



BY-LAW NO. 466-2024

**A BY-LAW RESPECTING
APPOINTMENT OF SPECIAL CONSTABLES EMPLOYED BY
SPECIAL CONSTABLE EMPLOYERS**

1. PREAMBLE

- 1.1 WHEREAS subsection 37 (1) of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, ("CSPA")* provides that a Board shall provide adequate and effective policing in the area for which it has policing responsibility as required by Section 10 of the CSPA;
- 1.2 AND WHEREAS subsection 38 (2) of the CSPA provides that a Police Service Board may establish policies respecting matters related to the Police Service or the provision of policing;
- 1.3 AND WHEREAS Sections 92, 93, 94 of the CSPA contain provisions governing the appointment, duties, reappointment, suspension and termination of Special Constable appointments to be employed as employees of Special Constable Employers;
- 1.4 AND WHEREAS O. Reg. 396/23: Matters Respecting the Appointment and Functions of Special Constables and the Authorization of Special Constable Employers prescribes rules respecting Certificates of Appointment, Weapons, Equipment, Special Constable Employer Applications and powers and duties of Special Constables;
- 1.5 AND WHEREAS Sections 97, 98 and 99 of the CSPA contain provisions governing the authorizations issued by the Minister to Special Constable Employers, the duties of Special Constable Employers, and the suspension or revocation of such authorizations;
- 1.6 AND WHEREAS Brock University and the Niagara Parks Commission have employed Special Constables prior to the enactment of the CSPA and will continue to do so in accordance with the provisions of the CSPA referenced above, subject to being issued authorizations from the Minister under the said section 97 and to the transition provisions of subsection 92 (12) of the CSPA;
- 1.7 AND WHEREAS the Board has deemed it appropriate that it establish a policy regarding the appointment of Special Constables to be employed by Special Constable Employers;
- 1.8 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, and with its objectives and priorities determined pursuant to Sections 37, 38, 92, 93, 94, 97, 98, and 99 of the CSPA and O. Reg 396/23 to require the Chief of Police to establish procedures and processes in respect of the appointment, training and deployment of Special Constables.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD ENACTS AS FOLLOWS:

2. DEFINITIONS

- 2.1 “Act” or “CSPA” means the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, as amended;
- 2.2 “Authorization” means the authorization to employ Special Constables issued by the Minister pursuant to Section 97 of the CSPA, as amended;
- 2.3 “Board” means the Regional Municipality of Niagara Police Service Board;
- 2.4 “Certificate of Appointment” means a certificate issued by the Board pursuant to subsection 92 (6) of the CSPA, as amended, appointing an employee of a Special Constable Employer as a Special Constable;
- 2.5 “Chief” means the Chief of the Niagara Regional Police Service;
- 2.6 “Member” means a member of the Niagara Regional Police Service;
- 2.7 “Service” means the Niagara Regional Police Service;
- 2.8 “Special Constable” in this By-law means an employee of a Special Constable Employer appointed by the Board to carry out Special Constable functions in accordance with the CSPA, O. Reg 396/23, as amended, and the terms and conditions of the Certificate of Appointment;
- 2.9 “Special Constable Agreement” means a written contract between the Board and the Special Constable Employer regarding the duties of the Special Constable Employer, the terms and conditions of the Special Constable appointments, including powers and duties, training, investigations, complaints, discipline, suspension and termination of Special Constables and Special Constable appointments;
- 2.10 “Special Constable Employer” means a not-for-profit employer authorized by the Minister to employ Special Constables pursuant to Section 97 of the CSPA, as amended, and includes Brock University and the Niagara Parks Commission.

3. BOARD POLICY

- 3.1 It is the policy of this Board that all Special Constable Certificates of Appointment regarding employees of Special Constable Employers be issued in consultation with and on the advice of the Chief, and that all such appointments, including Special Constable powers and duties, permitted weapons, suspension and termination of appointments comply with the provisions of Sections 92, 93 and 94 of the CSPA and O. Reg 396/23, as amended.
- 3.2 It is the further policy of this Board that no new Special Constable Appointments will be issued after April 1, 2024, unless the Minister has issued a Special Constable Employer authorization under Section 97 of the CSPA, as amended.
- 3.3 It is the further policy of this Board that no new Special Constable Certificates of Appointment will be issued until the Board and the Special Constable Employer enter into a Special Constable Agreement.
- 3.4 It is the further policy of this Board that such Special Constable Agreement be negotiated and signed as soon as possible after April 1, 2024, and in any event, on or before July 31, 2024.

4. DIRECTION TO THE CHIEF

- 4.1 The Chief shall make recommendations to the Board regarding employees of Special Constable Employers to be appointed as Special Constables.
- 4.2 The Chief shall ensure that candidates recommended to the Board pursuant to 4.1 above meet at a minimum the criteria set out in subsection 92 (1) of the CSPA, as amended.
- 4.3 Regarding applications for appointment of Special Constables employed by the Niagara Parks Commission, the Chief shall ensure that Special Constable duties and powers recommended to be included in the Certificate of Appointment are included in and do not exceed the powers and duties prescribed in Columns 2, 3 and 4 of Item 3 of the Schedule to O. Reg. 396/23, as amended.
- 4.4 Regarding applications for appointment of Special Constables other than those employed by the Niagara Parks Commission, the Chief shall ensure that Special Constable duties and powers recommended to be included in the Certificate of Appointment are included in and do not exceed the duties and powers prescribed in Columns 2, 3 and 4 of Item 5 of the Schedule to O. Reg. 396/23.
- 4.5 The Chief shall ensure that the Special Constable Employer ensures that its Special Constables receive, at a minimum, training mandated by the Ministry from time to time, including initial and ongoing annual training.
- 4.6 The Chief shall ensure that the Board is notified of any circumstances reasonably requiring consideration of an amendment, suspension or termination of the Certificate of Appointment.
- 4.7 Prior to making the recommendation referenced in this section 4.1 above, the Chief shall:
- 4.7.1 Consult with the Special Constable Employer regarding the matters detailed in this section;
 - 4.7.2 Ensure that the said Employer is aware of the CSPA provisions regarding Special Constables.

5. DIRECTION TO SPECIAL CONSTABLE EMPLOYER

- 5.1 Every prospective Special Constable Employer shall complete and submit to the Chief and the Board an application for each Special Constable Appointment in the form and content attached as Appendix A to this By-law.
- 5.2 Every prospective Special Constable Employer shall negotiate and enter into a written Special Constable Agreement with the Board as defined in 2.9 of this By-law.

6. CERTIFICATE OF APPOINTMENT

- 6.1 Upon receipt of the recommendation made pursuant to Section 4 above, the Board shall consider the recommendation, and in the absence of any contrary negative information which indicates non-compliance with the CSPA or O. Reg. 396/23, as amended, shall issue a Certificate of Appointment to the Special Constable who is the subject of the Chief's recommendation.

7. REPORT TO THE BOARD

- 7.1 The Chief shall make an annual report in February of each year including the following information:
 - 7.1.1 The name of Special Constable Employers which employ Special Constables pursuant to Certificates of Appointment issued by the Board;
 - 7.1.2 The number of Special Constables employed by each Special Constable Employer;
 - 7.1.3 The number of Special Constables appointed by the Board pursuant to this By-law for each Special Constable Employer during preceding calendar year;
 - 7.1.4 A general description of the duties of the Special Constables employed by each Special Constable Employer;
 - 7.1.5 The number of appointments of Special Constables which were terminated for disciplinary reasons during preceding calendar year;
 - 7.1.6 The number of appointments of Special Constables which were terminated for non-disciplinary reasons during preceding calendar year;
 - 7.1.7 The number of public complaints made against Special Constables in preceding calendar year, and status/disposition of those complaints; and
 - 7.1.8 Confirmation that the Special Constable Employer has followed the requirements of the Authorization from the Minister, the terms of the Certificate of Appointment, the provisions of the CSPA, and O. Reg. 396/23, as amended, and the Special Constable Agreement, or, if not in compliance, an explanation of any incident(s) of such non-compliance.

8. IMPLEMENTATION

- 8.1 All other By-laws, sections of By-laws and procedural policies of the Board inconsistent with the provisions of this By-law are hereby repealed effective March 31, 2024.
- 8.2 This By-law shall come into force on April 1, 2024.
- 8.3 The Chief shall implement this By-law, where applicable, through General Order.

ENACTED AND PASSED this 25th day of April, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Jen Lawson, Chair



Deb Reid, Executive Director