

Memorandum of Understanding

Between

The Ottawa Police Services Board

And

City of Ottawa (Transportation Services)

Regarding the Appointment of
OC Transpo Special Constable Unit Officers, as Special Constables

2018-07-31

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THIS AGREEMENT MADE THIS 31st DAY OF JULY 2018.

BETWEEN:

OTTAWA POLICE SERVICES BOARD
(hereinafter referred to as "the Board")

-and-

CITY OF OTTAWA (TRANSPORTATION SERVICES)
(hereinafter referred to as "Transportation Services")

WHEREAS the Board is responsible for the provision of police services and law enforcement in the City of Ottawa pursuant to the provisions of the Police Services Act, R.S.O. 1990, c. P-15, as amended from time to time (hereinafter, "Act");

AND WHEREAS the City of Ottawa is responsible for the provision of public transportation services and facilities pursuant to the City of Ottawa Act, 1999;

AND WHEREAS Transportation Services has established its own Transit Special Constable Unit to perform security functions on or in relation to its public transportation properties and assets within the City of Ottawa;

AND WHEREAS Transportation Services and the Ottawa Police Service continue to develop a partnership whose objectives serve to ensure the safety and security of the citizens of Ottawa, specifically in relation to the public transit system

AND WHEREAS the Board, under the authority provided by the Act, has the power to appoint Special Constables for the purposes and with the powers it deems appropriate, subject to the approval of the Minister of Community Safety and Correctional Services (hereinafter referred to as the "Minister");

AND WHEREAS Transportation Services has applied to the Board to have the members of its Transit Special Constable Unit appointed as Special Constables pursuant to the relevant provisions of the Act;

AND WHEREAS Transportation Services and the Board wish to enter into this Agreement to set out the powers, duties, roles, responsibilities and accountabilities of Transportation

Services in its role as employer of Special Constables and their relationship with the Ottawa Police Service, and ancillary matters;

NOW THEREFORE IN CONSIDERATION OF the mutual covenants set forth below, the parties agree as follows:

Definitions

1. Within this Memorandum of Understanding the following definitions will apply;
 - a. "Act" shall refer to the Police Services Act of Ontario, as amended from time to time.
 - b. "Board" shall refer to the Ottawa Police Services Board
 - c. "City" shall refer to the City of Ottawa
 - d. "Chief" within this agreement refers to the Chief of Police, Ottawa Police Service, or his/her designate, as the context requires;
 - e. "General Manager" refers to the General Manager, City of Ottawa Transportation Services, or his/her designate, as the context requires;
 - f. "Ministry" means the Ministry of Community Safety and Correctional Services
 - g. "OC Transpo" refers to the corporate brand of the City of Ottawa Transportation Services and any reference to this term within this agreement shall be deemed to apply equally to City of Ottawa Transportation Services.
 - h. "Transportation Services" within this agreement refers to City of Ottawa Transportation Services Department.

Term, Amendments, and Designates

2. This Agreement will commence on the date of execution above, for a period of sixty (60) months.
3. For the purpose of the administration of this Agreement, the Chief will be responsible for some or all of the Board's administrative functions under this Agreement.
4. For the purposes of the administration of this Agreement, the General Manager will be responsible for some or all of the City's administrative functions under this Agreement.
5. Subject to paragraph 3 of this Agreement, the Chief shall designate one officer as his/her designate, with respect to the day-to-day administration of this Agreement, and will advise the General Manager of the appointment.

6. Subject to paragraph 4 of this Agreement, the General Manager shall designate a Special Constable employee of Transportation Services as his or her designate with respect to the day-to-day administration of this Agreement, and will advise the Chief of the appointment.
7. The parties to this Agreement agree that any Transportation Services Special Constable new hires put forward for appointment during the term of the Agreement, will have their appointments aligned to expire with the term of this Agreement. At the expiry of the Agreement, an all-inclusive process of program review and candidate consideration for renewal will take place and Transportation Services will put forward a recommendation to the Chief for consideration of renewal by the Board.
8. This Agreement may be terminated by either party providing the other party with written notice of intention to terminate the Agreement, ninety (90) days prior to the date of termination. Upon termination initiated by the operation of this section, the Chief will notify the Ministry of Community Safety and Correctional Services, and, subject to the requirements of the Act, the Special Constable status for all OC Transpo Special Constables will be suspended.

Appointment of Special Constables

9. Prior to putting forward a candidate for appointment as a Special Constable, Transportation Services shall ensure that all candidates for appointment meet all of its own internal selection process requirements for employment.
10. With the approval of the Ministry, the Board, in its discretion, may appoint as Special Constables under the Act, persons who meet the qualifications set by Transportation Services and as set out in this Agreement.

Identification of Special Constables

11. Upon their appointment by the Board, the named Transportation Services Transit Special Constable Unit Officers shall be identified as OC Transpo Special Constables.
12. OC Transpo Special Constables are prohibited from identifying themselves as Police or as employees or members of the Ottawa Police Service.
13. The General Manager shall ensure that OC Transpo Special Constables refrain from using or displaying any identification issued by the Ottawa Police Service, or using any property of the Board, without the express consent of the Chief.
14. Nothing in this Agreement shall be construed to deem Transportation Services employees to be employees of the Board or members of the Ottawa Police Service.

Qualifications for Appointment

15. Transportation Services will recruit and select applicants in accordance with its recruitment policies, and any other criteria identified by the Chief or Board.
16. Prior to being put forward as a candidate for appointment as a Special Constable, Transportation Services shall ensure that the candidate meets the requirements set out in Appendix A. Existing employees of the Transportation Services Transit Special Constable Unit who have been previously appointed as special constables as of the date of execution of this Agreement shall be deemed to have complied with Steps 1,2,4,5,6,7 of Appendix A.
17. Transportation Services shall, at its own expense, conduct such background investigations and tests for each applicant as the Chief requires to determine the suitability of the applicant to be an OC Transpo Special Constable.
18. Transportation Services shall not put forward to the Chief an applicant for appointment as a Special Constable if the results of the background investigations for that applicant are unsatisfactory to Transportation Services, or if that applicant has failed to meet any other Transportation Services requirement.
19. Transportation Services shall not put forward for appointment an applicant as a Special Constable if the results of the tests, or the background investigations identified at Appendix A, for that applicant, are unsatisfactory to the Chief, in his/her sole and unfettered discretion.
20. The General Manager and the Chief must both be satisfied with the good character, reputation, and suitability of each applicant.
21. At the expiry of each term of Special Constable designation, every candidate for renewal will be subjected to, and be required to meet, the required standards for the background investigation procedures set out in Steps 4,5,6 and 7 of Appendix A. The steps referred to may change from time to time in accordance with changes in legislation or Board or Transportation Services policy.

Application and Appointment Procedure

22. Transportation Services shall forward to the Chief in respect of each applicant all documents in support of the application, including:
 - a. The results of the background investigations and tests referred to above and in Appendix A;
 - b. Completed waivers and consent forms signed by the applicant to authorize any further background investigations; and
 - c. Written confirmation of the applicant's successful completion of the training curriculum that forms part of this agreement (Appendix D)

23. The Chief may request such further or other information as s/he may reasonably require in respect of an applicant and Transportation Services shall use its best efforts to provide such information.
24. Transportation Services undertakes that all information provided to the Chief regarding an applicant shall be true, accurate, and reliable to the best of Transportation Services' knowledge. During the selection process, Transportation Services shall require each candidate to attest to the truthfulness and accuracy of the information provided.
25. If any material or intentional misrepresentation or omission is discovered by the Chief to have been made in connection with any applicant, including the answers supplied to the background inquiries and tests referred to above, whether or not Transportation Services was aware of the misrepresentation or omission at the time of making the request for appointment or providing the information to the Chief, the Board may immediately terminate the appointment of that Special Constable, as provided by the Act.
26. All expenses associated with the application and appointment process shall be borne by Transportation Services.

Notice of Termination Of Employment

27. The General Manager shall immediately notify the Chief when a Special Constable ceases to occupy the position for which the Special Constable designation was sought or the Special Constable ceases to be in the active employ of Transportation Services, in order that the appointment may be terminated pursuant to the Act.
28. In accordance with the requirements of the Act, in circumstances in which the Board or the Solicitor General deem it appropriate, either may suspend or terminate the appointment of a Special Constable.

Training

29. Transportation Services is, and shall remain, responsible for the training of applicants as OC Transpo Special Constables in accordance with the training standards established by the Chief, as described in Appendix D, as modified, from time to time with the approval of the Chief. (hereinafter, "training standards").
30. Every applicant shall be trained and every OC Transpo Special Constable shall remain trained, qualified and current in all components of use of force, powers, duties, and responsibilities in accordance with established training standards.
31. The Chief or Designate shall inform the General Manager of changes and updates to the training standards, and Transportation Services shall forthwith provide such

modified or additional training for its applicants and current OC Transpo Special Constables.

32. All costs and expenses associated with the initial training of applicants and any additional or maintenance training of OC Transpo Special Constables shall be the responsibility of Transportation Services.
33. The Chief, in his/her sole and unfettered discretion, may partially or wholly exempt an applicant for OC Transpo Special Constable status from some or all of the prescribed training, upon the presentation of documentation satisfactory to the Chief that the applicant for OC Transpo Special Constable status has already completed equivalent training.

Powers, Duties, and Responsibilities

34. Subject to the limitations set out in this Agreement and the Act and for the purpose of carrying out Special Constable duties under this Agreement, OC Transpo Special Constables shall have the powers of a Police Officer to enforce the following:
 - a. Criminal Code of Canada, R.S.C. 1985, c. C-46, as amended:

Resist or Obstruct Peace Officer	Section 129
Personating a Peace Officer	Section 130
Obstructing Justice	Section 139
Public Mischief	Section 140
Escape Lawful Custody	Section 145(1)(a)
Breach of Judicial Undertaking or Recognizance	Section 145(2) and (3)
Fail to Attend Court	Section 145(5)
Fail to Appear for Fingerprints	Section 145(5)
Fail to Comply OIC Undertaking	Section 145(5.1)
Indecent Act	Section 173
Cause Disturbance	Section 175
Offensive Volatile Substance	Section 178
Interfering with transportation facilities	Section 248
Uttering Threats	Section 264.1
Assault	Section 266
Assaulting a Peace Officer	Section 270
Theft Under \$5,000	Section 334(b)
Possession of Property Obtained by Crime	Section 354(1)
False Pretences Under \$5,000	Section 362(2)(b)
Uttering a Forged Document	Section 368
False Information	Section 372(1)

Harassing Communications	Section 372(3)
Fraud Under \$5,000	Section 380(1)(b)
Fraud in Relation to Fares	Section 393(3)
Personation	Section 403
Mischief Under \$5,000	Section 430(4)
Fail to Comply with Probation Order	Section 733.1

Nothing in this agreement or section shall serve to limit the Peace Officer authorities of Special Constables, at common law or under Section 495 of the Criminal Code of Canada.

- b. Controlled Drugs and Substances Act, as amended; S.C. 1996, c.19, Section 4(3), 4(4), 4(5) and 4(6).
- c. Liquor License Act, R.S.O. 1990, c. L-19, as amended, Sections 31,32,47 and 48.
- d. Mental Health Act, R.S.O. 1990, c. M.7, Section 16, 17 and 28 as amended.
- e. Safe Streets Act, R.S.O. 1999, C-8, as amended, Section 6.
- f. Trespass to Property Act, R.S.O. 1990, c. T-21, as amended, Sections 9(1), 9(3), 10.

35. In the event of a call to Transportation Services for police assistance by any person, or in the event of the discovery by, or reporting to, OC Transpo Special Constables of an occurrence requiring a police investigation and/or action at a location within Transportation Services' geographical jurisdiction, OC Transpo Special Constables shall respond in the manner set out below and further described in Appendix "C" to this Agreement:

- a. If one or more members of the Ottawa Police Service has responded to the call for service and OC Transpo Special Constable(s) also attend, the attending OC Transpo Special Constable(s) shall inform the highest-ranking attending Ottawa Police Service member of the circumstances and shall follow his or her instructions regarding further investigation or action; or
- b. If no member of the Ottawa Police Service attends in response to the call,
 - i. If the occurrence falls under the powers, responsibilities, and duties of the OC Transpo Special Constable, as defined in section 34 of this agreement, the attending OC Transpo Special Constable shall proceed with the investigation of the occurrence in accordance with Transportation Services rules, policies, standards, and procedures referred to in paragraphs 36, 42, and 44 of this Agreement, and in accordance with their duties and obligations as set out in this Agreement. The matter will also be reported in accordance with the provisions of section 59 of this agreement.

- ii. If the occurrence falls under Appendix C of this agreement where Ottawa Police have been called and are unable to attend, then the OC Transpo Special Constable shall contact the Divisional FLD Staff Sergeant and notify his or her of the circumstances, and shall follow his or her instructions, or those of his or her designate, regarding further investigation or action; or
 - iii. If the OC Transpo Special Constable(s) upon arrival takes no further action, note and report the call in accordance with the provisions of paragraph 59 of this Agreement;
- 36. In carrying out their duties under this Agreement, OC Transpo Special Constables shall follow the enforcement procedures agreed to from time to time by the General Manager and the Chief.

Limitations

- 37. OC Transpo Special Constables are specifically prohibited from:
 - a. Carrying firearms;
 - b. Initiating or taking part in any way whatsoever in vehicle apprehension pursuits; and
 - c. Using or carrying any police equipment not authorized under paragraph 39 of this Agreement.
- 38. The geographic jurisdiction of OC Transpo Special Constables is restricted to:
 - a. The properties and vehicles under the control of Transportation Services.
 - b. All facilities and leased or rented properties associated or affiliated with Transportation Services;
 - c. The City;
 - i. If an incident occurs on or in relation to Transportation Services assets referred to in subparagraphs (a) or (b) and the Special Constables are transporting persons in custody as permitted in Section 53
 - ii. For the purposes of the transportation of seized property to an Ottawa Police Service facility, the possession of which would otherwise constitute a criminal offence.
 - iii. For the purposes of the transportation of seized drugs or narcotics to an approved Ottawa Police Service Drug Evidence Safe located within Transportation Services.

- iv. For the purposes of the possession of equipment identified in Paragraph 39 which, but for the Special Constable designation, would constitute a criminal offence.

Equipment

- 39. The term "Equipment" as used in this Agreement, means the police equipment used by OC Transpo Special Constables in the performance of their duties. The police equipment approved for use by OC Transpo Special Constables, is set out in Appendix B to this Agreement.
- 40. All Equipment will be issued to OC Transpo Special Constables by, and shall be paid for by Transportation Services after consultation with the Chief. All Special Constable equipment shall comply with all of the conditions, legislation or regulations imposed by the Ministry of Community Safety and Correctional Services.
- 41. No substantial change or modification in any equipment will be made, or additional equipment issued to OC Transpo Special Constables, by Transportation Services without the approval of the Chief.

Policies and Standards

- 42. All policing rules, policies, standards, and procedures applicable to the duties and responsibilities of OC Transpo Special Constables, including any directives or policies governing any Special Constables appointed by the Board, in effect as of the date of the execution of this Agreement, shall be forwarded to Transportation Services on or before the date of execution of this Agreement.
- 43. Transportation Services shall be advised of any changes in rules, policies, standards, or procedures referred to in paragraph 42 of this Agreement. The Chief shall forward copies of any such changed rules, policies, standards or procedures to the General Manager upon their adoption.
- 44. Transportation Services' enforcement policies, rules and standard operating procedures relating to OC Transpo Special Constables will be provided to the Chief prior to the date of the execution of this Agreement.
- 45. The procedure for reporting incidents to the Ottawa Police Service is attached as Appendix "C" to this Agreement.
- 46. Transportation Services shall consult with the Chief prior to changing its;
 - a. enforcement policies or enforcement rules;
 - b. standard operating procedures; or,

- c. reporting protocols;
- and shall forward copies of any such change to the Chief upon their adoption by Transportation Services.
- 47. The Parties agree to seek out means of building a linked, mutually beneficial activity analysis capacity, in order to effectively address issues related to community or employee safety, on or in relation to Transportation Services properties or assets.
 - 48. The General Manager shall ensure that the Special Constables strictly maintain the confidential nature of the information referred to in this Agreement and, in addition, comply with all Transportation Services and City of Ottawa privacy policies in this regard. Any breach of this provision may constitute misconduct and be subject to investigation pursuant to the provisions set out below.
 - 49. As a condition of designation as a Special Constable, each applicant must swear or affirm an oath of office and an oath of secrecy in accordance with Ontario Regulation 499/95 made in accordance with the Act, or its successors. Any Transportation Services employee not designated as a Special Constable but who may come into possession of information provided by the Ottawa Police Service and other law enforcement agencies, will be required to swear an appropriate oath of secrecy.
 - 50. Transportation Services will put physical security measures in place to ensure that information provided by the Ottawa Police Service, Ontario Police Technology Information Co-operative, and the RCMP, as a function of this Agreement, is restricted from access by unauthorized personnel.
 - 51. The Board and Transportation Services recognize the importance of and need for timely and appropriate exchanges of information and each party agrees to inform the other of material matters relevant to this Agreement as soon as practicable and in accordance with applicable statutes and regulations, including the Youth Criminal Justice Act and the Municipal Freedom of Information and Protection of Privacy Act .
 - 52. All information received by Transportation Services from the Ottawa Police Service, will be held in the strictest of confidence and shall not be disclosed without the express consent of the Chief. The Ottawa Police Service shall, at all times, retain the higher interest in its documents and does not waive notice in the event of a request for information held by OC Transpo.

Transportation of Persons To Be Detained

- 53. Persons arrested by OC Transpo Special Constables and whose continued detention is supported by legislation, shall be turned over to the custody of an Ottawa Police Service officer, for evaluation of the need to continue detention. If detention is continued, the Ottawa Police Service officer will transport the person and assume responsibility for the completion of the investigation. The only exceptions to this provision are;

- a. In emergent situations in which Ottawa Police Service officers are unable to respond to a request from OC Transpo Special Constables, the arresting OC Transpo Special Constable will telephone the Ottawa Police Service Divisional FLD Staff Sergeant and seek direction. The Divisional FLD Staff Sergeant, upon satisfying him or herself of the necessity to continue detention and that Ottawa Police Service officers will not be available in a timely fashion, may direct the OC Transpo Special Constable to transport the person in custody directly to the Ottawa Police Service temporary custody facility at 474 Elgin Street.
- b. When transportation is so authorized, the prisoner will be thoroughly searched, handcuffed to the rear, and transported in a vehicle configured with a divider screen between the prisoner and driver areas.
- c. For the purposes of dealing with intoxicated persons as defined by the Liquor Licence Act, Subsection 31(4), an OC Transpo Special Constable may, after determining that an appropriate facility will accept the person, transport the person to an approved detoxification center or to a medical facility.
- d. For the purposes of dealing with persons that fall under OC Transpo Special Constable authorities listed in Section 34 where continued arrest is deemed necessary for court purposes, or to release on conditions, OC Transpo Special Constables will telephone the Ottawa Police Service Divisional FLD Staff Sergeant and request transport to the Ottawa Police Service temporary custody facility at 474 Elgin Street.
- e. The Chief will make best efforts to provide OC Transpo Special Constables with access to facilities and services not otherwise available to OC Transpo Special Constables in order to process a person in custody.

Property

54. Property seized as evidence by OC Transpo Special Constables from a person in custody shall be turned over to the Ottawa Police Service immediately if the Ottawa Police Service is holding the person in custody or if the Ottawa Police Service is assuming responsibility for the investigation of the offence.
55. Property seized as evidence by OC Transpo Special Constables from persons in custody in circumstances where the investigation of a criminal offence has not been assumed by the Ottawa Police Service, as provided for in Appendix C, shall be marked in accordance with established standards, having regard for evidence continuity standards established by the courts and shall be delivered in a timely fashion to the Ottawa Police Service Property and Evidence Warehouse.
56. Property seized as evidence by OC Transpo Special Constables from persons subject to prosecution under the Liquor License Act will be sealed in accordance with Ottawa Police Service policies, having regard for evidence continuity standards established by

the courts and shall be delivered to the Ottawa Police Service Property and Evidence Warehouse in a timely fashion.

Reporting Requirements

57. Transportation Services will establish standards for the recording of the exercise of any authority accorded OC Transpo Special Constables by the operation of this agreement.
58. In accordance with the standards for Use of Force established for police officers of the Ottawa Police Service, Transportation Services shall require that OC Transpo Special Constables complete a Use of Force report on every occasion that Use of Force options beyond physical control and handcuffing are exercised and that report will be submitted to the Ottawa Police Service for review by the Ottawa Police Service Professional Development Centre.
59. Transportation Services shall ensure that all incidents of a criminal nature, if not responded to by Ottawa Police Service personnel, are made the subject of a report which will be submitted, in a timely manner, to the Ottawa Police Service in a format compatible with the Ottawa Police Records Management System.
60. The General Manager will provide the Chief with a written summary of incidents of interest, incidents involving the exercise of authority provided to OC Transpo Special Constables pursuant to this Agreement, and incidents involving Use of Force by OC Transpo Special Constables, on a quarterly basis
61. The General Manager shall provide to the Chief an annual report with statistical information including, but not limited to: information regarding enforcement activities; training; supervision; complaints; use of force; and, other issues of concern and such further categories of information as may be required by the Chief from time to time.
62. At any time, the Chief may require the General Manager to report on any aspect of this Agreement, including its operation and administration, within the time specified in such request.

Accountability

63. Transportation Services is accountable for all actions taken in relation to the exercise of the Special Constable powers granted by this Agreement.
64. The General Manager shall ensure compliance by OC Transpo Special Constables with the Act, the applicable Regulations hereunder, including those with respect to the Use of Force as well as compliance with Transportation Services internal policies and procedures and all Ottawa Police Service rules, policies, standards, and procedures applicable to the duties and responsibilities of OC Transpo Special Constables.

65. OC Transpo Special Constables shall comply with those provisions of the Act, the Regulations hereunder, including those with respect to the Use of Force. OC Transpo Special Constables shall further comply with all Transportation Services internal policies and procedures and all Ottawa Police Service rules, policies, standards, and procedures applicable to the duties and responsibilities of OC Transpo Special Constables. This includes any directives or policies of the Ottawa Police Service for any Special Constables appointed by the Board.

Investigation of Complaints

[NOTE: These provisions will continue to apply unless superseded by the provisions of the Safer Ontario Act, 2018]

66. Transportation Services shall inform the Ottawa Police Service forthwith of any allegation of a criminal nature made against an OC Transpo Special Constable in the course of his/her duties. Subject to the Act, the Ottawa Police Service will have sole authority for the investigation of any such allegation.
67. Transportation Services shall establish a complaints investigation procedure, Appendix-F, corresponding to the complaint procedures used by Ottawa Police Service, for the investigation of complaints about the conduct of OC Transpo Special Constables. The Transportation Services Manager, Special Constable Unit and Chief Special Constable, as per the complaints investigation procedure, will receive the written complaints.
68. Subject to paragraph 71 of this Agreement, all complaints concerning the conduct of one or more OC Transpo Special Constables shall be investigated by Transportation Services in accordance with its complaints investigation procedure.
69. Transportation Services shall provide the Chief or Designate with the results of its complaints investigations:
- a. Forthwith, if Transportation Services finds misconduct, including a breach of any provision of this Agreement, on the part of OC Transpo Special Constables, which requires the Board to act in accordance with Section 73 of this Agreement; or
 - b. Quarterly, if Transportation Services finds no misconduct on the part of OC Transpo Special Constables, together with copies of all investigative documentation, for the review of the Chief.
70. At any time, whether before, during or after the completion of Transportation Services' investigation or the making of any findings by them, the Chief, in his/her sole discretion, may request that the Ottawa Police Service undertake an investigation of any complaint regarding the conduct of an OC Transpo Special Constable.
71. In addition to any findings of misconduct following a complaints investigation, Transportation Services shall forward immediately to the Chief any information

Transportation Services receives or has in its possession concerning misconduct or alleged misconduct. This includes a breach of any provision of this Agreement by an OC Transpo Special Constable, whether allegedly committed before or after the date of his or her appointment as a Special Constable, occurring up to one year prior to the date of execution of this Agreement and from the date of execution of this Agreement forward, which has not resulted in a complaints investigation by Transportation Services in accordance with Section 69 of this Agreement.

72. Upon being provided with a finding of misconduct, or with information of misconduct pursuant to paragraph 69 of this Agreement, by an OC Transpo Special Constable, the Board may immediately suspend or terminate that OC Transpo Special Constable's appointment subject to the requirements of the Act.

Supervision

73. In accordance with Ministry of Community Safety and Correctional Services standards, Transportation Services shall have the following:

- a. Written policies with respect to the duties, authorities and responsibilities of OC Transpo Special Constables.
- b. A written code of conduct that provides benchmarks for disciplinary investigations. This code of conduct should, wherever feasible, be consistent with the Code of Conduct Regulation for police officers.
- c. A mechanism and written procedures for supervising and evaluating the exercise of the OC Transpo Special Constables' powers.
- d. A disciplinary procedure regarding all matters related to the exercise of the OC Transpo Special Constables' authority, whether these matters arise as a result of external complaints or from the internal supervision of the OC Transpo Special Constables.

74. This Agreement and everything herein contained shall operate to the benefit of and be binding upon the respective successors or legal representatives as the case may be of each of the parties hereto, and every reference herein to any party hereto shall include the successors and other legal representative of such party.

75. The provisions in sections 77 - 79 shall survive termination and or expiry of the Agreement.

Notices

76. Notices to the parties shall be sent to the following addresses:

Chief of Police

Ottawa Police Service:

474 Elgin Street

Ottawa, ON K1G 6H5

Telephone: (613) 236-1222

Fax: (613) 236-9360

General Manager of Transportation Services

OC Transpo

1500 St. Laurent Blvd. Ottawa, ON K1G OZ8

Telephone: (613) 842-3636

Fax: (613) 741-7359

The parties may designate in writing to each other a change of address at any time.

Representatives

77. Transportation Services' representative for responding to requests is the General Manager. The Board Representative for responding to requests is the Chief.
78. Each party may designate a different representative by written notice to the other party.

References

79. Any reference in this Agreement to all or any part of any statute, regulation or rule shall, unless otherwise stated, be a reference to that statute, regulation or rule or the relevant part thereof, as amended, substituted, replaced or re-enacted from time to time.

IN WITNESS WHEREOF the parties have executed this Agreement on the date set out on the cover page.

SIGNED, SEALED AND DELIVERED

OTTAWA POLICE SERVICES BOARD Per:

Eli El-Chantiry
Chair

CITY OF OTTAWA TRANSPORTATION SERVICES
Per:

John Manconi
General Manager of Transportation Services
OC Transpo

Approved for Execution

Per City Solicitor

APPENDIX A

Selection Criteria and process for OC Transpo Special Constables

The following criteria are those, which the Ottawa Police Services considers as sufficient for consideration for appointment to the position of Special Constable. Nothing in this Appendix precludes Transportation Services from adopting additional requirements, at its discretion.

Step 1 - Applicants must provide:

1. Proof of a valid Special Constable Applicant Testing Service (ATS) Certificate; and
2. Proof of a valid Standard First Aid Certificate and valid CPR - Level C Certificate and
3. Proof of successful completion of a recognized Community College Police Foundations or Law and Security Certificate.

Step 2 - Basic Criteria for applicants:

1. Canadian Citizen or permanent resident of Canada;
2. Lawfully eligible to work in Canada;
3. At least 18 years of age;
4. Be physically and mentally able to perform the duties of the position, having regard to the applicant's own safety and the safety of members of the public;
5. Be of good moral character and habits, meaning that OC Transpo is satisfied that the applicant is an individual other people would look upon as being trustworthy and having integrity;
6. Valid Ontario motor vehicle driver's license - class G, or equivalent from another Province;
7. Have not been convicted of a criminal offence or been convicted of an offence for which a pardon has been granted;(NOTE: If applicants have "Findings of Guilt", which have resulted in absolute or conditional discharges the records must be 'sealed by the RCMP)

Step 3 - Interview (to be administered by Transportation Services)

Note: Upon successful completion of an interview, candidates will complete an Ottawa Police Service approved Preliminary Background Questionnaire (PBQ). Completion of Release Forms is necessary upon completion of the interview so that they may be forwarded to OPS.

Step 4 - Fingerprints

Applicants shall be fingerprinted and such fingerprints will be submitted to the RCMP for comparison against databases of persons convicted of criminal offences. Ottawa Police

Service will retain those fingerprints for the purpose of the administration of the City of Ottawa Transportation Services OC Transpo Special Constable program only.

Step 5- Background Investigation

1. All background investigations of applicants shall include the following checks:
2. Outstanding Charges;
3. Criminal Convictions;
4. Pardon - Sex Offences;
5. Ottawa Police Service in-house records;
6. Other Policing jurisdiction in-house records where appropriate;
7. Law Enforcement Intelligence Indices; and
8. NCIC.

Step 6 - Drivers License History

This requirement shall be completed by Transportation Services and any cost associated shall be borne Transportation Services. Transportation Services may impose a maximum allowable standard of accumulated demerit points.

Step 7 - Credit Check

This requirement shall be completed by Transportation Services and any cost associated shall be borne Transportation Services. Transportation Services will establish standards relative to financial status, that it may consider as having a potential to compromise the ability of a candidate to carry out the responsibilities of an OC Transpo Special Constable.

Step 8 - Background Reference Check

This step is administered by Transportation Services and involves work and character reference verification.

Step 9 -Written MMPI

The requirement shall be completed by Transportation Services and any cost associated shall be borne by Transportation Services.

Step 10 - Interview with Psychologist

This requirement shall be completed by Transportation Services and any cost associated shall be borne Transportation Services.

Step 11 - Offer of Employment

Step 12 - Recommendation to the Chief of Police or Designate for Special Constable Status

Step 13- Chief of Police Recommendation of candidate to the Ottawa Police Services Board.

Step 14- Submission of candidate name to the Ministry of Community Safety and Correctional Services for Ministerial approval.

APPENDIX B

Equipment Overview

Equipment Issued To Or In Use By Oc Transpo Special Constables

GENERAL

All OC Transpo Special Constables will be issued with the following personal equipment after completion of related training where required;

- 1 wallet badge, appropriate wallet and OC Transpo Special Constable photo identification card.
- Soft body armour with appropriate carriers.
- 1 set of standard handcuffs with appropriate carrying case.
- 1 expandable baton with appropriate carrying case.
- 1 canister of Oleoresin Capsicum gel and appropriate carrying case.
- 1 approved memo book and cover.
- 1 Transportation Services Special Constables Policy and Procedures Manual.
- 1 spit hood
- 1 temporary restraint device (TRD)
- 1 window hole punch

VEHICLES

Due to the broad range of duties and functions of the Transportation Services Transit Special Constable Unit and the OC Transpo Special Constable Program it is necessary that both marked and unmarked vehicles be used and maintained within the fleet.

Those vehicles that are marked will have standard emergency lighting that is permitted to have the capacity to display red/blue to front. In accordance with By-Law 2007-268 enacted by the Regional Municipality of Ottawa- Carleton, Section 27, Subsection(1), OC Transpo Transit Safety and Enforcement vehicles will be permitted to activate red/blue to front emergency lighting for purposes related to the execution of their authorities provided in Paragraph 34 of this agreement and within the geographic limitations defined in Paragraph subsections 38 (a) and (b). Marking and decaling shall be of a high visibility style, clearly distinguishable from police vehicle markings.

Unmarked patrol vehicles, although not decaled, will have a low profile emergency lighting package sufficient to provide a high level of traffic safety and visibility when activated.

GENERAL

The following is a list of equipment that is required as standard in all patrol vehicles:

- Electrical/Lighting console;
- Emergency lighting controls;
- Two way radio;
- P.A. system controls and horn;
- Security/Prisoner cage;
- Spot light;
- First aid equipment;
- Biohazard equipment;
- Fire extinguisher;
- Emergency road/traffic safety equipment (flares etc.);
- Personal safety equipment (reflective vests etc.).
- Mobile Display Terminal

Drugs Evidence Safe

The Ottawa Police Service will provide and maintain a drug evidence safe within the OC Transpo Special Constables property and evidence room.

APPENDIX C

Procedure for Reporting Incidents to the Ottawa Police Service and Guidelines for OC Transpo Special Constables

GENERAL

The Ottawa Police Service, as provided for in the Police Services Act, has primary responsibility for responding to calls for service on Transportation Services assets and properties and nothing in this Agreement shall be interpreted so as to restrict the authority of the Ottawa Police Service to address that responsibility.

For the purposes of clarity and in order to establish a reporting protocol that will serve to enhance the level of service provided to the residents of the City of Ottawa, the following guidelines have been established.

OC Transpo Special Constables have existing call response protocols to which they will continue to adhere and nothing in this agreement shall be construed to restrict their exercise of discretion in requesting the assistance of the Ottawa Police Service where that assistance is deemed to be necessary. OC Transpo Special Constables must consider public safety and their own personal safety as paramount in response to any incident.

In general terms, while OC Transpo Special Constables may be first responders to an incident, the Ottawa Police Service will have absolute responsibility for the investigation of all incidents of sudden death, actual or threatened violence involving partner assaults, sexual assaults, incidents involving weapons of any kind, any hate crime and any incident in which injury to a victim has occurred or has been threatened.

The following guidelines are in addition to OC Transpo Special Constable's requirement to report to and consult with the OPS Officer in attendance at the scene of an incident involving a hybrid offence, an indictable offence or any investigation, as found in Section 35 of this Agreement.

Where no OPS Officer attends in such situations, the Divisional FLD Staff Sergeant at 474 Elgin Street must be consulted as soon as is practicable, at 613-236-1222 (West ext. 2912, Central ext. 5212, and East ext. 3212)

OTTAWA POLICE SERVICE TO BE CALLED

1. The Ottawa Police Service SHALL BE CALLED to and shall investigate occurrences within OC Transpo assets and properties in the following situations;

- a. Where stolen property exceeds a monetary value of \$5,000
- b. Not to conduct any form of forensic work or photograph any evidence, individuals, or scenes relating to an incident to which the Ottawa Police Service have been called, unless otherwise requested or directed by the Scenes of Crime Operator at the Ottawa Police's Identification Services Unit.
- c. In all cases of break and enter
- d. In all cases of Robbery
- e. In all cases involving partner assault
- f. In all cases where, narcotics, drugs, weapons (used in the commission of an offence), explosives, hazardous or radioactive materials are involved, OC Transpo Special Constables shall:
 - i. Narcotics/Drugs
 - 1. If a trafficking offence then immediately turn suspected narcotics/drugs over to Ottawa Police Service members and assist in their investigation if requested.
 - 2. If an offence falling under the duties, authorities and responsibilities of the OC Transpo Special Constables as listed in section 34, the suspected drugs will be immediately placed in an Ottawa Police Service approved drug evidence safe and marked for either destruction or analysis. Ottawa Police will notify the investigating OC Transpo Special Constable of the analysis results for court purposes.
 - ii. Weapons (reported)
 - 1. advise the Ottawa Police Service of the reported weapon
 - 2. assist Ottawa Police Service officers as directed.
 - iii. Weapons (observed)
 - 1. advise the Ottawa Police Service of the observed weapon
 - 2. not attempt to disarm anyone with a weapon
 - iv. Weapons (found or seized)
 - 1. turn over all found or seized restricted or prohibited weapons to the Ottawa Police Service immediately.

Staff not trained in firearm safety will not handle firearms.

- v. Explosives
 - 1. advise the Ottawa Police Service of the circumstances
 - 2. assist the Ottawa Police Service in their investigation

- vi. Hazardous and Radioactive material
 - 1. advise the Ottawa Police Service of the circumstances
 - 2. adhere to Ottawa Police Service policies.
- g. All criminal offences where personal injury is involved
- h. Attempted suicides or any manner of death investigation.
- i. Where morality and sexual offences are concerned.
- j. Motor vehicle collisions in accordance with the Highway Traffic Act where damage is over \$2000..
- k. Counterfeit Currency seized, in relation to duties where no suspect is present, shall be seized and stored in a manner consistent with the maintenance of evidence continuity and delivered to the Ottawa Police Service Property and Evidence storage facility, in a timely manner.

In all instances OC Transpo Special Constables will where appropriate, render assistance to victims, maintain the integrity of crime scenes, identify witnesses, have consideration for their personal safety, take precautions to ensure the safety of the members of the public and provide assistance to members of the Ottawa Police Service responding to the incident.

2. In all circumstances in which OC Transpo Special Constables assist Ottawa Police Service personnel in the conduct of an investigation, the Special Constables will in addition to any Transportation Services internal reporting requirements and in addition to the completion of detailed notes regarding the incident, complete a detailed occurrence report for submission to the assigned Ottawa Police investigator.
3. In all situations not covered by Paragraph 1 above, but nonetheless involving a criminal offence and further investigation is required by the Ottawa Police Service, OC Transpo Special Constables will, in addition to any Transportation Services internal reporting requirements, complete a General Occurrence Report for submission to the Ottawa Police Service in a format compatible with the Ottawa Police Service Records Management System.
4. For greater certainty and in order to avoid duplication of work assignments, OC Transpo Special Constables, other than for the purposes of reporting incidents in accordance with the provisions enunciated above, will not engage in self initiated or follow-up criminal investigations without the express agreement of the Chief's designate. Where follow up Special Constable activity with respect to criminal investigations is called for, it will only be undertaken with the guidance of the assigned Ottawa Police Service primary investigator.
5. Considering the provisions of Section 4 above, OC Transpo Special Constables will be expected to submit Investigative Action reports linked to the original case number, for any follow up activity undertaken with respect to any occurrence or investigation. Where an OC Transpo Special Constable, as a function of their normal duties, comes into possession of information relevant to the incidents listed above, they will submit an Investigative Action report with specific notice to the assigned primary investigator.

6. As a function of their designation, OC Transpo Special Constables will have access to the CPIC system as approved by the RCMP CPI Centre. Further, they are members of the Ontario Police Technology Co-operative using Niche RMS which provides the ability to submit electronic crown briefs to the Ministry of the Attorney General and access RCMP's Criminal Justice Information Management System (CJIM) to receive fingerprint submissions. The Manager, or his or her designate, is responsible to maintain the CPIC records within the mandate described in this capability and ensure compliance with all aspects of that agreement between the Ottawa Police Services and Transportation Services.
7. Transportation Services will process their own criminal charges as outlined in section 34 of this agreement utilizing their own resources. The Ottawa Police Service will provide fingerprinting and photograph services for accused persons that OC Transpo Special Constables have charged for dual offences and indictable offences..

Appendix D

Training Overview

OC Transpo Contracted Special Constable Training Courses

Total Course Hours- Refresher

32 hours (16 hours academic+ 16 hours DT/Use of Force (includes Academic+ Practical) This timeframe includes First-Aid re-certification annually

Prepared by: Algonquin College Corporate Training Services

Date: April 2013

Special Constables have most of the same authorities, responsibilities, and accountabilities as regular police officers, however are tasked with specific duties. Special Constables carry almost identical equipment and options for controlling persons and situations, and are equally accountable for their option selection as regular police officers.

They have additional responsibilities and accountabilities for their specific duties such as prisoner care and transportation, corporate security at government sites, or security specific functions on transportation systems or in housing projects for example. These courses address all these areas and responsibilities.

Special constables exercise limited police powers that are specific in their appointment. To make sure that special constables understand their powers and responsibilities, they need appropriate training that is based on police training for that specific area (e.g. Powers of arrest, use of force, etc.)

Special Constables fulfill a variety of roles, and their appointments are quite specific to what they do, it is both impractical and unwise to specify a mandatory training regime. The same rationale holds true for Protective Services and Community Safety Officers. Although the authorities and powers may differ, much of the content is the same.

What is to follow is a matrix of suggested training topics with examples of training that might be requirement for differing levels of appointment.

Course training standards followed in this program have been updated and are set by the Ontario Police College. All facilitators are either former or current O.P.C. trained instructors. Full Course training standards are available upon request.

TUITION FEES:

Employers of Special Constables, Protective Services and Community Safety officers should select only the content that specifically applies to the environment and job requirements. This document represents the content for annual re-certification.

A Course schedule/joining instructions is prepared and approved annually for distribution to the officers prior to the start of the course.

Evaluation/Grading

On-site Quizz

In-class Judgement Training scenario Met/Did not meet standard

Physical Skills Evaluations Met/Did not meet standard

Additional Training: Learners will demonstrate confidence and competence in the required skills in the area of baton, O.C. spray, empty hand control and the use of restraint systems. This will result in "met standard" or "did not meet standard" rating being given.

Special Constables must meet both the academic and physical skills competencies in order to receive their re-certification (See Appendix "A")

Appendix "A" Protective Services and Special Constable Refresher and Re-certification Standard for Training.

Refresher Training means: Training designed to reinforce material previously taught and does not include a pass/fail test.

Re-qualification Training means: Any training designed to evaluate an officer's proficiency using an objective pass/fail test.

Use of Force Instructor means: A person who has completed the Use of Force Instructor's Training Course or Defensive Tactics Facilitators Course offered by the Ontario Police College. Examples acceptable for equivalency would be graduates of any course from a recognized Canadian Police College or Use of Force Instructor's Certification from a Ministry approved Ontario College of a standard equal to or greater than the Course Training Standards for this program at the Ontario Police College.

Major Training Components

Re-certification and refresher training shall include training on the following matters:

1. Legal requirements.
2. The exercise of judgement/decision making.

3. Officer safety.
4. Theories and practices relating to the use of force.
5. Positional Asphyxia and Excited Delirium
6. Use of Handcuffs and Alternate Restraint Devices.

Training in the Use of Force

Notes:

A special constable shall not use force on another person unless the member has successfully completed a training course on the use of force.

Every employer of Special Constables shall, ensure that, at least once every twelve months (or annually on or before the anniversary date of the last re-certification)

1. Every special constable who may be required to use force on other persons receives a training course on the Use of Force;
2. The training provider and employer shall maintain written records of training on the use of force.

Guidelines for Use of Force Training (Course Training Standard)

Description:

This course deals with mandatory training on Use of Force. This training has been implemented to ensure that our members may protect and defend themselves in the course of their duties as a Special Constable acting within the law. This course will also assure that officers are trained to the Ontario Police College and Ministry of Community Safety and Correctional Services standards.

Provincial Requirements:

All members of the Service shall be required to attend a two day course on Use of Force and must re-qualify once per year as per Ontario Provincial Policing standards.

Implementation:

Algonquin College Corporate Training Centre has contracted a Provincially qualified Use of Force instructor, Ottawa Police Service's Constable Keith Martin. Constable Keith Martin designed and developed all course materials to meet the standard set out by the Ontario Police College and the Police Services Act.

Learner Group:

All officers who are Sworn Officers are required to receive the Annual Use of Force Training.

Objectives:

Upon completion of the session, the students will be assessed on Attitude, Ability and Judgment. Students must show their ability to defend themselves and make proper judgment about Use of Force in certain scenarios. Students must be able to identify behaviours and assess the appropriate response.

Delivery Method:

Classroom lectures, PowerPoint presentation, Small Group discussions, Physical training and scenario exercises

Evaluation Standards

Students will be evaluated on an ongoing basis. The instructor will conduct evaluation of the decision-making process and physical ability. Students will be required to demonstrate proficiency in the application of techniques, the decision making model and be able to defend their decisions/position in both group and individual exercises.

References

- Criminal Code of Canada
- Police Services Act
- Use of Force instructors training manual- Ottawa Police College
- PPCT instructors manual

Resources Required

PowerPoint projector, Computer, PowerPoint Presentation, Classroom supplies, Physical training area with Striking Pads, Simulation area, Role Player proactive gear, additional-2 instructors on Simulation Day.

Lead Instructor:

Use of Force instructor qualified by the Ministry of Ontario and the Ontario Police College

Constable Keith Martin

- Ottawa Police Constable- 8 years

- Use of Force Instructor- since 2009- Certified through Ontario Police College
- PPCT Instructor certified in 1998, re-certified in 2010
- Saber Red OC spray Instructor- certified in 2010
- Black Belt Karate since 1998

- Program Outline

DT Studio - Physical training

Stances

Interview Stance

- Hands above the waist
- Weapon side back
- Body bladed
- Offset your body from the subject (Position 1)

Weight evenly distributed

Defensive Stance

- Weapon side leg is dropped back
- Weight centered- slight bend in both knees
- Both hands in guard position
- Create distance
- Step and drag

Tactical Communication

- loud, clear, professional verbal commands

Relative Positioning

- The "0"
- The 1
- The 2
- The 2 Yz
- The 3

Handcuffing Fundamentals

- Handcuffs should be stored in a case

- Handcuffs should be stored the same way every time, loaded and ready
- Access cuffs, unfold with two hands
- Adopt a first and final grip with weapon hand for better dexterity
- Approach from the 2
- Control nearest arm, apply handcuff to nearest wrist

Ontario Police College Method

- Subject faces away
- Officer begins 8-10 feet to the rear, in the 2, weapon side away
- Commands to get subject into position: widen stance, lean forward, look opposite direction, hands behind back with backs of hands together
- If subject complies, access cuffs with weapon hand, unfold with two hands, adopt a first and final grip (both single strands facing subject)
- Approach from 2 control nearest hand with support hand over the thumb
- Apply bottom cuff downward to controlled wrist with the back of the officer's hand toward the back of the subject
- Using the support hand, control the second hand over the thumb
- Apply top cuff downward
- Release the chain, adjust fit, double lock
- Maintain control at all times

Practical Application of Handcuffs

- 15 second timed component, officers must handcuff a compliant subject in under 15 second to be successful

Removal of Handcuffs

- Maintain control of subject at all times
- Maintain a safe position at all times
- Avoid fish hooks
- If a key is dropped, reposition subject before retrieving it

Ontario Police College (OPC) Method Handcuffing from a Position of Escort

(Review of the Escort Position)

- Control from the 2-position.
- Officer's nearest hand to subject, controlling the subject's wrist, officer's far hand, controlling the subject's upper arm, just above the elbow but below the triceps area.
- Officer's to check that both hands are positioned with their thumbs facing upwards.

- Officer's to keep their elbows close to their body (core) for position of control.

O.P.C. Handcuffing Method from an Escort Position

- From a position of escort, maintain control of the subject.
- Rotate the subject's hand to the small of their back.
- As the officer's arms begin to cross, have the officer reposition their support hand (from above the elbow) to control the subject's hand in a 'thumb-over-thumb' position of control.
- Officer's will then access their handcuffs with their dominant hand and establish a first and final grip, single strands away, with keyholes facing their centreline. Officer's can use their pinkie finger to assist with establishing their final grip if necessary.
- The officer will then apply the bottom handcuff downward to the controlled wrist, with the back of the officer's hand towards the lower back of the subject.
- Once the first handcuff has been applied, the officer to reposition their support hand over the remaining hand of the subject, using a 'thumb over thumb' control position.
- Apply the remaining handcuff downwards.
- Release the chain, adjust the handcuffs to fit, and double lock the handcuffs.
- Maintain control of the subject at all times.

Practical Application of Handcuffs from a Position of Escort

- Officers are to complete proper method of handcuffing from an escort position.
- Officers to complete the application within 20 seconds.

Prone Handcuffing

- Position subject on ground, prone position, wide legs ankles to ground, arms straight out palms up, face opposite direction of approach
- Approach from 1 position
- Order subject to raise arms of ground
- Approach and control by hand and elbow, mount at 45 degree angle downward
- Maintain a squat position, knees off ground, weight on feet for mobility
- Lock wrist, fingers toward head of subject, lock elbow straight with hand and legs
- If compliant, access handcuffs, single strands lined up
- Apply cuff to controlled arm
- Maintain control of cuffed arm, order other arm to small of subject's back
- Bring controlled arm down to apply second cuff

- Double lock
- Subject should have backs of hands together

Standing a Prone/ Handcuffed Subject

- Subject must be compliant
- Officer kneels to side of subject
- Subject places feet together
- Support back of subject's neck with palm of hand
- Take hold of far arm, above elbow
- Turn subject and raise subject into seated position
- Control subject's near bicep
- Have subject bend near leg, far leg remains straight
- Press bended knee to ground to gain momentum, subject stands up

Escort Position

- 2 Y2 position
- Near hand on elbow, far hand on wrist, both thumbs upward
- Officer keeps elbows close to body
- LEVEL 1
- LEVEL 2
- LEVEL 3

Search

Methodical, Effect Legal, Thorough and Safe. (M.E.L.T.S)

- If a search is not conducted in a legal manner, any items obtained may not be used as evidence, a search that is not thorough is not safe.
- A methodical search ensures the entire subject is searched.
- For a safe search, follow the four-step plan below (LACT).

Look, Ask, Clear, Touch. (L.A.C.T)

- Conduct a visual scan of the area to be searched. LOOK for anything out of place that may be a weapon.
- ASK the subject if they have anything on them that the officer should be aware of before going hand-on; wait for the answer.
- CLEAR the area with a tool before touching with the hands. Any object that is long enough to reach into the bottom of a pocket may be used. A pen or a kubotan-style keychain are recommended.

- Finally TOUCH with the hands to finish the search. Crimp the clothing and feather out pockets. Search sensitive area such as the groin and breast area using the backs of hands. Conduct threats scans throughout the search and communicate throughout the search.

Search sequence:

Area of Reach: The hands, lower back, entire waistline, back/ front/ cargo pockets. Head/ Neck/ Collar: Remove hats; check hair, hoods, collars, and neck.

Quadrants: Recommended to divide the body into quadrants, and conduct a thorough search of each quadrant, overlapping as you search. How the body is divided and the order in which the quadrants are searched is left to the discretion of the individual officer, one method is to use the waist line and spine. The officer is to maintain control and safe positioning at all times.

Grounding (Straight Arm Bar Takedown)

- Begin in escort position
- If the subject resists, the officer may:
 - Disengage
 - Ground the subject and gain control
 - Upon resistance, deliver knee strikes to the outer thigh of the subject
 - If the knee strikes take effect, continue with the technique
 - Pull the subject's arm across to the far hip
 - Adjust the top hand to apply pressure above the subject's elbow
 - Step and rotate to the 2 Yz and apply downward pressure
 - When subject goes to the ground, remain in the standing position
 - Walk toward the head of the subject, reverse hand position
 - Mount the subject downward at 45 degree angle
 - Control wrist and elbow

Weapon Retention- Standing Front

- 3 principles of weapon retention:
 - secure the weapon
 - position for balance
 - effect a release
- Secure the weapon at the holster
- Lower center of gravity, driving the elbow into the forearm or bicep
- Effect a release by delivering strikes while maintaining control of the weapon
 - while controlling the weapon with one hand, the officer may deliver punches, palm heel strikes and elbow strikes

- if the officer prefers to control the weapon with two hands, leg strikes may be used, i.e. kicks and knees to the legs, groin and/ or upper body
- Once the strikes take effect, remove the subject's hands from the weapon, gain distance and follow up accordingly

Drill on heavy bag: palm heel strikes, elbow strikes, knee strikes

Weapon Retention- Standing Side

- Secure the weapon at the holster
- When positioning for balance, turn toward the attacker
- Follow the same steps as front weapon retention

Weapon Retention- Standing Rear

- Secure the weapon at the holster
- Lower position of balance
- Grasp bottom of holster with weapon hand and pull up, trapping the thumb between the holster and body
- Turn sharply toward the weapon, attempting to hyperextend the elbow and/ or wrist to effect a release
- If the subject has a strong 2 handed grip and a good base, the officer may have difficulty turning
- Maintain control of the weapon with the support hand and deliver rearward elbow strikes
- With the weapon side
- When the strikes take effect, rotate toward the weapon

Drill on heavy bag: 2 elbow strikes and turn

Baton

- Grip
 - 26" center of grip
 - 21" toward end cap, at least 2" from end
- Expansion techniques
 - Downward
 - Upward
 - Forward (must open on same plane as approved striking technique)
- Stance
 - Defensive stance with expanded baton resting on top or side of shoulder

- End cap pointing toward subject (flashlight technique)
- Target areas
 - Primary -large muscle groups (upper leg, upper arm, calf, forearm, etc.)
 - Secondary- delivery systems (hands, feet, etc.)
 - Lethal force- head, neck, throat, spine, groin, clavicle, etc.)
- Striking techniques
 - Clearing strike- from the defensive stance with baton expanded, strike downward following through to the rib cage, immediately reset and assess
 - Power strike- from the defensive stance, deliver a forward strike to large muscle group using the fluid shockwave principle, the baton stops on the target for 2 second to 1second, draw the baton back and assess
 - Rapid expansion strike- draw the closed baton, expand the baton forward toward the subject using the same plane used to deliver a proper strike
 - Closed mode- at close range with the baton closed, use the end cap to strike
 - Sensitive target areas as the situation dictated. Common targets include the sternum, pectoral muscles and abdomen. Officer is to place thumb over the expandable portion to avoid injury
- Drills (forward clearing x 10, power strike x 10)

OC Spray Lecture

- Sabre Red info
- Effective distance
- Hand position
- Target areas

Transition Drills (5 repetitions of each)

Jab/ Cross

- Jab using palm heel of support hand to the sternum
- Cross with palm heel of dominant hand to sternum using hips for power

Shin Kick/ OC

- Strike the shin with the ball of the foot
- Gain distance, access OC spray
- Deploy a 1-2 second burst on to the target

Angle Kick/ OC

- Pivot or step with the lead leg, pointing the foot outward
- Rotate with the hips, with the shin of the rear (dominant) leg, strike the thigh of the subject
- Gain distance, access OC spray
- Deploy a 1-2 second burst on the target

Front Kick/ Baton

- Front kick with ball of foot into the pelvic bowl or groin as this simulates a serious bodily harm or death encounter
- Draw firearm, point at the threat
- Issue police challenge if possible

APPENDIX E

OC TRANSPO COMPLAINT INVESTIGATION PROCEDURE

1. DEFINITIONS

In this Schedule,

- a. "Bad faith" means, in reference to a complaint, that it is made in an effort to harass or aggravate, or made maliciously or with an improper purpose;
- b. "Chief" means the Ottawa Police Service Chief of Police.
- c. "Chief Special Constable" means the Chief and Program Manager of Transit Safety and Enforcement Unit, City of Ottawa Transportation Services.
- d. "Complaint" means an allegation made by a member of the public concerning the service provided by, or the conduct of, a Special Constable in the course of his or her duties;
- e. "Criminal allegation" means an alleged breach of the Criminal Code of Canada or any other Federal Statute;
- f. "Employee" means a person employed by City of Ottawa Transportation Services, as a Special Constable, in the Transit Safety and Enforcement Unit;
- g. "Frivolous complaint" means a complaint that is clearly unsupported by the alleged facts, or trivial in nature;
- h. "General Manager" means the City of Ottawa General Manager of Transportation Services, who oversees Transportation Services, or his or her designate;
- i. "Misconduct" means an action or omission by a Special Constable in violation of an order, rule, directive, procedure, or other established Transportation Services practice, or which contributes to a breach of the agreement between the Police Services Board and Transportation Services of which this Appendix forms a part;
- j. "Subject Special Constable" means a special constable against whom a complaint has been made;
- k. "Special Constable" means an employee of Transportation Services designated with Special Constable Authorities, by the Ottawa Police Services Board, in accordance with the terms and conditions agreed to by the parties to this Memorandum of Understanding.
- l. "Vexatious complaint" means a complaint which on its face could not result in a finding of misconduct, and which is apparently made with the intent to annoy,

cause discomfort, harass or embarrass or involves an element of repetitiveness such as repeated allegations on the same set of facts; and

- m. "Witness Special Constable" means a Special Constable who is a witness to an incident about which a complaint has been made.

2. GENERAL

- 2.1. The investigation of a complaint shall be conducted in a thorough, fair and impartial manner and be expeditiously resolved. Complaints shall be investigated on the merit and substance of the alleged facts and evidence and shall not involve any inquiry into the background of the complainant for the purpose of undermining the credibility of the complainant.
- 2.2. The Liaison Officer appointed by the Chief, provided for within the Memorandum of Understanding, will carry out the Ottawa Police Service responsibilities identified within this Appendix.
- 2.3. The Manager, or designate, shall complete all complaint investigations within 90 days of receipt of a written complaint unless circumstances exist beyond the control of the Manager that affects the timely resolution of the matter.
- 2.4. A complaint shall only be dealt with if made by a member of the public who was directly affected by the service provided by, or the conduct of, a Special Constable.
- 2.5. A parent or guardian of a child under sixteen years of age may make a complaint on behalf of the child. The full co-operation of the child in the investigative process is required in order to proceed with the complaint.
- 2.6. A complaint may not be dealt with if it is made more than six months after the facts on which it is based occurred.

3. FILING OF COMPLAINTS

- 3.1. A complaint must be made in writing. A written complaint may be submitted by fax, mail, or hand delivered to the attention of the Chief Special Constable, City of Ottawa Transportation Services, OC Transpo Transit Law Enforcement Unit, 1500 St. Laurent Boulevard, Ottawa, K1GOZ8.
- 3.2. A person may make a complaint regarding a Special Constable by attending City of Ottawa Transportation Services, Transit Safety and Enforcement Unit, in person at 875 Belfast Road, Ottawa to which the public is granted access and completing a Public Complaint Form.
- 3.3. A complaint cannot be accepted over the phone; however an attempt should be made to determine the nature of the concern and to resolve, if possible.
- 3.4. Upon receipt of a written complaint concerning a Special Constable, the employee receiving the complaint shall record the complainant's name, address and phone number and any action taken in a memorandum book and complete a Complaint

Intake Form. The completed Complaint Intake Form and signed complaint shall be forwarded to the Chief Special Constable.

3.5. All records of complaints and all completed Complaint Intake forms concerning a Special Constable shall be forwarded immediately to the Chief Special Constable.

4. RECEIPT OF COMPLAINTS

4.1. The Chief Special Constable shall receive and review all records of all written complaints.

4.2. The Chief Special Constable shall determine whether the complaint has sufficient information to be investigated under this procedure. If the Chief Special Constable determines that further information is required, he or she shall arrange for the complainant to be contacted to supply any additional information.

4.3. The Chief Special Constable shall determine if the complaint is frivolous or vexatious or made in bad faith, in which case the Chief Special Constable shall advise the complainant that no further investigation will be undertaken.

4.4. If the Chief Special Constable determines that the complaint is not frivolous or vexatious or made in bad faith, the Chief Special Constable shall determine if the complaint may be resolved by Transportation Services or whether it should be referred to the Ottawa Police Service for formal investigation.

5. RESOLUTION BY CITY OF OTTAWA TRANSPORTATION SERVICES

5.1. The Chief Special Constable shall meet with the subject Special Constable to provide the Special Constable the opportunity to answer the allegations contained in the complaint.

5.2. The Chief Special Constable may appoint a designate to conduct an investigation related to the allegation put forward by the complainant.

5.3. The Chief Special Constable or his or her designate may request any witness Special Constable to assist in providing additional information, if appropriate.

5.4. The Chief Special Constable shall resolve the matter and determine the appropriate action in accordance with the collective agreement and City of Ottawa Transportation Services Best Practices.

5.5. The Chief Special Constable shall record the action taken, comply with the provisions of Section 72 of the Memorandum of Understanding, and ensure that copies of all forms completed with respect to the complaint are retained in accordance with Transportation Services records retention policy.

6. FORMAL INVESTIGATION

6.1. Where the complaint alleges that a Special Constable has engaged in serious misconduct, the Chief Special Constable shall refer the complaint to the Ottawa Police Service for investigation. For the purpose of this procedure, serious misconduct is alleged to have occurred when a Special Constable:

- 6.1.1. Has been accused of or charged with a criminal offence;
- 6.1.2. Engages in misconduct that impacts adversely upon the integrity or reputation of, or public confidence in the Ottawa Police Services Board or the Ottawa Police Service.
 - 6.1.2.1. Engages in any major breach of discipline, which includes, but is not limited to, incidents involving:
 - 6.1.2.1.1. Sexual harassment;
 - 6.1.2.1.2. Acts of discrimination;
 - 6.1.2.1.3. Excessive use of force;
 - 6.1.2.1.4. Corrupt practice;
 - 6.1.2.1.5. A breach of confidentiality;
 - 6.1.2.1.6. CPIC breaches;
 - 6.1.2.1.7. Deceit;
 - 6.1.2.1.8. Violations of Provincial legislation or
 - 6.1.2.1.9. Any other matter the Manager deems to be serious misconduct.

6.2. Under this section, when it becomes known that a Special Constable is the subject of an investigation, and referral has been made to the Ottawa Police Professional Standards Section, the Chief Special Constable shall ensure that the Special Constable is notified, in a timely fashion, but only after the Professional Standards Section confirms that such notification will not jeopardize the investigation.

6.3. The individual making the notification shall record the details of such notification in writing.

6.4. Under this Section, once referred to the Ottawa Police Service, the Chief Special Constable shall take no further action on the matter without prior approval of the Ottawa Police Service Liaison officer.

7. OTTAWA POLICE SERVICE LIAISON OFFICER

7.1. The Ottawa Police Service Liaison Officer shall:

- 7.1.1. Confirm with the Chief Special Constable, the receipt of all documentation delivered to the Police Service, related to this Appendix;
- 7.1.2. Confirm with the Chief Special Constable that a complaint referred under Section 6 has been delivered to the Professional Standards Section and communicate the decision with respect to whether that section will commence an investigation;
- 7.1.3. Co-ordinate and facilitate Service responsibilities regarding complaints.

7.2. Based on information resulting from the investigation initiated as a result of a Section 6 referral, the Ottawa Police Service Liaison Officer shall ensure that a report of findings and recommendations based on the following two categories is prepared:

7.2.1. Unsubstantiated:

7.2.1.1. no evidence exists to support the allegation;

7.2.1.2. evidence exists, and if believed, would not constitute misconduct.

7.2.2. Substantiated:

7.2.2.1. complaint found to be supported by statements or evidence.

7.3. The Ottawa Police Service Liaison Officer shall forward the Professional Standards Section report of findings to the Chief Special Constable upon completion of the investigation.

7.4. Upon receiving the report referred to in 7.3, the Chief Special Constable will review the findings and prepare recommendations including discipline and/or training needs, if required.

7.5. The Chief Special Constable shall ensure that subject special constable is notified in writing of findings.

7.6. The Chief Special Constable shall ensure that all reporting requirements set out in paragraphs 69 to 72 inclusive of the Agreement are complied with throughout the term of the Agreement.

8. Exception

Nothing within this appendix will serve to limit the authority accorded the Police Services Board either within the Memorandum of Understanding or in the authorities provided it in sub-Sections 53(6), (7) or (8) of the Police Services Act of Ontario.