

Report to / Rapport au:

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

27 June 2022 / 27 juin 2022

Submitted by: Chief of Police, Ottawa Police Service

Contact Person / Personne ressource:

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SUBJECT: APPOINTMENT OF SPECIAL CONSTABLES: RCMP

**OBJET: NOMINATION D'AGENT SPÉCIAUX: GENDARMERIE ROYALE DU
CANADA (GRC)**

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board:

- 1. Approve the existing re-appointments of up to 291 RCMP employees, as the need arises through this event, pursuant to Section 53 of the Police Services Act, in accordance with the terms and conditions set forth in the Approval of Appointment Letter(s).**
- 2. Approve the appointment of up to 200 RCMP employees over and above the 291 from item 1 as the need arises through this event, pursuant to Section 53 of the Police Services Act, in accordance with the terms and conditions set forth in the Approval of Appointment Letter(s).**
- 3. Delegate authority to the Chair and Vice-Chair to approve the appointment of special constable status in relation to the Canada Day events occurring between June 27 - July 4, 2022, as well as any agreements between the Board and other supporting police agencies.**

These appointments and re-appointments will be valid until November 30, 2022.

RECOMMANDATIONS DU RAPPORT

Que la Commission de services policiers d'Ottawa:

1. Approuve le renouvellement des mandats existants d'un maximum de 291 employés de la GRC, selon les besoins découlant de cet événement, en vertu de l'article 53 de la *Loi sur les services policiers*, conformément aux modalités énoncées dans la ou les lettres d'approbation des nominations.
2. Approuve la nomination d'un maximum de 200 employés de la GRC, en plus des 291 du point 1, selon les besoins découlant de cet événement, en vertu de l'article 53 de la *Loi sur les services policiers*, conformément aux modalités énoncées dans la ou les lettres d'approbation des nominations.
3. Délègue au président et au vice-président le pouvoir d'approuver la nomination d'agents spéciaux dans le cadre des événements de la fête du Canada qui se dérouleront du 27 juin au 4 juillet 2022, ainsi que toute entente entre la Commission et d'autres corps policiers d'exécution.

Ces nominations et renouvellements de mandat seront valides jusqu'au 30 novembre 2022.

BACKGROUND

The Ottawa Police Service (OPS) is requesting the staffing support from the RCMP to respond to the events surrounding Canada Day, between June 27 to July 4, 2022, and other major events that occur up to and including November 30, 2022:

- Existing special constable appointments be extended. This action would apply to the 291 officers previously sworn-in, in April 2022.
- Approval to appoint up to 200 additional Royal Canadian Mounted Police (RCMP) officers with special constable status, which will provide these RCMP officers with law enforcement capabilities within the City of Ottawa, in cooperation with the OPS.
- All appointments and re-appointments would be valid until November 30, 2022.
- The OPS requests that the Board refrain from posting the names of the RCMP members in accordance with operational security requirements.

In normal circumstances, the OPS seeks approval of the Ministry of the Solicitor General (Ministry) first, but under urgent circumstances, the OPS is seeking the Ministry and the Board's approval concurrently to expedite the swearing-in of the RCMP officers.

Following Board approval, Approval of Appointment Forms will be provided by the Ministry in the coming days and will require the Chair's signature.

In addition, the OPS is seeking the Board's approval to delegate authority to Chair Eli El-Chantiry, and Vice Chair Suzanne Valiquet, to approve any additional special

constable status requests pertaining to the event. This will allow the OPS to respond to emerging resource needs for the duration of the event.

Board Appointment of Special Constables

The Board regularly approves the appointment of special constables for the RCMP, OC Transpo, Carleton University, and internal members of the OPS. These appointments ensure that the respective employees can carry out the full scope of their assigned duties. Generally, applications are made to the Ministry to have individuals appointed as special constables pursuant to Section 53 of the PSA. The Board then appoints these employees as special constables upon approval of the Ministry. In normal circumstances, the appointments are valid for five years. In this instance, we are asking for appointments to expire on November 30, 2022 (in anticipation of additional events and demonstrations).

OPS and RCMP Memorandum of Understanding

The Memorandum of Understanding (MOU) between the OPS and the RCMP was established in 2016 with no expiry date. An RCMP indemnification letter was provided to the Board on January 25, 2016, by Chief Superintendent Bruce Kirkpatrick to address concerns raised by the Board respecting potential liability. The following is an excerpt from this letter:

“In the absence of a formal agreement between the RCMP and the Board, and in an effort to address the aforementioned concerns, I wish to assure you that the RCMP will, at its own cost, indemnify the Board from any claims, demands, actions and judgements instituted or recovered by a third party, arising from any act, conduct or omission of members of the RCMP appointed as special constables under subsection 53(1) of the Police Services Act (PSA) by the Board while carrying out their duties. To this end, the RCMP requires that the Board provide it with notice, in writing to the undersigned or the individual occupying that position without delay, or in exigent circumstances, as soon as reasonably possible of any claims, demands, causes of action or actions arising from any act, conduct or omission of members of the RCMP appointed as special constables under subsection 53(1) of the PSA by the Board while carrying out their duties.”

For the purposes of this agreement, the Board has authority, pursuant to the PSA, to appoint special constables for such purposes and with such powers as it sees fit, subject to the approval of the Ministry.

The Board shall designate the Chief of Police or his/her designate to perform some or all the Board's administrative functions under these agreements. The Chief shall designate one officer as his/her designate with respect to the day-to-day administration of this agreement.

For the administration of this agreement, the Chief Superintendent of the RCMP will be responsible for some or all the administrative functions under each respective agreement. These leaders shall designate an employee for the day-to-day administration requirements.

Roles and Responsibilities

The RCMP and OPS have a Memorandum of Understanding (MOU) that outlines roles, responsibilities, and relationships regarding policing in the City of Ottawa accordingly.

Typical RCMP roles and responsibilities include:

- Safeguarding of designated Protected Persons (PP). Members on mobile patrol have a role in deterring and detecting potential terrorist activities and/or incidents impacting on PP. Members are responsible for having knowledge of all zones and protected locations, of which many are located within the city of Ottawa and are responsible for answering security alarms and proactively gathering information for risk and threat assessment purposes relative to those locations.
- Enforcing moving violations/traffic violations on specific NCC roadways and bridges.
- Deterring and detecting criminal and provincial offences other than highway traffic infractions by using different techniques such as car patrol, bicycle patrol, foot patrol and vehicle checks.
- When observed and on duty, enforce violations of the Highway Traffic Act, Liquor License Act, Mental Health Act, and the Trespass to Property Act in which they have a duty to take action.
- Work with the OPS on all major visits, special events, and demonstrations taking place on federal, provincial, and municipal property. These occurrences generally start on City property and end up on federal property and in the process of policing these events; the RCMP would assist the OPS with enforcement of the above-mentioned Acts.

RCMP officers who are appointed as special constables by the Board as part of this request will perform those duties noted above.

DISCUSSION

Approval has been obtained from the Ministry for the appointment of RCMP officers as special constables pursuant to Section 53 of the PSA.

SUPPORTING DOCUMENTATION

Document 1: Approval of Appointment as Special Constable to follow (*names not to be publicized due to operational security requirements*)

Document 2: Sample Approval of Appointment Form

CONCLUSION

The appointment of special constable status for these RCMP employees and the extension of the existing special constable status from the April event will allow these officers to undertake the full scope of their duties. Delegation of authority to the Board's Chair and Vice Chair will expedite any emerging need for additional RCMP special constable status requests for the duration of the event, starting June 27, 2022. All appointments and re-appointments would be valid until November 30, 2022.