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ONTARIO REGULATION
made under the
COMMUNITY SAFETY AND POLICING ACT, 2019
CODE OF CONDUCT FOR SPECIAL CONSTABLES

APPLICATION AND INTERPRETATION

1. This Regulation sets out the code of conduct with which every special constable must comply.

COMPLIANCE WITH LAWS

- 2.** A special constable shall comply with the Act and the regulations made under it.
- 3.** A special constable shall comply with the *Special Investigations Unit Act, 2019* and the regulations made under it.
- 4.** A special constable contravenes this code of conduct if they are found guilty of an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada).

HUMAN RIGHTS AND THE CHARTER

- 5.** A special constable shall not, in the course of their duties, treat any person in a manner that would contravene the *Human Rights Code*.
- 6.** A special constable shall not, by act or omission, do anything that the special constable, at the time, knows or reasonably ought to know would infringe or deny a person's rights or freedoms under the *Canadian Charter of Rights and Freedoms*.

INTERACTIONS WITH THE PUBLIC

7. A special constable shall not make an arrest if, at the time of the arrest, the special constable knows or reasonably ought to know that the arrest is unlawful.

8. A special constable shall not authorize or make a physical or psychological detention if, at the time of the detention, the special constable knows or reasonably ought to know that the detention is unlawful.

9. A special constable shall not neglect the health or safety of any individual who is in their custody as a result of the special constable's duties.

10. A special constable shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in the delivery of services by special constables.

11. A special constable shall not use force unless,

- (a) the force is used for the purpose of carrying out a duty;
- (b) the special constable is entitled by statute or common law to use force for the purpose of carrying out that duty;
- (c) the special constable is acting on reasonable grounds; and
- (d) the force used is no more than is necessary given the circumstances.

12. A special constable shall not, in the course of their duties, use insulting language with any member of the public or otherwise treat any member of the public in a manner that is abusive or unprofessional.

13. While acting in the course of their duties, a special constable shall, upon request, provide their name and the name of their employer to any member of the public in a manner reasonable in the circumstances that allows the member of the public to identify the special constable.

INTEGRITY

14. A special constable shall not solicit, offer or take a bribe.

15. (1) A special constable shall not use their position as a special constable to do any of the following:

1. Benefit themselves.
2. Benefit one or more persons with whom they have a personal relationship.

3. Interfere with the administration of justice.

(2) In subsection (1),

“personal relationship” includes, but is not limited to, a relationship with any of the following persons:

1. A current or former spouse or common-law partner of the special constable.
2. A current or former intimate partner of the special constable.
3. The special constable’s children, including biological, adoptive and stepchildren.
4. The legal dependants of the special constable.
5. A child in the special constable’s care.
6. The special constable’s grandparents, parents or siblings, including grandparents-in-law, parents-in-law and siblings-in-law.

16. (1) A special constable shall not disclose to the public information obtained or made available in the course of their duties as a special constable except as authorized by their employer or as required by law.

(2) Subsection (1) does not apply to information that was already made available to the public by a person who was authorized to do so prior to the special constable’s disclosure.

17. A special constable shall not access, collect, use, alter, retain or destroy information obtained or made available in the course of their duties as a special constable if doing so would be contrary to law.

18. (1) A special constable shall not accept a gratuity or present of more than nominal value from any person or entity if the gratuity or present could influence or could be perceived to influence the performance of the special constable’s duties.

(2) Subsection (1) does not apply if the special constable’s employer authorizes them to accept the gratuity or present.

PERFORMANCE OF DUTIES

19. A special constable shall not, by act or omission, fail to perform their duties without lawful excuse if, at the time, they know or reasonably ought to know that their act or omission would amount to a failure to perform their duties.

20. A special constable shall not negligently exercise any powers granted pursuant to their appointment as a special constable under section 92 of the Act.

21. A special constable shall not perform or attempt to perform duties as a special constable while their ability to perform duties is impaired by alcohol or drugs.

22. (1) A special constable who is a member of a police service shall report conduct of another member of the police service in accordance with the procedures described in subsection 183 (1), (2) or (3) of the Act, as applicable, or to the Inspector General in accordance with section 185 of the Act if the special constable reasonably believes, or reasonably ought to believe, that the conduct constitutes misconduct.

(2) A special constable employed by a special constable employer shall report conduct of another special constable employed by that employer in accordance with the procedures described in subsection 183 (4) of the Act or to the Inspector General in accordance with section 185 of the Act if the special constable reasonably believes, or reasonably ought to believe, that the conduct constitutes misconduct.

(3) Despite subsections (1) and (2), a special constable who is acting as a representative of a union or association representing special constables is not required to report conduct that was made known to the special constable for the purpose of obtaining the special constable's assistance in their capacity as a union or association representative, unless failing to report the conduct would pose a serious risk of harm to any person.

(4) Despite subsections (1) and (2), a special constable who is participating in an organized peer support group is not required to report conduct of a member of the police service or a special constable employed by the special constable employer, as applicable, that was made known to the special constable in the course of participating in the peer support group, unless failing to report the conduct would pose a serious risk of harm to any person.

23. A special constable shall not deceive or mislead any person in relation to the special constable's duties, the special constable's employment or the administration of justice through any act or omission, except to the extent required or authorized for the purpose of carrying out the special constable's duties.

Commencement

24. This Regulation comes into force on the later of the day clause 95 (5) (c) of the Act comes into force and the day this Regulation is filed.