

Table CR:**X** – Policy Number CR:**X** – Appointment and Duties of Special Constables and Complaints against Special Constables

CR:X APPOINTMENT AND DUTIES OF SPECIAL CONSTABLES AND COMPLAINTS AGAINST SPECIAL CONSTABLES	
LEGISLATIVE REFERENCE / AUTHORITY	<i>Community Safety and Policing Act, 2019, sections 92-100; O. Reg 411/23</i>
DATE APPROVED	XX
DATE REVIEWED	N/A
DATES AMENDED	N/A
DATE TO BE REVIEWED	2027
REPORTING REQUIREMENT	N/A

LEGISLATIVE REFERENCE / AUTHORITY

Section 92 of the *Community Safety and Police Act, 2019*, provides Police Service Boards with the authority to appoint a person as a special constable subject to certain conditions.

Ontario Regulation 411/23 addresses provisions related to complaints about special constables.

BOARD POLICY

This policy covers the eligibility criteria, appointment procedures, roles and responsibilities, training requirements, and the conditions under which Special Constables may be appointed by the Board, either as Special Constables employed by the Board (section 92(1)(a)(i)) or as Special Constables employed by an authorized Special Constable employer (section 92(1)(a)(ii)).

This policy also addresses complaints made against Special Constables who are employed by the Board.

1. **General.** Prior to appointing a Special Constable who is to be employed by an authorized Special Constable employer, the Board shall ensure that the proposed employer is, in fact, an authorized Special Constable employer.
2. **Eligibility.** To be eligible for appointment as a Special Constable, an individual must:
 - a. Have an offer of employment as a Special Constable or be currently employed as a Special Constable by the Board or an authorized Special Constable employer within the Board's policing area.
 - b. Be a Canadian citizen or a permanent resident of Canada.
 - c. Be at least 18 years of age.
 - d. Be physically and mentally capable of performing the duties associated with the role, ensuring personal and public safety.
 - e. Be of good character and integrity.
 - f. Have successfully completed prescribed training by the Minister, including conflict de-escalation, human rights, systemic racism, and training emphasizing the recognition and respect for Ontario's diverse, multicultural society and the rights and cultures of Indigenous Peoples.
 - g. Possess a minimum of a secondary school diploma or equivalent educational qualifications.
 - h. Meet any additional prescribed criteria.
3. **Appointment.** The Board shall conduct a thorough review of candidates to ensure they meet all eligibility criteria.
 - a. Candidates will undergo a comprehensive selection process, including background checks, interviews, and evaluations of their capability to perform the duties of a Special Constable.

In the case of Special Constables appointed to be employed by the Board, this process will be undertaken under the overall direction of the Chief of Police. In the case of Special Constables appointed to be employed by an authorized Special Constable employer, the Board will obtain written confirmation that this process has been followed prior to an offer of employment being made.
 - b. Successful candidates will be issued a Certificate of Appointment, detailing their terms of employment, duration of appointment, roles,

powers, and any other conditions. The Board will use the attached form for this purpose. Any required oaths shall be administered.

4. **Training and Development.** Appointed Special Constables must complete all mandatory training as prescribed by the Minister before commencing their duties. Continuous professional development is required.

5. **Roles and Responsibilities.** Special Constables shall perform duties as outlined in their Certificate of Appointment and are restricted from performing the full duties of a police officer on a permanent basis. Special Constables are to adhere strictly to the terms in their Certificate of Appointment.

No Special Constable shall hold themselves out as a police officer at any time.

6. **Oversight.** The Board is responsible for the oversight of Special Constables.

Any breach of the terms of appointment or misconduct may result in suspension, amendment, or termination of the Special Constable's appointment.

Any such action may take place after providing written notice and an opportunity for the individual to respond. In the case of Special Constables appointed to be employed by the Board, there may be collective agreement requirements.

7. **Amendments and Reappointments.** The Board may amend the terms of a Special Constable's appointment after providing written notice and an opportunity for the individual to respond.

Special Constables may be reappointed at the end of their term, subject to a review of their performance and adherence to policy and legislative requirements.

8. **Termination and Suspension.** The Board reserves the right to suspend or terminate the appointment of a Special Constable due to misconduct, ensuring the individual is provided with written notice and an opportunity to respond. In the case of Special Constables appointed to be employed by the Board, there may be collective agreement requirements.

Automatic termination occurs if a Special Constable ceases to be employed by the specified employer in their Certificate of Appointment.

9. **Complaints process.**

General. Unless otherwise stated, the following process applies to complaints made in relation to the conduct of Special Constables employed by the Board.

The Board's Complaint Process will be posted on the Board's internet site and the Board will ensure that information related to the Board's Complaint Process appears on the Ottawa Police Service internet site as well.

The Process.

The Board advises that complaints regarding the conduct of a Special Constable employed by the Board may be made directly to the Chief of Police. In order to do so, the complainant should click on the following link:

<link to be added once form is developed>

This link will open in a form which can be completed and it may be automatically submitted to the Chief of Police.

Alternatively, the form may be downloaded and completed. Once completed, the form may be emailed, faxed or dropped off as follows:

<contact information to be confirmed and added>

Finally, any form of written complaint about the conduct of a Special Constable which the Board receives will be forwarded to the Chief of Police or the authorized Special Constable employer, as the case may be.

Any member of the Board who becomes aware of complaint regarding the conduct of a Special Constable employed by the Board shall refer the complainant to the Board's Complaint process and advise the Chair of the Board. The Chair will ensure that the Chief of Police is made aware of the matter.

The Board will ensure that the Chief of Police has created a process with the following elements:

The Chief of Police shall provide the complainant with written acknowledgment that the complaint has been received.

The Chief of Police shall ensure that the complaint is investigated to determine whether the special constable's conduct constitutes misconduct, contravened the terms and conditions of the special constable's certificate of appointment or contravened any provision of the Act or the regulations.

The Chief of Police shall ensure that any allegations in the complaint of conduct that may constitute criminal conduct are investigated by a member of the police service or of another police service. Every investigation of this nature must comply with the standards for adequate

and effective policing, including the standards with respect to the avoidance of conflicts of interest.

The Chief of Police shall, in writing, advise the complainant of the outcome of the investigation, or any other disposition, of the complaint. The Chief of Police shall report on the outcome of the investigation, or any other disposition, to the Board.

The Chief of Police shall endeavour to complete any investigation of a special constable within 120 days after receiving the complaint, not including any period during which the investigation is postponed or suspended.

If the timing requirements are not met in respect of an investigation, the Chief of Police shall give notice of the status of the investigation to the complainant and to the person being investigated every 30 days until the investigation is concluded unless, in the opinion of the Chief of Police, doing so might prejudice the investigation.

If the special constable is found to have engaged in conduct that constitutes misconduct, contravened the terms and conditions of their certificate of appointment or contravened any provision of this Act or the regulations, the Chief of Police shall take appropriate action to remedy the contravention, subject to any collective agreement requirements.

10. General reporting

In addition to reporting to the Board on individual complaints and the outcome of those investigations or disposition, the Chief of Police shall also report on special constable complaints as part of the Service's quarterly reports on complaints.