

Report to / Rapport au:

**OTTAWA POLICE SERVICES BOARD
LA COMMISSION DE SERVICES POLICIERS D'OTTAWA**

24 July 2023 / 24 juillet 2023

Submitted by / Soumis par:

Chief of Police, Ottawa Police Service / Chef de police, Service de police d'Ottawa

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SUBJECT: DELEGATION OF SPECIAL CONSTABLE STATUS: RCMP

**OBJET: DÉLÉGATION DU POUVOIR DE NOMINATION D'AGENTS
SPÉCIAUX : GENDARMERIE ROYALE DU CANADA**

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board delegate authority to the Chair and Vice-Chair to approve:

- 1. appointments in relation to any demonstrations or major events that may occur between July 24 and September 30, 2023. These appointments will be valid until September 30, 2023;**
- 2. any memorandums of understanding that are required by the Ottawa Police Service (OPS) to secure resources from other police services to assist with operational response to any demonstrations/events that may arise between July 24, 2023 and September 30, 2023.**

Any exercise of this delegated authority will be reported out at the next regular meeting of the Board, to be ratified as part of the minutes.

RECOMMANDATIONS DU RAPPORT

Que la Commission de services policiers d'Ottawa délègue à la présidente et au vice-président le pouvoir d'approuver :

1. **les nominations relatives aux manifestations ou aux événements majeurs qui pourraient avoir lieu entre le 24 juillet et le 30 septembre 2023. Ces nominations seront en vigueur jusqu'au 30 septembre 2023;**
2. **tout protocole d'entente requis par le Service de police d'Ottawa (SPO) pour obtenir des ressources d'autres services de police afin de contribuer aux interventions lors de manifestations ou d'événements qui pourraient survenir entre le 24 juillet et le 30 septembre 2023.**

Tout exercice de cette autorité déléguée sera déclaré lors de la prochaine réunion normale de la Commission, afin d'être ratifié dans le cadre du procès-verbal.

BACKGROUND

As is often the case when planning for and responding to major events, the OPS may be required to request staffing support from other law enforcement services in the lead up and response to demonstrations and events during the summer of 2023. To support the planning and response activities, the OPS will first draw upon staff support from municipal services and the Ontario Provincial Police (OPP). Should staffing support requirements exceed the available support from these organizations, the OPS may be required to request support from the Royal Canadian Mounted Police (RCMP).

The purpose of this report is to request that the Board provide delegated authority to the Chair and Vice-Chair to approve any special constable status requests pertaining to any demonstrations/events between this Board meeting and the next Board meeting in September 2023, should the need arise.

While there is no confirmation that demonstrations or events requiring additional staffing will occur between July 24 and September 30, the OPS continues to track several proposed events that could result in operational deployments. Providing the Chair and Vice Chair with the requested delegated authority to swear in law enforcement partners would allow for a scalable response in the event that a significant deployment is required.

Providing this delegated authority will ensure that the OPS can provide special constable status to RCMP officers for the purpose of supporting demonstration/event planning and response activities without requiring the Board to meet.

Should this be necessary:

- All appointments would be valid until September 30, 2023 only.
- The names of any RCMP members provided with special constable status would not be posted in accordance with operational security requirements.

Following Board approval, via the delegated authority requested and Ministry of the Solicitor General approval of RCMP members, Approval of Appointment Forms would be provided and would require the Chair's signature.

Any exercise of this delegated authority will be reported back to the Board as part of the Board's next regular meeting.

Board Appointment of Special Constables

The Board regularly approves the appointment of special constables for the RCMP, OC Transpo, Carleton University, and internal members of the OPS. These appointments ensure that respective employees can carry out the full scope of their assigned duties. Generally, applications are made to the Ministry to have individuals appointed as special constables pursuant to Section 53 of the PSA. The Board then appoints these employees as special constables upon approval of the Ministry. In normal circumstances, the appointments are valid for five years. In this instance, appointments would expire on September 30, 2023.

OPS and RCMP Memorandum of Understanding

The Memorandum of Understanding (MOU) between the OPS and the RCMP was established in 2016 with no expiry date. An RCMP indemnification letter was provided to the Board on January 25, 2016, by Chief Superintendent Bruce Kirkpatrick to address concerns raised by the Board respecting potential liability. The following is an excerpt from this letter:

"In the absence of a formal agreement between the RCMP and the Board, and in an effort to address the aforementioned concerns, I wish to assure you that the RCMP will, at its own cost, indemnify the Board from any claims, demands, actions and judgements instituted or recovered by a third party, arising from any act, conduct or omission of members of the RCMP appointed as special constables under subsection 53(1) of the Police Services Act (PSA) by the Board while carrying out their duties. To this end, the RCMP requires that the Board provide it with notice, in writing to the undersigned or the individual occupying that position without delay, or in exigent circumstances, as soon as reasonably possible of any claims, demands, causes of action or actions arising from any act, conduct or omission of members of the RCMP appointed as special constables under subsection 53(1) of the PSA by the Board while carrying out their duties."

For the purposes of this agreement, the Board has authority, pursuant to the PSA, to appoint special constables for such purposes and with such powers as it sees fit, subject to the approval of the Ministry.

The Board shall designate the Chief of Police or his/her designate to perform some or all the Board's administrative functions under these agreements. The Chief shall designate one officer as his/her designate with respect to the day-to-day administration of this agreement.

For the administration of this agreement, the Chief Superintendent of the RCMP will be responsible for some or all of the administrative functions under each respective agreement. These leaders shall designate an employee for the day-to-day administration requirements.

Roles and Responsibilities

The RCMP and the OPS have a Memorandum of Understanding (MOU) that outlines roles, responsibilities, and relationships regarding policing in the City of Ottawa accordingly.

Typical RCMP roles and responsibilities include:

- Safeguarding of designated Protected Persons (PP). Members on mobile patrol have a role in deterring and detecting potential terrorist activities and/or incidents impacting on PP. Members are responsible for having knowledge of all zones and protected locations, of which many are located within the city of Ottawa and are responsible for answering security alarms and proactively gathering information for risk and threat assessment purposes relative to those locations.
- Enforcing moving violations/traffic violations on specific NCC roadways and bridges.
- Deterring and detecting criminal and provincial offences other than highway traffic infractions by using different techniques such as car patrol, bicycle patrol, foot patrol, and vehicle checks.
- When observed and on duty, enforce violations of the Highway Traffic Act, Liquor License Act, Mental Health Act, and the Trespass to Property Act in which they have a duty to take action.
- Working with the OPS on all major visits, special events, and demonstrations taking place on federal, provincial, and municipal property. These occurrences generally start on City property and end up on federal property and in the process of policing these events; the RCMP would assist the OPS with enforcement of the above-mentioned Acts.

RCMP officers who are appointed as special constables by the Board as part of this request will perform those duties noted above.

DISCUSSION

Approval will be obtained from the Ministry for the appointment of RCMP officers as special constables, as required throughout the event, pursuant to Section 53 of the PSA.

SUPPORTING DOCUMENTATION

Document 1: Approval of Appointments as Special Constable to follow as required.

CONCLUSION

The appointment of special constable status for RCMP employees will allow these officers to undertake the full scope of their duties. Delegation of authority to the Board's Chair and Vice Chair will expedite any emerging need for RCMP special constable status requests for the duration of the demonstrations/events between July 24 and September 30, 2023. All appointments would be valid until September 30, 2023.