

Report to / Rapport au:

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

4 November 2024 / 4 novembre 2024

Submitted by / Soumis par:

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

Contact Person / Personne ressource:

**Deputy Chief Steve Bell, Chief Administrative Officer / Agent Administratif
Principal**

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**SUBJECT: REAPPOINTMENT OF SPECIAL CONSTABLES – CITY OF OTTAWA
(TRANSIT SERVICES)**

**OBJET: RENOUELEMENT DES AGENTS SPÉCIAUX - VILLE D'OTTAWA
(SERVICES DE TRANSPORT)**

REPORT RECOMMENDATIONS

That the Ottawa Police Service Board approve the reappointment of five (5) City of Ottawa employees listed in Appendix 1 as Special Constables for City of Ottawa, Transit Services pursuant to Section 92 of the Community Safety and Policing Act (CSPA).

RECOMMANDATIONS DU RAPPORT

Que la Commission de service de police d'Ottawa approuve la renouvellement de cinq (5) employés de la Ville d'Ottawa, dont le nom figure à l'annexe 1, à titre d'agents spéciaux pour les Services de transport en commun de la Ville d'Ottawa, conformément à l'article 92 de la Loi sur la sécurité communautaire et le maintien de l'ordre (LCSP).

BACKGROUND

Section 92 of the Community Safety and Policing Act (CSPA) allows the Ottawa Police Service Board (Board) to reappoint City of Ottawa (Transit Services) employees as Special Constables when Special Constable authorities are required to carry out their duties. The five (5) appointees will be employed by City of Ottawa (Transit Services).

The appointments of the five (5) individuals named in Appendix 1 formally occurred on November 25, 2019, for a five year validity period as detailed in the Ottawa Police Service Board report dated November 25, 2019. Under CSPA Ontario (Section 92(12)), a person who held an appointment as a Special Constable under Section 53 of the Police Services Act (PSA) immediately before it was repealed continues their appointment under the CSPA until the expiry of their appointment, is terminated, or until they are reappointed as a Special Constable. Under CSPA Ontario (Regulation 87/24 Section 10(5)) a Special Constable whose appointment is continued under subsection 92(1) of the Act is exempt from the requirement to complete the training mentioned in subsection (1) of this section for such period of time as they remain continuously appointed as a Special Constable. All employees have met the training and appointment requirements as stipulated under the CSPA Ontario (Regulation 87/24 and Section 92).

The reappointments provide these members the authorities they require to carry out their assigned duties as Special Constables for City of Ottawa (Transit Services), to include police officer powers as contained in Section 37 and Section 40 of the Agreement Regarding Special Constables, between the Board, City of Ottawa (Transit Services) and Ottawa Police Service (OPS) dated June 24, 2024. The reappointment does not permit the carriage of a firearm.

These individuals will work as Special Constables for a five-year period, or until the appointees are no longer employed by the City of Ottawa (Transit Services), or until they cease to perform the duties outlined above.

In accordance with CSPA Ontario Regulation 396/23 and agreed upon between City of Ottawa (Transit Services) and the Ottawa Police Service in “Agreement Regarding Special Constables”, City of Ottawa (Transit Services) Special Constables have police powers on or in-relation to properties, facilities, and vehicles under the control of Transit Services for the following legislation:

Cannabis Control Act;

Courts of Justice Act;

Liquor Licence and Control Act, 2019;

Mental Health Act;

Provincial Offences Act;

Safe Streets Act, 1999;

Smoke-Free Ontario Act;

Trespass to Property Act;

Youth Criminal Justice Act (Canada);

Courts of Justice Act;

Criminal Code, R.S.C. 1985, c. C-46, sections 129, 130, 139, 140, 145(1), 145(3), 145(2), 145(5), 145, 173, 175, 180(1), 248, 264.1, 266, 267(a), 270, 334(a)(b), 354(1), 362(2)(b), 354(1), 362(2)(b), 368, 372 (1), 372(3), 380(1)(b), 393(3), 403, 430(4), 430(3), 437, 733.1, 811, 495;

Controlled Drugs and Substances Act, S.C. 1996, c.19, sections 4(3), 4(4), 4(5), 4(6);
and

Child, Youth and Family Services Act, 2017, S.O. 2017, c.14, Sched. 1, as amended, sections 83(4), 136(5), 172(1)(2).

In accordance with CSPA Ontario Regulation 396/23 and agreed upon between City of Ottawa (Transit Services) and the Ottawa Police Service in “Agreement Regarding Special Constables” City of Ottawa (Transit Services) Special Constables are permitted to possess and use the following use of force weapons in relation to their duties:

Oleoresin capsicum spray; and

A baton.

Upon termination of employment, the City of Ottawa (Transit Services) will advise the board of the conclusion of the appointment

DISCUSSION

The appointment application forms have been provided to the Board for the Chair’s signature.

CONSULTATION

Chief Special Constable Peter Scislowski of City of Ottawa (Transit Services) has been consulted with respect to the reappointment of Special Constables for the Transit Services. Ottawa Police Service Legal Services and Labour Relations have been consulted and endorse the recommendation above. Legal Counsel to the City Manager has been consulted and provided interpretation of Regulation 87/24 Section 10(5).

SUPPORTING DOCUMENTATION

Appendix 1: Reappointment of Special Constables: City of Ottawa (Transit Services)

FINANCIAL IMPLICATIONS

There are no financial implications of appointing the five (5) City of Ottawa (Transit Services) listed herein.

CONCLUSION

The provision of Special Constable status is required for City of Ottawa (Transit Services) employees to undertake the full duties and responsibilities assigned to them.

Appendix 1: Reappointment of Special Constables: City of Ottawa (Transit Services) expiring November 25, 2024

Name of Employee –Reappointment:

- 1) Jean Philippe Lacroix Daoust
- 2) Nicholas Lebrun-Ellerton
- 3) Daniel Stephen Gauthier
- 4) Sarah Kennedy
- 5) Eric Pepin