

# BACKGROUND INFORMATION: SPECIAL CONSTABLES (Court/Cellblock Security, Document Server, and District Special Constable)

The Ottawa Police Service is implementing a District Special Constable pilot project. This project will deploy special constables in a frontline capacity where they will assist with transportation of persons in custody to hospital or other medical facility and will remain with the person until the institution has accepted custody. The project will also deploy Special Constables for traffic control including traffic direction, closing highways, and removing vehicles from roadways. This traffic control may be for crime scenes, major collision scenes, or any other activity requiring road closures. The pilot is planned for a period of 6 months to a year. The project will employ four current, experienced special constables, with four trained to backfill if required. (Additions to the current justification for this pilot project are highlighted in yellow)

Pursuant to the provisions of section 53 of the Police Services Act, the Ottawa Police Service employs Special Constables for the purpose of duties related to court and cellblock security, document server roles and now district special constable duties. The pilot project district special constables are fully trained and can be deployed to conduct any of the duties assigned to them. This training includes but is not limited to de-escalation training, use of force training, and traffic direction and control training. This justification includes the currently authorized duties of our special constables as well as the additional duties and authorities required for the pilot project. The Special Constable duties are the following:

- Searching, guarding, and controlling persons in custody.
- Providing security at premises or places occupied or utilized as courts or police facilities.
- Serving subpoenas and summonses to witnesses and persons charged in police related cases including conducting minor investigations and surveillance to locate individuals when necessary.
- Transportation of persons in custody.
- Transportation of persons in custody to hospital or other medical facility and remaining with the person until the institution has accepted custody.
- Traffic Control including directing traffic, closing, and clearing roadways; and
- Enforcing various Provincial Acts as prescribed by law.

This designation of Special Constable will afford the Special Constables those special protections and exemptions in the Criminal Code that are specific to peace officers, namely:

- Section 25 use of force justification;
- Section 129 obstruct peace officer in course of duty;
- Section 270 assault peace officer in the execution of duty; and
- Section 270.1 disarming peace officer in the execution of duty.

LIQUOR LICENCE AND CONTROL ACT, 2019, S.O. 2019, c. 15, Sched. 22 AS  
AMENDED AND THE REGULATIONS MADE THEREUNDER

***Special Constables discharging their duties may have to deal with persons who are apparently intoxicated or who are consuming alcohol and as such require Police Officer authority to take appropriate action, including arrest, transportation to hospital and seizure of liquor, in the course of discharging their duties as stipulated by the Police Services Act.***

Section 31(2)

This section allows the special constable to arrest without a warrant those who are contravening subsection one, intoxicated persons found in public places.

Section 48(1)

A special constable, with the authority in this section, can choose to take a person who is intoxicated and breaching S 31(1) to hospital rather than to the cellblock depending on the state of that person.

Section 61(1) and 61(2)

This section allows the special constable to seize the liquor, or anything being used in contravention of this act thus enabling him/her to prevent the re-commission of the evidence and to obtain evidence for the charges if any are laid.

Section 62

This section allows the special constable to arrest those in apparent contravention of the act and who refuse to identify themselves or there is RPG to believe that the name and address is false.

## MENTAL HEALTH ACT, R.S.O 1990, CHAPTER m 7, AS AMENDED

***Special Constables discharging their duties may have to deal with persons who are apparently suffering from a mental illness or who may present a danger to themselves or others or who may be subject to an order pursuant to the Mental Health Act. Police Officer authority is required in order for Special Constables to take appropriate action, including apprehension, transportation to hospital or for assessment, in the course of discharging their duties as stipulated by the Police Services Act. In addition, district special constables will be deployed to relieve sworn personnel when they attend hospital with persons who have been apprehended under this Act, by taking and retaining custody of said person until the facility accepts custody of the person.***

### Section 16 (3):

A Special Constable, with this authority, is able to act on a judge's order to detain a person so that a psychiatric evaluation is made. This is commonly used in court after an arrest is made and the judge believes the person is a danger to himself or others and is suffering from a mental disorder.

### Section 17:

This authorizes a Special Constable to detain a person who is being violent, a threat to themselves or scaring others around him and is possibly suffering from a mental disorder. The Special Constable would then take them to be assessed by a physician.

### Section 28:

This authorizes a Special Constable to return a prisoner that has been absent from a psychiatric facility without leave. Special Constables deal with people that upon release from court need to be returned to a facility should they have fled and ended up in custody following a criminal charge.

### Section 33.3 (3):

This allows the Special Constable to enforce an order for examination issued by a physician under S.33.3(1). This order would allow the officer to apprehend the subject and have them brought to the physician who issued the order to be examined. The special constables deal frequently with persons who suffer from mental disorders and frequent the mental health court where such orders are commonplace.

## TRESPASS TO PROPERTY ACT

### Section 9(1), 9(2), 9(3)

This section authorizes Special Constables to arrest without a warrant any person to be on a premise in contravention of the Trespass to Property Act Section 2. Usually, this authority is given to police officers, or those persons specifically authorized for a particular location.

### Section 10

Under this section the Special Constable would be able to arrest those who have contravened this act and have escaped and refuse to provide legitimate identification.

## HIGHWAY TRAFFIC ACT

***District Special Constables discharging their duties may be assigned to traffic control within the City of Ottawa. Police Officer authority is required for the Special Constables to take appropriate action under the Highway Traffic Act when assigned to these duties.***

### Section 134(1)

This section authorizes Special Constables to direct traffic in order to ensure orderly movement, prevent injury or damage to persons or property, and to permit proper action in an emergency.

### Section 134(2)

This section authorizes Special Constables to close a highway or any part thereof to vehicles.

### Section 134.1(1)

This section authorizes Special Constables to remove vehicles or debris that may be blocking traffic in order to ensure orderly movement of traffic or prevent injury or damage to persons or property.