

Report to / Rapport au:

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

26 April 2021 / 26 avril 2021

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, Corporate Support Command / Chef adjoint du soutien
administratif au commandement**

bells@ottawapolice.ca

SUBJECT: APPOINTMENT OF SPECIAL CONSTABLE: RCMP

OBJET: NOMINATION D'AGENTS SPÉCIAUX : GCR

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board approve the appointment of the five (5) RCMP employees, listed in Document 1, as Special Constable pursuant to Section 53 of the Police Services Act, in accordance with the terms and conditions set forth in the attached Approval of Appointment Form.

RECOMMANDATIONS DU RAPPORT

Que la Commission de services policiers d'Ottawa approuve la nomination, en qualité d'agents spéciaux, des cinq (5) employés de la GRC inscrits dans la liste de la pièce 1 conformément à l'article 53 de la Loi sur les services policiers de l'Ontario et en application des clauses et des conditions reproduites dans le Formulaire d'approbation des nominations ci-joint.

BACKGROUND

The Ottawa Police Services Board (Board) approves the appointment of Special Constables for the Royal Canadian Mounted Police (RCMP), OC Transpo, Carleton University and for internal employees of the Ottawa Police Service (OPS) as is prescribed under the Police Services Act (PSA).

In the City of Ottawa, the RCMP Protected Operations member's primary responsibility is the safeguarding of designated protected persons (PP). Members on mobile patrol have a role in deterring and detecting potential terrorist activities and or incidents impacting a PP. The RCMP has sworn members who are responsible for having knowledge of all zones and protected locations, many of which are 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.

The RCMP Protected Operations and the OPS also enforce moving violations/traffic violations on specific National Capital Commission roadways and bridges as per a current Memorandum of Understanding (MOU). The RCMP's sworn members on mobile patrol also play a role in deterring and detecting criminal and provincial offences beyond Highway Traffic Act infractions by using different techniques such as car patrol, bicycle patrol, foot patrol and vehicle checks.

During their regular patrol duties related to the above-mentioned responsibilities, RCMP sworn members travel from one location to another and observe violations to the Highway Traffic Act, Liquor License Act, and the Trespass to Property Act, as well as have engagement in the provision of the Mental Health Act in which they have a duty to take action.

Further, the RCMP Protected Operations members also work with the OPS on all major visits, special events, and demonstrations taking place on federal property. These major events generally take place on a combination of City of Ottawa property and Federal land, resulting in these combined efforts needing the authority that is provided through the Special Constable designation to the RCMP sworn members.

The agreement between the OPS and the RCMP was established as an ongoing partnership that has no fixed date of termination. 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 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 specials constables under subsection 53(1) of the Police Services Act 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 of the Solicitor General.

The Board shall designate the Chief of Police or his/her designate to perform some or all of 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 purpose of the administration of this agreement, the Chief Superintendent of the RCMP is responsible the administrative functions under the respective agreement on behalf of the RCMP. The RCMP shall also designate an employee for the day-to-day administration requirements.

To ensure that RCMP sworn members can carry out their assigned duties, applications are made to the Ministry of the Solicitor General to have them appointed as Special Constable pursuant to Section 53 of the PSA. The Board appoints the RCMP sworn members as Special Constables upon approval by the Ministry. The appointments are valid for five years.

DISCUSSION

Approval has been obtained from the Ministry of the Solicitor General for the appointment of these RCMP employees as Special Constable pursuant to Section 53 of the PSA.

SUPPORTING DOCUMENTATION

Document 1: Name of Employees

Document 2: Approval of Appointment as Special Constable

CONCLUSION

The approval of Special Constable status for these RCMP employees will enable them to take their oath of office and then undertake the full scope of their duties.

DOCUMENT 1

Name of Employees

1. Martine BELANGER
2. Phil EMOND
3. Steve MORRISON
4. Miguel PAUL
5. Alex ROUSSELL