

Report to / Rapport au:

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

23 October 2023 / 23 octobre 2023

Submitted by / Soumis par:

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

Contact Person / Personne ressource:

**Inspector Dana Reynolds, Frontline Investigations / Inspectrice des Enquêtes de
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**SUBJECT: RENEWAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE
OTTAWA POLICE SERVICES BOARD AND THE CITY OF OTTAWA
(TRANSPORTATION SERVICES)**

**OBJET: RENOUELLEMENT DU PROTOCOLE D'ENTENTE ENTRE LA
COMMISSION DE SERVICES POLICIERS D'OTTAWA ET LA VILLE
D'OTTAWA (SERVICES DE TRANSPORT)**

REPORT RECOMMENDATIONS:

**That the Ottawa Police Services Board approve the continuation of the OC
Transpo Special Constable Program under the same terms as the current
Memorandum of Understanding until May 31, 2024.**

RECOMMANDATIONS DU RAPPORT

**Que la Commission des services policiers d'Ottawa approuve la poursuite du
programme d'agents spéciaux d'OC Transpo aux mêmes conditions que l'actuel
protocole d'entente jusqu'au 31 mai 2024.**

BACKGROUND

On 18 December 2006, the Board approved a recommendation from the Chief of Police that, subject to the successful completion of a 12-month pilot project monitored by the Ontario Ministry of Community Safety and Correctional Services, the 39 members of the City of Ottawa Transit Security and Enforcement team be appointed as Special Constables. A Memorandum of Understanding between the Board and the City of Ottawa

(Transit Services) was established and signed on 18 December 2006 setting forth the terms and conditions of the Special Constable Pilot Program.

Following the Board's approval, applications for Special Constable appointments were prepared by the Board and forwarded to the Ministry of Community Safety and Correctional Services for ministerial approval. With the Ministry's approval of the applications, a swearing-in ceremony took place and the twelve-month pilot project commenced on 01 April 2007 and concluded on 31 March 2008.

After the completion of the pilot project, a comprehensive review was conducted by a review team comprised of representatives from the Ministry of Community Safety and Correctional Services, the Special Constable Program Manager for the Toronto Police Service, the Ottawa Police Service (OPS) and the City of Ottawa Transit Services. Following the review, on 28 July 2008 the Board approved a recommendation that the Ministry of Community Safety and Correctional Services extend the term of Special Constable appointments for the OC Transpo transit law enforcement officers for a term not to exceed five years. The term of that appointment expired on 31 July 2013.

The Board approved a second recommendation that the Ministry of Community Safety and Correctional Services extend the term of Special Constable appointment for the OC Transpo Special Constable Unit officers for a five-year term ending 31 July 2018.

The Board approved a third recommendation that the Ministry of Community Safety and Correctional Services, responsibility moved to the Ministry of the Solicitor General (SOLGEN) partway through this term, extend the term of Special Constable appointment for the OC Transpo Special Constable Unit officers for a five-year term ending 31 July 2023.

On March 26, 2019, the Ontario Government's Comprehensive Ontario Police Services Act, S.O. 2019, c. 1, or Bill 68, received royal assent. Bill 68 amends policing legislation in the province including the Police Services Act, R.S.O. 1990, c. P.15, which will be replaced by the new Community Safety and Policing Act, 2019 (Schedule 1 of the Comprehensive Ontario Police Services Act). The Ministry of the Solicitor General (SOLGEN) continues to work on regulations required to bring the Community Safety and Policing Act (CSPA), 2019, into force. This includes regulations relating to special constables which are anticipated to be finalized in the coming months. The CSPA coming into force will provide the new authority for the Parties to enter into an MOU and the respective duties of special constables and special constable employers.

In addition, there are many factors that have changed since the original MOU was signed by the Board, and OC Transpo has identified areas where additional authorities could be considered.

The purpose of this report is to recommend that the program under the current MOU be extended until May 31, 2024 to better gauge the changing landscape relating to policing in Ontario, as well as to further consider the expansion of OC Transpo authorities before entering a new 5-year MOU.

DISCUSSION

The Board, mandated by the Police Services Act, is tasked with the responsibility of ensuring community safety in the City of Ottawa. As set out by the Police Service Act, the Board, through its oversight of the OPS, is responsible for providing services to the community that are centered upon:

- Crime Prevention;
- Law Enforcement;
- Assistance to Victims of Crime;
- Public Order Maintenance; and,
- Emergency Response.

The major roles and responsibilities which are currently included in the OC Transpo mandate are summarized below:

- Protecting Transit customers, employees and property
- Promoting public safety and awareness
- Partnership activities and projects
- Establishing Service levels and Standards for the program.

The Board is specifically authorized, through the operation of Section 53 of the Police Services Act, to authorize the appointment of Special Constables for specific terms, according to specific criteria. In fact, the Board has exercised this authority since the 2006 implementation of this program.

CONSULTATION

There was a brief consultation with SOLGEN, and they are advising that we consider waiting, until such time, as the CSPA regulations come into force before making any operational decisions and/or changes. This lends itself to the request to renew the current MOU while awaiting the CSPA being finalized in the coming months.

FINANCIAL IMPLICATIONS

There are no financial implications involved in renewing the interim OC Transpo MOU.

SUPPORTING DOCUMENTATION

Document 1 – Current MOU

CONCLUSION

The purpose of this report is to recommend that the program under the current MOU be extended until May 31, 2024 to better gauge the changing landscape relating to policing in Ontario, as well as to further consider the expansion of OC Transpo authorities before entering a new 5-year MOU. The parties require an interim renewal until May 31, 2024 of the current MOU to ensure the continuation of this successful program until the new MOU can be submitted.

The OPS is fortunate to have an excellent working relationship with OC Transpo. The interim renewal of the current MOU will continue to facilitate the partnership of the two agencies. Additionally, it will enable OC Transpo to undertake the full scope of their mandate. Therefore, we recommend that the Ottawa Police Services Board (the Board) approve the continuation of the OC Transpo Special Constable Program for a term of May 31, 2024.