

**REPORT TO CALGARY POLICE COMMISSION****2024 Response to Bear Spray Usage****Date**

2024 11 15

Commission Role

- Information only Approval

Type of Meeting

- Full Commission meeting
 Governance and Personnel (G&P) Sub-Committee
 Finance and Audit (F&A) Sub-Committee
 Complaint Oversight (COC) Sub-Committee
 Anti-Racism Committee

Purpose

Select the appropriate category (below) to explain “why” the Commission is receiving this report and (if applicable) insert a narrative here identifying the report’s alignment to the 2019-2022 CPS Service Action Plans (Strategic Priority/Objective/Action Plan).

- Obligation under the Police Act
 Update on progress
 Other: Response to CPC Motion

Recommendations

That the Calgary Police Commission receives this report for information following up on the motion that was approved:

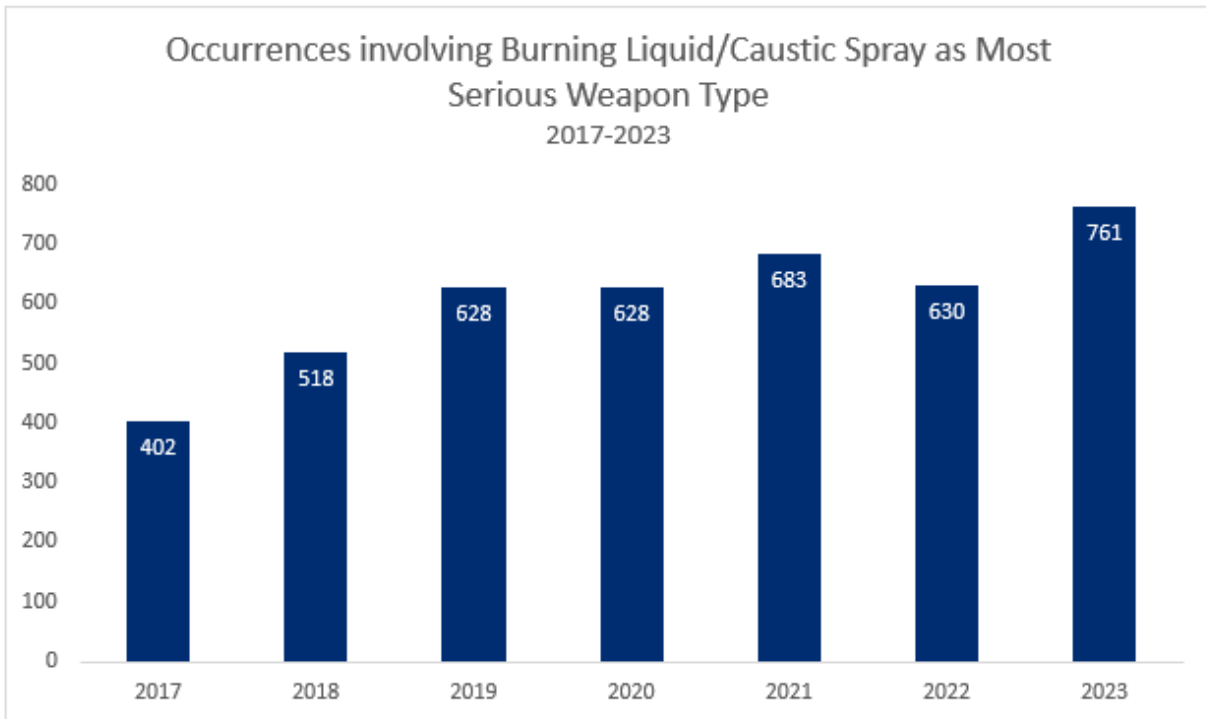
“For the Service to bring back to CPC in November 2024 a report identifying CPS strategies to address the availability of Bear Spray in assaults and robberies.”

Background / Issue

Offenders using bear spray as a weapon is not unique to Calgary as jurisdictions across Canada are reporting increased incidents. A recent CBC news article suggests guns are expensive and hard to obtain, whereas offenders find it much easier to get their hands on bear spray to be used as a weapon but also for personal protection as it is much easier to obtain.¹

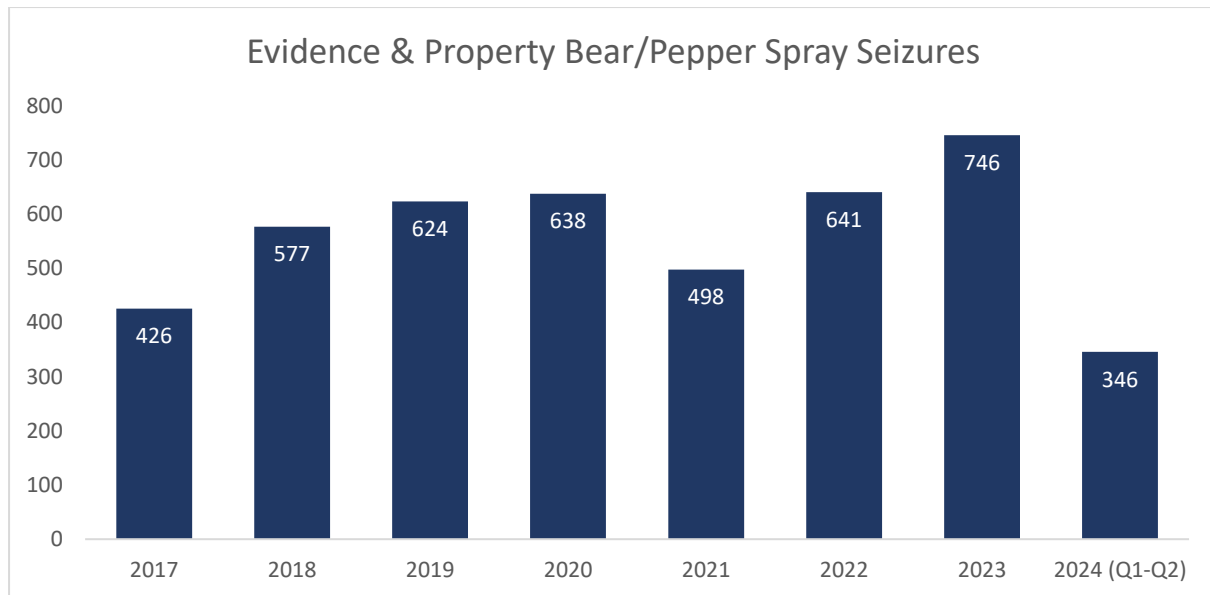
¹ <https://www.cbc.ca/news/canada/saskatoon/good-question-bear-spray-1.7195990#:~:text=The%20potent%20spray%20used%20to,incluing%20assault%20with%20a%20weapon.>

The graph below shows bear spray as the most serious weapon present ² (not necessarily used) increased in 2023 and the first half of 2024 shows decreases compared to the same timeframe for last year but still higher than the five-year average, where it was used in approximately sixty-five incidents per month. The type of occurrence is typically assault and robberies.



This graph below represents police seizures of bear/pepper spray peaked in 2023 – this data represents situations where officers have seized bear/pepper spray during the execution of their duties.

² This data may contain a small number of incidents where the weapon was a hot liquid, not a caustic spray.



In 2019, bear spray related occurrences began trending up through summer and fall, in assault weapon offences. District 1 accounted for 25% of bear spray related incidents which was believed associated to the disproportionate number of vulnerable downtown, carrying it for protection. The majority of cans seized were expired indicative these were not new purchases. Patrol officers identified sources to be open discard bin storage containers at Calgary Fire Department disposal locations, and discard bins behind hotels and outdoor equipment stores downtown. CPS partnered with Calgary Fire to transition to tamper proof containers at Fire disposal locations and worked to educate downtown hotels and businesses discarding used tourist containers into alley bins. These crime prevention tactics led to a temporary decrease in bear spray incidents, however they began to rise again by 2023.

As part of the Safe Public Spaces Action Plan, a Joint Management Team (JMT) was established with various City of Calgary Units in the spring of 2023. Almost immediately the JMT recognized a need for additional advocacy to assist with having City of Calgary Bylaws amended to compliment the Criminal Code and fill in gaps when a victim is not located after a caustic spray deployment by an offender. It was parked until the Strategic Leadership Group was formed so that they could focus on advocacy.

In the summer of 2024, CPS began working with the City of Calgary Service Excellence Community Services Team to develop amendments for a Public Behaviour Bylaw that is similar to the current Transit Bylaws. Benchmarking with other municipalities was conducted. Previous attempts to establishing these bylaws had take place but were not successful, so this time the focus was on offenders who are illegally using the sprays instead of the former approach that focused on suppliers or businesses disposing sprays (i.e., hotels providing bear spray disposal guidance to tourists). Calgary is pursuing a similar approach to Edmonton's bylaws where it makes is unlawful to:

- change/mutilate/deface or conceal the label or pest spray or capsicum-based product/substance.
- use the device contrary to the intended purpose.

City Legal is also assessing whether we can also make it “unlawful to have the spray visible in public” (i.e., used as a threat) this has been established in other municipalities.

Discussion / Analysis

Previous bylaws pertaining to bear spray have made a difference in terms of safe disposal, but it is clear from the data that these new bylaws are critical to providing law enforcement powers to seizing bear/pepper spray before it is used for criminal purposes.

Once the bylaws are enacted, CPS will continue to monitor criminal occurrences and seizures to assess whether the new laws are having their desired impact.

Conclusion

Bear/pepper spray is easy to obtain and relatively cheap to purchase. It is critical that bylaws are passed to provide law enforcement powers to seize this product.


Attachments

Nil

Approval signatures

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