



## North Bay Police Service Board

### By-Law #10 Appointment and Functions of Special Constables

#### Legislative Reference / Authority

*Community Safety and Policing Act and Regulation 396/23*

#### 1. **Preamble**

- a. As prescribed in the *Community Safety and Policing Act (CSPA)* and through Regulation the North Bay Police Service Board shall establish policy(ies) consistent with the *Act*, Regulation(s) and any other applicable legislation; and
- b. It is the policy of the North Bay Police Service Board with respect to the appointment and functions of Special Constables that it will establish policy(ies) that are consistent with the requirements of the *Community Safety and Policing Act*, Regulation(s) and incorporating any existing established operational and accounting practices as approved by the North Bay Police Service Board and or the Office of the Chief of Police.
- c. The responsibility of developing policy related to the Appointment and Functions of Special Constables is that of the Board. The Chief of Police shall be responsible for ensuring the details of the policy are administered.

#### 2. **Appointment**

- a. The North Bay Police Service Board may appoint a person as a Special Constable if he or she has an offer of employment to be employed as a Special Constable from, or is currently employed as a Special Constable: and
  - i. Is a Canadian citizen or a permanent resident of Canada;
  - ii. Is at least 18 years of age;
  - iii. Is physically and mentally able to perform the duties of the position, having regard to his or her own safety and the safety of members of the public;
  - iv. Is of good character; and
  - v. Has successfully completed;
    - (a) The training prescribed by the Minister, including techniques to de-escalate conflict situations and any other matters prescribed by the Minister, unless the person has been exempted from some or all of this training in accordance with the regulations made by the Minister;
    - (b) The training approved by the Minister with respect to human rights and systemic racism; and
    - (c) The training approved by the Minister that promotes recognition of and respect for the diverse, multiracial and multicultural character of Ontario society, and the rights and cultures of First Nation, Inuit and Métis Peoples.



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- b. The North Bay Police Service Board may appoint a person as a Special Constable if the individual meets one of the following conditions:
    - i. The person has a secondary school diploma or equivalent;
    - ii. The person has;
      - (a) A university degree;
      - (b) A degree from a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002* that is authorized to grant the degree; or
      - (c) A degree from an Indigenous Institute that is approved under the *Indigenous Institutes Act, 2017* to grant the degree.
  - c. The person has a diploma or advanced diploma granted by a college of applied arts and technology described in Section b. ii. (above), or an Indigenous Institute described in Section b. iii. (above), following successful completion of a program that is the equivalent in class hours of a full-time program of at least four academic semesters; and
  - d. The person has been granted a certificate or other document by a post-secondary institution evidencing successful completion of a program that the regulations prescribe as being equivalent to a degree or diploma described in Section b. (ii) or (iii).
3. **Previous Termination for Cause**
- a. An appointment under Article 2 shall not be made if the person's employment as a Police Officer in a Canadian jurisdiction was previously terminated for cause or if the person resigned in lieu of being terminated for cause.
4. **Effect of Area of Policing Responsibility**
- a. The Police Service Board shall appoint a person as a Special Constable if the Special Constable is to regularly perform their duties or exercise their powers inside of the area for which the Board has policing responsibility.
5. **Certificate of Appointment**
- a. The Police Service Board shall issue a Certificate of Appointment to the person at the time of their appointment as a Special Constable. The certificate shall specify:
    - i. The individual is employed by the North Bay Police Service as a Special Constable as identified in Regulation 396/23, Schedule – Purposes and Powers for Certificates of Appointment and Permitted Weapons, Column 1, type of Special Constable;
    - ii. The purposes for which the person may act as a Special Constable, are identified in Regulation 396/23, Schedule – Purposes and Powers for Certificates of Appointment and Permitted Weapons, Column 2 – Purposes for which a person may act as a Special Constable, (See Appendix A);



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- iii. The powers of a Police Officer that the Special Constable may exercise, if any, to the extent and for the purposes specified in Section 5. a. ii. (above); describing powers;
    - iv. Any weapons or prescribed equipment that the Special Constable is authorized to carry or use in the course of their duties (see Appendix B) ; and
    - v. The term of the appointment, that shall not exceed three years;
  - b. A Special Constable may be reappointed at the end of their term; and
  - c. The Board shall maintain a copy of the Certificate of Appointment and file it with the North Bay Police Service Human Resources Section for filing and maintenance.
6. **Automatic Termination**
  - a. A Special Constable's appointment is terminated upon ceasing to be employed by the North Bay Police Service.
  - b. Upon termination or retirement the Special Constable's appointment and badge number shall be retired.
7. **Transition from *Police Services Act* to *Community Safety and Policing Act***
  - a. The following rules apply to a person who held an appointment as a Special Constable under section 53 of the *Police Services Act* immediately before it was repealed:
    - i. The appointment continues under the CSPA and the Special Constable may, despite any other requirement may continue to act for the period, in the area and for the purpose set out in his or her appointment until the appointment expires or is terminated or until the Special Constable is reappointed;
    - ii. Despite the above, a Special Constable shall continue to be subject to any restrictions on their use of any equipment that was specified in their appointment until the appointment expires or is terminated or until the Special Constable is reappointed;
    - iii. The appointment is deemed to expire three years after the day the CSPA came into force (April 1, 2024) provided it does not expire before then;
    - iv. The person may be reappointed as a Special Constable even if he or she does not meet the educational requirements set out in Article 2. b. ii. & iii.; and
    - v. They may subsequently be reappointed one or more consecutive times without meeting those requirements.



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### 8. **Amendment to Certificate of Appointment**

- a. The Police Service Board may amend a Special Constable's Certificate of Appointment, including imposing new terms and conditions or varying existing terms and conditions, after giving the Special Constable written notice and an opportunity to respond orally or in writing, as the Police Service Board, as the case may be, may determine.

### 9. **Suspension and termination of Special Constable appointment**

- a. A Police Service Board may suspend or terminate the appointment of a Special Constable who was appointed by the board, as applicable; and
- b. Before a Special Constable's appointment is terminated, they shall be given written notice with respect to the reasons for the termination and an opportunity to respond orally or in writing, as the Police Service Board, as the case may be, may determine.

### 10. **Special Constable Duties and Restrictions**

- a. A person appointed as a Special Constable shall only carry out their duties associated to the position with the North Bay Police Service and as authorized by the Certificate of Appointment;
- b. A Special Constable may not, by means of a motor vehicle, pursue a fleeing motor vehicle; and
- c. A Special Constable shall not use powers granted under the *Mental Health Act* to apprehend an individual. However; Special Constables may use powers granted under the *Mental Health Act* to assume custody of an individual who has been apprehended by a Police Officer under the *Act*.

### 11. **Employment Only by Employer Specified in Certificate**

- a. A person appointed as a Special Constable under section 92 of the *CSPA* or whose appointment is continued under that section shall be employed as a Special Constable only by the North Bay Police Service as specified in the Certificate of Appointment.

### 12. **Restrictions**

- a. Pursuant to Section 95 (2) a Special Constable shall not perform all the duties of a Police Officer on a permanent basis, whether part-time or full-time; and
- b. Subsection (2) (above) does not prohibit the North Bay Police Service from authorizing Special Constables to escort and convey persons in custody and to perform duties related to the responsibilities of Police Service Boards under Part XV of the *CSPA*.



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### 13. **Oaths of Office and Secrecy**

- a. A Special Constable shall, at the time of their appointment, take oaths or affirmations of office and secrecy in the form prescribed by the Minister. The oaths and affirmations of both are appended to this policy.

### 14. **Duties**

- a. A Special Constable shall:
  - i. Carry out their duties in accordance with the terms, conditions and purposes set out in the Certificate of Appointment;
  - ii. Exercise any police powers conferred on them;
    - (a) Only to the extent and for the specific purposes set out in the Certificate of Appointment, and in accordance with the Regulations, if any;
    - (b) Comply with the prescribed Code of Conduct; and
    - (c) Perform such other duties as are assigned to him or her by or under this or any other *Act*, including any prescribed duties.

### 15. **Firearms, Weapons and Other Equipment**

- a. A Special Constable shall not carry or use a firearm, any other weapon or any other prescribed equipment in the course of their duties unless the Special Constable's Certificate of Appointment authorizes its possession or use.

Read the first time this 21 day of March, 2024

Read the second time this 21 day of March, 2024

Read the third time this 21 day of March, 2024

R. Stivrins

Board Chair



## North Bay Police Service Board

### Appendix A

#### Purposes for which a person may act as a Special Constable

1. Providing security in relation to premises that:
  - i. Are used for court proceedings;
  - ii. Are used by a police service, the government of Ontario or a municipal government; or
  - iii. The police service of which the special constable is a member has undertaken to patrol or maintain security on a time-limited basis due to a special event.
2. Assisting police officers with performing policing functions, such as assisting with investigations into criminal offences or missing persons.
3. For the purposes of paragraph 2, assisting with investigations may include;
  - i. Interviewing members of the public regarding alleged offences or missing persons;
  - ii. Detaining, arresting or releasing individuals while acting under the direction of a police officer;
  - iii. Securing or preserving evidence under the direction of a police officer;
  - iv. Seizing or storing evidence under the direction of a police officer;
  - v. Securing crime scenes;
  - vi. Collecting DNA evidence or extracting DNA from an individual as required as part of an investigation;
  - vii. Fingerprinting individuals brought into police custody in connection with an investigation;
  - viii. Performing electronic searches or seizures under the direction of a police officer;
  - ix. Performing forensic analysis or using specialized technology or scientific techniques required as part of an investigation;
  - x. Storing or processing evidence under the direction of a police officer;
  - xi. Covertly entering a place and installing, testing, repairing or removing devices used to intercept private communications or conduct video surveillance in accordance with an authorization as defined in section 183 of the *criminal code* (Canada) while under the direction of a police officer; and
  - xii. Monitoring private communications intercepted under s. 184.4 of the *criminal code* (Canada) or video surveillance authorized under s. 487.01 of the *criminal code* (Canada) while under the direction of a police officer.
4. Preparing and serving summonses or other legal documents;
5. Executing warrants or other court orders; and
6. Laying charges while acting under the direction of a police officer;
7. Swearing informations;



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8. Searching, ensuring secure custody of and transporting individuals who are in custody;
9. Directing traffic; and
10. Providing witness protection.

### **Appendix B**

#### Permitted weapons and applicable conditions or restrictions

1. Oleoresin capsicum spray; or
2. Oleoresin capsicum foam; and
3. A baton.

### **Appendix C**

Oaths and Affirmations of Office and Secrecy are listed on the pages 8 – 11 below.



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# Oath of Office

I, \_\_\_\_\_ solemnly swear that I will uphold the laws of Ontario and Canada, including the Constitution of Canada, which recognizes and affirms Aboriginal and treaty rights of Indigenous peoples, and that I will, to the best of my ability, discharge my duties as a Special Constable faithfully, impartially, and according to law.

So help me God.

SWORN before me at the City }  
of North Bay, this day \_\_\_\_\_ }  
of \_\_\_\_\_, 20\_\_\_\_. }

\_\_\_\_\_  
Signature

\_\_\_\_\_  
A Commissioner, etc.





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\_\_\_\_\_  
Signature

\_\_\_\_\_  
A Commissioner, etc.



North Bay Police Service Board

# Oath of Secrecy

I, \_\_\_\_\_ solemnly affirm that I will not disclose any information obtained by or made available to me in the course of my duties as a Special Constable for the North Bay Police Service except as I may be authorized or required by law.

SWORN before me at the City }  
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of \_\_\_\_\_, 20\_\_\_\_. }

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Signature

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A Commissioner, etc.



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