



Kingston Police

Public Agenda Recommendation Report

To: Kingston Police Service Board

From: Scott Fraser, Chief of Police

Subject: Special Constable Appointments

Date: July 7, 2025

Recommendation:

That the Kingston Police Service Board renew the Special Constable appointments for Special Constables Jean Paul (Victor) Gagnon and Julie Tolles.

Background:

The *Community Safety and Policing Act* (CSPA) created a new responsibility for police service boards in Ontario. Under the former *Police Services Act*, the Ministry of the Solicitor General was responsible for the approval of appointments of Special Constables. The CSPA, which came into effect April 1, 2024, transitioned this responsibility to the police service board of jurisdiction:

92 (1) A police service board or the Commissioner may appoint a person as a special constable if he or she,

- (a) has an offer of employment to be employed as a special constable from, or is currently employed as a special constable by,
 - (i) the board or the Commissioner, or
 - (ii) a special constable employer located in the area for which the board or the Commissioner has policing responsibility;
- (b) is a Canadian citizen or a permanent resident of Canada;
- (c) is at least 18 years of age;

- (d) 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;
- (e) is of good character;
- (f) has successfully completed
 - (i) 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,
 - (ii) the training approved by the Minister with respect to human rights and systemic racism, and
 - (iii) the training approved by the Minister that promotes recognition of and respect for,
 - (A) the diverse, multiracial and multicultural character of Ontario society, and
 - (B) the rights and cultures of First Nation, Inuit and Métis Peoples;
- (g) has a secondary school diploma;
- (h) satisfies any additional educational criteria required, by the regulations, to be appointed for the purposes specified under clause (7) (c); and
- (i) satisfies any additional prescribed criteria.

The section of the CSPA refers to the associated regulation, O. Reg 396/23 which identifies the required elements of the appointment. Each appointment must include:

- (7) The police service board or the Commissioner shall specify in the certificate of appointment,
 - (a) the name of the employer who may employ the appointee as a special constable;
 - (b) the term of the appointment, which must not be more than the prescribed period, if any;
 - (c) the powers of a police officer that the special constable may exercise, if any, to the extent and for the purposes specified in clause (c);
 - (d) any weapons or prescribed equipment that the special constable is authorized to possess or use in the course of his or her duties; and
 - (e) any other terms or conditions the police service board or the Commissioner consider appropriate.
 - (f) the purposes for which the person may act as a special constable, from among those set out in the regulations;

As such, the appointments for Special Constables within the Kingston Police will include the following purposes, powers and weapons.

Purposes:

1. Providing security in relation to premises that:
 - (a) are used for court proceedings;
 - (b) are used by a police service, the Government of Ontario, a municipal government or a band council; or
 - (c) 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:
 - (a) interviewing members of the public regarding alleged offences or missing persons;
 - (b) detaining, arresting or releasing individuals while acting under the direction of a police officer;
 - (c) securing or preserving evidence under the direction of a police officer;
 - (d) seizing or storing evidence under the direction of a police officer;
 - (e) securing crime scenes;
 - (f) collecting DNA evidence or extracting DNA from an individual as required as part of an investigation;
 - (g) fingerprinting individuals brought into police custody in connection with an investigation; and
 - (h) storing or processing evidence under the direction of a police officer.
4. Preparing and serving summonses or other legal documents.
5. Executing warrants or other court orders.
6. Laying charges while acting under the direction of a police officer.
7. Swearing informations.

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

Powers:

The powers of a police officer under the following Acts may be specified in a certificate of appointment if the certificate of appointment specifies a purpose set out in regulation.

1. *The Cannabis Control Act, 2017*
2. *The Compulsory Automobile Insurance Act*
3. *The Courts of Justice Act*
4. *The Highway Traffic Act*
5. *The Liquor Licence and Control Act, 2019*
6. *The Mental Health Act*
7. *The Motorized Snow Vehicles Act*
8. *The Off-Road Vehicles Act*
9. *The Provincial Animal Welfare Services Act, 2019*
10. *The Provincial Offences Act*
11. *The Safe Streets Act, 1999*
12. *The Smoke-Free Ontario Act, 2017*
13. *The Trespass to Property Act*
14. *The Youth Criminal Justice Act (Canada)*

Weapons:

1. Oleoresin capsicum spray.
2. Oleoresin capsicum foam.

3. A baton.

Conclusion

The named Special Constables should receive a certificate of appointment outlining the purposes, powers and weapons permitted. The certificate will be completed after Board approval. Each candidate has completed our previous training program and has successfully completed all elements of their training program.

Contact:

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