

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Ken Weatherill
Assistant Deputy Minister
Public Safety Division

SUBJECT: **Special Constable Employers under the *Community Safety and Policing Act, 2019* and O. Reg. 396/23**

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I am writing to share important information about Special Constable Employers and the new application process through which an eligible entity may apply to be an authorized special constable employer under the *Community Safety and Policing Act, 2019* (CSPA) effective April 1, 2024.

Police service boards and the Commissioner of the Ontario Provincial Police (OPP) will not be required to apply to the Solicitor General for authorization. However, police service boards and the Commissioner will serve a vital role in the appointment of special constables pursuant to section 92 of the CSPA as well as liaising with prospective employers to meet the requirements in section 7 of O. Reg. 396/23.

Employers who currently employ special constables under the *Police Services Act* may continue to employ special constables whose appointments carry on for up to three (3) years after the CSPA comes into force (i.e., up to April 1, 2027), or are set to expire before April 1, 2027, whichever comes first.

Expired special constable appointments cannot be renewed by the police service board of jurisdiction or the Commissioner of the OPP unless the employer is authorized as a special constable employer. No new special constables may be appointed unless the employer is an authorized special constable employer.

Process to Authorize Special Constable Employers

To comply with these new requirements under the CSPA, the ministry has established an authorization process for entities, other than police service boards and the Commissioner of the OPP, to apply for authorization to be a special constable employer.

For details, please refer to the following resources:

1. [Appendix A](#): New Special Constable Employer Application Process
2. [Appendix B](#): Special Constable Employer Authorization Application Form
3. [Appendix C](#): Frequently Asked Questions

If you have questions please contact Andrea.D'Silva@ontario.ca and Sarah.Marshall@ontario.ca.

Thank you for your ongoing collaboration as we draw closer to bringing the *Community Safety and Policing Act, 2019* into force.

Sincerely,



Ken Weatherill
Assistant Deputy Minister
Public Safety Division

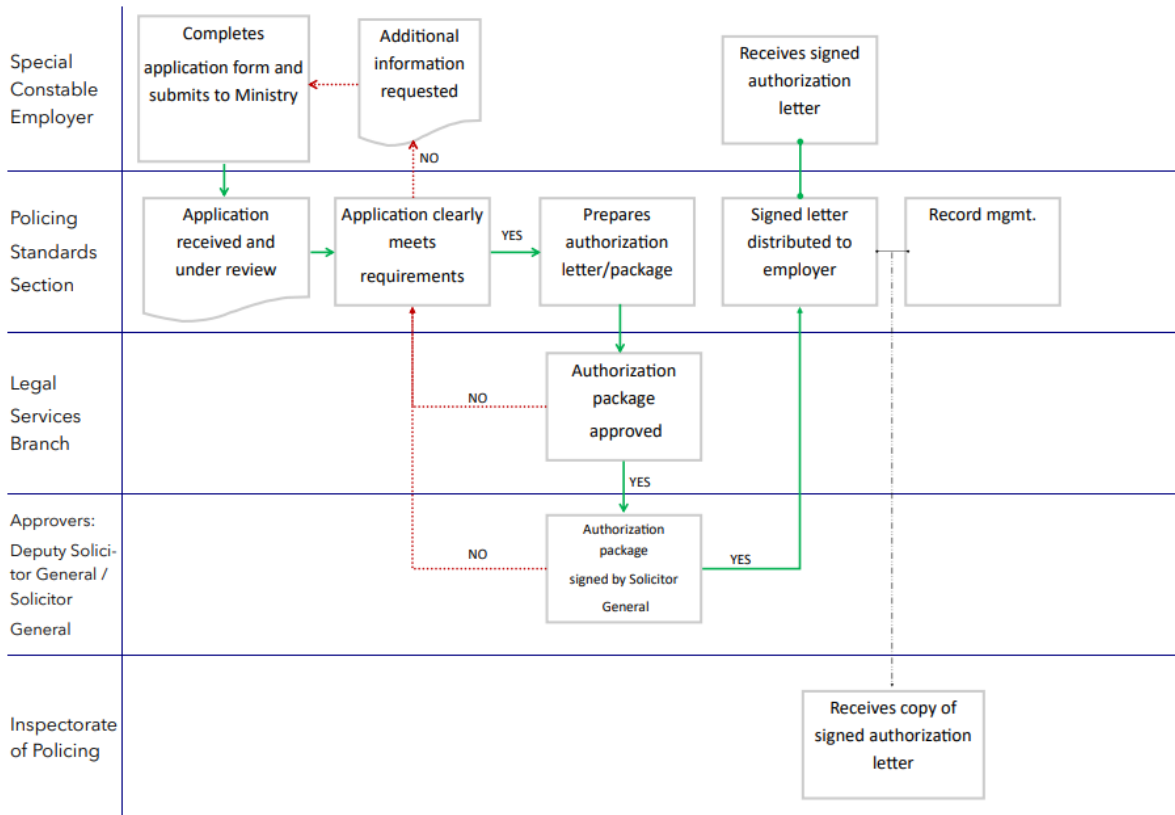
c: Mario Di Tommaso, O.O.M.
Deputy Solicitor General, Community Safety

Creed Atkinson
Chief of Staff, Ministry of the Solicitor General

Ryan Teschner
Inspector General of Policing

Appendix A: New Special Constable Employer Process

March 11, 2024



Appendix B: Special Constable Employer Application

The Application for Approval as a Special Constable Employer is available online. For entities other than police service boards and the Commissioner of the OPP, please follow the link provided to complete and submit your application. The ministry will receive a notice when your application has been submitted. As prospective special constable employers contact their police service board of jurisdiction or the Commissioner of the OPP, please provide them with the link to the online application or refer them to Andrea.D'Silva@ontario.ca and Sarah.Marshall@ontario.ca.

<https://forms.office.com/r/8evNVck0Cv>

Appendix C: Frequently Asked Questions

1. Why is the Ministry changing the appointment process?

The *Community Safety and Policing Act, 2019* (CSPA), builds a more comprehensive environment for special constables in Ontario. Under the Act, special constables must meet certain eligibility criteria and are issued a certificate of appointment. Additionally, special constable employers will require authorization by the Solicitor General to employ special constables.

Special constable employers must comply with the terms and conditions of their authorization and are required to investigate the conduct of their special constable employees that constitutes misconduct or contravenes the Act or the regulations.

2. Am I required to submit a Special Constable Employer Application if my organization/entity already employs special constables?

Yes, entities, other than police service boards and the Commissioner of the OPP, that currently employ special constables under the *Police Services Act, 1990* (PSA) are required to apply to the Solicitor General for authorization.

3. Who may apply for special constable employer authorization?

A person, other than a for-profit entity, may apply to the Solicitor General for authorization to employ special constables. "For-profit entity" here means a corporation incorporated under the *Business Corporations Act* or the *Canada Business Corporations Act* or any other entity that is prescribed.

4. Are police service boards or the Commissioner of the OPP required to submit a Special Constable Employer Application?

A police service board or the Commissioner is not required to make an application to become a special constable employer to employ special constable under the CSPA.

5. What happens to the existing special constable appointments under the PSA?

Subsection 92 (12) of the CSPA sets out the transitional provisions for special constable appointments made under Section 53 of the PSA. Special constable appointments made under the PSA would expire three years after the CSPA comes into force or at the date the appointment expires or is terminated, whichever comes first.

6. What happens if my application is not approved by April 1, 2024, can my special constables still perform their duties?

Subsection 92 (12) of the CSPA sets out the transitional provisions for special constable appointments made under Section 53 of the PSA. Special constable appointments made under the PSA would expire three years after the CSPA comes into force or at the date the appointment expires or is terminated, whichever comes first.

Expired special constable appointments cannot be renewed unless the employer becomes an authorized special constable employer. No new special constables could be appointed unless the employer is authorized by the Solicitor General to be a special constable employer.

7. After I submit the application, what is the processing time?

The ministry will aim to process complete applications within 30 days of receipt.

8. How will I know if my application has been approved?

The ministry will contact you by email and provide the decision in writing.