



**Conditions of Appointment  
for a Special Constable  
Appointed by the Commissioner of the  
Ontario Provincial Police**

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Under Section 53(2) of the *Police Services Act*, the Commissioner is authorized to appoint special constables to act for the period, area and purpose that the Commissioner considers expedient subject to the approval of the Minister of Community Safety and Correctional Services.

The *Police Services Act* also empowers the Commissioner and the Minister of Community Safety and Correctional Services to suspend or terminate an appointment of a special constable. In addition to sharing the authority to suspend or terminate an appointment, the Ontario Civilian Commission on Police Services may direct the demotion or dismissal of a special constable.

The Commissioner is empowered to suspend or terminate an appointment as special constable. Appendix 'A' outlines some considerations that would give rise to the suspension or termination of such appointment.

**Employment Requirement**

The appointment is valid while the special constable is employed by the OPP or sponsoring agency and in a position that requires the authorities associated to the appointment. This appointment will remain valid while on a leave authorized by the

employer. Authorities of the appointment should only be exercised while the appointee is on active duty.

### **OPP Investigation of Special Constables**

Any allegation of a breach of the *Special Constable Code of Conduct* and/or a public/internal complaint against a special constable appointed by the Commissioner is subject to investigation and/or review by the Ontario Provincial Police including the O.P.P. Professional Standards Bureau for the purpose of determining the status of the appointment as special constable.

### **Notification on Termination**

Pursuant to section 53(8) of the *Police Services Act*, before a special constable's appointment is terminated, he or she shall be given reasonable information with respect to the reasons for the termination and an opportunity to reply, orally or in writing as the Commissioner or Ministry, as the case may be, may determine.

### **Disclaimer**

THIS DOCUMENT MUST BE READ IN CONJUNCTION WITH THE POLICE  
SERVICES ACT R.S.O. 1990, CHAPTER P.15

## Appendix 'A'

### SUSPENSION AND TERMINATION OF THE APPOINTMENT

The Commissioner of the Ontario Provincial Police may suspend or terminate the appointment where the special constable:

1. contravenes the terms of his or her appointment;
2. acts outside the scope of the powers granted in his or her appointment;
3. is charged or convicted of an offence under the *Criminal Code* or the *Controlled Drugs and Substances Act*;
4. fails to notify their supervisor of any charge under any statute laid against them at the earliest opportunity;
5. fails to notify their supervisor or unit commander of involvement in a matter that may constitute 'misconduct of a serious nature' at the earliest opportunity;
6. fails to notify their supervisor, unit commander or if appropriate, their bureau commander of any knowledge or allegation of 'misconduct of serious nature' by another employee at the earliest opportunity (if an OPP employee);
7. is in breach of the *Special Constable Code of Conduct* (Appendix 'B');
8. is in breach of the *Code of Conduct in the OPP (6.24 Police Orders)* (if an OPP employee);
9. makes a false statement in respect of his or her appointment as a special constable;
10. is suspended from employment;
11. engages in any conduct or behaviour deemed inappropriate for a special constable by the Commissioner of the OPP.

## Appendix 'B'

### SPECIAL CONSTABLE CODE OF CONDUCT

1 (1) Any Special Constable appointed by the Commissioner of the Ontario Provincial Police in breach of the Code of Conduct by engaging in,

- (a) Discreditable Conduct, in that he or she,
  - (i) fails to treat or protect a person equally without discrimination with respect to their duties as a Special Constable because of that person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap;
  - (ii) uses profane, abusive or insulting language that relates to a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap;
  - (iii) is guilty of an indictable criminal offence or a criminal offence punishable upon summary conviction;
  - (iv) acts in a disorderly manner or in a manner likely to bring discredit upon the reputation of the Ontario Provincial Police.
- (b) Neglect of Duty, in that he or she,
  - (i) without lawful excuse, neglects or omits promptly and diligently to perform a duty as a Special Constable;
  - (ii) by carelessness or neglect permits a prisoner to escape;
  - (iii) fails to report a matter that it is his or her duty to report;
  - (iv) fails to report anything that he or she knows concerning a criminal or other charge, or fails to disclose any evidence that he or she, or any person within his or her knowledge, can give for or against any prisoner or defendant;
  - (vii) omits to make any necessary entry in a record.
- (c) Deceit, in that he or she,
  - (i) wilfully or negligently makes a false, misleading or inaccurate statement or record entry pertaining to official duties;
  - (ii) without lawful excuse, destroys or mutilates a record or alters or erases an entry therein.
- (d) Breach of Confidence, in that he or she,
  - (i) divulges any matter which it is his or her duty to keep secret;

- (ii) without proper authority, communicates to the media or to any unauthorized person any matter connected with the Ontario Provincial Police;
  - (iii) without proper authority, shows to any unauthorized person any record that is the property of the police force.
- (e) Corrupt Practice, in that he or she,
  - (i) offers or takes a bribe;
  - (ii) fails to account for or to make a prompt, true return of money or property received in an official capacity;
  - (iii) directly or indirectly solicits or receives a gratuity or present in relation to their duties as Special Constable;
  - (iv) improperly uses his or her character and position as a Special Constable for private advantage.
- (f) Unlawful or Unnecessary Exercise of Authority, in that he or she,
  - (i) without good and sufficient cause makes an unlawful or unnecessary arrest;
  - (ii) uses any unnecessary force against a prisoner or other person contacted in the execution of duty.
- (g) Consuming Drugs or Alcohol in a Manner Prejudicial to Duty, in that he or she,
  - (i) is unfit for duty, while on duty, through consumption of drugs or alcohol;
  - (ii) is unfit for duty when he or she reports for duty, through consumption of drugs or alcohol;
  - (iii) except in the discharge of duty, demands, persuades or attempts to purchase or obtain any alcohol or illegal drugs while on duty or identifiable as a Special Constable.
- (h) Misrepresentation, in that he or she,
  - (i) identifies or represents themselves to be a police officer\*;
  - (ii) wears a uniform that does not display “Special Constable”\*\* (if applicable).

\*Does not apply to an ‘Out of Province’ police officer

\*\* Applies to all security, transit enforcement and offender transport officers