

**Report to / Rapport au:**

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

**31 May 2021 / 31 mai 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, Chief Administrative Officer / Agent administratif  
principal**

***bells@ottawapolice.ca***

**SUBJECT: RE-APPOINTMENT OF SPECIAL CONSTABLE: RCMP**

**OBJET: RECONDUCTION DE LA NOMINATION D'AGENT SPÉCIAL: GCR**

**REPORT RECOMMENDATIONS**

**That the Ottawa Police Services Board approve the re-appointment of RCMP employee, John Graziano, 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 reconduction de la nomination, en qualité d'agent spécial, de l'employé de la GRC John Graziano 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).

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 on PP. Members are responsible for having knowledge of all zones and protected locations, which many are located within the City of Ottawa and are responsible for answering security alarms and pro-actively 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 NCC roadways and bridges as per current MOU (Memorandum of Understanding). Members on mobile patrol also have a role in 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.

During their regular patrol duties related to the above-mentioned responsibilities, members travel from one location to another and observe violations to 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.

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 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.

An agreement 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 specials

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

To ensure that this employee 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 employees 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 re-appointment of this RCMP employees as Special Constable pursuant to Section 53 of the PSA.

## **SUPPORTING DOCUMENTATION**

Document 1: Approval of Appointment as Special Constable

## **CONCLUSION**

The re-appointment of Special Constable status for this RCMP employee will allow them to undertake the full scope of their duties.