

Report to / Rapport au:

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

30 May 2022 / 30 mai 2022

Submitted by / Soumis par:

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

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SUBJECT: RE-APPOINTMENT OF SPECIAL CONSTABLE: RCMP

**OBJET: RENOUELEMENT DE LA NOMINATION D'AGENTS SPÉCIAUX :
GENDARMERIE ROYALE DU CANADA (GRC)**

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board approve the re-appointments of RCMP employees listed in Document 1 as Special Constables pursuant to Section 53 of the Police Services Act, in accordance with the terms and conditions set forth in the attached Approval of Appointment Forms.

RECOMMANDATIONS DU RAPPORT

Que la Commission de services policiers d'Ottawa approuve le renouvellement de la nomination des employés de la GRC inscrits dans le document 1 à titre d'agents spéciaux en vertu de l'article 53 de la *Loi sur les services policiers*, conformément aux clauses et aux conditions reproduites dans les formulaires d'approbation de nomination ci-joints.

BACKGROUND

Board Appointment of Special Constables

The Ottawa Police Services Board (Board) approves the appointment of Special Constables for the RCMP, OC Transpo, Carleton University, and for internal employees of the Ottawa Police Service (OPS).

These appointments ensure that the respective employees can carry out the full scope of their assigned duties. Applications are made to the Ministry of the Solicitor General (the Ministry) to have them appointed as Special Constables pursuant to Section 53 of the Police Services Act (PSA). The Board appoints the RCMP employees as Special Constables upon approval by the Ministry. These appointments are valid for five years.

OPS and RCMP Memorandum of Understanding

The Memorandum of Understanding (MOU) between the OPS and the RCMP was established in 2016 with no expiry date. An RCMP indemnification letter was provided to the Board in January 2016 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.”

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

The Board shall designate the Chief of Police or his/her designate to perform some or all 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 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.

Roles and Responsibilities

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

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 OPS also enforce moving violations/traffic violations on specific NCC roadways and bridges as per the 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 Control 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 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 OPS with enforcement of the said Acts.

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

DISCUSSION

Approval has been obtained from the Ministry for the re-appointment of these 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 these RCMP employees will allow them to undertake the full scope of their duties.

Document 1: Re-Appointment of Special Constables: RCMP

Name of Employees

1. Eric DECOSTE
2. Michel FORGET