

**Report to / Rapport au:**

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

**30 May 2016 / 30 mai 2016**

**Submitted by / Soumis par:**

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

**Contact Person / Personne ressource:**

**Debra Frazer, Director General / directrice générale**

***frazerd@ottawapolice.ca***

**SUBJECT: APPOINTMENT OF SPECIAL CONSTABLES – RCMP -  
INDEMNIFICATION**

**OBJET: NOMINATION D'AGENTS SPÉCIAUX – GRC – INDEMNISATION**

**REPORT RECOMMENDATIONS**

**That the Ottawa Police Services Board approve the continuation of the RCMP Special Constable initiative on the basis of that organization's agreement to indemnify the Police Services Board in respect of any claims arising out of the actions of RCMP Special Constables.**

**RECOMMANDATIONS DU RAPPORT**

**Que la Commission de services policiers d'Ottawa approuve la continuation de l'initiative relative aux agents spéciaux de la GRC fondée sur l'accord de cet organisme d'indemniser la Commission de services policiers en ce qui concerne les réclamations déposées à la suite d'actions d'agents spéciaux de la GRC.**

**BACKGROUND**

In 2003, the Police Services Board (Board) reviewed a recommendation concerning an ongoing integrated policing initiative that would see members of the Royal Canadian Mounted Police (RCMP) appointed as Special Constables. This appointment would enable the officers to enforce certain Ontario provincial statutes in the City of Ottawa. Their appointments would continue for a period of three years.

The initiative was based on the desire to continually improve the delivery of policing services to the residents of the City of Ottawa by capitalizing on the existing co-operation between the OPS and the RCMP. The opportunity existed to build on the interoperability of the two services and the goodwill gained during special event policing, and to apply these concepts to day-to-day policing functions. The goal of this arrangement is to enhance policing capabilities for both the OPS and the RCMP.

In pursuing this initiative, the OPS had six key objectives:

- Additional back-up resources for OPS members responding to calls;
- Increase in community confidence;
- Enhanced current partnerships in co-operation with the RCMP;
- Reduced confusion regarding mandates and limits of authority;
- Enhanced response without usurping mandates, and
- Elimination of artificial barriers.

The RCMP wanted to attain a number of important objectives with the appointments of their officers:

- Operational experience for patrol officers;
- Experience giving and gathering evidence;
- Increased opportunity for interaction with the public in a policing capacity;
- Enhanced response capability in the federal mandate;
- Streamlined communication, and
- Team building.

To ensure that the above noted RCMP members can carry out their assigned duties, applications are made to the Ministry of Community Safety and Correctional Services to have them appointed as Special Constables pursuant to Section 53 of the *Police Services Act*. The Board appoints the RCMP members as Special Constables upon approval by the Ministry. The appointments are valid for three years, or until the appointees are no longer deployed in Ontario.

## **DISCUSSION**

In late 2015, representatives of the Ministry of Community Safety advised that, due to differences in the frequency of requalification in use of force between Ontario police officers and RCMP members - RCMP officers are required to requalify in the use of

force once every three years whereas the requirement is an annual one for Ontario police officers - the Ministry was not willing to approve the appointment of RCMP officers as Special Constables unless the Police Service Board was prepared to endorse the appointments and accept liability for the actions of RCMP officers appointed as Special Constables.

In light of this requirement, and in order to preserve this important program, representatives of the RCMP have undertaken to indemnify the Police Services Board in the event that any claim is brought against the Board arising out of the actions of an RCMP Special Constable. A copy of the correspondence outlining the RCMP undertaking is attached.

The Board Solicitor has reviewed the RCMP undertaking and is of the view that it adequately protects the Board against the nominal risk of liability associated with the continuation of the Special Constable initiative. In this regard, it may be noted that the Board has not previously been subject to any claims arising out of the appointment of Special Constables for the RCMP, nor for any other outside agency.

The approval of this report enables OPS to process the current outstanding Ministry appointments of Special Constable status. This is required in order for RCMP employees to undertake the full scope of their duties while assigned to the Ottawa area.

#### **SUPPORTING DOCUMENTATION**

Document 1 - Correspondence outlining the RCMP undertaking

#### **CONCLUSION**

The approval of the proposed arrangement between the RCMP and the Police Services Board will permit the continuation of the existing RCMP Special Constable program.

**Document 1**

January 25, 2016

Ottawa Police Service Board

110 Laurier Avenue W

Ottawa, Ontario K1P 1J1

**RE: Applications for appointment of RCMP members as special constables under the *Police Services Act***

Dear Madam/Sir,

It is my understanding that issues have recently surfaced in relation to the appointment of members of the RCMP as special constables under the *Police Services Act* by the Ottawa Police Service Board (the "Board"). More specifically, I gather that a number of applicants for appointment or for renewal of appointment have not been processed in light of the Board's concerns with potential liability for the conduct of RCMP members so appointed.

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 special constables under subsection 53(1) of the *Police Services Act* by the Board while carrying out their duties.

The RCMP greatly values this initiative, in place since early 2000, which builds on the cooperation and interoperability of the Ottawa Police Service and the RCMP as well as the goodwill gained during special event and day-to-day policing functions, thus enhancing policing capabilities and improving the delivery of policing services in the City of Ottawa.

I trust that the foregoing addresses the Board's concerns and suffices to process, at the earliest convenience, the applications currently on hold as well as future applications for appointment or renewal of appointment of members of the RCMP as special constables under the *Police Services Act*. I thank you ahead of time for your attention to this matter.

Should additional information be required, please do not hesitate to contact me.

Best regards,

*original signed by*

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BRUCE KIRKPATRICK, C/Superintendent

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Date

Royal Canadian Mounted Police  
OIC Protective & Criminal Operations, National Division

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