

Report to / Rapport au:

**OTTAWA POLICE SERVICE BOARD
LA COMMISSION DE SERVICE DE POLICE D'OTTAWA**

24 June 2024 / 24 juin 2024

Submitted by / Soumis par:

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

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**SUBJECT: AGREEMENT RENEWAL BETWEEN THE OTTAWA POLICE SERVICE
BOARD AND THE CITY OF OTTAWA TRANSIT SERVICES, SPECIAL
CONSTABLE PROGRAM**

**OBJET: RENOUELLEMENT DE L'ENTENTE ENTRE LA COMMISSION DE
SERVICE DE POLICE D'OTTAWA ET LES SERVICES DE TRANSPORT
DE LA VILLE D'OTTAWA, PROGRAMME DES CONSTABLES
SPECIAUX**

REPORT RECOMMENDATIONS

**That the Ottawa Police Service Board approve the revised agreement for
continuation of the City of Ottawa, Transit Services, Special Constable Program
pursuant to the Community Safety and Policing Act for a 5-year term ending June
30, 2029.**

RECOMMANDATIONS DU RAPPORT

Que la Commission de service de police d'Ottawa approuve l'entente révisée pour le maintien du programme des constables spéciaux du service de transport en commun de la Ville d'Ottawa conformément à Loi sur la sécurité communautaire et les services policiers pour une durée de 5 ans prenant fin le 30 juin 2029.

BACKGROUND

On December 18, 2006, the Ottawa Police Service Board (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 (MoU) between the Board and the City of Ottawa (Transit Services) was established and signed on December 18, 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 April 1, 2007, and concluded on March 31, 2018.

After the successful completion of the pilot project, a comprehensive review was conducted by a review team comprised of representatives from the Ministry of the 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 July 28, 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 July 31, 2013. The Board approved two extensions ending on July 31, 2018, and then July 31, 2023, along with the recommendation that the responsibility move to the Ministry of the Solicitor General (it would be great to have the date for this).

The new Community Safety and Policing Act (CSPA), 2019, S.O. 2019, received Royal Assent on March 26, 2019, and came into effect on April 1, 2024. The CSPA replaced the Police Services Act and includes, among other thing, regulations relating to special constables. The City of Ottawa's Transit Services Department, which includes the

Special Constables Unit, has worked collaboratively with the Ottawa Police Service to revise the terms of the Memorandum of Agreement, formerly referred to as the MoU, to align with the new provisions of the CSPA and its supporting regulations, with regards to Special Constables.

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

DISCUSSION

The Board, through the Community Safety and Policing Act, is given the responsibility to ensure that adequate and effective policing is provided in the area for which they have policing responsibility. As set out by the CSPA, the Board, through its oversight of the OPS, is responsible for providing services to Ottawa's communities in relation to:

- Crime Prevention
- Law Enforcement
- Assistance to Victims of Crime
- Public Order Maintenance
- Emergency Response

With regard to Transit Services, the Board's powers include the appointment of Special Constables, including those employed by certified Special Constable Employers.

The Special Constables are sworn Peace Officers under a Memorandum of Understanding (MOU) with the Ottawa Police Service. The Special Constables provide public safety on the city's transit system, often the first on scene and working closely with police and other front line emergency services. The unit is focused on customer service, dedicated to ensuring the safety of transit customers, employees, and assets.

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

Specifically, the Special Constables Unit operates 24/7 patrols, attends calls for emergency service, investigates incidents and assists vulnerable community members when they're in need.

The Board is specifically authorized, through the operation of Section 92 of the Community Safety and Policing Act, to authorize the appointment of Special Constables for specific terms, according to specific criteria.

CONSULTATION

Transit Services, Chief Special Constable Tracey McRae, worked in consultation with City of Ottawa Legal Services, Ottawa Police Inspector Brian Samuel, as well as Ottawa Police Services legal counsel and Ottawa Police Board legal counsel. Based on these consultations and legal reviews, the agreement aligns with the duties and responsibilities as outlined in the included agreement and in consideration of the CSPA requirements.

FINANCIAL IMPLICATIONS

There are no financial implications involved in renewing the City of Ottawa, Transit Services Agreement (formerly MOU).

SUPPORTING DOCUMENTATION

Document 1 - Agreement Between the Ottawa Police Service Board and City of Ottawa Transit Services

CONCLUSION

The purpose of this report is to recommend that the program under the revised agreement which includes the new requirements under the Community Safety and Policing Act be approved for a 5-year term expiring June 30, 2029.

Transit Services is fortunate to have an excellent working relationship with the OPS. The new agreement will enhance and continue to facilitate the partnership of the two agencies. Approval of this agreement will enable Transit Services Special Constables to undertake the scope of the new mandate.

We recommend that the Board approve the continuation of the City of Ottawa Transit Services Special Constable Program for a term of 5 years ending June 30, 2029.