries Act* and we neither want to entrench on those processes nor duplicate efforts. We would like your work to use the specific incidents as context and examples in an overarching review of our policies, procedures, practices, training, equipment and culture.

Finally, it must be emphasized that the purpose of this review is to ensure we are doing everything we can to protect both the public and our members.