



INTERNAL CORRESPONDENCE

To: Chair and Members
From: Deb Reid
Dept: Niagara Police Service Board
Dept: Executive Director
Niagara Police Services Board

Date: March 22, 2024

Re: Police Service Board By-laws - Community Safety and Policing Act, 2019

Purpose:

The purpose of this report is to provide the Board with 34 *draft* by-laws as required for compliance with the *Community Safety and Policing Act, 2019 (CSPA)*, its Regulations, and the Ministry of Solicitor General's Policing Standards Manual.

Background Information and Discussion:

In March 2019, the Provincial Government passed the *Community Safety and Policing Act, 2019 (CSPA)*, as part of the *Comprehensive Ontario Police Services Act, 2019*. The CSPA will replace the current *Police Services Act (PSA)*.

On December 18, 2023, the Ministry of the Solicitor General advised that the Regulations required to bring the *Community Safety and Policing Act (CSPA)* into force were approved by Cabinet and that April 1, 2024 was proclaimed as the official date on which the *Community Safety and Policing Act, 2019* will come into force.

All Police Service Boards and Police Services are expected to be ready to comply with the *Act* and its Regulations starting on the in-force date. To prepare for these changes, the Board Solicitor, Executive Director, and Service staff have been working through the requirements under the CSPA and its Regulations to make sure the necessary governance, operational and process changes are in place as required by the new legislation.

There are a total of 103 Police Services Board By-laws under review, and these have been divided into smaller groups that will be submitted to the Board for approval over the next few months to ensure compliance with the CSPA by April 1, 2024. The revised By-laws submitted for Board approval at the March 28, 2024 meeting are as follows:

1. Accessibility Standards
2. Accessibility Standards for Customer Service
3. Administration of the Disclosure of Secondary Activities to the Chief of Police
4. Administration of the Public Complaints System Regarding the Conduct of Police Officers
5. Arrest
6. Bail and Violent Crime
7. Child Abuse and Neglect
8. Child Pornography (Internet Child Exploitation)

9. Crime Analysis
10. Criminal Harassment
11. Criminal Intelligence
12. Criminal Investigation Management and Procedures
13. Drug Investigations
14. Elder and Vulnerable Adult Abuse
15. Framework for Annual Reporting
16. Fraud and False Pretence Investigations
17. Hate/Bias Motivated Crimes and Hate Propaganda Offences
18. Illegal Gaming
19. Informants and Agents
20. Internal Task Forces
21. Interprovincial Policing Act
22. Joint Forces Operations
23. Ontario Sex Offender Registry
24. Parental and Non-Parental Abductions and Attempts
25. Persons In Custody
26. Police Response to Persons in Crisis Including Those Who Appear to Have a Mental Illness or Neurodevelopmental Disability
27. Property Offences (including Break and Enter)
28. Protocol for the Sharing of Information between the Board and the Region
29. Search and Seizure
30. Stolen or Smuggled Firearms
31. Vehicle Theft
32. Victims' Assistance
33. Witness Protection and Security
34. Youth Crime

To ensure compliance with legislative requirements, the above noted draft By-laws have been updated to reflect legislative and administrative amendments to meet the requirements of the CSPA and its Regulations, as well as to address any procedural updates or minor housekeeping revisions as required. At a minimum, these By-laws require compliance with the CSPA and its Regulations, in addition with the requirement to provide the Board with reports to assess compliance on an ongoing basis. These reports also assist during the budget preparation process and development of the strategic plan and as an ongoing assessment of the needs of the Service.

Cost of Recommendation:

There will be no additional costs associated with the implementation of the attached by-laws. Specific costs resulting from the implementation of the procedures referenced in the Board By-laws and policies are dealt with by the Chief and the Board on an ongoing basis as part of the annual budget processes.

Alternative Options:

The Board is required to develop a host of policies for every aspect of service delivery. The policies presented comply with the CSPA and its Regulations and Ministry of the Solicitor General guidelines and there are no realistic alternatives.

Reasons for Recommendation:

As indicated above, 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. This provision is a mandated responsibility of Police Services Boards. The By-laws and reporting requirements will assist in future budget processes, strategic plans and in assessing the needs of the Service on an ongoing basis.

(These policies have been reviewed and discussed with Chief Fordy, Service staff, and the Board's Solicitor, Woody McKaig, and are now presented to the Board for final approval.)

Recommendation:

That the Board adopt the draft by-laws as appended to this report, effective April 1, 2024;

And further, that the Board Chair, Executive Director, and Board Solicitor be authorized to make any supplementary administrative amendments to Board By-laws, that may be required following any additional clarification of the CSPA and its Regulations that may be received by the Ministry of the Solicitor General.



Deb Reid
Executive Director

Encl.



BY-LAW NO. 431-2024

**A BY-LAW RESPECTING
ACCESSIBILITY STANDARDS**

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 the Accessibility for Ontarians with Disabilities Act (AODA) was enacted into law by the Provincial Government in 2005 to ensure the development, implementation, and enforcement of accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises on or before January 1, 2025;
- 1.4 AND WHEREAS the Accessibility Standards for Customer Service Regulation 429/07 (ASCS) is the first of five sets of standards to be issued by the Provincial Government in support of the AODA;
- 1.5 AND WHEREAS the O. Reg. 429/07 (ASCS) establishes accessibility standards for customer service and applies to every designated public sector organization, and to every other person or organization that has at least one employee in Ontario and that provides goods or services to members of the public or other third parties;
- 1.6 AND WHEREAS the Integrated Accessibility Standards Regulation 191/11 (IASR) was enacted in 2011 and is a consolidation of accessibility standards in the following five areas: General; Information and Communications; Employment; Transportation; Design of Public Spaces (Accessibility for the Built Environment);
- 1.7 AND WHEREAS Section 1 of the Ontario Human Rights Code, c. H. 19 states that, "Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability."

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

2. DEFINITIONS

- 2.1 "Accessibility Plan" means a document approved by the Regional Municipality of Niagara and made available to the public that includes:
- a) the strategy to identify, remove and prevent barriers to people with disabilities and meet its requirements under the enacted regulations of the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)*; and
 - b) all other information and actions required under the *Ontarians with Disabilities Act, 2001 (ODA)* and AODA.
- 2.2 "Accessibility Standard" means a rule that persons and organizations must follow to identify, remove and prevent barriers to accessibility;
- 2.3 "Accessible Formats" include, but are not limited to, large print, recorded audio and electronic formats, Braille and other formats usable by people with disabilities;
- 2.4 "Act" or "CSPA" means the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, and amendments thereto;
- 2.5 "Agent" means a third-party individual or organization who deals directly with members of the public to provide a program, service or facility on behalf of the Board;
- 2.6 "Barrier" means anything that prevents a person with a disability from fully participating in all aspects of society because of their disability, including physical, architectural, information and communications, attitudinal, technological, policy or practice barriers;
- 2.7 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.8 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.9 "Communication Supports" includes, but are not limited to, captioning, alternative and augmentative sound devices, plain language, sign language and other supports that facilitate effective communications;
- 2.10 "Disability" is defined as prescribed in the *Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11* and the *Human Rights Code, R.S.O. 1990, c. H. 19*, as follows:
- a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or in a wheelchair or other remedial appliance or device,
 - b) a condition or mental impairment or a development disability;
 - c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
 - d) a mental disorder, or
 - e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*;
- 2.11 "Kiosk" means an interactive electronic terminal, including a point of sale device, intended for public use that allows users to access one or more services or products, or both; and
- 2.12 "NRPS" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board is committed to providing equal treatment to people with disabilities with respect to the use and benefit of services, programs, facilities and goods provided by the Niagara Regional Police Service, in a manner that respects their dignity and that is equitable in relation to the broader public. This commitment extends to residents, visitors and employees with visible and non-visible disabilities.
- 3.2 It is therefore the policy of the Board that the Chief of Police develop procedures and practices which address integration, independence, dignity and equal opportunity, in compliance with the requirements of the Accessibility Standards for Customer Service (ASCS), O. Reg. 429/07 and Integrated Accessibility Standards Regulation (IASR), O. Reg. 191/11 made under the Accessibility for Ontarians with Disabilities Act, 2005.

4 APPLICATION AND SCOPE

- 4.1 This By-law applies with the necessary modifications to Police Service Board members and staff, and to all employees of the Niagara Regional Police Service, auxiliary members, volunteers, and third-party contractors and agents.

5 DIRECTION TO THE CHIEF

5.1 PROCEDURES

- 5.1.1 The Chief shall establish written procedures and processes that incorporate the following principles and provisions listed in Section 5.2.

5.2 PRINCIPLES

- 5.2.1 The Chief shall ensure that the NRPS meets:

- (a) all requirements of the ASCS, O. Reg. 429/07 under the AODA are met on an ongoing basis;
- (b) all requirements of the IASR, O. Reg. 191/11 under the AODA are met on an ongoing basis in accordance with the timelines set out in the regulation;
- (c) all policies, practices and procedures are aligned with all requirements of the IASR, O. Reg. 191/11 under the AODA;
- (d) accessibility requirements related to the implementation of this By-law are part of the annual budget and planning processes.

5.3 DESCRIPTION

- 5.3.1 This Accessibility By-law functions as an overarching policy for the requirements of the Accessibility Standards developed under the AODA;

- (a) Customer Service Standards (ASCR, O. Reg. 429/07);
- (b) Transportation Standard (IASR, O. Reg. 191/11);
- (c) Information and Communications Standards (IASR, O. Reg. 191/11);
- (d) Employment Standards (IASR, O. Reg. 191/11);
- (e) Design of Public Spaces Standards (currently under development).

- 5.3.2 Compliance with the AODA is achieved through the following directives.

6 CUSTOMER SERVICE STANDARDS

6.1 CUSTOMER SERVICE

- 6.1.1 The Board is committed to providing excellent customer service to everyone, including people with disabilities. When serving customers with disabilities, reasonable efforts shall be made to provide the same level of service given to other customers and service shall be provided in the same manner that respects their dignity and independence. The Accessible Customer Service Policy governs how the Board offers goods and services to people with disabilities. See Reference: Accessibility Standards for Customer Service By-law 432-2024.

7 INTEGRATED ACCESSIBILITY STANDARDS

7.1 ACCESSIBILITY PLANNING

- 7.1.1 Accessibility planning for the operations of the Board and NRPS will be reflected in the multi-year accessibility plan adopted by the Regional Municipality of Niagara, which will be posted on the Region's website.
- 7.1.2 The multi-year plan will outline the ways NRPS will prevent and remove barriers and meet the requirements of the standards developed under the AODA as they apply to the operation of the NRPS, and will form part of the Region's multi-year accessibility plan.
- 7.1.3 The Region's multi-year accessibility plan is reviewed and updated at least every five (5) years and is done so in consultation with persons with disabilities and Police representatives on the Niagara Region Accessibility Advisory Committee.
- 7.1.4 The Board will be included in the Region's annual status report on the progress of measures taken to implement the above, which report will be posted on the Region's website.

7.2 PROCUREMENT OF GOODS, SERVICES, FACILITIES AND KIOSKS

- 7.2.1 When procuring goods, services, self-service kiosks or facilities, the Board and NRPS shall incorporate accessibility design, criteria and features, unless it is not feasible or practicable. If not feasible or practicable, the Board or NRPS, as the case may be, shall provide an explanation upon request.

7.3 INFORMATION AND COMMUNICATIONS

- 7.3.1 The Board is committed to meeting the communication needs of people with disabilities upon request. When communicating with a person with a disability, employees, volunteers and third-party contractors shall do so in a manner that takes into account the person's disability.

7.4 FEEDBACK

- 7.4.1 The Chief shall ensure that a process is established in accordance with the Accessibility Standards for receiving and responding to feedback about the manner in which the NRPS provides goods or services to persons with disabilities, and that information shall be made readily available to the public.

7.5 ACCESSIBLE FORMATS AND COMMUNICATIONS SUPPORTS

- 7.5.1 Except as otherwise provided by the AODA, the Board and NRPS shall, upon request, and in consultation with the person making the request, provide or make arrangements to provide accessible formats and communications supports for persons with disabilities. Accessible formats and communication supports shall be provided in a timely manner, taking into account the person's accessibility needs and at a cost charged to other persons.

7.6 EMERGENCY PROCEDURES, PLANS AND INFORMATION

- 7.6.1 The NRPS shall provide all existing public emergency procedures, plans and public safety information upon request in an accessible format or with appropriate communication supports in a timely manner.

7.7 ACCESSIBLE WEBSITES AND WEB CONTENT

- 7.7.1 Internet websites and web content controlled directly by the Board, NRPS or through a contractual relationship that allows for modification of the product will conform to the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0, at Level A and AA in accordance with the schedule set out in the AODA Integrated Accessibility Standards.

7.8 EMPLOYMENT

- 7.8.1 The Board and Chief of Police will create an accessible work environment for all employees across the employment life cycle, in accordance with the requirements and timelines set out in the *Employment Standards Act*, existing requirements under the *Ontario Human Rights Code* to accommodate people with disabilities, and the provisions of Part III of O. Reg.191/11.

7.9 TRAINING

- 7.9.1 All Police Service Board members and staff, NRPS employees, auxiliary members, volunteers and contractors who deal with the public on behalf of the NRPS shall receive accessibility training, including ongoing training to address changes to accessibility requirements. Training shall include information about the purposes of the *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c.11 and the requirements of the Accessibility Standards as they pertain to the NRPS.
- 7.9.2 Training records shall be maintained, including dates when training is provided and the number of employees who received training.
- 7.9.3 A document describing the training policy shall be prepared that includes a summary of the contents of the training and details of when the training is to be provided.
- 7.9.4 Third party contractors shall be required to demonstrate to the NRPS that they are in compliance with the AODA.

7.10 BUILT ENVIRONMENT STANDARDS

- 7.10.1 The Board and NRPS shall comply with the AODA Design of Public Spaces Standards (Accessibility Standards for the Built Environment) and the Niagara Region's Accessibility Design Standards when undertaking new construction and redevelopment of public spaces in the following areas:

- (a) Exterior paths of travel;
- (b) Accessible parking;
- (c) Obtaining services; and
- (d) Maintenance of accessible elements.

7.11 NON-COMPLIANCE WITH POLICY/MONITORING REQUIREMENTS

- 7.11.1 Failure to comply with the AODA regulations can result in administrative penalties as defined in Part V: Compliance of *Integrated Accessibility Standards Regulation, Ontario Regulation 191/11*. Employees who fail to comply with this policy may be subject to disciplinary action.
- 7.11.2 The Chief shall ensure supervisors and managers monitor current practices to ensure compliance.
- 7.11.3 On an annual basis, the Chief shall review and assess the effectiveness of the Police Service's policies and procedures related to the IASR.

8 REPORT TO THE BOARD

- 8.1 The Chief shall make an annual written report to the Board on or before August 30th of each year in respect of Accessibility Standards for Customer Service. The report shall include:
 - (a) a summary of the written procedures concerning Accessibility Standards for Customer Service; and
 - (b) confirmation of NRPS compliance with said procedures.

9. IMPLEMENTATION

- 9.1 By-law No. 366-2017 and 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.
- 9.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this ____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director



BY-LAW NO. 432-2024

A BY-LAW RESPECTING ACCESSIBILITY STANDARDS FOR CUSTOMER SERVICE

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 the *Accessibility for Ontarians with Disabilities Act* ("AODA") was enacted into law by the Provincial Government in 2005 to ensure the development, implementation, and enforcement of accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises on or before January 1, 2025;
- 1.4 AND WHEREAS the Accessibility Standards for Customer Service Regulation 429/07 (ASCS) is the first of five sets of standards to be issued by the Provincial Government in support of the AODA;
- 1.5 AND WHEREAS the O. Reg. 429/07 (ASCS) establishes accessibility standards for customer service and applies to every designated public sector organization, and to every other person or organization that has at least one employee in Ontario and that provides goods or services to members of the public or other third parties;
- 1.6 AND WHEREAS Section 1 of the Ontario Human Rights Code, c. H. 19 states that, "Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability."

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*, and amendments thereto;
- 2.2 "Assistive Devices" include, but are not limited to, auxiliary aids such as communication aids, cognition aids, personal mobility aids and medical aids (i.e. canes, crutches, wheelchairs, or hearing aids);

- 2.3 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.4 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.5 "Disability" is defined as prescribed in the *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c. 11 and the *Human Rights Code*, R.S.O. 1990, c. H. 19, as follows:
- a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or in a wheelchair or other remedial appliance or device,
 - b) a condition or mental impairment or a development disability;
 - c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
 - d) a mental disorder, or
 - e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act*, 1997;
- 2.6 "NRPS" means the Niagara Regional Police Service;
- 2.7 "Service Animals" are defined as prescribed in the Accessibility Standards for Customer Service, O. Reg. 429/07, as follows: "An animal is a service animal for a person with a disability:
1. If it is readily apparent that the animal is used by the person for reasons relating to their disability; or
 2. If the person provides a letter from a recognized health care professional confirming that the person requires the animal for reasons relating to the disability;"
- 2.8 "Support Persons" means, in relation to a person with a disability, another person who accompanies them in order to help with communication, mobility, personal care or medical needs or with access to goods or services.

3 BOARD POLICY

- 3.1 The Board is committed to providing equal treatment to people with disabilities with respect to the use and benefit of services, programs and goods provided by the Niagara Regional Police Service, in a manner that respects their dignity and that is equitable in relation to the broader public.
- 3.2 It is therefore the policy of the Board that the Chief of Police develop procedures and practices which address integration, independence, dignity and equal opportunity, in compliance with the requirements of the Accessibility Standards for Customer Service, O. Reg. 429/07 made under the *Accessibility for Ontarians with Disabilities Act*, 2005.

4 APPLICATION AND SCOPE

- 4.1 This By-law applies with the necessary modifications to Police Service Board members and staff, and to all employees of the Niagara Regional Police Service, auxiliary members, volunteers, and third-party contractors and agents.

5 DIRECTION TO THE CHIEF

5.1 PROCEDURES

5.1.1 The Chief shall establish written procedures and processes that incorporate the following principles and provisions listed in Section 5.2.

5.2 PRINCIPLES

5.2.1 The Chief shall ensure that the services, programs and goods provided by the NRPS to people with disabilities shall be done in a manner that:

- (a) accommodates disability-related needs by modifying the delivery of services, programs and goods to make them accessible to persons with disabilities;
- (b) reflects the principles of dignity and independence;
- (c) seeks to provide integrated services; and
- (d) provides equal opportunity to obtain, use or benefit from the programs, goods and services.

5.3 ASSISTIVE DEVICES

5.3.1 The Chief shall ensure that NRPS employees, auxiliary members, volunteers and third-party contractors accommodate the use of personal assistive devices. If a person with a disability requires assistive devices to access goods or services of the NRPS, they are allowed to use such devices.

5.4 GUIDE DOGS AND SERVICE ANIMALS

5.4.1 The Chief shall ensure that if a person with a disability is accompanied by a guide dog or other service animal, the NRPS will permit the person to enter the premises with the animal and keep it with them, unless the animal is otherwise excluded by law from the premises. If the service animal or guide dog is excluded by law from the premises, the NRPS will look to other measures to enable the person with a disability to obtain, use or benefit from the NRPS goods and services.

5.5 SUPPORT PERSONS

5.5.1 Where a person with a disability accessing NRPS goods or services is accompanied by a support person, NRPS employees, auxiliary members, volunteers and third-party contractors shall ensure that both persons are permitted to enter the premises together and shall ensure that the person with a disability can access the support person while on the premises.

5.6 ADMISSION FEES

5.6.1 If the NRPS charges an admission fee in connection with a support person's presence at an event or function, the NRPS shall ensure that notice is given in advance about the amount, if any, that is payable in respect of the support person accompanying a person with a disability.

5.7 COMMUNICATIONS

5.7.1 When communicating with a person with a disability, NRPS employees, auxiliary members, volunteers and third-party contractors shall do so in a manner that respects the person's disability.

- 5.7.2 Upon request, any documents required to be provided to a person with a disability pursuant to Section 9 (1) of Regulation 429/07 shall be provided in a format which takes into account the person's disability.

5.8 NOTICE OF TEMPORARY SERVICE DISRUPTION

- 5.8.1 If there is a disruption in the availability of facilities, services or goods used by persons with disabilities, the NRPS shall give notice to the public of the reason for the disruption, the date(s) of disruption, its anticipated duration and a description of alternative facilities or services, if any, that are available.
- 5.8.2 Such notice shall be posted in a conspicuous place on the premises of the NRPS or provided by other reasonable methods in the circumstances.
- 5.8.3 If the temporary disruption is anticipated, the NRPS will provide reasonable amount of advance notice of the disruption. If the temporary disruption is unexpected, notice will be provided as soon as possible.
- 5.8.4 A document shall be prepared that sets out the steps to be taken in conjunction with a disruption and upon request, shall be given to any person.

5.9 TRAINING

- 5.9.1 All Police Service Board members and staff, NRPS employees, auxiliary members, volunteers and contractors who deal with the public on behalf of the NRPS shall receive training on accessible customer service. Training shall include information about the purposes of the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c.11 and the requirements of the Accessibility Standards for Customer Service, O. Reg. 429/07 as they pertain to the NRPS.
- 5.9.2 Training records shall be maintained, including dates when training is provided and the number of employees, volunteers and others where applicable who received training.
- 5.9.3 A document describing the training policy shall be prepared that includes a summary of the contents of the training and details of when the training is to be provided.
- 5.9.4 Third-party contractors shall be required to demonstrate to the NRPS that they are in compliance with the AODA Customer Service Standards training before services are procured.

5.10 FEEDBACK

- 5.10.1 The Chief shall ensure that a process is established in accordance with the Accessibility Standards for Customer Service Regulation for receiving and responding to feedback about the manner in which the Niagara Regional Police Service provides goods or services to persons with disabilities, and that information shall be made readily available to the public.

5.11 DOCUMENTATION

- 5.11.1 Notice shall be given to persons to whom the NRPS provides goods or services that documents required by the Accessibility Standards for Customer Service Regulation are available upon request.

- 5.12.1 Documentation requested shall be given in a format that takes into account the person's disability.

6 REPORT TO THE BOARD

- 6.1 The Chief shall make an annual written report to the Board on or before August 30th of each year in respect of Accessibility Standards for Customer Service. The report shall include:
- (a) a summary of the written procedures concerning Accessibility Standards for Customer Service; and
 - (b) confirmation of NRPS compliance with said procedures.

7. IMPLEMENTATION

- 7.1 By-law No. 366-2017 and 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.
- 7.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this ____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director



BY-LAW NO. 433-2024

**A BY-LAW TO ESTABLISH POLICY
FOR THE ADMINISTRATION OF THE DISCLOSURE
OF SECONDARY ACTIVITIES TO THE CHIEF OF POLICE**

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 (1) (d) of the CSPA provides a Police Service Board shall establish policies respecting disclosure of secondary activities under Section 89 and decisions under that section;
- 1.3 AND WHEREAS subsection 39 (1) (h) provides that a Police Service Board shall monitor the Chief of Police's decisions regarding the restrictions on secondary activities set out in Section 89 and review the reports from the Chief of Police on those decisions;
- 1.4 AND WHEREAS the Board deems it expedient to pass a By-law to establish guidelines relating to secondary activities to the Chief of Police.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of Police of the Niagara Regional Police Service;
- 2.4 "Member" means a Member of the Niagara Regional Police Service as defined in the CSPA;
- 2.5 "Secondary Activities" means off-duty employment/activities other than the duties performed for the Service;
- 2.6 "Service" means the Niagara Regional Police Service.

3. DIRECTION TO THE CHIEF

- 3.1 The Chief shall develop and implement a procedure requiring full disclosure of the details on any secondary activity in which a Member is engaged.
- 3.2 When a Member has disclosed full particulars of an activity to the Chief, the Chief shall first determine whether the provisions of Section 89 of the CSPA prohibits the activity.
- 3.3 Where the Chief determines the activity is prohibited by subsection 89 (1) of the CSPA, the Member shall not be permitted to engage in that activity.
- 3.4 The Chief shall take such steps as are necessary to determine that his or her decision has been complied with.

4. REPORT TO THE BOARD

- 4.1 The Chief shall submit to the Board annual reports on disclosures and decisions made pursuant to Section 89 of the CSPA and the provisions of this By-law, which shall appear on the public agenda.
- 4.2 The annual report shall be divided into two sections entitled "Uniform" and "Civilian" and shall contain the following information:
- (a) the total number of applications or disclosures of secondary activities made to the Chief of Police;
 - (b) the nature or type of each of the secondary activities applied for or disclosed;
 - (c) the total number of secondary activities approved by the Chief of Police;
 - (d) the nature or type of each of the secondary activities approved by the Chief of Police;
 - (e) the total number of secondary activities denied by the Chief of Police;
 - (f) the nature or type of each of the secondary activities denied by the Chief of Police;
 - (g) the reasons for each of the denials referred to in subparagraph (f) above;
 - (h) the total number of applications or disclosures of secondary activities presently pending.

5. IMPLEMENTATION

- 5.1 By-law Nos. 150-1995 and 284-2008, as amended, and 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.
- 5.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director



BY-LAW NO. 434-2024

A BY-LAW RESPECTING THE ADMINISTRATION OF THE PUBLIC COMPLAINTS SYSTEM REGARDING CONDUCT OF POLICE OFFICERS

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 Parts X, XI and XIII of the CSPA set out in detail the requirements of the Board, the Chief and the Complaints Director regarding public complaints made against police officers, including Chiefs of Police and Deputy Chiefs of Police;
- 1.4 AND WHEREAS O. Reg. 406/23: Discipline prescribes limits on forfeiture of pay discipline imposed on a police officer;
- 1.5 AND WHEREAS O. Reg. 404/23: Adjudication Hearings prescribes procedures for discipline hearings conducted under Sections 201, 202 and 210 of the CSPA;
- 1.6 AND WHEREAS Parts VIII and X of the CSPA set out the process for dealing with public complaints;
- 1.7 AND WHEREAS the said Board deems it expedient to enact this By-law to ensure that the response to public complaints by the Board and the Service adheres to the principles set out in Parts X, XI and XII of the CSPA, O. Reg. 406/23: Discipline, O. Reg. Regulation 404/23 Adjudication Hearings, directives and guidelines received from the Law Enforcement Complaints Agency (LECA) and this By-law.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;

- 2.4 *"Complaints Director"* means the person appointed by the Lieutenant Governor in Council under Section 131 of the CSPA as the head of LECA;
- 2.5 *"Deputy"* means the Deputy Chief of Police of the Niagara Regional Police Service;
- 2.6 *"Executive Director"* means the Executive Director of the Board;
- 2.7 *"LECA"* means the Law Enforcement Complaints Agency established under Section 130 of the CSPA, which has replaced the Office of the Independent Police Review Director;
- 2.8 *"Member"* means a member of the Niagara Regional Police Service;
- 2.9 *"Police Officer"* is defined in accordance with the CSPA;
- 2.10 *"Professional Standards Unit"* means the Unit within the Service designated by the Chief to deal with discipline matters, including Public Complaints, and to liaise with LECA; and
- 2.11 *"Service"* means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes and adheres to the principle that fair, open, prompt, thorough and efficient response to Public Complaints is a cornerstone to establishing and maintaining a positive community-police relationship, and it is therefore the policy of the Board that such complaints be dealt with in a professional and thorough manner in accordance with Parts X, XI and XII of the CSPA, O. Reg. 406/23: Discipline, O. Reg 404/23 Adjudication Hearings, directives and guidelines received from the Law Enforcement Complaints Agency (LECA), and procedures established by the Chief as directed in this By-law.

4 DIRECTION TO THE CHIEF – PUBLIC COMPLAINTS

4.1 PROCEDURES

- 4.1.1 The Chief shall develop and maintain a procedure to ensure that complaints are processed in accordance with the provisions of Part X, XI and XII of the CSPA, and shall provide a copy of the said procedure to the Board.
- 4.1.2 The Chief shall maintain a Professional Standards Unit, adequately staffed and trained, to liaise with the LECA, to receive, investigate and where appropriate, prosecute or assist in the prosecution of Public Complaints against police officers in accordance with Part X, XI and XII of the Act and Regulations 406/23 and 404/23.

- 4.2 The Chief shall ensure that said procedure referred to in Article 4.1 above includes the following provisions:

- 4.2.1 That Public Complaint process information, including Public Complaint forms provided by the LECA, be posted and made available in each District in an area accessible to the public;
- 4.2.2 That Public Complaints received by any member of the Service be forwarded immediately to the Chief to be dealt with in accordance with Part X of the CSPA;

- 4.2.3 That when the Service is accepting a complaint it will ensure that notice of the complaint is not provided to the respondent officer or any other officer until the Complaints Director makes a direction in accordance with its powers under Section 157 (3) of the CSPA;
- 4.4 That adequate training is provided to all Members of the Service in respect of the complaints procedures of the Service and Parts X, XI and XII of the CSPA and Regulations 406/23 and 404/23.
- 4.5 That the Chief and the Professional Standards Unit's Inspector or their designee co-operate and follow the direction of the Complaints Director in respect of all Public Complaints, including but not limited to providing the Complaints Director with information to assist in screening or assigning the complaint to investigation, investigating the complaint, reporting on the investigation, and prosecuting or assisting the Complaints Director in the prosecution of the complaint when appropriate;
- 4.6 That the procedures developed by the Chief include a mechanism to provide assistance for Public Complainants who may not be literate, or who may not be fluent in English;
- 4.7 That all notices to the Complainant, the police officer who is the subject of the Complaint, the Complaint Director and the Board be given as required by the CSPA.

5 CONDUCT COMPLAINTS AGAINST THE CHIEF OR DEPUTY CHIEF

- 5.1 Conduct Complaints about the Chief or Deputy Chief shall be referred to the Complaints Director immediately upon receipt by the Board.

6 REPORTING REQUIREMENTS

6.1 CONDUCT COMPLAINTS OF A SERIOUS NATURE

- 6.1.1 The Chief shall make a confidential written report in respect of any Conduct Complaint which involves allegations of criminal misconduct by a police officer, or which involves allegations of misconduct described in Part X, XI or XII of the CSPA or Regulation 407/23: Code of Conduct, either of which are of such a serious nature that, if proven, are likely to call into question the reputation or integrity of the Service, or which involve the public interest.
- 6.1.2 The Chief shall not make this confidential written report to the Board without the prior consent of the Complaint Director.
- 6.1.3 The said reports shall contain information as to the nature of the conduct alleged, the action being taken regarding the complaint, and any other information which the Chief feels is relevant, but shall not include the name of the police officer who is the subject of the report.

6.2 BOARD REPORTS

- 6.2.1 The Chief shall make quarterly written reports to the Board on the administration of the Public Complaints process, such report to be provided to the Board in March, June, September and December of each year.
- 6.2.2 The reports, as provided in 6.2.1 above, shall include comparative data for the same time period in the immediately preceding calendar year.

6.2.3 The report shall provide cumulative year-to-date information on Public Complaints as provided in 6.3 below.

6.2.4 The Chief shall include the relevant Complaints information in the Annual Report of the Service.

6.3 The reports shall include the following information in respect of conduct complaints, except for those complaints against the Chief or the Deputy Chief:

6.3.1 the total number of conduct complaints made;

6.3.2 the number of referrals to the Complaint Director;

6.3.3 the number of conduct complaints determined to be unsubstantiated after investigation, or not acted upon pursuant to Section 158 of the CSPA;

6.3.4 the number of hearings and findings from the hearings held pursuant to Sections 201 and 202 of the CSPA;

6.3.5 the number of complaints dealt with informally pursuant to Section 169 of the CSPA, together with a summary of the nature of the complaints dealt with informally and the informal resolutions achieved;

6.3.6 the number of complaints resolved or dealt with pursuant to Section 215;

6.3.7 a summary of the penalties imposed pursuant to Sections 200, 201 and 202 of the CSPA;

6.3.8 the number of outstanding complaints as at the end of the reporting period; and

6.3.9 the time to complete each complaints process from the date the complaint is received to the date it is disposed of.

7. IMPLEMENTATION

7.1 By-law Nos. 155-1996, 173-1997, 301-2010 and 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.

7.2 This By-law shall come into force on April 1, 2024.

7.3 The Chief shall implement this By-law, where applicable, through General Order.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director



BY-LAW NO. 435-2024

**A BY-LAW RESPECTING
ARREST**

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 O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services and requires in subsection 6 (1) 4. xi that a Chief of Police shall establish written procedures on arrest;
- 1.4 AND WHEREAS the Board deems it appropriate that it enact a policy on arrest;
- 1.5 AND whereas Part LE-005 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Board, the Chief and members relative to arrest.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.5 "Member" means a member of the Niagara Regional Police Service;
- 2.6 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

- 3.1 The Board recognizes that issues involving arrest of criminal suspects form an important part of investigative and preventative policing and are crucial to the prosecution of criminal offences, and it is therefore the policy of this Board that issues involving arrest be dealt with in a professional and thorough manner in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall establish procedures on arrest that require the compliance by Members with legal, constitutional and caselaw requirements relating to arrest and detention.
- 4.1.2 The Chief shall ensure that the procedures on arrest include a procedure for search and seizure incidental to arrest.

4.2 TRAINING

- 4.2.1 The Chief shall ensure that police officers and Members, as considered appropriate, are kept informed of changes in the law relating to arrest and detention.

- 4.3 The procedures referred to above shall be in accordance with Appendix A.

5. REPORT TO THE BOARD

- 5.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of investigations into property offences. The report shall include:
- (a) a summary of the written procedures regarding arrest and detention; and
 - (b) confirmation of compliance with the procedures regarding arrest and detention.

6. IMPLEMENTATION

- 6.1 By-law No. 197-2000 and 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.
- 6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on arrest. In addition, section 13(1)(j) requires the Chief of Police to establish procedures and processes in respect of arrest.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to arrest that the Chief of Police will:

- a) establish procedures on arrest that require the compliance by members of the police service with the legal, constitutional and case law requirements relating to arrest; and
- b) ensure that officers, and other members as appropriate, are kept informed of changes in the law relating to arrest.

Police Service Guidelines

- Procedures**
1. Every police service's procedures on arrest should:
 - a) require an officer, when making an arrest, to comply with legal, constitutional and case law requirements;
 - b) require that, except under extraordinary circumstances that must be fully documented, any person under arrest that requires medical aid shall be provided access to appropriate medical attention prior to processing;
 - c) require that in all cases of arrest, the officer shall ensure that appropriate documentation and record checks are completed, including completing and submitting a record of arrest that:
 - i) outlines the details of the arrest;
 - ii) provides information on the arrested person, including if detained:
 - any injuries;
 - medication required and/or administered;
 - property seized;
 - telephone calls;
 - potential for suicide;
 - potential for violence;
 - risk to escape;
 - emotional disturbance, any mental illness or developmental disability;

- whether the prisoner is on bail, probation/parole or serving a conditional sentence; and
 - any other information which would assist custodial personnel to adequately care and control the prisoner;
- d) require that a record of arrest be kept current, including making changes required under the police service's procedures on prisoner care and control;
 - e) address the circumstances and process for fingerprinting and photographing the arrested person;
 - f) require that, when an arrested person has the care, charge or custody of another person who, because of age, physical or medical condition, is unable to care for themselves, the officer shall make every effort to secure proper care for that person;
 - g) require that, when a person is released following an arrest, every effort shall be made to ensure the safety of that person and any others who may be affected by the release given the time and location of release; and
 - h) require officers to comply with the police service's procedures for bail.

- Information** 2. Every Chief of Police should ensure that their police officers are:
- a) kept informed of changes in the law with respect to arrest, and other matters as appropriate; and
 - b) provided with a current card that includes the rights and cautions for persons being arrested.



BY-LAW NO. 436-2024

**A BY-LAW RESPECTING
BAIL AND VIOLENT CRIME**

1. PREAMBLE

- 1.1 WHEREAS Part XVI of the Criminal Code of Canada deals with bail for criminal offenders;
- 1.2 AND 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;
- 1.3 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;
- 1.4 AND WHEREAS subsection 6 (1) 4 xii of O.Reg. 392/23: Adequate and Effective Policing (General) prescribes that a Chief of Police shall establish procedures and processes with respect to bail and violent crime;
- 1.5 AND WHEREAS the Board deems it appropriate that it has a policy on bail and violent crime;
- 1.6 AND WHEREAS Part LE-023 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing police services relative to bail and violent crime.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Chief Judge" means the local administrative judge in conjunction with the Regional Senior Justice;

- 2.5 "Crown Attorney" means the Crown Attorney for the Judicial District of Niagara North, the Crown Attorney for the Judicial District of Niagara South and the Federal Prosecutor;
- 2.6 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.7 "Member" means a member of the Niagara Regional Police Service;
- 2.8 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

- 3.1 The Board recognizes that issues relating to bail and in particular, bail for persons accused of violent crimes are important components of investigative and preventative policing, and it is therefore the policy of this Board that such issues be dealt with in a professional and thorough manner, and in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 OPPOSING BAIL ON SECONDARY GROUNDS

- 4.1.1 The Chief shall develop a procedure on bail and violent crimes that addresses the assessing of whether to recommend opposing bail on the secondary grounds.
- 4.1.2 The Service's procedure on assessing whether to oppose bail on secondary grounds shall address the factors set out in Section 1 of Appendix "A".

4.2 PREPARATION OF THE BAIL HEARING BRIEF

- 4.2.1 The Chief shall establish procedures on bail and violent crime that address the preparation of the show cause report.
- 4.2.2 The Service's procedures on the preparation of the bail hearing brief shall include those criteria identified in Section 2 of Appendix "A".

4.3 PRE-HEARING NOTIFICATIONS

- 4.3.1 The Chief shall ensure that the Service's procedure on bail provides for advance notification of the bail hearing to the appropriate Crown Attorney.

4.4 POST-BAIL HEARING NOTIFICATIONS

- 4.4.1 The Chief shall establish procedures for post-bail hearing notification.
- 4.4.2 The Service's procedure on post-bail hearing notification shall include those matters identified in Section 3 of Appendix "A".

4.5 BREACH OF BAIL CONDITIONS

- 4.5.1 The Chief shall ensure that the procedures that deal with breach of bail conditions.
- 4.5.2 The Service's procedure on breach of bail conditions shall include those matters identified in Section 5 of Appendix A.

4.6 TRAINING

4.6.1 The Chief shall ensure that Members involved with bail have the requisite knowledge, skill and abilities.

5. REPORT TO THE BOARD

5.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of investigations into property offences. The report shall include:

- (a) a summary of the written procedures regarding bail; and
- (b) confirmation of compliance with the procedures regarding bail.

6. IMPLEMENTATION

6.1 By-law No. 215-2000 and 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.

6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on bail and violent crime. In addition, section 13(1)(k) requires the Chief of Police to establish procedures and processes with respect to bail and violent crime.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to bail and violent crime that the Chief of Police will establish procedures on bail and violent crime that address:

- a) assessing opposing bail on the secondary grounds;
- b) preparing the show cause report (bail hearing brief);
- c) post-bail hearing notifications; and
- d) breach of bail conditions.

Police Service Guidelines

Opposing Bail on the Secondary Grounds

1. Every police service's procedures on assessing whether to oppose bail on the secondary grounds in cases involving violence or threatened use of violence should address:
 - a) information to be gathered by officers, including:
 - i) obtaining the accused's criminal record and taking reasonable steps to obtain the underlying facts supporting prior criminal convictions or outstanding charges, including the name of the victim, where they may be of assistance;
 - ii) verifying whether the accused faces outstanding charges, type of release and any conditions of release;
 - iii) making reasonable efforts to obtain general background information on the accused, including any known history of violent behaviour, as well as any information on any known psychiatric, emotional or mental problems that are relevant to the circumstances of the offence, or which may provide grounds for supporting the continued detention of the accused;
 - iv) making reasonable efforts to obtain information on whether the accused has an alcohol or drug abuse history, and assessing whether drugs or alcohol were involved or related to the offence;
 - v) verifying whether any non-restricted, restricted or prohibited firearm, cross-bow, prohibited weapon, ammunition or explosive substance was seized



- from the accused, and whether any specific firearm or other weapon alleged to have been used in the offence has been recovered; and
- vi) obtaining information on whether the accused is legally entitled to possess or acquire, or has access to non-restricted, restricted or prohibited firearms, prohibited weapons, cross-bows, ammunition or explosive substances;
- b) assessing the circumstances of the case in order to determine whether:
- i) the protection or safety of the public and victim can be satisfied if the accused is released by an officer pursuant to Part XVI of the *Criminal Code*;
 - ii) there is a need to impose conditions on the release pursuant to section 515 of the *Criminal Code* in order to protect the safety of the public and victim; or
 - iii) the accused's continued detention is necessary for the protection or safety of the public, victim or victim's children;
- c) the factors to be considered in assessing whether to recommend that bail be opposed in a case, including:
- i) whether the case involves a threat of death or serious bodily harm;
 - ii) whether the victim suffered more than minor injuries in an assault;
 - iii) whether the accused used or threatened to use a weapon or firearm;
 - iv) whether the police have information that there is a history of prior violence or abuse by the accused towards the victim, and the officer believes that the victim may be at continued risk from the accused;
 - v) whether the victim is concerned about his or her safety;
 - vi) whether there was planning and deliberation;
 - vii) whether there is reason to believe that the accused will continue to offend, including in criminal harassment cases, the accused engaged in repetitive harassing behaviour;
 - viii) whether the accused has a history of violent behaviour, or is a repeat offender who has been previously convicted of violent offences, or is engaged in an escalating pattern of violent behaviour;
 - ix) whether the accused is on bail, parole, temporary absence, conditional sentence or probation or has a history of disregarding court orders;
 - x) whether there is reason to believe that the accused has alcohol or drug problems, or may be mentally unstable, and would likely re-offend or be dangerous if released;
 - xi) whether the accused has attempted to obstruct justice;
 - xii) whether the accused's release will impede further investigation;
 - xiii) whether the accused has threatened retaliation against the complainant; or
 - xiv) in cases involving a domestic violence occurrence, other risk indicators set out in the domestic violence supplementary report form;
- d) documenting in any case where one or more of the factors in 1(c) is determined to exist, the reasons if the officer decides not to recommend that bail be opposed; and

- e) the requirement that a review be undertaken in any case where the accused commits a violent crime while awaiting trial for charges relating to a domestic violence occurrence, sexual assault, criminal harassment or firearms, where the officer had not recommended to the Crown that bail be opposed.

**Preparing
the Bail
Hearing
Brief**

- 2. Every police service's procedures on the preparation of the bail hearing brief should:
 - a) require officers when preparing a bail brief to make every reasonable effort to follow the specified steps for preparing a bail brief, including:
 - i) displaying in the brief, the officer's recommendation that bail be opposed, or that the officer is recommending that the accused be released with conditions;
 - ii) including in the brief, information regarding the alleged offence which clearly sets out those circumstances of the offence which emphasize its seriousness, and those factors which indicate that the accused is a threat to the protection or safety of the public, as well as any evidence known to the officer that demonstrates the strong possibility of conviction that can be disclosed at the bail hearing in a manner that does not jeopardize an on-going investigation;
 - iii) including in the brief, the accused's complete criminal record and underlying facts supporting prior criminal convictions where they may be of assistance in opposing bail;
 - iv) displaying in the brief, whether the accused faces outstanding charges and the underlying facts, and information on any outstanding release orders (including type of release), warrants and conditions of release;
 - v) displaying in the brief, whether the accused is currently on parole, temporary absence or probation, or has been previously convicted of committing offences while on bail, parole, temporary absence, or probation and if so, including relevant information concerning these occurrences and any information on the accused's prior response to community supervision that has been obtained from federal or provincial correctional services, including institution and community-based services;
 - vi) including in the brief, any general background information on the accused, including any known history of violent behaviour, as well as any information on any known psychiatric, emotional or mental problems of the accused that are relevant to the circumstances of the offence, or which may provide grounds for supporting the continued detention of the accused;
 - vii) inserting into the brief, at the earliest opportunity, information on whether the accused has an alcohol or drug abuse history (and victim's concerns), and the involvement of drugs or alcohol in the offence;
 - viii) ensuring that a detailed statement of the victim and other supporting witnesses is available at the earliest opportunity and inserted in the brief,

- including the victim's concerns, if any, as to the accused's dangerousness and threat to the victim's safety;
- ix) include any relevant statements or utterances of the accused within the brief;
 - x) displaying in the brief, any information that the accused may be a suicide risk or have suicidal tendencies;
 - xi) displaying in the brief, whether or not the specific weapon allegedly involved in the offence has been recovered;
 - xii) displaying in the brief, whether the accused is legally entitled to possess or acquire, or has access to non-restricted, restricted or prohibited firearms, prohibited weapons, cross-bows, ammunition or explosive substances;
 - xiii) displaying in the brief, any known criminal associates of the accused;
 - xiv) in cases involving domestic violence occurrences, including information on any breaches of restraining orders if known, or whether there are any outstanding orders relating to custody of or access to children;
 - xv) recording in the brief, any aspects of the bail hearing brief preparation that are as yet incomplete which may assist in opposing bail, and ensure that the Crown is aware of any need for an adjournment to enable the completion of an investigation bearing upon the accused's threat to the protection or safety of the public (including an estimate of how much time will be required);
 - xvi) in cases where bail is opposed, indicating in the brief that bail is opposed but in the event of release, include recommendations for conditions of release that the Crown should request, including in all cases involving domestic violence occurrences, sexual assault and criminal harassment the recommendation that a firearms prohibition order be sought under section 515 of the *Criminal Code*;
 - xvii) flagging when a brief relates to a domestic violence occurrence, child abuse, sexual assault or criminal harassment; and
 - xviii) attaching to the brief, in cases of domestic violence occurrences, the completed domestic violence supplementary report form.

3. Every police service's procedures should:

- a) require supervisors to review bail hearing briefs completed by officers, including monitoring all briefs to ensure that the contents are correct and complete;
- b) require that the Crown conducting the bail hearing is made aware, as soon as possible, if the officer is recommending that bail be opposed, and if requested by the Crown the officer should attend at the bail hearing; and
- c) ensure that the victim be informed of the right to attend the bail hearing (the officer preparing the brief should also consider whether it is necessary for the victim to attend the bail hearing to testify regarding any safety fears the victim may have, and if so, should discuss this with the victim).



4. Every police service's procedures on post-bail hearing notifications should address, consistent with local protocols, who is responsible for:
 - a) notifying the victim of the outcome of the bail hearing, including any conditions of release;
 - b) entering the conditions for release on CPIC, within at least 24 hours or as soon as practicable, if the accused is released on bail;
 - c) the steps to be followed for the receipt and storage of information on an accused who is released on bail and is required to reside in or report to the police service; and
 - d) the steps to be taken in the event that an accused fails to report.

**Breach of
Bail
Conditions**

5. Every police service's procedures on the breach of bail conditions should:
 - a) set out the steps to be taken by an officer when an accused is alleged to have breached or is about to breach any condition of his or her release, including:
 - i) promptly investigating the alleged breach;
 - ii) arresting the accused under subsection 524(2) of the *Criminal Code*;
 - iii) obtaining a warrant for the accused's arrest under 524(1) of the *Criminal Code*, if the accused cannot be located;
 - iv) documenting the reasons if the officer does not arrest an accused, or obtain a warrant for the accused's arrest; and
 - v) notifying the victim about the breach;
 - b) set out the steps to be taken by officers when a breach involves an accused whose conditions of release originated in the jurisdiction of another police service, including:
 - i) in all cases notifying the other police service about the alleged breach;
 - ii) requesting that the other police service provide information on the underlying offence, whether bail was opposed, and any reasons for the conditions of release;
 - iii) communicating all relevant information concerning the alleged breach to the other police service, including information on whether the accused has been, or will be, charged with another serious offence; and
 - iv) consulting with the other police service, and, if necessary, the local Crown's office on the options available, including dealing with the breach in the jurisdiction where it occurred or returning the accused to the jurisdiction where the conditions of release originated;
 - c) set out the steps to be taken by officers when a breach involves an accused whose original conditions of release occurred in the officer's home jurisdiction, and the officer is subsequently notified by another police service about an alleged breach of those conditions by the accused, including:
 - i) ensuring that all relevant information is provided to the police service in whose jurisdiction the breach occurred; and
 - ii) informing the duty officer or designate regarding the breach conditions;



- d) identify the duty officer or designate, as being responsible for determining whether the accused is returned to the jurisdiction where the conditions of release originated, or remain in the jurisdiction where the breach occurred, and that the duty officer should, where practical:
 - i) consult with the local Crown Counsel regarding the breach of conditions;
 - ii) consult with the police service where the breach occurred; and
 - iii) document the reasons for the decision; and
- e) set out the factors to be considered when determining whether to return an accused to the jurisdiction where the conditions of release originated, including:
 - i) in cases involving domestic violence, sexual assault, criminal harassment, and other serious crime, it is preferable to return the individual to the jurisdiction where the conditions of release originated because the gravity of the breach will be best understood in the context of the original offence;
 - ii) the logistics involved in seeking to cancel the accused's release;
 - iii) whether *Criminal Code* charges are being laid against the accused as a result of the breach; and
 - iv) whether the accused is being charged with another serious substantive offence.





BY-LAW NO. 437-2024

**A BY-LAW RESPECTING
CHILD ABUSE AND NEGLECT**

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 O.Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS the Board deems it appropriate that the Chief of Police develop and maintain procedures on and processes for undertaking and managing investigations into child abuse and neglect;
- 1.5 AND WHEREAS Part LE-027 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix "A", contains guidelines directing the Chief and police service relative to investigations into child abuse and neglect.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General
- 2.5 "Member" means a member of the Niagara Regional Police Service;
- 2.6 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

- 3.1 The Board recognizes that matters of child abuse and neglect are serious in nature, and it is therefore the policy of this Board that investigations into such matters be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1. The Chief shall develop and maintain procedures for undertaking and managing investigations into child abuse and neglect. These procedures shall be in accordance with Appendix A.
- 4.1.2 The Chief shall ensure that the procedures referred to in section 4.1.1 above include a clear delineation of duties and responsibilities for all Members who come into contact with victims of child abuse and neglect.

4.2 PROTOCOL

- 4.2.1 The Chief shall ensure that the Police Service enters into a child abuse protocol with Family and Children's Services Niagara and the Regional Crown Attorney with respect to investigations into complaints of child abuse and neglect and the sudden unexpected death of any child.
- 4.2.2 The Chief shall ensure that the protocol referred to in section 4.2.1 is reviewed on an annual basis.

4.3 TRAINING

- 4.3.1. The Chief shall ensure that Members involved in the investigations of child abuse and neglect have the requisite knowledge, skills and abilities required.

5. REPORT TO THE BOARD

- 5.1 The Chief shall make a written report to the Board on or before August 30th of each year in respect of investigations into child abuse and neglect. The report shall include:
- (a) a summary of the written procedures concerning investigations into child abuse and neglect;
 - (b) confirmation that the procedures and protocol are being complied with; and
 - (c) a summary of the training given to Members regarding investigations into child abuse and neglect.
- 5.2 The Chief shall ensure that a proposed protocol is presented to the Board for review and approval.

6. IMPLEMENTATION

- 6.1 By-law No. 219-2000 and 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.

6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this ____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachments (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into the physical and sexual abuse of children. In addition, section 12(1)(a) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into the physical and sexual abuse of children.

Furthermore, the *Child and Family Services Act (CFSA)* mandates that the paramount purpose of any child abuse and neglect investigation is to promote the best interests, protection and well being of the child.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to child abuse and neglect investigations that the Chief of Police will:

- a) in partnership with the local Crown, Children's Aid Societies, municipalities, school boards and other appropriate service providers, including hospital staff, work to establish a committee to develop a local strategy to prevent, and respond to complaints of, child abuse and neglect;
- b) develop and maintain procedures on and processes for undertaking and managing child abuse and neglect investigations;
- c) enter into a child abuse protocol with their local Children's Aid Societies with respect to investigations into complaints of child abuse and neglect, and the sudden unexpected death of any child; and
- d) if the alleged child abuse fits the definition of a major case, require officers to comply with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*.

Police Service Guidelines

Multi- Disciplinary Coordination

1. Every Chief of Police should, in partnership with the local Crown, Children's Aid Societies (CAS), municipalities, school boards and other appropriate service providers, including hospital staff, work to establish a committee to coordinate the development of a local strategy for preventing, and responding to issues and complaints of, child abuse and neglect.

2. The mandate of the committee should include:
 - a) addressing information sharing among the member organizations, in order to facilitate a coordinated response to child abuse and neglect;
 - b) the implementation of local community strategies and education/awareness initiatives/programs for addressing issues related to child abuse and neglect; and
 - c) liaising with the local Child Abuse Review Team(s) (CART), where one(s) exists within the community.
3. The mandate of the above committee may be fulfilled through an existing CART, or other planning and review committee, already established within the community (in which case the committee (referred to in sections 1 and 2) need not be established).

**Child Abuse
Protocol**

4. Every Chief of Police shall enter into a child abuse protocol with their local Children's Aid Societies (CAS), which should:
 - a) include a statement of principles consistent with prevailing legislation;
 - b) provide definitions of terms consistent with current applicable legislation, including:
 - i) child;
 - ii) neglect;
 - iii) sexual abuse and assault;
 - iv) physical abuse;
 - v) assault;
 - vi) emotional abuse and assault;
 - vii) child at risk;
 - viii) place of safety;
 - ix) child in need of protection;
 - x) criminal negligence;
 - xi) abandonment;
 - xii) failure to provide the necessities of life;
 - xiii) duty to report, including an officer's legislative duty to report;
 - xiv) person having charge of a child;
 - xv) sudden infant death and sudden unexpected death; and
 - xvi) major case and threshold major case;
 - c) provide for police participation in the local Child Abuse Review Team(s) (CART), including in every child abuse and neglect case in which there is a history of domestic violence or a firearm is known to be in the home;
 - d) set out the circumstances in which each organization will notify the other regarding a case/occurrence where children may be at risk of physical or emotional abuse or otherwise in need of protection as set out in the section 37(2) of the *CFSA*, including in domestic violence occurrences;
 - e) set out the initial response procedures;

- i) when a Children's Aid Society contacts the police regarding a case, including where applicable the use of a referral form if one has been developed;
 - ii) when the police contact a Children's Aid Society, including in domestic violence occurrences where children, in the care of the victim or suspect, may be at risk of physical or emotional abuse or otherwise in need of protection as set out in the section 37(2) of the *CPSA*; and
 - iii) for consultation between police and CAS workers regarding the extent of police involvement;
- f) require procedures for undertaking and managing joint investigations that:
- i) set out the respective roles and responsibilities;
 - ii) address interviewing children, non-offending parents and/or person having charge of the child and alleged offenders, including the use of audio/videotaping and *R. v. K.G.B.* statements where appropriate; and
 - iii) set out the procedures for the collection, handling and preservation of evidence taking into consideration the unique circumstances of child physical and sexual abuse investigations, including for arranging for the child to be medically examined;
- g) address information sharing and disclosure at the time of initial notification, during the joint investigation and after the investigation has been completed, including the sharing of information on any legal proceedings arising from the investigation;
- h) set out procedures for the apprehension of children with and without a warrant;
- i) establish procedures for undertaking investigations involving suspects employed by a police service or a Children's Aid Society;
- j) address the investigation requirements/procedures following the death of a child, including where foul play is suspected or the death is sudden and unexpected, in accordance with the *Ontario Major Case Management Manual* and the Chief Coroner's memorandum on the protocol to be used in the investigation of the Sudden and unexpected death of any child under 5 years of age;
- k) address the requirement for an assessment of the risk to other children be completed in any case following the death of a child where foul play is suspected;
- l) address the procedures for the investigation of multiple victim incidents, including, but not limited to, those occurring at a school, residential facility or a correctional facility;
- m) address the duty to report that a child is or may be in need of protection, and the subsequent laying of charges in relation to a failure to report;
- n) if the alleged child abuse fits the definition of a major case, require compliance with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*;
- o) address compliance with the *ViCLAS Regulation*; and
- p) require the regular monitoring and evaluation of the effectiveness of the local protocol.

- Procedures** 5. Every police service's procedures on and processes for undertaking and managing child abuse and neglect investigations should:
- a) require that investigations be conducted in accordance with the police service's local child abuse protocol, the criminal investigation management plan, and where applicable the Ministry's designated *Ontario Major Case Management Manual* and the Chief Coroner's memorandum on the protocol to be followed during the investigation of a sudden and unexpected death of any child under 5 years of age;
 - b) require that the audio/videotaping of victim, suspect and witness statements be in accordance with the local child abuse protocol, and with *R. v. K.G.B.* guidelines where appropriate;
 - c) address the investigation into the past conduct by a suspect towards children, where necessary, including making appropriate checks with other agencies in communities where the suspect has previously resided;
 - d) address the legal duty to report when a child is in need of protection, including the requirements for officers;
 - e) address the unique circumstances involved in collecting, handling and preserving evidence in child physical and sexual abuse cases;
 - f) provide that officers are to take into account the statutory responsibilities of a Children's Aid Society when investigating a homicide or suspicious death of a child;
 - g) address the provision of victim services to the child, other siblings, and the non-offending parent and/or person having charge of the child; and
 - h) require the referral to a local Children's Aid Society in situations where children are involved in a domestic violence occurrence, and are believed to be at risk of physical or emotional harm or otherwise in need of protection as set out in the section 37(2) of the *CFSA*.
6. Every Chief of Police should ensure that police officers involved in the investigation of child physical and sexual abuse have the knowledge, skills and abilities required, including:
- a) knowledge of current relevant legislation and case law;
 - b) knowledge of local protocols with their Children's Aid Societies;
 - c) understanding of child development and implications for an investigation;
 - d) interviewing and investigative techniques relating to children, including children who have witnessed violence;
 - e) evidentiary procedures relating to child abuse and neglect, including knowledge of:
 - i) Munchausen Syndrome by Proxy;
 - ii) Shaken Baby Syndrome;
 - iii) Sudden Infant Death Syndrome; and
 - iv) Sudden Unexplained Death Syndrome;

- f) use of the Special Interest Police (SIP) category on CPIC; and
- g) the dynamics of child sexual abuse, child physical abuse and child neglect.

Appendix

FRAMEWORK FOR MODEL CHILD ABUSE PROTOCOL

Signatories

Statement of Principles

Introduction

- purpose of model protocol to:
 - assist in the greater safety and protection of children;
 - provide guidelines to support components of the revised Risk Assessment Model for Child Protection in Ontario;
 - provide direction on the components which should be included in all police/CAS protocols;
 - ensure that the fulfilment of all mandated requirements for all investigations involving children is facilitated, by:
 - providing for appropriate sharing and disclosure of information;
 - emphasizing the importance of joint consultation;
 - emphasizing the importance of teamwork; and
 - respecting requirements of both systems;
 - serve as a basis of review for current police/CAS protocols;
 - ensure consistency with the *Ontario Major Case Management Manual*; and
 - contribute to the overall integrity of the justice system.

Role and Mandate of Police Services

- *Criminal Code, Police Services Act* and its regulations and guidelines;
- to protect public;
- burden of proof (beyond a reasonable doubt);
- police powers/CFSA;
- duty to report;
- participate in the CART (at minimum in every child abuse and neglect case where there is a history of domestic violence or a firearm known to be in the home); and
- compliance with the *Ontario Major Case Management Manual*.

Role and Mandate of Children's Aid Societies

- principles of CFSA;
- functions of a CAS;
- grounds for protection;
- burden of proof (balance of probabilities);
- Risk Assessment Model for Child Protection In Ontario (revised 1999) and Standards:
 - Eligibility Spectrum; and
 - Requirements Regarding Protection Investigations;
- duty to report;
- Child Abuse Register;
- Child Welfare Information System; and
- role and mandate of Child Abuse Review Team (CART).

Definitions

- child;
- neglect;
- sexual abuse and assault;
- physical abuse;
- assault;
- emotional abuse and assault;
- child at risk;
- place of safety;
- child in need of protection;
- criminal negligence;
- failing to provide the necessities of life;
- duty to report, including a police officer's legislative duty to report;
- person having charge of the child;
- major cases and threshold major case;
- sudden infant death;
- sudden unexpected death; and
- domestic violence.

Initial Response Procedures

- circumstances in which each organization will notify the other, including in domestic violence cases where children may be at risk of physical or emotional abuse or otherwise in need of protection as set out in the section 37(2) of the CFSA; and
- initial consultation between police and CAS regarding police involvement.

The Investigation**A) Planning the Joint Investigation**

- set out respective roles and responsibilities;
- how determination of response time is made;
- planning for the interview of victims, suspects and witnesses;
- how determination of where to conduct initial investigation interviews is made;
- how to determine who takes lead in interview;
- audio/videotaping of statements; and
- the need for and availability of an interpreter.

B) Collection and Preservation of Evidence

- unique circumstances for collecting, handling and preserving evidence in child physical and sexual abuse investigations, including:
 - warrants;
 - documentary evidence;
 - photographs; and
 - forensic evidence and medical evidence, including the use of a Sexual Assault Evidence Kit, and interviewing physicians regarding prior disclosures and examinations.

C) Conducting Joint Investigative Interviews of the Child(ren)

- review of interview lead;
- general considerations for interview of the child:
 - access to school-age child;
 - providing safe and comfortable environment;
- requirements regarding videotaping interviews; and
- requirements regarding audio taping interviews.

D) Post-Interview Consultation

- discussion on interview;
- discussion regarding the possibility of laying criminal charges;
- discussion on the need for additional interviews;
- discussion on the next steps for each system; and
- need for medical examination.

E) Interview with Non-Offending Parent

- when to interview;

- preparation for the interview; and
- roles and responsibilities of the police and CAS.

F) Interview of Alleged Offender

- legal requirements relating to statements made to persons in authority, including:
 - when to be conducted;
 - who is present for interview;
 - preparation, lead, methodology, videotaping, etc.;
 - statements to CAS by an alleged offender who has not been cautioned; and
 - spontaneous utterances by an alleged offender.

G) Victims' Assistance

- roles and responsibilities of police/CAS; and
- information sharing and referrals.

H) Ongoing Consultation and Case Tracking

- mutual notification of key events; and
- CART.

Information Sharing and Disclosure

- at time of initial notification;
- dispositions of investigations, including consultation in cases involving a failure to report;
- dispositions of court proceedings and/or orders;
- during joint investigation; and
- ongoing joint investigation.

Child Protection Proceedings

Joint Training Between Police and CAS

Special Circumstances

1. Investigation of Child Deaths

- Sudden Infant Death and Sudden Unexplained Deaths;
- role of police and CAS in respect to investigation of child homicides;
- information sharing;
- assessment of risk for other children; and

- role of local coroner, police/Coroner protocol.

2. Multiple Victim Investigation

- at a school, residential facility, correctional facility, etc; and
- applicability of the *Ontario Major Case Management Model*.

3. Investigations Involving Domestic Violence

4. Assistance with Apprehensions of Children

- with a warrant; and
- without a warrant.

5. Neglect

6. Duty to Report

7. Investigations Involving Police or CAS Staff

7. Major Cases

8. Historical

9. Monitoring and Evaluation

Appendices

- Applicable Criminal Charges for physical and sexual abuse, including child pornography;
- Consent no Defence;
- CFSA Grounds for Protection;
- Ministry of the Solicitor General guideline on *Child Abuse and Neglect*;
- Relevant agreements with other community organizations; and
- *Ontario Major Case Management Manual*.



BY-LAW NO. 438 - 2024

**A BY-LAW RESPECTING
CHILD PORNOGRAPHY (INTERNET CHILD EXPLOITATION)**

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 O.Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS the Board deems it appropriate that the Chief of Police develop and maintain procedures on and processes for undertaking and managing investigations into child pornography (Internet child exploitation);
- 1.5 AND WHEREAS Section 163.1 of the *Criminal Code* defines *child pornography* and related offences;
- 1.6 AND WHEREAS Section 172.1 of the *Criminal Code* defines *child luring* and prohibits the use of computers to communicate with an underage person or a person whom the accused believes to be underage for the purpose of facilitating the commission, with respect to that person of the specified sexual offences;
- 1.7 AND WHEREAS Part LE-036 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the police service and the Chief relative to investigations into child pornography (Internet child exploitation).

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;

- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.5 "Member" means a member of the Niagara Regional Police Service;
- 2.6 "Ministry" means the Ministry of the Solicitor General;
- 2.7 "Provincial Strategy Co-ordinator" means the OPP Staff Sergeant, or other officer, designated from time to time by the OPP, responsible for the liaison and co-ordination between various policing agencies participating in the implementation of the project;
- 2.8 "Provincial Strategy" means the Ministry of the Solicitor General's Provincial Strategy to protect children from sexual abuse and exploitation on the Internet. This is a unified team approach intended to support child victims of Internet exploitation. The Provincial Strategy will assist child victims of Internet sexual abuse and exploitation, and permit the justice system to build the capacity and sustainability to:
- Identify child victims through image analysis;
 - Provide specialized child victim support;
 - Identify and prosecute offenders which will assist in preventing children from being re-victimized;
 - Educate via awareness campaigns to assist victims to self-identify and thereby prevent both victimization and re-victimization (self-identification); and
 - Engage in partnerships with key stakeholders, which will establish and maintain community and justice system linkages ensuring the reporting and prosecution of offences with a link to victim support;
- 2.9 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that matters involving child pornography are serious in nature, and it is therefore the policy of this Board that investigations into such matters be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall develop and maintain procedures relating to investigations into child pornography (Internet child exploitation). These procedures shall be in accordance with Appendix A and shall:
- (a) require that investigations be undertaken in accordance with the Service's Criminal Investigation Management Plan; and
 - (b) require compliance with the procedures set out in the Ministry's designated Ontario Major Case Management Manual.

4.1.2 The procedure referred to in Section 4.1.1 above shall require that the Provincial Strategy to Protect Children from Sexual Abuse and Exploitation on the Internet (Provincial Strategy) be immediately notified in all cases of suspected child pornography (Internet child exploitation).

4.2 **TRAINING**

4.2.1 The Chief shall ensure that Members involved in investigations into child pornography offences have the requisite knowledge, skills and abilities.

4.2.2 The Chief shall ensure support is provided to manage the psychological well-being of Members to acknowledge risks associated with long-term effects from exposure to Internet child exploitation investigation related-activities.

4.2.3 The Chief shall ensure that the Skills Development and Learning Plan is consistent with Appendix A for Members performing this function.

5 REPORT TO THE BOARD

5.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of the investigations of child pornography (Internet child exploitation). The report shall include:

- (a) a summary of the written procedures concerning child pornography (Internet child exploitation) investigations, including charges since the date of the last report;
- (b) the status of Service compliance with the said procedures; and
- (c) a summary of the steps taken by the Service to monitor and evaluate response to child pornography occurrences.

6. IMPLEMENTATION

6.1 By-law Nos. 228-2000 and 333-2013, as amended, and 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.

6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this ____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachments (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy and Effectiveness of Police Services Regulation made under the *Police Services Act*, requires a police services board to have a policy on investigations into child pornography.

In addition, section 12 (1)(b) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into child pornography.

Child pornography

In section 163.1 of the *Criminal Code*, child pornography means:

- a) a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means,
 - (i) that shows a person who is or is depicted as being under the age of eighteen years and is engaged in or is depicted as engaged in explicit sexual activity, or
 - (ii) the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ or the anal region of a person under the age of eighteen years;
- b) any written material, visual representation or audio recording that advocates or counsels sexual activity with a person under the age of eighteen years that would be an offence under this Act;
- c) any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act; or
- d) any audio recording that has as its dominant characteristic the description, presentation or representation, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act.

The *Criminal Code* makes it an offence to:

- a) make, print, publish or possess for the purpose of publication any child pornography (section 163.1(2));
- b) transmit, make available, distribute, sell, advertise, import, export or possess for the purpose of transmission, making available, distribution, sale, advertising or exportation any child pornography (section 163.1(3));
- c) possess any child pornography (section 163.1(4));
- d) access any child pornography (section 163.1(4.1)).

Child Luring

Section 172.1 of the *Criminal Code* prohibits the use of telecommunications systems to communicate with an underage person or a person whom the accused believes to be underage for the purpose of facilitating the commission, with respect to that person, of the specified sexual offences.



Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to child pornography (Internet child exploitation) investigations that the Chief of Police will:

- a) develop and maintain procedures that require that investigations be undertaken in accordance with the police service's criminal investigation management plan;
- b) notify the Provincial Strategy to Protect Children from Sexual Abuse and Exploitation on the Internet (Provincial Strategy) in all cases of suspected child pornography (Internet child exploitation); and
- c) ensure support is provided to manage the psychological well-being of members to acknowledge risks associated with long-term effects from exposure to Internet child exploitation investigation-related activities.

Police Service Guidelines

For the purpose of this guideline, Internet child exploitation means that type of child pornography which victimizes children using the Internet.

Procedures

1. Every police service's procedures on the investigation of child pornography (Internet child exploitation) should:
 - a) require that investigations be undertaken in accordance with the police service's criminal investigation management plan;
 - b) provide that if the police service does not have the resources to undertake an investigation into child pornography (Internet child exploitation) it should make arrangements with the Provincial Strategy Coordinator to transfer responsibility for the investigation to another law enforcement agency;
 - c) where the child pornography (Internet child exploitation) investigation meets the criteria of a major case, require compliance with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*;
 - d) require officers to follow the police service's procedures on child abuse and neglect, including local protocols with the Children's Aid Societies and victim services; and
 - e) provide that the Provincial Strategy Coordinator be contacted upon identifying a victim of child pornography (Internet child exploitation) to ensure any images or videos of the identified victim get added to the International Child Sexual Exploitation database.



2. If assistance is required, the Provincial Strategy Coordinator may be consulted to contact a law enforcement and any other relevant agency outside of Ontario in relation to a child pornography (Internet child exploitation) investigation.

Training

3. Every Chief of Police should ensure that the police service's skills development and learning plan addresses the training for child pornography (Internet child exploitation) investigators either through formal training or work under the supervision or in consultation with a trained investigator.





BY-LAW NO. 439-2024

A BY-LAW RESPECTING CRIME ANALYSIS

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 subsection 5 (1) 2 ii of O. Reg. 392/23: Adequate and Effective Policing (General) requires the police service to have a crime analysis, call analysis and public disorder analysis capacity;
- 1.4 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, with its objectives and priorities determined pursuant to Sections 37 and 38 of the CSPA that the Chief of Police establish procedures and processes in respect of crime, call and public disorder analysis;
- 1.5 AND WHEREAS subsection 38 (1) (g) of the CSPA and subsection 24 (1) of O. Reg. 392/23: Adequate and Effective Policing (General) require that a Chief of Police and a police service have a policy and procedure respecting the publication of crime analysis, call analysis and public disorder analysis data, and of information on crime trends;
- 1.6 AND WHEREAS Part LE-003 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and police service relative to crime, call and public disorder analysis;
- 1.7 AND WHEREAS crime, call and public disorder analysis is an essential function of every law enforcement agency.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;

- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.5 "Member" means a member of the Niagara Regional Police Service;
- 2.6 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

- 3.1 The Board recognizes that crime, call and public disorder analysis form an important part of investigative and preventative policing, and it is therefore the policy of this Board that such information be collected, collated, analyzed and disseminated in a professional and thorough manner and in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall establish written procedures for the collection, collation, analysis and dissemination of crime, call and public disorder data in accordance with Appendix A and subsection 24 (1) of O. Reg. 392/23: Adequate and Effective Policing (General).

4.2 TRAINING

- 4.2.1 The Chief shall ensure that Members involved in the collection, collation, analysis, and dissemination of crime, call and public disorder data have the requisite knowledge, skills and abilities to perform these functions.

4.3 EQUIPMENT

- 4.3.1 The Chief shall recommend that sufficient funding be included in the Board budget to ensure that the police service has the equipment necessary for the collection, collation, analysis and dissemination of crime, call and public disorder data.

4.4 USE OF CRIME ANALYSIS

- 4.4.1 The Chief shall ensure that crime analysis is used by Members to identify areas or issues requiring directed patrol, target enforcement, problem oriented or community based crime prevention initiatives.

4.5 SHARING OF DATA

- 4.5.1 The Chief shall ensure that the procedures referred to in section 4.1 above include a process to be used for sharing relevant crime, call and public disorder analysis with municipal councils and officials, school boards, community organizations and groups, businesses and members of the public.

5. REPORT TO THE BOARD

5.1 Chief shall make a written report to the Board on or before August 30 of each year in respect of crime, call and public disorder analysis. The report shall include:

- (a) a summary of the written procedures concerning crime, call and public disorder analysis;
- (b) confirmation of Service compliance with the said procedures;
- (c) an indication of the resources used and costs associated with crime analysis;
- (d) the criteria and process to be used for sharing relevant crime, call and public disorder analysis with municipal councils and officials, school boards, community organizations and groups, businesses and members of the public; and
- (e) a summary of crime, calls for service and public disorder patterns, trends and forecasts based on crime, call and public disorder analysis.

6. IMPLEMENTATION

6.1 By-law No. 195-2000 and 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.

6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this ____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 5(1)(c) of the Adequacy Standards Regulation requires a police service to have a crime analysis, call analysis and public disorder analysis capacity. Section 5(4) allows a police service to provide crime, call and public disorder analysis by contracting with another police service, or entering into arrangements to perform these services on a combined, regional or cooperative basis.

In addition, under section 7 of the regulation a police service may obtain the services of a crime analysis specialist who is not a member of a police service to assist with crime, call and public disorder analysis, subject to that individual being under the direction of a member of a police service.

Section 29 requires a police services board to have a policy on crime, call and public disorder analysis. Also, section 13(1)(d) requires the Chief of Police to establish procedures and processes in respect of crime, call, and public disorder analysis.

Furthermore, section 13(2) requires a board to have a policy that addresses the sharing of crime, call and public disorder analysis and information on crime trends with its municipal council, school boards, community organizations and groups, businesses and members of the public in the municipality it serves.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to crime, call and public disorder analysis that:

- a) crime, call and public disorder analysis will be provided by (identify service delivery method);
- b) the Chief of Police will:
 - i) establish systems and procedures for the collection, collation, analysis and dissemination of crime, call, and public disorder data;
 - ii) ensure, if the police service uses its own members to perform crime, call and public disorder analysis, and persons who assist, that they have the knowledge, skills and abilities to perform the functions, and have the necessary equipment;
 - iii) promote the use of crime analysis by supervisors to identify areas or issues requiring directed patrol, targeted enforcement, problem-oriented or community-based crime prevention initiatives;
 - iv) report back to the board on the criteria and process to be used for sharing relevant crime, call and public disorder analysis with municipal council and



officials, school boards, community organizations and groups, businesses and members of the public; and

- v) provide information in the annual report on crime, calls for service and public disorder patterns, trends and forecasts based on crime, call and public disorder analysis.

Police Service Guidelines

Systems

1. Every Chief of Police should ensure that a crime analysis system is implemented that will assist in identifying, at minimum:
 - a) patterns of crime;
 - b) linked offences;
 - c) high crime or high occurrence places/areas and times;
 - d) methods of offending;
 - e) prolific criminal offenders and organizations who are active in the community;
 - f) type of individuals, businesses or property that may be at risk; and
 - g) repeat victimization.
2. Every Chief of Police should ensure that a call analysis system is implemented that will assist in analyzing calls-for-service data, including identifying repeat calls for service to the same address.
3. Every Chief of Police should ensure that a public disorder analysis system is implemented that will assist in identifying geographic locations that are perceived to be unsafe or disorderly, including geographic locations where there are high occurrences of:
 - a) vandalism and graffiti;
 - b) street prostitution, drug-dealing, loitering, aggressive solicitation, public drunkenness; and
 - c) unruly crowds.

Procedures

4. Every police service's procedures on crime, call and public disorder analysis should:
 - a) if the police service uses its own members, designate one or more positions in the police service that are responsible for:
 - i) overseeing the crime, call, and public disorder analysis functions;
 - ii) staying current on emerging trends and new techniques for analysis; and
 - iii) ensuring that the members performing these functions have the necessary knowledge, skills, abilities and equipment;
 - b) address the dissemination of crime, call and public disorder analysis within the police service and with other law enforcement agencies;



- c) require supervisors to use crime analysis for identifying areas or issues requiring directed patrol, targeted enforcement, problem-oriented policing or community-based crime prevention initiatives;
- d) set out the criteria and process to be used for sharing relevant crime, call and public disorder analysis with municipal council and officials, school boards, community organizations and groups, businesses and members of the public; and
- e) address the storage and retention of crime, call and public disorder analysis.



BY-LAW NO. 440-2024

A BY-LAW RESPECTING CRIMINAL HARASSMENT

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 O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS the Board deems it appropriate that the Chief of Police develops and maintains procedures on and processes for undertaking and managing investigations into criminal harassment;
- 1.5 AND WHEREAS Part LE-028 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and police service relative to investigations into criminal harassment.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General
- 2.5 "Member" means a member of the Niagara Regional Police Service;
- 2.6 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that matters of criminal harassment are serious in nature, and it is therefore the policy of this Board that investigations into such matters be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall establish procedures for the investigations of criminal harassment complaints in accordance with the said Appendix A.
- 4.1.2 The Chief shall ensure that the procedures referred to in section 4.1.1 above include procedures relating to the provision of victim's assistance.
- 4.1.3 The Chief shall ensure that the procedures referred to in section 4.1.1 comply with the Ministry's designated Ontario Major Case Management Manual for criminal harassment.

4.2 TRAINING

- 4.2.1 The Chief shall ensure that Members are familiar with the offence provisions in the Criminal Code relating to criminal harassment offences.
- 4.2.2 The Chief shall ensure that Members involved in criminal harassment investigations have the requisite knowledge, skills and abilities.

4.3 USE OF INVESTIGATIVE TECHNIQUES

- 4.3.1 The Chief shall ensure that the procedures referred to in section 4.1.1 address the use of enhanced investigative techniques, such as behavioural science services as part of the investigation.

5 REPORT TO THE BOARD

- 5.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of investigations into criminal harassment. The report shall include:
- (a) a summary of the written procedures concerning investigations into criminal harassment; and
 - (b) confirmation of Service compliance with the said procedures.

6. IMPLEMENTATION

- 6.1 By-law No. 220-2000 and 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.
- 6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachments (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into criminal harassment. In addition, section 12(1)(c) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into criminal harassment.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to undertaking and managing investigations into criminal harassment that the Chief of Police will develop and maintain procedures that address:

- a) the procedures for investigating criminal harassment complaints in accordance with the police service's criminal investigation management plan;
- b) the use of enhanced investigative techniques, such as behavioural science services as part of the investigation;
- c) the provision of victims' assistance;
- d) the information to be provided to police officers on criminal harassment; and
- e) compliance with the Ministry's designated *Ontario Major Case Management Manual* for criminal harassment cases that fall within the definition of major case.

Police Service Guidelines

Procedures

1. Every police service's procedures on criminal harassment should require that:
 - a) a complaint of criminal harassment be investigated as soon as possible, and in accordance with the police service's criminal investigation management plan;
 - b) an officer interview the victim and other witnesses, and advise the victim as to the methods for collecting, preserving and documenting evidence of harassment, including the maintenance of telephone message tapes and daily log/diary of communications, sightings and contacts in relation to the suspect;
 - c) an officer gather all relevant information and evidence, including where applicable information and evidence on:
 - i) the nature of the harassing behaviour;
 - ii) any available identifiers of the suspect (name, address, employer, apparent sex, age, ethnic origin, location, physical descriptors, vehicle information);
 - iii) the history of any relevant relationships between the suspect, victim or victim's associates;



- iv) accounts or records of the suspect's face-to-face or telephone conversations with the victim or her/his associates;
 - v) any telecommunication or computer evidence (such as e-mail);
 - vi) any written communications, writings or photographs by the suspect relating to the victim;
 - vii) why the victim fears for their safety or for the safety of their family members (both physical and psychological);
 - viii) the suspect's criminal record, outstanding charges, prior occurrences, restraining orders, conditions of bail, conditions of probation/parole, history of abuse and violence;
 - ix) alcohol/drug abuse by the suspect;
 - x) any known psychiatric, emotional or mental problems of the suspect;
 - xi) any previous occurrences involving disturbing, harassing or threatening behaviour by the suspect;
 - xii) whether there is a threat by the suspect to harm the victim or another person;
 - xiii) if a threat is made or exists, where, when, and the manner/method in which the threat may be carried out;
 - xiv) time, date and location at which the threat is received;
 - xv) the location of the suspect and whether the suspect has the means and opportunity to carry out the threat, as well as whether the victim believes that the suspect has the means and opportunity to carry it out;
 - xvi) how the threatened harm can be avoided;
 - xvii) why the suspect is making this threat and what the suspect wants;
 - xviii) indications of increasing specificity of the threat;
 - xix) any reference by the suspect to weapons, ammunition, explosives, arson, etc.;
 - xx) emotional tone and change in attitude in any conversations between the suspect and victim;
 - xxi) number of contacts made with the victim; and
 - xxii) observations by the suspect's family members and associates, if known;
- d) as part of the investigation, an officer should include in the case file information such as:
- i) the profile of the suspect including sex, age, physical description, education, marital and employment status;
 - ii) the suspect's behavioural history including criminal record, outstanding charges, prior occurrences, restraining orders, conditions of bail, conditions of probation/parole, history of abuse and violence;
 - iii) evidence of alcohol/drug abuse, mental illness, mental or emotional problems, and/or disturbing, harassing or threatening behaviour;
 - iv) any risk assessment if undertaken; and
 - v) any other evidence and information gathered as set out in 1(c);



- e) an officer, prior to interviewing a suspect concerning a criminal harassment complaint, should consider the risk implications for the victim and, if necessary, obtain advice from a risk assessment specialist;
- f) officers when assessing the reasonableness of the fear from the victim's perspective, to consider the following factors:
 - i) the age, gender and physical size of the victim;
 - ii) the background of the victim and suspect;
 - iii) the relationship between the victim and suspect; and
 - iv) the context of the relationship particularly as it applies to abuse;
- g) where an officer has reasonable grounds to believe that an offence has been committed under the criminal harassment or related provisions of the *Criminal Code* a charge should be laid;
- h) in all domestic violence occurrences that involve a complaint of criminal harassment, the officers involved will also comply with the police service's procedures on domestic violence occurrences;
- i) in all occurrences that involve a complaint of criminal harassment, the officers involved will also comply with the police service's procedures on preventing or responding to occurrences involving firearms;
- j) during all criminal harassment investigations the officers involved will also comply with the police service's procedures relating to bail and violent crime;
- k) a criminal harassment investigation that involves a suspect who is a stranger to the victim will be dealt with as a major case, and that the investigation will be undertaken in accordance with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*;
- l) officers notify correctional authorities when it is determined that the accused is on probation, parole, temporary absence, etc., and /or when a condition of probation, parole or temporary absence has been violated, including forwarding the relevant occurrence reports or synopses;
- m) the content of the Crown brief should include, in addition to general information, the following:
 - i) any utterances by the suspect;
 - ii) place or location and time where the conduct occurred;
 - iii) whether the victim was alone;
 - iv) the vulnerability of the victim;
 - v) the relationship between the victim and suspect, and the suspect's perception of the relationship;
 - vi) terms of any pre-existing bail, probation, prohibition, parole, civil orders or peace bonds;
 - vii) previous conduct including conduct aimed at the victim's peers, co-workers or other members of the victim's family or household;

- viii) whether there was a warning or request to cease by the complainant, or the suspect persisted in harassing behaviour despite requests to cease from any source; and
 - ix) any damage, mischief, theft, or vandalism; and
 - n) an officer consult with the Crown and correctional authorities, regarding the appropriate response to an accused continuing, while in custody, to engage in harassing behaviour.
2. Every police service's procedures should address the use of enhanced investigative techniques, including the use of behavioural science services to assess the risk posed by a suspect when necessary.
3. Every police service's procedures should address the provision of victims' assistance, including:
- a) that the investigating officer will provide the victim with assistance based on local procedures;
 - b) that victims will be kept fully informed of any contact made with the suspect by the police that may escalate the situation or have some impact on the victim;
 - c) that victims will be provided with information on safety planning, and advised on appropriate protective/supportive measures which may be taken to enhance the victim's safety and reduce the accessibility of the victim to the suspect; and
 - d) the roles and responsibilities are set out for notifying and informing the victim about the release of the accused, bail conditions and the criminal justice process, consistent with local protocols.
- Information** 4. Every Chief of Police should ensure that police officers are familiar with the offence provisions of the *Criminal Code* relating to criminal harassment, including assessing and establishing specific facts in issue relating to the offence of criminal harassment, including:
- a) the suspect did not have lawful authority to engage in the proscribed conduct;
 - b) the suspect engaged in any one of the following types of proscribed conduct:
 - i) repeatedly following from place to place the other person or anyone known to them;
 - ii) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
 - iii) besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or
 - iv) engaging in threatening conduct directed at the other person or any member of their family (does not require repetition);
 - c) the suspect knew the victim was harassed;

- d) the suspect was reckless as to whether the victim was harassed by this conduct (e.g., the suspect was persistent/coercive, the victim made direct indications to the suspect that were ignored); and
- e) the victim reasonably, in all of the circumstances, feared for her/his safety or the safety of anyone known to the him/her.





BY-LAW NO. 441-2024

A BY-LAW RESPECTING CRIMINAL INTELLIGENCE

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 subsection 5 (1) 2 of O. Reg. 392/23: Adequate and Effective Policing (General) requires the police service to have a criminal intelligence capacity and process that meets the requirements of subsection 5 (2) of the said regulation, including a procedure for sharing criminal intelligence with other law enforcement agencies;
- 1.4 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, with its objectives and priorities determined pursuant to Sections 37 and 38 of the CSPA that it has a policy on criminal intelligence;
- 1.5 AND WHEREAS Part LE-004 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and police service relative to criminal intelligence.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.5 "Member" means a member of the Niagara Regional Police Service;
- 2.6 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

- 3.1 The Board recognizes that issues relating to criminal intelligence are important components of investigative and preventative policing, and it is therefore the policy of this Board that such matters be dealt with in a professional and thorough manner, and in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall establish written priorities and written procedures for criminal intelligence.
- 4.1.2 The Chief shall ensure that the written procedures referred to in subsection 4.1.1. include procedures regarding strategic and tactical intelligence.
- 4.1.3 The procedures referred to above shall be in accordance with Appendix A and O.Reg.392/23: Adequate and Effective Policing (General).

4.2 CRIMINAL INTELLIGENCE ANALYSIS

- 4.2.1 The Chief shall promote the use of criminal intelligence analysis by supervisors to identify areas for issues requiring directed patrol, targeted enforcement, problem-oriented policing initiatives or community-based crime prevention initiatives.

4.3 TRAINING

- 4.3.1 The Chief shall ensure that Members used to perform criminal intelligence functions have the knowledge, skills and abilities to perform this function.

4.4 EQUIPMENT

- 4.4.1 The Chief shall ensure that Members involved in criminal intelligence have available and use appropriate equipment in performing this function.

5. REPORT TO THE BOARD

- 5.1 Chief shall make a written report to the Board on or before August 30 of each year in respect of criminal intelligence. The report shall include:

- (a) a summary of the written procedures concerning criminal intelligence;
- (b) the status of Service compliance with the said procedures; and
- (c) confirmation that Members have been trained in accordance with section 4.3.

6. IMPLEMENTATION

- 6.1 By-law No. 196-2000 and 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.

- 6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 5(1)(b) of the Adequacy Standards Regulation requires a police service to have a criminal intelligence capacity.

Section 5(4) of the regulation allows a police service to deliver criminal intelligence by contracting with another police service, or entering into arrangements to provide this service on a combined, regional or cooperative basis.

Furthermore, section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on criminal intelligence. In addition, section 13(1)(c) requires the Chief of Police to establish procedures and processes in respect of criminal intelligence.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to criminal intelligence that:

- a) criminal intelligence will be provided by (identify service delivery method);
- b) the Chief of Police will:
 - i) establish priorities and procedures for criminal intelligence, including strategic and tactical intelligence;
 - ii) promote the use of criminal intelligence analysis by supervisors to identify areas or issues requiring directed patrol, targeted enforcement, problem-oriented policing initiatives or community-based crime prevention initiatives; and
 - iii) ensure, if the police service uses its own members to perform the criminal intelligence function, that the members have the knowledge, skills and abilities to perform this function and the necessary tools and equipment.

Police Service Guidelines

- Procedures**
1. Every police service's procedures on criminal intelligence should:
 - a) set out the circumstances and steps to be followed for notifying criminal intelligence personnel about occurrences or information that is relevant, including when an occurrence involves gang or organized crime activity;
 - b) require supervisors to use criminal intelligence analysis for identifying areas or issues requiring directed patrol, targeted enforcement, problem-oriented policing or community-based crime prevention initiatives;
 - c) require the separate storage, security and maintenance of intelligence records; and



- d) set out the steps for disseminating intelligence within the police service, and to other police services, law enforcement agencies, such as Criminal Intelligence Service Ontario (CISO), appropriate government agencies, and other organizations that have a bona fide need for the intelligence.
- 2. Where a police service undertakes criminal intelligence using its own members, its procedures should address:
 - a) the collection, collation and analysis of criminal intelligence, including strategic and tactical analysis;
 - b) the control and management of a special fund for intelligence activities if the police service maintains such a fund;
 - c) the evaluation criteria for assessing the reliability of information and sources;
 - d) the purging of out-of-date information from the records; and
 - e) the designation of a position within the police service that is responsible for the intelligence function, including:
 - i) staying current on emerging trends and new techniques for performing this function; and
 - ii) ensuring that the members performing this function have the necessary knowledge, skills, abilities and equipment.





BY-LAW NO. 442-2024

**A BY-LAW RESPECTING
CRIMINAL INVESTIGATION
MANAGEMENT AND PROCEDURES**

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 O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, with its objectives and priorities determined pursuant to Sections 37 and 38 of the CSPA that it require the police service to have investigative supports including supports in the areas of scenes of crime analysis, forensic identification, canine tracking, physical surveillance, electronic interception, video and photographic surveillance, polygraph and behavioral science;
- 1.5 AND WHEREAS the Board has deemed it appropriate that it require the police service to have one or more criminal investigators who are members of the police service and who have successfully completed the required Ministry accredited training;
- 1.6 AND WHEREAS the Board has deemed it appropriate that it require the Chief of Police to prepare a Criminal Investigation Management Plan;
- 1.7 AND WHEREAS Part LE-006 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and police service relative to criminal investigation management and procedures.

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*, and amendments thereto;

- 2.2 “Board” means the Regional Municipality of Niagara Police Service Board;
- 2.3 “Chief” means the Chief of the Niagara Regional Police Service;
- 2.4 “Manual” means the Policing Standards Manual published by the Ministry of the Solicitor General
- 2.5 “Member” means a member of the Niagara Regional Police Service;
- 2.6 “Service” means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The purpose of this policy is to require that the Chief ensures that investigations into criminal acts:
- (a) are effectively and efficiently investigated by qualified investigators and investigative supervisors;
 - (b) respect the individual rights of victims, persons of interest, suspects and witnesses alike; and
 - (c) are capable of supporting a successful prosecution of the person(s) for the criminal acts in question.
- 3.2 The Board recognizes that appropriate criminal investigation management and procedure is crucial to policing, and it is therefore the policy of this Board that criminal investigation management and procedures be dealt with in a professional and thorough manner, and in accordance with procedures established by the Chief as directed in this By-law.

4 DIRECTION TO THE CHIEF

4.1 CRIMINAL INVESTIGATION MANAGEMENT PLAN

- 4.1.1 The Chief shall prepare a Criminal Investigation Management Plan that addresses general criminal investigation procedure.
- 4.1.2 The Chief shall ensure that the Criminal Investigation Management Plan meets the investigative needs of the Service, including identifying the types of occurrences which should be investigated through a combined or cooperative service delivery method.
- 4.1.3 The Chief shall ensure that the Criminal Investigation Management Plan makes reference to the existence of additional guidelines dealing with specific type of occurrences that address procedures and processes that are unique to that type of occurrence.
- 4.1.4 The Chief shall ensure that the Criminal Investigation Management Plan is reviewed on an annual basis and amended as required.

4.2 PROCEDURES

- 4.2.1 The Chief shall develop and maintain written procedures on processes for undertaking and managing criminal investigations.

4.2.2 The Chief ensure that the police service has one or more members who are criminal investigators.

4.2.3 The Chief shall establish a selection process for criminal investigators which shall ensure that Members who provide this service meet the requirements of O. Reg. 392/23: Adequate and Effective Policing (General).

4.3 TRAINING

4.3.1 The Chief shall ensure that the procedures developed and maintained in Section 4.2 ensure that Members to whom a supervisor assigns an occurrence have the training, knowledge, skills and abilities to investigate that type of occurrence.

4.4 INVESTIGATIVE SUPPORTS

4.4.1 The Chief shall ensure that the Service has investigative supports, including supports in the areas of scenes of crime analysis, forensic identification, canine tracking, physical surveillance, electronic interception, video and photographic surveillance, polygraph and behavioral science.

4.4.2 The Chief shall establish written procedures and processes in respect of the investigative supports referred to in section 4.4.1 above.

4.4.3 The Chief shall ensure that the procedures in respect of investigative supports include that a person providing investigative supports in the areas of scenes of crime analysis or forensic identification have successfully completed the required Ministry accredited training.

4.4.4 The Chief shall ensure that persons who provide any type of investigative supports have the knowledge, skills and abilities to provide that support.

4.5 POLICE SERVICE GUIDELINES

4.5.1 The Chief shall ensure that all written procedures referred to above are in accordance with Appendix A and this By-law.

5 REPORT TO THE BOARD

5.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of the criminal investigation management plan. The report shall include:

- (a) a summary of the Criminal Investigation Management Plan;
- (b) the status of Service compliance with the said procedures;
- (c) confirmation that Members have been trained in accordance with section 4.3; and
- (d) confirmation of the appropriate use of investigative supports in accordance with section 4.4.

6. IMPLEMENTATION

6.1 By-law Nos. 198-2000, 310-2011 and 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.

6.2 This By-law shall come into force on April 1, 2024.

6.3 The Chief shall implement this By-law, where applicable, through General Order.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachments (1)

Legislative/Regulatory Requirements

Section 9 of the Adequacy Standards Regulation requires a police service to have one or more criminal investigators who are members of the police service and who have successfully completed the required Ministry accredited training or acquired the Ministry approved equivalent competencies. Additionally, section 9 permits:

- criminal investigators to perform other duties not related to criminal investigation, including community patrol; and
- a police services board to enter into an agreement with a board of another police service in order to augment the number of criminal investigators available to its police service.

Section 11(1) requires the Chief of Police to prepare a criminal investigation management plan that:

- lists the occurrences for which a police officer is required to contact a supervisor as soon as practicable;
- permits the supervisor, except as provided for in the plan, to assign responsibility for the investigation of an occurrence to any police officer whether or not he or she is a criminal investigator;
- lists the occurrences which shall be assigned to a criminal investigator to undertake or manage the investigation;
- lists the occurrences for which the board has entered into agreements with another police services board(s) that would result in the investigation being undertaken on a combined or regional or cooperative basis or by another police force;
- addresses the monitoring by supervisors of criminal investigations; and
- identifies the specific occurrences, designated by the Solicitor General, for which the police service shall notify another police service, unit or task force designated by the Solicitor General.

Section 11(2) requires the Chief of Police to establish procedures to ensure that the person to whom the supervisor assigns an occurrence listed in the plan, whether or not a criminal investigator, has the knowledge, skills and abilities to investigate that type of occurrence.

In addition, section 11(4) requires the Chief of Police to establish procedures for obtaining the assistance of another police service in relation to undertaking or managing a criminal investigation in circumstances when the police service does not have access to a criminal investigator or police officer with the knowledge, skills and abilities to investigate a specific type of occurrence.

Nothing in sections 9 and 11 precludes any member, who is supervised, from participating in a criminal investigation.

Furthermore, section 12(1) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing general criminal investigations.

Section 29 requires a police services board to have a policy on the criminal investigation management plan that addresses the knowledge, skill and ability requirements needed for the investigation of specific types of occurrences.

Section 11(3) allows a police service, where its service does not have any criminal investigators or police officers with the knowledge, skills and abilities to investigate specific occurrences, to have access to criminal investigators or police officers who have the knowledge, skills and abilities by entering into an agreement with the board of another police service or entering into an agreement with the boards of one or more police services to provide these investigators on a combined, regional or cooperative basis.

Section 5(1)(d) requires a police service to have investigative supports, including supports in the areas of scenes of crime analysis, forensic identification, canine tracking, physical surveillance, electronic interception, video and photographic surveillance, polygraph and behavioral science. Investigative supports may be provided by:

- using the police service's own members;
- entering into agreement with the board of another police service or entering into an agreement with the boards of one or more police services to provide those supports on a combined, regional or cooperative basis; or
- entering into an agreement with one or more persons or organizations other than police services to provide those supports by means of a person or organization that is not a police service, where it's legally permissible.

Section 14(1) requires the Chief of Police to establish procedures and processes in respect of the investigative supports referred to in section 5(1)(d).

If a board obtains investigative supports by entering into an agreement with one or more persons or organizations other than police services to provide those supports by means of a person or organization that is not a police service, where it's legally permissible, the person providing the investigative support shall:

- report directly to, and take direction from, the member of the police service to whom the investigative support is being provided; and

- comply with the procedures and processes of the police service in respect of the investigative support.

Section 14(3) requires the Chief of Police to ensure that a person providing investigative support in the area of scenes of crime analysis or forensic identification has successfully completed the required training accredited by the Ministry or has equivalent qualifications and skills as approved by the Ministry to provide that support.

Furthermore, section 14(4) requires the Chief of Police to ensure that persons who provide another type of investigative support referred to in section 5(1)(d) have the knowledge, skills and abilities to provide that support.

Section 29 requires a police services board to have policies with respect to general criminal investigation and investigative supports.

Finally, police services are also required to adhere to the provisions of the *Violent Crime Linkage Analysis System Reports (ViCLAS) Regulation*.

Note: This guideline addresses the criminal investigation management plan and general criminal investigation procedures. Additional guidelines dealing with specific occurrences will address procedures and processes that are unique to that occurrence. It will be a local police services board's and Chief of Police's decision on whether to integrate these unique elements into the general criminal investigation policy/procedures and processes as sub-headings, or have separate policy, procedures and processes.

Sample Board Policy

The objective of Criminal Investigations Management and Procedures is to ensure that investigations into criminal acts:

- Are effectively and efficiently investigated by qualified investigators and investigative supervisors;
- Respect the individual rights of victims, persons of interest, suspects and witnesses alike; and
- Are capable of supporting a successful prosecution of the person(s) for the criminal acts in question.

Board Policy # _____

To this end, it is the policy of the _____ Police Services Board with respect to general criminal investigation that:

- a) the Chief of Police will:
 - i) periodically review and report back to the board on the occurrences which can be investigated by members of the police service based on their knowledge, skills and abilities, and which occurrences require the services of another police service;
 - ii) prepare a criminal investigation management plan that meets the requirements of the Adequacy Standards Regulation, including identifying the type of occurrences which should be investigated by another police service or through a combined, regional or cooperative service delivery method;
 - iii) develop and maintain procedures on and processes for undertaking and managing criminal investigations;
 - iv) establish a selection process for criminal investigators, including ensuring that members who provide this service meet the requirements of the Adequacy Standards Regulation;
 - v) ensure that the police service has one or more members who are criminal investigators;
 - vi) require supervisors to ensure that the member assigned an occurrence listed in the criminal investigation management plan has the knowledge, skills and abilities to investigate that type of occurrence;
 - vii) ensure that persons providing scenes of crime analysis and forensic identification investigative supports meet the requirements of the Adequacy Standards Regulation; and
 - viii) ensure that persons who provide other investigative supports identified in (d) have the knowledge, skills and abilities to provide that support.
- b) *(optional – enter into an agreement with one or more Boards/OPP for the investigation of occurrences pursuant to section 11(3) of the Adequacy Standards Regulation (list occurrences and Boards/OPP for which there is an agreement));*
- c) *(optional - this Board will augment the number of criminal investigators available to the police service by (identify service delivery method)); and*
- d) scenes of crime analysis, forensic identification, canine tracking, behavioural science, physical surveillance, electronic interception, video and photographic surveillance and polygraph investigative supports will be provided by (identify service delivery method for each investigative support).

Police Service Guidelines

Criminal Investigation Management

1. Every Chief of Police:
 - a) will prepare and maintain a criminal investigation management plan that meets the requirements of the Adequacy Standards Regulation;
 - b) should identify the member who is responsible for the overall management of the criminal investigation function;

- c) should ensure that supervisors are provided with information on the requirements for undertaking and managing general criminal investigations set out in the Adequacy Standards Regulation and the criminal investigation management plan;
- d) should establish a selection process for criminal investigators, including ensuring that members who provide this service meet the requirements of the Adequacy Standards Regulation;
- e) will ensure that the police service has one or more members who are criminal investigators;
- f) establish procedures for obtaining the assistance of another police service pursuant to section 11(4) of the Adequacy Standards Regulation;
- g) will ensure that persons providing scenes of crime analysis and forensic identification investigative supports meet the requirements of the Adequacy Standards Regulation; and
- h) will ensure that persons who provide canine tracking, behavioural science, physical surveillance, electronic interception, video and photographic surveillance and polygraph investigative supports have the knowledge, skills and abilities to provide that support.

Procedures

2. Every police service's procedures on undertaking and managing criminal investigations should:
 - a) set out the initial investigative response, including:
 - i) role of the first officer on the scene;
 - ii) protection of the crime scene; and
 - iii) complying with the criminal investigation management plan;
 - b) address the audio/videotaping of statements;
 - c) require the documentation of statements, confessions and admissions;
 - d) require the preparation and retention of investigative notes;
 - e) identify the process for obtaining/delivering the following investigative supports:
 - i) scenes of crime analysis;
 - ii) forensic identification;
 - iii) other expert or specialized resources/assistance;
 - iv) canine tracking;
 - v) behavioural science supports;
 - vi) polygraph services, including documenting and retaining polygraph results;
 - vii) physical surveillance;
 - viii) electronic interception;
 - ix) video and photographic surveillance;
 - x) analytical charting techniques; and
 - xi) investigative resources specializing in pediatric deaths including, but not limited to, the Office of the Chief Coroner's Paediatric Death Review Committee and/or the Deaths Under Five Committee.
 - f) require notification, as soon as practicable, to federal or provincial correctional authorities when it is determined that a suspect is under some form of federal or provincial community-based supervision that has been violated.

3. Every police service should establish a case management system that includes:
 - a) case-screening criteria;
 - b) the identification of records to be maintained in a case file;
 - c) security and retention of records;
 - d) a process for ensuring that the appropriate level of human and financial resources is assigned to a case; and
 - e) a process for supporting a multi-jurisdictional investigation (that is not a major case), including liaising with other law enforcement agencies.
4. Every police service should establish procedures that address circumstances that may require an independent investigation by another law enforcement agency.
5. Every police service should establish procedures that address undercover and/or plainclothes operations.
6. Every police service should establish procedures, in consultation with the Crown, that address:
 - a) preparation of the Crown brief;
 - b) court preparation, including the use of notebooks;
 - c) police responsibility in relation to disclosure;
 - d) the treatment of late-breaking evidence; and
 - e) post-conviction continuing disclosure.

Review

7. Every Chief of Police should:
 - a) enter into an agreement with the Crown regarding the process for notifying the Chief or designate of any concerns raised by the Crown or judiciary over the police service's procedures, or the practices of members related to arrest, search of persons/premises, and criminal investigation, including in any case where there is perceived to be false/unreliable testimony; and
 - b) ensure that a review is undertaken in any case where the Chief is notified under 7(a).



BY-LAW NO. 443-2024

**A BY-LAW RESPECTING
DRUG INVESTIGATIONS**

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 O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, with its objectives and priorities determined pursuant to Sections 37 and 38 of the CSPA to require the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into drug related offences other than simple possession;
- 1.5 AND WHEREAS the Board has deemed it appropriate that it establish policies into drug investigations;
- 1.6 AND WHEREAS the Ministry has published a Policing Standards Manual (2000) which provides direction to the Board and Service in respect of certain general operational issues, including policy directions with respect to the investigation of certain criminal offences;
- 1.7 AND WHEREAS Part LE-031 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Board, the Chief and members relative to the investigation of drug offences.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;

- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General
- 2.5 "Member" means a member of the Niagara Regional Police Service;
- 2.6 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that matters of drug investigations are serious in nature, and it is therefore the policy of this Board that investigations into such matters be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief establish procedures for undertaking and managing investigations into drug related offences other than simple possession. These procedures shall be in accordance with Appendix A.

4.2 TRAINING

- 4.2.1 The Chief shall ensure that Members investigating drug related offences have the requisite knowledge, skills and abilities.

5 REPORT TO THE BOARD

- 5.1 The Chief shall, as part of the budget process, provide the Board with the number of officers assigned to the investigations of drug related crime and the duration of their assignments.
- 5.2 The Chief shall make a written report to the Board on or before August 30 of each year. The report shall include:
- (a) a summary of the procedures for the investigations into drug related offences other than simple possession;
 - (b) the status of Service compliance with said procedures; and
 - (c) a summary of Service assistance to other police services in respect of drug investigations.

6. IMPLEMENTATION

- 6.1 By-law No. 223-2000 and 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.
- 6.2 This By-law shall come into force on April 1, 2024.
- 6.3 The Chief shall implement this By-law, where applicable, through General Order.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachments (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on the investigation of drug-related offences other than simple possession.

In addition, section 12(1)(e) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into drug-related offences other than simple possession.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to undertaking and managing investigations into drug-related offences other than simple possession that the Chief of Police will:

- a) develop and maintain procedures that require that investigations be undertaken and managed in accordance with the police service's criminal investigation management plan; and
- b) ensure that officers investigating drug-related offences other than simple possession have the knowledge, skills and abilities required.

Police Service Guidelines

Procedures

1. Every police service's procedures should:
 - a) require that drug investigations other than simple possession be undertaken and managed in accordance with the police service's criminal investigation management plan;
 - b) address the accountability, control and planning required for drug surveillance, undercover and raid operations;
 - c) require that all officers conducting a planned drug raid be visually identifiable as police officers, except if wearing a visual identifier would put an undercover/plain clothes officer at risk;
 - d) where designated, set out the approval process for reverse undercover drug operations and controlled deliveries, including accountability and control for such operations;
 - e) set out the approval process for illicit drug purchases by officers for the purpose of obtaining evidence in a drug investigation, including the accountability and control over the use of "buy money" in drug investigations;

- f) require that consideration be given to undertaking a proceeds of crime investigation in accordance with the police service's procedures on proceeds of crime;
 - g) require compliance by officers with the police service's procedures on the collection, preservation and control of evidence and property;
 - h) require that the use of paid informants and agents in support of drug investigations is in accordance with the police service's procedures on paid informants and agents;
 - i) set out the circumstances and process for submitting drug exhibits for analysis in accordance with the requirements of Health and Welfare Canada;
 - j) set out the steps to be followed when it is necessary to contact an agency outside Canada for information in connection with a drug investigation;
 - k) set out the criteria and approvals process for participating in joint forces drug operations in accordance with the police service's procedures on joint forces operations; and
 - l) where designated, address the steps to be followed to conform to the provisions of the *Controlled Drugs and Substances Act* regarding the handling of state and street drugs.
2. Every Chief of Police should ensure that officers investigating drug-related offences other than simple possession have the knowledge, skills and abilities required.





BY-LAW NO. 444-2024

**A BY-LAW RESPECTING
ELDER AND VULNERABLE ADULT ABUSE**

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 O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS Section 15 of O. Reg. 395/23: Investigations requires that at least one member of a team primarily responsible for investigating elder abuse complete prescribed training;
- 1.5 AND WHEREAS the Board deems it appropriate that the Chief of Police develop and maintain procedures on and processes for undertaking and managing investigations into elder abuse and vulnerable adult abuse;
- 1.6 AND WHEREAS Part LE-021 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and the police service relative to investigations of elder abuse and vulnerable adult abuse.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General
- 2.5 "Member" means a member of the Niagara Regional Police Service;

2.6 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

3.1 The Board recognizes that matters of elder and vulnerable adult abuse are serious in nature, and it is therefore the policy of this Board that investigations into such matters be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 PROCEDURES

4.1.1 The Chief shall develop and maintain written procedures for undertaking and managing investigations into elder and vulnerable adult abuse.

4.2 MONITORING

4.2.1 The Chief shall develop and implement a written procedure to monitor all responses to complaints of elder and vulnerable adult abuse to ensure compliance with the said procedures by Members.

4.3 COMMUNITY PARTNERSHIP

4.3.1 The Chief shall, where possible, work in partnership with the local Crown Attorney, municipalities, community and social service agencies and other local organizations to develop programs for preventing and responding to complaints of elder and vulnerable adult abuse.

4.4 TRAINING

4.4.1 The Chief shall ensure that Members involved in the investigation of elder abuse and vulnerable adult abuse occurrences have the requisite knowledge, skills and abilities.

4.5 The procedures referred to above shall be in accordance with Appendix A.

5. REPORT TO THE BOARD

5.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of the investigation of elder and vulnerable adult abuse occurrences. This report will contain:

- (a) a summary of the written procedures concerning elder and vulnerable adult abuse investigations;
- (b) the status of Service compliance with the said procedures;
- (c) a summary of training given to Members regarding elder and vulnerable adult abuse;
- (d) a summary of the steps taken by the Service to monitor and evaluate responses to elder and vulnerable adult abuse; and
- (e) a summary of issues raised and/or discussed with community partners relating to elder and vulnerable adult abuse.

6. IMPLEMENTATION

6.1 By-law No. 213-2000 and 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.

6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachments (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on elder abuse and vulnerable adult abuse. In addition, section 12(1)(f) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into elder abuse and vulnerable adult abuse.

For the purposes of this guideline police services may wish to consider the following definition of elder abuse that is being used by the Ontario Seniors' Secretariat:

"Any act that harms or threatens to harm the health or well-being of an older adult. Forms of abuse include psychological, financial and physical abuse, as well as neglect and sexual assault."

Police services may also wish to apply this definition of abuse for vulnerable adults. For the purposes of this guideline, vulnerable adult means:

"A person who depends on others to meet every day needs because he/she has a mental illness or developmental disability, or requires long term or indefinite care due to age or medical condition."

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to elder and vulnerable adult abuse that the Chief of Police will:

- a) where possible, work in partnership with the local Crown, municipalities, community and social service agencies/providers, businesses, seniors' and other local organizations to develop programs for preventing and responding to complaints of elder and vulnerable adult abuse, including fraud awareness and prevention; and
- b) develop and maintain procedures that require that investigations into elder or vulnerable adult abuse be undertaken and managed in accordance with the police service's criminal investigation management plan.

Police Service Guidelines**Multi-
disciplinary
Coordination**

1. Every Chief of Police should, where possible, work in partnership with the local Crown, municipalities, community and social service agencies/providers, businesses, seniors' and other local organizations to develop programs for preventing and responding to complaints of elder and vulnerable adult abuse, including fraud awareness and prevention.

Procedures

2. Every police service's procedures on elder and vulnerable adult abuse should:
 - a) require that an investigation be undertaken or managed in accordance with the police service's criminal investigation management plan;
 - b) require that officers responding to an occurrence or undertaking an investigation should:
 - i) ensure the safety of the victim;
 - ii) assess the needs of the victim such as emergency shelter, finances, food, clothing and legal advice; and
 - iii) refer the victim to access community and government resources for assistance when necessary;
 - c) set out the steps to be followed to respond to and investigate the abuse of elder and vulnerable adults in residential care facilities and institutional settings, including liaising with the Chief Coroner's Office, where appropriate;
 - d) require liaison and information sharing with other police services and government agencies on issues relating to elder and vulnerable adult abuse, including fraud; and
 - e) address the dissemination of information to the public on fraud against seniors, and other types of serial crime against seniors in the community.





BY-LAW NO. 445-2024

**A BY-LAW RESPECTING
THE FRAMEWORK FOR ANNUAL REPORTING**

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 subsection 79 (3) of the CSPA provides that a Chief of Police of a Police Service maintained by a Police Service Board shall administer the Police Service and oversee its operation in accordance with the Board's policies and Strategic Plan, and
- (c) comply with the lawful directions of the Board;
- 1.4 AND WHEREAS Section 12 of O. Reg. 399/23: General Matters Under the Authority of the Lieutenant Governor in Council prescribes annual reporting requirements of Chiefs of Police relating to the activities of the police service during the previous fiscal year, including information on,
- (a) implementation of the Strategic Plan prepared and adopted by the Police Service Board under subsection 39 (1) of the CSPA;
- (b) public complaints;
- (c) the actual cost of policing; and
- (d) any other information that is required to be in the annual report by other regulations made under the CSPA.
- 1.5 AND WHEREAS subsection 12 (2) of the said O. Reg. 399/23 provides that the Board shall publish the annual report on the internet;
- 1.6 AND WHEREAS Section 39 of the CSPA provides that the Police Service Board shall, in accordance with the regulations, if any, prepare and adopt a Strategic Plan for the provision of policing, which shall address at least the matters detailed in Section 39;
- 1.7 AND WHEREAS Section 41 of the CSPA requires that the Board shall file an annual report with the municipality regarding the matters detailed in Section 41;

- 1.8 AND WHEREAS the Board deems it appropriate to require the Chief of Police to prepare, for the Police Services Board, an annual report on the activities of the police service during the previous fiscal year, which include, at a minimum the matters detailed in Sections 39 and 41 of the CSPA, and:
- (a) performance objectives, indicators and results;
 - (b) public complaints; and
 - (c) the actual cost of police services.
- 1.9 AND WHEREAS subsection 41 (3) of the CSPA provides that the Board shall make its best efforts to negotiate and enter into a protocol with its municipality that addresses the sharing of information with the municipality, including the type of information to be shared and the frequency for sharing such information;
- 1.10 AND WHEREAS Part AI-011 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Board, the Chief and members relative to the Framework for Annual Reporting;
- 1.11 AND WHEREAS Part XIII of the CSPA sets out obligations of Police Service Boards and police services relative to public complaints.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Complaints Director" means the person appointed to the position by the Lieutenant Governor pursuant to subsection 131 (1) of the CSPA;
- 2.5 "LECA" means the Law Enforcement Complaints Agency created pursuant to subsection 130 (1) of the CSPA;
- 2.6 "Member" means a member of the Niagara Regional Police Service;
- 2.7 "Ministry" means the Ministry of the Solicitor General;
- 2.8 "Municipal Council" means the Municipal Council of the Regional Municipality of Niagara;
- 2.9 "Service" means the Niagara Regional Police Service.

3 POLICY

- 3.1 The Chief shall develop for the Board's approval an annual report in accordance with O. Reg. 399/23 and this By-law.

4 FRAMEWORK FOR ANNUAL REPORTING

4.1 ANNUAL REPORTING ON STRATEGIC PLAN

- 4.1.1 The Chief of Police will prepare an Annual Report for the Board on matters detailed in Section 39 of the CSPA, and consistent with the requirements of Board bylaw 413/2024: Framework for Strategic Planning, subsection 12 (1) (a) of O. Reg. 399/23.
- 4.1.2 The Board, in consultation with the Chief, will establish a process, with Municipal Council, for the communication of the annual report to:
 - (a) Members; and
 - (b) Members of the public.

4.2 ANNUAL REPORTING ON PUBLIC COMPLAINTS

- 4.2.1 The Chief of Police will prepare an Annual Report for the Board on matters detailed in Part X of the CSPA, and consistent with the reporting requirements of Board By-law 434-2024: Public Complaints, and subsection 12 (1) (b) of O. Reg. 399/23.

4.3 COST OF POLICING

- 4.3.1 In accordance with subsection 12 (1) (c) of O. Reg. 399/23, the Chief shall ensure that the Annual Reports to Municipal Council and the Board include:
 - (a) the actual cost of policing for the previous fiscal year; and
 - (b) a comparison between the actual cost of policing and estimated cost projections for implementing the Strategic Plan or approved budget.

4.4 PROBLEM-ORIENTED POLICING AND CRIME ANALYSIS

- 4.4.1 The Chief shall ensure the police service's Annual Report to the Board addresses:
 - (a) the initiatives undertaken by the police service to promote, implement and evaluate problem-oriented policing, as set out in the Ministry's guideline on Problem Oriented Policing;
 - (b) crime, calls for service, public disorder patterns, trends and forecasts, based on crime, calls for service and public disorder analysis, as set out in the Ministry's guideline on Crime, Call and Public Disorder Analysis;
 - (c) the number of completed joint forces operations that the police service participated in, the cost to the police service and whether they achieved performance objectives, as set out in the Ministry's guideline on Joint Forces Operations; and
 - (d) the number of completed internal task forces established within the police service, the cost to the police service and whether they achieved their performance objectives, as set out in the Ministry's guideline on Internal Task Forces.

4.5 ORGANIZATIONAL STRUCTURE

- 4.5.1 The Chief shall develop for the Board's approval:
 - (a) a statement of purpose of the Service; and

- (b) an organizational structure which is effective and meets the needs of the community and the Service, as amended from time to time in accordance with the needs of the Board, the Service and the communities served.

4.5.2 The Chief shall report to the Board, for Board approval, any proposed changes to the organizational structure, together with the reasons therefor.

5 IMPLEMENTATION

5.1 By-law No. 262-2003, as amended, and all other By-laws, sections of By-laws and strategic planning policies of the Board inconsistent with the provisions of this By-law are hereby repealed on March 31, 2024.

5.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director



BY-LAW NO. 446-2024

**A BY-LAW RESPECTING
FRAUD AND FALSE PRETENCE INVESTIGATION**

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 O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, with its objectives and priorities determined pursuant to Sections 37 and 38 of the CSPA to require the Chief of Police to develop and maintain procedures and processes for undertaking and managing investigations into fraud and false pretences;
- 1.5 AND WHEREAS the Board has deemed it appropriate that it establish a policy on fraud and false pretence investigation;
- 1.6 AND WHEREAS Part LE-038 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and the police service relative to investigation into fraud and false pretences.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General

2.5 "Member" means a member of the Niagara Regional Police Service;

2.6 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

3.1 The Board recognizes that matters of fraud and false pretences are serious in nature, and it is therefore the policy of this Board that investigations into such matters be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

4.1.1 The Chief shall develop and maintain procedures for undertaking and managing investigations into fraud and false pretences. These procedures shall be in accordance with Appendix A.

4.1.2 The Chief shall ensure that the Service's response to fraud and false pretence occurrences are monitored and evaluated.

4.2 COMMUNITY INVOLVEMENT

4.2.1 The Chief shall work with local social assistance officials to develop and maintain a local protocol on the investigation of social assistance fraud.

4.2.2 The Chief shall ensure that the protocol referred to in Section 4.2.1 above is reviewed on an annual basis.

4.3 TRAINING

4.3.1 The Chief shall ensure that Members investigating fraud and false pretence occurrences have the requisite knowledge, skills and abilities.

5 REPORT TO THE BOARD

5.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of investigations of fraud and false pretences. The report shall include:

- (a) a summary of the written procedures concerning fraud and false pretence investigations;
- (b) the status of Service compliance with the said procedures; and
- (c) a summary of the steps taken by the Service to monitor and evaluate response to fraud and false pretence investigations.

6. IMPLEMENTATION

6.1 By-law No. 230-2000 and 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.

- 6.2 This By-law shall come into force on April 1, 2024.
- 6.3 The Chief shall implement this By-law, where applicable, through General Order.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachments (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into fraud and false pretences.

In addition, section 12(1)(g) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into fraud and false pretences.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to fraud and false pretences investigations that the Chief of Police will:

- a) develop and maintain procedures that require that investigations be undertaken and managed in accordance with the police service's criminal investigation management plan;
- b) work, where possible, with municipal and provincial social assistance officials and the Crown, to develop a local protocol on the investigation of social assistance fraud;
- c) establish, where possible, cooperative arrangements for the investigation of fraud and false pretences occurrences with:
 - i) the Employment Insurance Commission;
 - ii) the Fire Marshal's Office;
 - iii) the Ministry of Consumer and Commercial Relations; and
 - iv) the insurance industry; and
- d) ensure that police officers investigating complex fraud and false pretences occurrences have the knowledge, skills and abilities required.

Police Service Guidelines

- Coordination** 1. Every Chief of Police should work, where possible, with municipal and provincial social assistance officials and the Crown, to develop a local protocol on the investigation of social assistance fraud that addresses:
- a) collation of information when a person is suspected of social assistance fraud;
 - b) process for referring a case to the police;
 - c) initial preparation and vetting of the case file;
 - d) collection, preservation and control of evidence; and
 - e) preparation and vetting of the Crown brief.

2. Every Chief of Police should, where possible, enter into cooperative arrangements, for the investigation of fraud and false pretences occurrences with:
 - a) the Employment Insurance Commission;
 - b) the Fire Marshal's Office;
 - c) the Ministry of Consumer and Commercial Relations; and
 - d) the insurance industry.

Procedures

3. Every police service's procedures on fraud and false pretences investigations should:
 - a) require that investigations be undertaken and managed in accordance with the police service's criminal investigation management plan;
 - b) address the criteria and steps for obtaining investigative supports and specialized resources, including forensic accountants, fire marshals and other experts in the field of fraud investigation, where required;
 - c) address the provision of assistance to victims of fraud, in particular elder or vulnerable adults, in accordance with the police service's procedures on victims' assistance and elder and vulnerable adult abuse;
 - d) set out the steps for sharing information with other relevant law enforcement and government agencies on serial fraud occurrences, including multi-jurisdictional occurrences; and
 - e) address the dissemination of information to the public on fraud.
4. Every police service's procedures should address social assistance fraud, including:
 - a) upon receiving a case file from an Eligibility Review Officer, the investigating officer should review it carefully to determine if reasonable grounds exist for a charge to be laid or if further evidence or information is required utilizing the checklists provided;
 - b) if further information is required, the investigating officer should consult with the Eligibility Review Officer regarding information that can be lawfully and feasibly collected for delivery to the police, i.e., information, which is under the control of the Ministry of Community and Social Services/Municipality and was collected as part of the Eligibility Review Officer's regulatory investigation;
 - c) if it is not lawful or feasible for the Eligibility Review Officer to collect the specified information and/or evidence, the investigating officer should endeavour to do so in accordance with applicable legislation and the police service's procedures referring to such matters;
 - d) if a charge is laid, the investigating officer should use the supplemental Crown brief checklist as a guide and submit the case file, through the appropriate chain of command, to the Crown; and
 - e) where the Crown determines upon review of the case file that additional investigation is required, the investigating officer should follow up and endeavour to provide the requested information and/or evidence, as soon as practicable.



Recommended Social Assistance Fraud Investigative Checklist

CODE KEY:		POTENTIAL SOURCES						
I =	Income	S =	Spousal					
E =	Earnings	R =	Replacement					
A =	Assets		Cheque					
AD =	Not living at reported address	D =	Dependent Child (not in the home)					
		I	E	A	S	R	AD	D
1. Landlord/Lease/Mail Box & Buzzer Labels		*	*		*		*	*
2. Neighbours					*		*	*
3. Property Tax Records/Title Searches				*	*		*	
4. Post Office					*		*	*
5. Bell Canada/Calling Cards/Receipts/Directories					*		*	*
6. Vernon/Mights Directories					*		*	
7. Utilities (hydro, gas, cable, water)					*		*	
8. Registrar-General (marriage/birth/divorce)					*			*
9. Schools (day-care centres)					*		*	*
10. Former Spouse (private support)		*		*	*		*	*
11. Bank		*	*	*	*	*	*	*
12. Human Resources Development Canada (CPP, OAS, E.I.)		*	*	*	*		*	*
13. Lawyers (i.e., Lawyer of Spouse)		*		*	*		*	*
14. Family Court Payments		*			*		*	*
15. Employer		*	*		*		*	*
16. Business Registry/Licence							*	
17. Credit Bureau/Creditors		*	*	*	*		*	
18. Newspapers (obituaries, client criminal activity)		*	*	*	*		*	*
19. Revenue Canada		*	*		*		*	*
20. Ministry of Transportation (MTO)					*		*	*
21. Police Records		*	*		*	*	*	*
22. Probation and Parole		*	*		*		*	*
23. Personal Property Security Registration System				*				
24. Ministry of Education and Training		*	*		*		*	*
25. Department of Veterans' Affairs (DVA)		*					*	
27. Workplace Safety and Insurance Board		*	*				*	

Recommended Social Assistance Fraud Crown Brief Checklist

The crown brief should include, but not be limited to, the following items, where appropriate:

- duplicates of all documents for disclosure;
- accused name and date of birth, dependants, previous addresses;
- charge and section number;
- police case file number;
- social services' case file number;
- name of investigating police officer(s) and contact numbers;
- copy of the information;
- witness list;
- will say from police investigators, eligibility review officers, case workers, employer(s) or any witness(es);
- officer's notes;
- all relevant social assistance legislation, including section numbers;
- restitution letter;
- police synopsis and narrative;
- social services' synopsis;
- transcript of accused statement, if applicable;
- copy of notice under section 28 of the *Canada Evidence Act*;
- application for assistance document;
- consent to disclose and verify information document;
- agreement to reimburse;
- job search list and intake sheets;
- pay stubs;
- income statements;
- letters to employers;
- overpayment calculations;
- narrative report;
- original social assistance cheque(s) / verification of bank deposits;
- signed rights and responsibilities document;
- centre for employment options, i.e., job skills, upgrading;
- exhibits list as an appendix; and
- victim impact statement (optional).





BY-LAW NO. 447-2024

A BY-LAW RESPECTING HATE/BIAS MOTIVED CRIMES AND HATE PROPAGANDA OFFENCES

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 O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS Section 15 of O. Reg. 395/23: Investigations requires that at least one member of a team primarily responsible for investigating hate crimes;
- 1.5 AND WHEREAS the Board deems it appropriate that the Chief of Police develops and maintains procedures on and processes for undertaking and managing investigations into hate propaganda offences and hate/bias motivated crimes;
- 1.6 AND WHEREAS Parts LE-007 and LE-008 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Board, the Chief and Members relative to hate propaganda offences and hate/bias motivated crimes.

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, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Hate/Bias Motivated Crimes" means a criminal offence committed against a person or property that is based solely or partly upon the victim's race, religion, nationality, ethnic origin, sexual orientation or disability;

- 2.5 *"Hate Propaganda Offences"* means:
- (a) any offence that promotes or advocates genocide;
 - (b) any statement that is made in a public place that incites hatred against an identifiable group that is likely to lead to a breach of the peace; and
 - (c) any statement, other than in private conversation, that willfully promotes hatred against an identifiable group;
- 2.6 *"Manual"* means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.7 *"Member"* means a member of the Niagara Regional Police Service;
- 2.8 *"Service"* means the Niagara Regional Police Service.

3. BOARD POLICY

- 3.1 The Board is concerned over the occurrence of hate propaganda offences and hate/bias motivate crimes in the community and the impact on victims, groups and the wellbeing of the community.
- 3.2 The Board recognizes that the investigation of complaints of hate propaganda offences and hate/bias motivated crimes is a priority for the Police Service.
- 3.3 The Board believes that the Police Service must commit to assuming a leadership role in coordinating policing community responses to hate propaganda offences and hate/bias motivated crimes.
- 3.4 The Board believes that the Police Service must commit to keeping the community appropriately informed on the occurrence of hate propaganda offences and hate/bias motivated crimes and the status of the police investigation into such occurrences.
- 3.5 It is therefore the policy of this Board that investigations into such matters be conducted professionally and thoroughly, and in accordance with the procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall develop and implement written procedures for the investigation of Hate Propaganda Offences and Hate/Bias Motivated Crimes in accordance with the guidelines set out in the Manual, and amendments thereto.

4.2 MONITORING

- 4.2.1 The Chief shall develop and implement written procedures to monitor all responses to complaints of Hate Propaganda Offences and/or Hate/Bias Motivated Crimes to ensure compliance with the said procedures.

4.3 INFORMATION TO THE COMMUNITY

- 4.3.1 The Chief shall ensure that community organizations, school boards, victims' organizations, social service agencies, and the media are aware that the Service has developed written procedures for the investigation of Hate Propaganda Offences and Hate/Bias Motivated Crimes.

4.4 COMMUNITY PLAN

- 4.4.1 The Chief shall ensure that the Services works, where possible, with community organizations, school boards, victims' organizations and social service agencies to prevent the repetition of Hate Propaganda Offences and hate/Bias Motivated Crimes and to counter the activities of organized hate groups in the community.

4.5 TRAINING

- 4.5.1 The Chief shall ensure that all Members are advised of this By-law and further that all Members are advised of the written procedures of the Service for the investigation of Hate Propaganda Offences and Hate/Bias Motivated Crimes.
- 4.5.2 The Chief shall ensure that Members involved in the investigation of Hate Propaganda Offences and Hate/Bias Motivated Crimes have the requisite knowledge, skills and abilities, and that at least one member of a team primarily responsible for investigating Hate/Bias Motivated Crimes and Hate Propaganda Offences completes prescribed training.

- 4.6 The procedures referred to above shall be in accordance with Appendix A.

5. REPORT TO THE BOARD

- 5.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of the investigation of Hate Propaganda Offences and Hate/Bias Motivated Crimes. The report shall include:
- (a) a summary of the written procedures concerning the investigation of Hate Propaganda Offences and Hate/Bias Motivated Crimes, including changes since the date of the last report;
 - (b) the status of Service compliance with the said procedures;
 - (c) confirmation that Members dealing with Hate Propaganda Offences and Hate/Bias Motivated Crimes have been trained in accordance with section 4.5; and
 - (d) a report on the Service's involvement in community organizations to prevent the repetition of Hate Propaganda Offences and Hate/Bias Motivated Crimes.

6. IMPLEMENTATION

- 6.1 By-law Nos. 199/200-2000, as amended, and 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.
- 6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (2)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into hate/bias motivated crime.

In addition, section 12(1)(h) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into hate/bias motivated crime.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to undertaking and managing investigations into hate/bias motivated crime that the Chief of Police will:

- a) ensure that community organizations, school boards, victims' organizations, social services agencies, and the media are informed about the police service's procedures for investigating hate/bias motivated crime;
- b) ensure that the police service works, where possible, with community organizations, school boards, victims' organizations, and social service agencies to prevent the repetition of hate/bias motivated crime and to counter the activities of organized hate groups in the community;
- c) develop and maintain procedures on and processes for undertaking and managing investigations into hate/bias motivated crime;
- d) ensure that officers are provided with information on hate/bias motivated crime;
- e) ensure that the police service works with other law enforcement and government agencies to respond to hate/bias motivated crime and the activities of organized hate groups; and
- f) assess and report back to the board on the need for, cost and feasibility of establishing a dedicated unit to investigate hate/bias motivated crime.

Police Service Guidelines

- Procedures**
1. Every police service's procedures should provide that:
 - a) officers are to respond to all criminal occurrences that are suspected to be hate/bias motivated;
 - b) all evidence from a hate/bias crime scene is to be protected, gathered, and secured in accordance with the police service's procedures on the collection, preservation and control of evidence and property (including pamphlets, literature, and photographing graffiti and other symbols at the scene);

- c) all suspected hate/bias motivated criminal occurrences are to be investigated;
- d) officers are to inform the intelligence unit/officer of all hate/bias motivated criminal occurrences, and the intelligence unit/officer (or dedicated hate/bias crime unit if established) is responsible for:
 - i) ensuring that a records bank or database is kept of all information relevant to criminal occurrences that are motivated by hate/bias;
 - ii) sharing appropriate information on the occurrence of hate/bias motivated crime with other police services and government agencies; and
 - iii) providing specialized knowledge and support, as required, to the Crown prosecuting hate/bias motivated crime;
- e) if a suspect is charged with a hate/bias motivated criminal occurrence, that the officer check if the suspect owns, possesses or has access to firearms, and if so, consider the powers available under the *Criminal Code* to search and seize the firearms;
- f) the Chief or designated senior officer is to be notified of any hate/bias motivated criminal occurrence, and the Chief or designated senior officer will be responsible for:
 - i) ensuring that appropriate resources are assigned to the investigation;
 - ii) meeting with the victim or group affected to answer questions and inform them of the police service's activities to investigate the crime; and
 - iii) ensuring the police service works, where possible, with community organizations, school boards, victim's associations and social services agencies to respond to the occurrence, and to counter the activities of organized hate groups in the community;
- g) officers are to indicate on the occurrence report that the occurrence is a suspected hate/bias motivated crime;
- h) officers are to highlight in the Crown Brief that the offence is hate/bias motivated; and
- i) officers are to use the following definition of hate/bias motivated criminal occurrence:

A criminal occurrence committed against a person or property which is motivated by hate/bias or prejudice based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor.

2. Every police service should ensure that its procedures includes the following information on how to recognize a hate/bias motivated criminal occurrence:

Often no single factor will be sufficient to determine that a criminal occurrence is motivated by hate/bias. Various pieces of information will have to be assessed.



Determining the motivation of a suspect can be difficult. Before an incident should be classified as a hate/bias motivated crime, police officers should consider the following:

- *if a suspect has been arrested, any statements made by the suspect that would indicate that the crime was motivated because of hate/bias toward the victim's group;*
- *the absence of any apparent motive for the offence;*
- *the use or display of any symbols, graffiti, oral comments, acts or gestures that are commonly associated with hate/bias towards the victim's group or are known to be used by organized hate groups (i.e. swastika);*
- *whether the offence coincided with a holiday, event or date of significance (religious, historical) to the victim's or suspect's group;*
- *the perception of the victim or victim's community of the motivation behind the offence;*
- *the perception of any witnesses to the offence;*
- *any historical animosity that exists between the victim's group and the suspect's group;*
- *whether the suspect has been previously been involved in similar incidents, or is a member of an organized hate group or an organization which is known for its hate/bias/animosity towards members of the victim's group;*
- *whether several occurrences have occurred in the community with victims from the same group and by a similar manner and means for each offence; and*
- *whether the offence occurred at the same time, or shortly after, a hate group was active in the community (i.e. distribution of hate literature).*

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into hate propaganda.

In addition, section 12(1)(h) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into hate propaganda.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to undertaking and managing investigations into hate propaganda that the Chief of Police will:

- a) ensure that community organizations, school boards, victims' organizations, social services agencies, and the media are informed about the police service's procedures for investigating hate propaganda occurrences;
- b) ensure that the police service works, where possible, with community organizations, school boards, victims' organizations, and social service agencies to respond to hate propaganda occurrences and to counter the activities of organized hate groups in the community;
- c) develop and maintain procedures that require that investigations into hate propaganda be undertaken and managed in accordance with the police service's criminal investigation management plan; and
- d) if the police service has a dedicated unit to investigate hate/bias motivated crime, assign that unit the responsibility to investigate hate propaganda occurrences.

Police Service Guidelines

Procedures

1. Every police service's procedures should provide that:
 - a) investigations into hate propaganda be undertaken and managed in accordance with the police services criminal investigation management plan;
 - b) officers are to respond to all occurrences that are suspected to involve hate propaganda;
 - c) all evidence relating to a hate propaganda occurrence is to be protected, gathered, and secured in accordance with the police service's procedures on the collection, preservation and control of evidence and property (including pamphlets, literature, and photographing graffiti and other symbols at the scene);
 - d) all suspected hate propaganda occurrences are to be investigated;



- e) officers are to inform the intelligence unit/officer of all hate propaganda occurrences, and the intelligence unit/officer (or dedicated hate/bias crime unit if established) is responsible for:
 - i) ensuring that a records bank or database is kept of all information relevant to hate propaganda occurrences;
 - ii) sharing appropriate information on the occurrences with other police services and government agencies; and
 - iii) providing specialized knowledge and support, as required, to the Crown prosecuting a hate propaganda occurrence;
- f) if a suspect is charged with a hate propaganda occurrence, that the officer check if the suspect owns, possesses or has access to firearms, and if so, consider the powers available under the *Criminal Code* to search and seize the firearms;
- g) the Chief or designated senior officer is to be notified of any hate propaganda occurrence, and the Chief or designated senior officer will be responsible for:
 - i) ensuring that appropriate resources are assigned to the investigation;
 - ii) meeting with the victim or group affected to answer questions and inform them of the police service's activities to investigate the occurrence; and
 - iii) ensuring that the police service works, where possible, with community organizations, school boards, victims' organizations and social service agencies to respond to the occurrence and to counter the activities of organized hate groups in the community;
- h) officers are to indicate on the occurrence report that the occurrence involves hate propaganda; and
- i) officers are to consult the local Crown on hate propaganda occurrences to assess whether they fall within Sections 318 and 319(2) of the *Criminal Code*, and where appropriate, should seek the Attorney General's consent to lay a charge.





BY-LAW NO. 448 – 2024

**A BY-LAW RESPECTING
ILLEGAL GAMING**

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 O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS the Board deems it appropriate that the Chief of Police develops and maintains procedures and processes in respect of investigations into illegal gaming;
- 1.5 AND WHEREAS Part LE-032 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the police service relative to investigations into illegal gaming.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.5 "Member" means a member of the Niagara Regional Police Service;
- 2.6 "Service" means the Niagara Regional Police Service.

2 BOARD POLICY

- 2.1 The Board recognizes that matters of illegal gaming are serious in nature, and it is therefore the policy of this Board that investigations into such matters be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

3 DIRECTION TO THE CHIEF

3.1 PROCEDURES

- 3.1.1 The Chief shall develop specific procedures to be followed during investigations into illegal gaming. These procedures shall be in accordance with Appendix A.

3.2 TRAINING

- 3.2.1 The Chief shall ensure that Members receive the appropriate training in gaming and licencing requirements.

4 REPORTING REQUIREMENTS

- 4.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of investigations into illegal gaming. The report shall include:

- (a) a summary of the written procedures concerning investigations into illegal gaming; and
- (b) the status of Service compliance with the said procedures.

5. IMPLEMENTATION

- 5.1 By-law No. 224-2000 and 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.

- 5.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into illegal gaming.

In addition, section 12(1)(k) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into illegal gaming.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to illegal gaming that the Chief of Police will develop and maintain procedures that require that:

- a) investigations be undertaken and managed in accordance with the police service's criminal investigation management plan; and
- b) information on illegal gaming shall be shared with the *Ontario Illegal Gaming Enforcement Unit* (OIGEU).

Police Service Guidelines

- Procedures**
1. Every police service's procedures on illegal gaming should:
 - a) require that investigations be undertaken and managed in accordance with the police service's criminal investigation management plan, including notifying the *Ontario Illegal Gaming Enforcement Unit* (OIGEU) upon discovery of illegal gaming activities for the appropriate assistance or investigative procedure to follow; and
 - b) require that information on illegal gaming shall be shared with OIGEU on:
 - i) the type of gaming offence;
 - ii) date and location of offence;
 - iii) key principals or organization running the illegal activity;
 - iv) name and phone number of the investigating officer(s);
 - v) approximate value of the illegal gaming equipment and/or money seized, where applicable; and
 - vi) number of illegal gaming devices seized, where applicable.





BY-LAW NO. 449-2024

**A BY-LAW RESPECTING
INFORMANTS AND AGENTS**

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 subsection 6 (1) 4 vi of O. Reg. 392/23: Adequate and Effective Policing (General) prescribes that a Chief of Police shall establish procedures and processes with respect to informants and agents;
- 1.4 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, with its objectives and priorities determined pursuant to Sections 37 and 38 of the CSPA that it has a policy on informants and agents;
- 1.5 AND WHEREAS Part LE-015 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing police services relative to informants and agents.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.5 "Member" means a member of the Niagara Regional Police Service;
- 2.6 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

- 3.1 The Board recognizes that issues relating to informants and agents form an important part of investigative policing and of prosecution of criminal offences, and it is therefore the policy of this Board that issues involving informants and agents be dealt with in a professional and thorough manner, and in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall develop procedures and processes relating to the use and management of paid informants and agents.

4.2 SOURCE OF FUNDS

- 4.2.1 The policy referred to in 4.1 shall include that any payment to an informant be made pursuant to the By-law Respecting the Administration, Limitations and Guidelines of the Special Fund.

4.3 IN-CUSTODY INFORMANTS

- 4.3.1 The Chief shall establish procedures and processes on the use of in-custody informants that are consistent with the procedures set out in the Ministry's designated Ontario Major Case Management Manual.

- 4.4 The procedures established above shall be in accordance with Appendix A and subsection 6 (1) 4 xii of O. Reg. 392/23: Adequate and Effective Policing (General).

5. REPORT TO THE BOARD

- 5.1 Chief shall make a written report to the Board on or before August 30 of each year in respect of informants and agents. The report shall include:

- (a) the status of the implementation of the written procedures regarding informants and agents;
- (b) confirmation of compliance with the provisions of the procedures regarding informants and agents; and
- (c) on an anonymous basis, a summary of payments made to informants.

6. IMPLEMENTATION

- 6.1 By-law No. 207-2000 and 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.

- 6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on informants and agents. In addition, section 13(1)(e) requires the Chief of Police to establish procedures and processes in respect of informants and agents.

For the purposes of this requirement, informant means a “paid” informant of the police service.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to paid informants and agents that the Chief of Police will:

- a) establish procedures and processes relating to the use and management of paid informants and agents; and
- b) establish procedures on the use of in-custody informants that are consistent with the procedures set out in the Ministry’s designated *Ontario Major Case Management Manual*.

Police Service Guidelines

- Program** 1. Every police service should designate one officer as responsible for the overall management of the police service’s paid informant and agent program.
- Procedures** 2. Every police service’s procedures and processes on paid informants should:
- a) indicate that a paid informant will become an agent of the police service, if carrying out any direction or task requested by a police officer;
 - b) indicate that a paid informant is an asset of the police service;
 - c) designate one or more officers to be responsible for approving and reviewing the use of paid informants;
 - d) require the inclusion of all paid informants in a master file that is maintained and kept secure by an officer assigned this responsibility;
 - e) require that the content of paid informant files are to include, at minimum:
 - i) biographical and background information;
 - ii) criminal history, if any;
 - iii) parole or probation conditions, if any;
 - iv) code name or number;
 - v) possible motives for participation;



- vi) information on the reliability of information provided by a paid informant;
 - vii) risk assessment (based upon the potential for harm to the paid informant, harm to the police officer involved and harm to the community); and
 - viii) payment receipts;
- f) require the documentation of every contact/communication with the paid informant;
 - g) require the maintenance and periodic review of a paid informant's file;
 - h) require that paid informant files and related codes shall be kept secured, and access to the files limited;
 - i) require the identity of paid informants to be protected, consistent with case law on informer privilege, including the use of separate notebooks for every paid informant;
 - j) promote the verification and corroboration of information supplied by a paid informant prior to action being taken on it; and
 - k) require that the Crown be consulted in circumstances:
 - i) where legal proceedings are to commence where a paid informant is involved with the subject matter of the case; or
 - ii) where a paid informant has been charged with a criminal offence.
3. Every police service should establish procedures on the use of in-custody informers that are consistent with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*.
4. Every police service's procedures and processes relating to the use of agents should:
- a) require that reasonable steps be taken to evaluate the reliability of a potential agent, including the validity of previous information, and possible motivations for participation, prior to considering utilizing the services of an individual in an agent capacity;
 - b) require that a Witness Protection Liaison Officer complete a background assessment on a potential agent, prior to an agreement being formed;
 - c) require that a potential agent be advised of the conditions of their involvement, including disclosure of their identity and possibility of becoming a compellable witness;
 - d) require a contractual arrangement (Letter of Agreement) between the agent and the Chief of Police or designate;
 - e) require that all communications with an agent are fully documented;
 - f) require that illicit drug purchases by an agent be in accordance with Sec. 55 of the *Controlled Drugs and Substances Act*;
 - g) require that officers address the security of an agent during an investigation;
 - h) require additional protective measures, where the identity of an agent is revealed, inadvertently, through disclosure or in testimony, including introducing an agent into a witness protection program, where necessary; and

- i) require officers to consult with the Crown in circumstances where an agent is suspected of committing an offence, or has been charged with a criminal offence.



BY-LAW NO. 450-2024

A BY-LAW RESPECTING INTERNAL TASK FORCES

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 subsection 6 (1) 4 i of O. Reg. 392/23: Adequate and Effective Policing (General) prescribes that a Chief of Police shall establish procedures and processes with respect to Internal Task Forces;
- 1.4 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, with its objectives and priorities determined pursuant to Sections 37 and 38 of the CSPA that it has a policy on Internal Task Forces;
- 1.5 AND WHEREAS Part LE-010 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing police services relative to Internal Task Forces.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.5 "Member" means a member of the Niagara Regional Police Service;
- 2.6 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

- 3.1 The Board recognizes that the work of Internal Task Forces forms an important part of investigative and preventative policing, and it is therefore the policy of this Board to support the use of internal task forces where appropriate in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall develop a procedure to approve Internal Task Forces. These procedures shall be in accordance with Appendix A and subsection 6 (1) 4 i of O. Reg. 392/23: Adequate and Effective Policing (General).
- 4.1.2 The Chief shall develop a procedure to measure the accountability of Internal Task Forces.

5. REPORTING REQUIREMENTS

5.1 BUDGET REPORT

- 5.1.1 The Chief shall make a report to the Board as part of the budget process that outlines the number of planned Internal Task Forces. This report shall include an estimate of the cost of the planned Internal Task Forces.

5.2 GENERAL REPORT

- 5.2.1 Upon completion of an Internal Task Force, the Chief shall make a report to the Board advising the Board:

- (a) if the Internal Task Force achieved its objectives; and
- (b) the actual cost of the Task Force, including personnel costs.

5.3 ANNUAL REPORT

- 5.3.1 The Chief shall make an annual report to the Board before August 30th of each year in respect of Internal Task Forces. This report shall contain:

- (a) the number of completed Internal Task Forces established within the Service;
- (b) the cost to the Service of the Internal Task Forces, including personnel costs; and
- (c) whether or not the Internal Task Force obtained its performance objectives.

6. IMPLEMENTATION

- 6.1 By-law No. 202-2000 and 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.

- 6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on internal task forces. In addition, section 13(1)(a) requires the Chief of Police to establish procedures and processes in respect of internal task forces.

For the purposes of these requirements an internal task force is defined as a planned operation established within the police service related to the investigation of criminal activity.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect internal task forces that the Chief of Police will:

- a) develop procedures that address the approval process and accountability mechanisms for internal task forces; and
- b) provide information in the annual report on the number of completed internal task forces established within the police service, the cost to the police service and whether they achieved their performance objectives.

Police Service Guidelines

- Procedures**
1. Every police service's procedures on internal task forces should:
 - a) set out the criteria and approval process for establishing an internal task force;
 - b) require the development of a written mandate and operational plan for each task force established within the police service that addresses:
 - i) the purpose, performance objectives and indicators for the task force;
 - ii) the identification of the task force manager, and authority and responsibilities within the task force;
 - iii) the allocation of the resources required to accomplish the task force's mandate; and
 - iv) mechanisms for monitoring and evaluating the progress of the task force and its continued necessity; and
 - c) require that a final report and evaluation be prepared when a task force is completed.



BY-LAW NO. 451-2024

A BY-LAW TO ESTABLISH POLICY FOR COMPLIANCE WITH THE INTERPROVINCIAL POLICING ACT

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 the Board deems it expedient to pass a By-law to designate an appointing official for the purposes of the *Interprovincial Policing Act, 2009* and to establish guidelines relating to oversight of the extra-provincial police officers operating within the Board's jurisdiction.

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*, and amendments thereto;
- 2.2 "Appointing Official" means a Chief of Police or Deputy Chief of Police who has been designated Appointing Official under the *Interprovincial Policing Act* for the purposes of granting police officer status to a police officer from another Canadian province or territory who is required to enter Ontario to perform policing duties;
- 2.3 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.4 "Chief" means the Chief of Police of the Niagara Regional Police Service;
- 2.5 "Extra-provincial Police Officer" means a police officer appointed or employed under the law of another province or territory, but does not include a Member of the Royal Canadian Mounted Police;
- 2.6 "IPA" means the *Interprovincial Policing Act, 2009 S.O. 2009, c. 30*, as amended;
- 2.7 "Ministry" means the Ministry of the Solicitor General;

2.8 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

3.1 The Board recognizes the purpose of the IPA to be a mechanism whereby a Ministry designated Appointing Official can grant police officer status to a police officer from another Canadian province or territory that is required to enter Ontario to perform policing duties, and also provides for oversight of extra-provincial police officers operating in Ontario. The Board is committed to compliance with the IPA and therefore, it is the policy of the Board that designation of an Appointing Official be dealt with in accordance with the procedure set out by the Chief as established and directed in this By-law and in compliance with the IPA.

4. DIRECTION TO THE CHIEF

4.1 The Chief shall develop and implement written procedures to ensure compliance with the requirements of the CSPA, Interprovincial Policing Act, and Ontario Regulation 273/10.

5. REPORT TO THE BOARD

5.1 The Chief shall make annual confidential written reports to the Board on extra-provincial police officer appointments, such report to be provided to the Board before March of each year covering the preceding calendar year.

5.2 The annual report shall include the following information in respect of extra-provincial police officer appointments:

- (a) the number of appointments made or terminated that primarily affect the Board's jurisdiction;
- (b) the name of the province the extra-provincial police officer is from; and
- (c) the duration of extra-provincial police officer appointments.

6. IMPLEMENTATION

6.1 By-law No. 317-2012, as amended, and 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.

6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director



BY-LAW NO. 452-2024

**A BY-LAW RESPECTING
JOINT FORCES OPERATIONS**

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 subsection 6 (1) 4 ii of O. Reg. 392/23: Adequate and Effective Policing (General) prescribes that a Chief of Police shall establish procedures and processes with respect to Joint Forces Operations;
- 1.4 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, with its objectives and priorities determined pursuant to Sections 37 and 38 of the CSPA that it has a policy on Joint Forces Operations;
- 1.5 AND WHEREAS Part LE-009 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the police service relative to Joint Forces Operations;
- 1.6 AND WHEREAS the Board is committed to ensuring that incidents which occur across jurisdictional boundaries are properly investigated.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.5 "Member" means a member of the Niagara Regional Police Service;

2.6 "Protocol" means any written or verbal contract agreement or understanding relating to the provision of ongoing policing services by one board for another, or by the Board for another organization or for the ongoing sharing of resources in respect of policing services but does not include:

- (a) on a day-to-day co-operation between police services or other organization; or
- (b) any unforeseen operational emergencies;

2.7 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

3.1 The Board recognizes that Joint Forces Operations form an important part of investigative and preventative policing, and it is therefore the policy of this Board that such Joint Forces Operations be established and maintained in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 PROCEDURES

4.1.1 The Chief shall develop procedures that address the approval process for establishing a Joint Forces Operation.

4.1.2 The Chief shall establish procedures for evaluating the effectiveness of any Joint Forces Operation.

4.1.3 The procedures referred to above shall be in accordance with Appendix A and subsection 6 (1) 4 ii of O. Reg. 392/23: Adequate and Effective Policing (General).

5. REPORTING REQUIREMENTS

5.1 The Chief shall provide the Board with a draft copy of a Protocol for a Joint Forces Operation for the review and approval of the Board.

5.2 The Chief shall make a written report to the Board on or before August 30th of each year in respect of the Joint Forces Operations in which the Service has participated. This report shall include:

- (a) the cost to the Service of the Joint Forces Operation; and
- (b) an indication of whether the Joint Forces Operation achieved its performance objective.

6. IMPLEMENTATION

6.1 By-law No. 201-2000 and 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.

6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on joint forces operations. In addition, section 13(1)(b) requires the Chief of Police to establish procedures and processes in respect of joint forces operations.

For the purposes of these requirements a joint forces operation is defined as a planned operation, supported by a written agreement, involving two or more police services who have common objectives related to the investigation of multi-jurisdictional criminal activity. This is not meant to include situations where one police service requests assistance from another police service with an investigation into an individual or specific criminal occurrence(s).

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to joint forces operations that the Chief of Police will:

- a) develop procedures that address the approval process and accountability mechanisms for joint forces operations; and
- b) provide information in the annual report on the number of completed joint forces operations that the police service participated in, the cost to the police service and whether they achieved their performance objectives.

Police Service Guidelines

- Procedures**
1. Every police service's procedures on joint forces operations should:
 - a) address the criteria and approval process for establishing a joint forces operation;
 - b) require the establishment of a joint management team for each operation;
 - c) require the development of a written mandate and operational plan for each joint forces operation that addresses the:
 - i) purpose, performance objectives and indicators for the joint forces operation;
 - ii) role and responsibilities of the joint management team;
 - iii) methods to accomplish the objectives and how the allocated resources are to be utilized;
 - iv) identification of a project manager, and the authority and responsibilities within the joint forces operation;
 - v) identification of a financial control officer for the project;



- vi) mechanisms for monitoring and evaluating its progress and continued necessity; and
 - vii) the periodic reporting back to the joint management team on its activities; and
 - d) require that a final report and evaluation be prepared when a joint forces operation is completed.
-
2. Where two or more police services request funding in support of a joint forces initiative from the Criminal Intelligence Service Ontario (CISO), the police services should follow the requirements established by CISO for joint forces operations.
 3. Where a joint forces operation is a major case, the police services should also comply with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*.



BY-LAW NO. 453-2024

**A BY-LAW RESPECTING
ONTARIO SEX OFFENDER REGISTRY**

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 the Ministry of the Solicitor General requires a Police Service Board to have a policy with respect to the Ontario Sex Offender Registry for the purpose of crime prevention or law enforcement and disclosures of personal information under the CSPA;
- 1.4 AND WHEREAS Part LE-046 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Board, the Chief and Members relative to the Ontario Sex Offender Registry;
- 1.5 AND WHEREAS the Act known as *Christopher's Law (Sex Offender Registry), 2000, S.O. 2000, chapter 1*, as amended (Christopher's Law) sets out the responsibilities of police services in relation to sex offenders in the province of Ontario and requires, among other obligations, a sex offender, as defined in the Act, to report in person to the police service for the purposes of identification and registration and each police service is required to submit offender information to the Ministry of Solicitor General for inclusion in the Ontario Sex Offender Registry.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;

2.5 "Member" means a member of the Niagara Regional Police Service;

2.6 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

3.1 The Board recognizes the importance of maintaining current information to facilitate timely and effective police investigations into sex-related occurrences and it is therefore the policy of the Board that the designation and maintenance of registration sites be conducted in accordance with the procedure set out by the Chief of Police as established in accordance with this By-law.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

4.1.1 The Chief shall designate and maintain a registration site(s).

4.1.2 The Chief shall establish written procedures and processes on the use of the Ontario Sex Offender Registry that are consistent with the requirements of *Christopher's Law*, as amended.

4.1.3 The Chief shall establish written procedures and processes consistent with the requirements legislated by the federal *Sex Offender Information Registration Act*; SC 2004 c 10, as amended;

4.1.4 The procedures referred to above shall be in accordance with Appendix A.

4.2 REGISTRATION SITE

4.2.1 The Chief shall designate and maintain a registration site(s), within the area where it provides police services, at which offenders may present themselves for the purposes described by the regulation.

4.3 TRAINING

4.3.1 The Chief shall ensure that appropriate members receive training on the Ontario Sex Offender Registry, consistent with the role and responsibilities assigned to them for the purposes of managing the sex offenders in their jurisdiction.

4.3.2 The Chief shall ensure that appropriate members receive training from the Ontario Sex Offender Registry with respect to the federal legislation (*Sex Offender Information Registration Act*) for the purposes of managing the sex offenders in their jurisdiction.

4.4 EQUIPMENT

4.4.1 The Chief shall ensure that member involved with the Ontario Sex Offender Registry have available and use appropriate tools and equipment in performing this function.

4.4.2 The procedures established above shall be in accordance with Appendix A.

5 REPORT TO THE BOARD

5.1 ANNUAL REPORTING REQUIREMENTS

The Chief shall make a written report to the Board on or before August 30th of each year. The report shall include:

- (a) A summary of the written procedures regarding the Ontario Sex Offender Registry;
- (b) The status of Service compliance with said procedures;
- (c) Confirmation that members have been trained with respect to the Ontario Sex Offender Registry, consistent with the role and responsibilities assigned to them, and with respect to the federal legislation for the purposes of managing the sex offenders in their jurisdiction.

6. IMPLEMENTATION

6.1 By-law Nos. 318- 2012, 290-2009, and 261-2003, as amended, and 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.

6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

The Act known as *Christopher's Law (Sex Offender Registry)*, 2000 sets out the responsibilities of police services in relation to sex offenders in the province of Ontario. Among other obligations, the Act requires a sex offender, as defined in the Act, to report in person to the police service for the purposes of identification and registration. Each police service is required to submit offender information to the Ministry of Community Safety and Correctional Services (Ministry) for inclusion in the Ontario Sex Offender Registry (OSOR).

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to the Ontario Sex Offender Registry that the Chief of Police will:

- a) designate and maintain a registration site(s);
- b) establish procedures and processes consistent with the requirements of *Christopher's Law (Sex Offender Registry)*, 2000;
- c) establish procedures and processes consistent with the requirements legislated by the federal *Sex Offender Information Registration Act*;
- d) ensure that appropriate members receive training on the Ontario Sex Offender Registry, consistent with the role and responsibilities assigned to them; and
- e) ensure that appropriate members receive training on both the provincial and federal Sex Offender legislative requirements.

Police Service Guidelines

Registration Site

1. Every Chief of Police shall designate and maintain a registration site(s), within the area where it provides police services, at which an offender may present himself or herself for the purpose of:
 - a) providing police with satisfactory proof of his or her:
 - i) identity;
 - ii) name(s);
 - iii) date of birth;
 - iv) addresses;
 - v) other information that may be prescribed by regulation; and
 - b) where applicable, provide police with proof of a pardon.

Legislative Requirements

2. Every police service shall:
 - a) make reasonable efforts to ensure that the police service provides written notice of the obligation to register (Ministry Form 5, Notification of Duty to Register) to

- every person charged by the police service with a sex offence as defined by the Act at the time of the charge;
- b) require the recording of the information provided by the offender as set out in section 1 above;
 - c) require satisfactory proof from the offender that the information provided by the offender is correct;
 - d) require the submission of information provided by the offender, upon satisfaction that the information is correct, to the Ministry in the manner approved by the Ministry;
 - e) ensure the accessibility of the Ontario Sex Offender Registry at all times by authorized members;
 - f) ensure the disclosure of, and access to, information contained in the Ontario Sex Offender Registry in accordance with *Christopher's Law (Sex Offender Registry)*, 2000;
 - g) collect and submit additional information as prescribed by regulation;
 - h) make reasonable efforts to verify an offender's address, as provided to the police force by the offender, at least once after the offender last presented himself or herself to the police force.

Procedures

- 3. Every police service's procedures should:
 - a) identify designated staff position(s) with overall responsibility for the Ontario Sex Offender Registry, and legislative requirements of the federal *Sex Offender Information Registration Act*;
 - b) address the role and responsibilities of:
 - i) the registrar, including recording and submitting information provided by the offender, upon satisfaction that the information is correct, to the Ministry in the approved manner; and
 - ii) supervisors, investigators, police officers, communications operators/dispatchers and other members as appropriate;
 - c) address the security of the information collected for the Ontario and federal Sex Offender Registries, in accordance with the police service's procedures on the management of police records;
 - d) address the access authorization to the Ontario Sex Offender Registry by registrars, supervisors, investigators, police officers, communications operators/dispatchers and other members as appropriate;
 - e) set out the days and times when offenders may present themselves for the purpose of providing information;
 - f) address the mechanisms for tracking sex offenders, as defined by the Act, residing in the police service's jurisdiction;
 - g) set out the steps for initiating investigations and apprehensions of non-compliant offenders, including policies on the procedures for obtaining warrants;
 - h) set out the steps for accessing, recording, verifying and updating sex offender information, including the steps for:

- i) accessing offender information;
- ii) recording information obtained from the offender;
- iii) obtaining additional information on the offender (e.g., CPIC);
- iv) verifying information provided by the offender (i.e., name, date of birth);
- v) updating offender information, including status;
- vi) submitting offender information to the Ministry in an approved manner;
- i) ensure the entry of offenders on the Special Interest Police (SIP) category of CPIC in accordance with CPIC policy;
- j) address the use by supervisors of information obtained from the Ontario Sex Offender Registry for the purpose of crime prevention or law enforcement;
- k) require that appropriate information from the Ontario Sex Offender Registry be shared with patrol officers;
- l) address the sharing of information from the Ontario Sex Offender Registry with other police services in or outside of Canada and other relevant law enforcement agencies, where appropriate; and
- m) address the disclosure of personal information under section 41(1.1) of the *Police Services Act*.

- Training** 4. (1) Every Chief of Police should ensure that appropriate members receive training with respect to the Ontario Sex Offender Registry, consistent with the role and responsibilities assigned to them.
- (2) Every Chief of Police should ensure that appropriate members receive training from the Ontario Sex Offender Registry with respect to the federal legislation (*Sex Offender Information Registration Act*) for the purposes of managing the sex offenders in their jurisdiction.



BY-LAW NO. 454-2024

**A BY-LAW RESPECTING
PARENTAL AND NON-PARENTAL ABDUCTIONS AND ATTEMPTS**

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 O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.3 AND WHEREAS the Board deems it appropriate that the Chief of Police develop and maintain procedures on and processes for undertaking and managing investigations into missing persons including parental and non-parental abductions;
- 1.4 AND WHEREAS the Board deems it appropriate to have a policy on parental and non-parental abductions and attempts;
- 1.5 AND WHEREAS Part LE-040 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Board, the Chief and members relative to investigations of parental and non-parental abductions and attempts.

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

2. DEFINITIONS

- 2.1 "Act" means the *Police Services Act*, R.S.O. 1990 c.P.15, as amended;
- 2.2 "Board" means the Regional Municipality of Niagara Police Services Board;
- 2.3 "Chief" means the Chief of Police of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of Community Safety and Correctional Services;
- 2.5 "Member" means a member of the Niagara Regional Police Service as defined in the *Act*;
- 2.6 "Ministry" means the Ministry of Community Safety and Correctional Services;
- 2.7 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

- 3.1 The Board recognizes that matters of missing persons, parental and non-parental abductions and attempts are serious in nature, and it is therefore the policy of this Board that investigations into such matters be conducted in a professional and thorough manner and in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall develop and maintain procedures for undertaking and managing investigations into parental/familial abductions and attempts. These procedures shall be in accordance with Appendix A and the Service's Criminal Investigation Management Plan.
- 4.1.2 The Chief shall ensure that the procedures referred to in Section 4.1.1 comply with the procedures set out in the Ministry's designated Ontario Major Case Management Manual and with the prescribed requirements of Sections 1, 6 (2), 14.1 and 18 (1) 8 of O. Reg. 395/23: Investigations.
- 4.1.4 The Chief shall ensure that an AMBER Alert activation is considered in all missing children investigations and Major Case Management is implemented in all cases involving AMBER Alert activation.

4.2 TRAINING

- 4.2.1 The Chief shall ensure that Members investigating parental and non-parental abductions and attempts have the requisite knowledge, skills and abilities.

5. REPORT TO THE BOARD

5.1 ANNUAL REPORTING REQUIREMENTS

The Chief shall make a written report to the Board on or before August 30th of each year. The report shall include:

- (a) a summary of the written procedures concerning investigations into parental and non-parental abductions and attempts;
- (b) confirmation that the procedures are in compliance with the Ministry's designated Ontario Major Case Management Manual;
- (c) the status of Service compliance with said procedures; and
- (d) a summary of training given to Members regarding parental and non-parental abductions and attempts.

6. IMPLEMENTATION

- 6.1 By-law Nos. 232-2000 and 295-2010, as amended, and 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.

6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into parental and non-parental abductions.

In addition, section 12 (1)(m) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into parental and non-parental abductions.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to parental and non-parental abductions and attempted abductions of children that the Chief of Police will:

- a) develop and maintain procedures that require that investigations into parental/familial abductions and attempted abductions be undertaken in accordance with the police service's criminal investigation management plan; and
- b) develop and maintain procedures that require that investigations into non-parental/non-familial abductions and attempted abductions be undertaken in accordance with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*.

Police Service Guidelines

- Procedures**
1. Every police service's procedures on parental/familial abductions and attempted abductions of children should:
 - a) require that investigations be undertaken in accordance with the police service's criminal investigation management plan;
 - b) require officers to follow the police service's procedures on missing persons;
 - c) require officers to follow the police service's procedures on child abuse and neglect, including local protocols with the Children's Aid Societies;
 - d) require officers to determine whether any custody order exists pertaining to the child, where applicable;
 - e) require that appropriate information and Orders of Apprehension, where applicable, are immediately entered on CPIC, including obtaining a Canada-wide radius where it is believed that the accused is leaving or has left the province;
 - f) ensure that relevant information on parental/familial abductions is entered on the RCMP *Missing Child Registry*, where applicable;



- g) address the sharing of information with patrol officers by communications/dispatch personnel, including suspect and victim descriptions, where available;
 - h) address the dissemination and sharing of information with other relevant law enforcement and government agencies, including border points, and appropriate community organizations;
 - i) in a case of an attempted parental/familial abduction, ensure that notification is made to the child's school officials, care givers and others, where appropriate; and
 - j) set out the steps to be followed when it is necessary to contact an agency outside Canada for information in connection with a parental/familial abduction or an attempted abduction of a child.
2. Every police service's procedures on non-parental/non-familial abductions or attempted abductions of children should:
- a) require officers to comply with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*;
 - b) require officers to follow the police service's procedures on child abuse and neglect, including local protocols with the Children's Aid Societies, where appropriate;
 - c) require that appropriate information is immediately entered on CPIC;
 - d) ensure that relevant information on non-parental/non-familial abductions is entered on the RCMP *Missing Child Registry*;
 - e) address the sharing of information with patrol officers by communications/dispatch personnel, including suspect and victim descriptions, where available;
 - f) address the dissemination and sharing of information with other relevant law enforcement and government agencies, including border points, and appropriate community organizations;
 - g) set out the steps to be followed when it is necessary to contact an agency outside Canada for information in connection with a non-parental/non-familial abduction or an attempted abduction of a child; and
 - h) address compliance with the requirements of the *ViCLAS Regulation*.
- Community Notification** 3. Every police service's procedures should address community notification in cases of non-parental/non-familial abductions or attempted abductions of children.



BY-LAW NO. 455-2024

A BY-LAW RESPECTING PERSONS IN CUSTODY

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 O. Reg. 392/23: Adequate and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, with its objectives and priorities determined pursuant to Sections 37 and 38 of the CSPA that the Board have a policy on persons in custody and prisoner care and control;
- 1.5 AND WHEREAS Part LE-016 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Board, the Chief and members relative to prisoner care and control and Part LE-033, a copy of which is attached hereto as Appendix B, contains guidelines directing the Chief and the Service relative to prisoner transportation.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.5 "Member" means a member of the Niagara Regional Police Service;

2.6 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

3.1 The Board recognizes the rights of persons in custody, and it is therefore the policy of this Board that such persons be dealt with in a professional and thorough manner, and in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 PROCEDURES

4.1.1 The Chief shall develop a procedure for the care and control of prisoners including a procedure for the effective monitoring of prisoners.

4.1.2 The procedure shall include ensuring the secure custody of persons in custody in respect of court proceedings in accordance with subsection 243 (1) 3 of the CSPA.

4.2 PROCEDURES – ESCAPE FROM CUSTODY

4.2.1 The Chief shall establish a procedure for responding to an escape from police custody.

4.3 PROCEDURES – PRISONER TRANSPORTATION

4.3.1 The Chief shall develop procedures on prisoner transportation.

4.4 TRAINING

4.4.1 The Chief shall ensure that Members involved in prisoner care and control have the knowledge, skills and abilities required for the care and control of prisoners.

4.4.2 The Chief shall ensure that Members used to escort persons in custody have the knowledge, skills and abilities required to perform the function.

4.5 EQUIPMENT

4.5.1 The Chief shall ensure that Members used to escort persons in custody have available and use the appropriate safety equipment in performing this function.

4.6 The procedures established above shall be in accordance with Appendix A and B.

5. REVIEW OF PROCEDURES

5.1 The Chief shall review the procedures, processes and practices of the Service for prisoner care and control following an escape or in-custody death.

6. REPORT TO THE BOARD

6.1 REPORTING REQUIREMENTS – ESCAPE FROM CUSTODY

6.1.1 The Chief shall make a written report to the Board immediately following any escape from police custody or in-custody death.

6.2 REPORTING REQUIREMENTS – INQUEST

- 6.2.1 The Chief shall make a written report to the Board summarizing the findings of a coroner's jury following an inquest into the death of an individual in police custody and a further report within six (6) months reporting on compliance with the said recommendations.

6.3 ANNUAL REPORTING REQUIREMENTS

- 6.3.1 The Chief shall make a written report to the Board on or before August 30 of each year. The report shall include:
- (a) a summary of the written procedures regarding prisoner care and control including prisoner transportation;
 - (b) confirmation of compliance with the procedures regarding prisoner care and control including prisoner transportation; and
 - (c) a summary of the training given to Members involved in prisoner care and Members used to escort prisoners.

7. IMPLEMENTATION

- 7.1 By-law No. 208-2000 and 225-2000, and 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.
- 7.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachments (2)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on prisoner care and control. In addition, section 13(1)(l) requires the Chief of Police to establish procedures and processes in respect of prisoner care and control.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to prisoner care and control that the Chief of Police will:

- a) establish procedures and processes for:
 - i) the care and control of prisoners, including effective monitoring; and
 - ii) responding to an escape from police custody;
- b) ensure that members involved in prisoner care and control have the knowledge, skills and abilities required to perform this function; and
- c) following an escape or in-custody death, review the procedures, processes and practices of the police service for prisoner care and control and report back to the board.

Police Service Guidelines

- Procedures**
1. Every police service's procedures and processes should:
 - a) require that the officer in charge/supervisor or designate be immediately notified on, and the record of arrest updated when there are any changes relating to (and prior to transfer), a prisoner's:
 - i) injuries;
 - ii) medication, or whether any medication has been administered;
 - iii) impairment due to alcohol or drugs;
 - iv) potential for suicide, violence or risk of escape; and
 - v) emotional disturbance, any mental illness or developmental disability;
 - b) require the recording, and notification to the investigating officer, of any admissions or threats made by an arrested person at the time of processing;
 - c) require that all personal property, such as belts, ties, shoelaces or any article with which a prisoner could cause harm are removed and stored securely prior to the prisoner being placed in a cell;
 - d) require that the officer in charge/supervisor or designate ensure the performing and recording of regular prisoner visual and physical security checks;



- e) set out the special precautions to be implemented for prisoners who are known or suspected to:
 - i) be violent;
 - ii) be emotionally disturbed;
 - iii) have a mental illness;
 - iv) have a developmental disability;
 - v) be suicidal;
 - vi) have a communicable disease;
 - vii) be at risk of a medical emergency; or
 - viii) be under the influence of alcohol/drugs;
 - f) require that meals be provided at all regular meal times and recorded;
 - g) require the display of a “right to counsel” poster;
 - h) address issues relating to:
 - i) security, including firearms and lock-up areas;
 - ii) young persons;
 - iii) use of restraints;
 - iv) separation, by sight, of women, young persons and males from each other;
 - v) the release of a prisoners’ personal property; and
 - vi) emergency procedures and processes, including medical emergencies, cell deaths and evacuations;
 - i) require that prisoner transportation personnel, and any person(s), organization or facility to which the prisoner is transferred, are provided with the appropriate documentation on the prisoner, and are alerted to any information on the prisoner referred to in section 1(a); and
 - j) require the officer in charge/supervisor to regularly audit compliance by members with the police service’s procedures on prisoner care and control.
2. Every police service’s procedures should address an escape from police custody, including, at minimum, that:
- a) upon discovering that a person in custody has escaped, a member shall immediately advise the communications centre of the escape and relevant information; and
 - b) the member, if the escapee cannot be immediately apprehended, shall:
 - i) ensure a CPIC Alert is issued if the person is believed to be a danger to themselves or other persons; and
 - ii) ensure the information on the escapee is entered on CPIC.
3. Every Chief of Police should ensure that members involved in prisoner care and control have the knowledge, skills and abilities required to perform this function, including knowledge of first aid/CPR, precautions for communicable diseases, suicide prevention, recognition of symptoms of excited delirium and positional

asphyxia and prevention, care for impaired persons and the maintenance and operation of safety equipment.

- Review**
4. Every Chief of Police should, following an escape or in-custody death, review the procedures, processes and practices of the police service for prisoner care and control and report back to the board.

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on prisoner transportation. In addition, section 13(1)(m) requires the Chief of Police to establish procedures and processes in respect of prisoner transportation.

Furthermore, section 53(5) of the *Police Services Act* permits the use of special constables by police services to escort and convey persons in custody.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to prisoner transportation that the Chief of Police will:

- a) establish procedures on prisoner transportation that require compliance by police officers/special constables with the police service's procedures on prisoner care and control;
- b) ensure that police officers/special constables used to escort persons in custody have the knowledge, skills and abilities required to perform this function; and
- c) ensure that appropriate safety equipment is used/available to police officers/special constables performing this function.

Police Service Guidelines

- Procedures**
1. Every police service's procedures on prisoner transportation should:
 - a) set out the circumstances when at least two police officers/special constables are required for a prisoner escort;
 - b) address issues relating to:
 - i) security, including firearms;
 - ii) transporting young persons;
 - iii) transporting prisoners of the opposite sex;
 - iv) transporting prisoners with physical disabilities; and
 - v) the use of restraints during transportation;
 - c) set out the special precautions and/or additional security measures to be implemented for transporting prisoners who are known or suspected to:
 - i) be violent;
 - ii) be an escape risk;
 - iii) be involved with organized crime or have other known criminal associates in the community;

- iv) be emotionally disturbed;
 - v) have a mental illness;
 - vi) have a developmental disability;
 - vii) be suicidal;
 - viii) have a communicable disease;
 - ix) be at risk of a medical emergency; or
 - x) be under the influence of alcohol/drugs;
- d) require that, when custody of a prisoner is transferred, any person(s), organization or facility receiving custody is provided with the appropriate documentation on the prisoner, and is alerted to any information on the prisoner regarding:
- i) injuries;
 - ii) medication, or whether any medication has been administered;
 - iii) impairment due to alcohol or drugs;
 - iv) potential for suicide, violence or risk of escape; and
 - v) emotional disturbance, any mental illness or developmental disability;
- e) require the maintenance of records concerning a prisoner's transportation;
- f) ensure the provision of meals to prisoners attending court;
- g) address the type of vehicles that should be used for prisoner transportation; and
- h) require police officers/special constables to comply with the police service's procedures on prisoner care and control.
2. Every Chief of Police should ensure that police officers/special constables used to escort persons in custody have the knowledge, skills and abilities required to perform this function, including knowledge of first aid/CPR, precautions for communicable diseases, suicide prevention, recognition of symptoms of excited delirium and positional asphyxia and prevention, care for impaired persons and the maintenance and operation of safety equipment.
- Equipment** 3. Every Chief of Police should ensure that the appropriate safety equipment is used/available to police officers/special constables performing this function, including communications access during transportation.





BY-LAW NO. 456-2024

**A BY-LAW RESPECTING
POLICE RESPONSE TO PERSONS IN CRISIS
INCLUDING THOSE WHO APPEAR TO HAVE A MENTAL ILLNESS
OR NEURODEVELOPMENTAL DISABILITY**

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 subsection 6 (1) 4. viii O. Reg. 392/23: Adequate and Effective Policing (General) requires the Chief of Police to establish written procedures respecting police response to persons who are in crisis, including those persons who appear to have a mental illness or a neurodevelopmental disability,
- 1.4 AND WHEREAS subsection 39 (1) 4 of the CSPA requires that the Strategic Plan of the Police Service Board address, inter alia, police interactions with persons who appear to have a mental illness or a neurodevelopmental disability;
- 1.5 AND WHEREAS Part LE-013 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and the police service relative to police response to persons who are emotionally disturbed or who have a mental illness or a developmental disability.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;

2.5 "Member" means a member of the Niagara Regional Police Service;

2.6 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

3.1 It is the policy of this Board that investigations involving persons who are in crisis, including those persons appear to have a mental illness or a neurodevelopmental disability be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

3.2 The Board is committed to working in partnership with community mental health agencies to provide prompt coordinated service delivery.

3.3 The Board is committed to working with community agencies, persons with mental illnesses and their families to reduce the stigma of mental illness and to share the responsibility for improving the quality of life for persons who suffer from mental illnesses and disorders.

4. DIRECTION TO THE CHIEF

4.1 PROCEDURES

4.1.1 The Chief shall develop and maintain written procedures that address the police response to persons who are in crisis, including those persons appear to have a mental illness or a neurodevelopmental disability.

4.1.2 The procedures referred to in Section 4.1.1 shall be in accordance with Appendix A and subsection 6 (1) 4. viii of O. Reg. O. Reg. 392/23: Adequate and Effective Policing (General).

4.2 COMMUNITY PARTNERSHIP

4.2.1 The Chief shall, where possible, work with appropriate community members and agencies, healthcare providers, government agencies, municipal officials, other criminal justice agencies, and the local Crown Attorney to address Service issues relating to persons who are in crisis, including those persons appear to have a mental illness or a neurodevelopmental disability.

4.3 TRAINING

4.3.1 The Chief shall ensure that all Members have the requisite knowledge, skills and abilities to deal with persons who are in crisis, including those persons appear to have a mental illness or a neurodevelopmental disability.

4.3.2 The Chief shall ensure that the Service's skills development and learning plan addresses training of Members, on:

- (a) local protocols;
- (b) conflict resolution and use of force in situations involving persons who are in crisis, including those persons appear to have a mental illness or a neurodevelopmental disability; and
- (c) the provisions of the Mental Health Act.

5. REPORT TO THE BOARD

5.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of police response to persons who are in crisis, including those persons appear to have a mental illness or a neurodevelopmental disability. The report shall include:

- (a) a summary of the written procedures concerning police response to persons who are in crisis, including those persons appear to have a mental illness or a neurodevelopmental disability;
- (b) the status of Service compliance with the said procedures;
- (c) a summary of the training given to Members with respect to police response to persons who are in crisis, including those persons appear to have a mental illness or a neurodevelopmental disability;
- (d) a summary of issues raised and/or discussed with community partners relating to police response to persons who are in crisis, including those persons appear to have a mental illness or a neurodevelopmental disability.

6. IMPLEMENTATION

6.1 By-law No. 205-2000, and 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.

6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this ____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on the police response to persons who are emotionally disturbed or have a mental illness or a developmental disability. In addition, section 13(1)(g) requires the Chief of Police to establish procedures and processes in respect of the police response to persons who are emotionally disturbed or have a mental illness or a developmental disability.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to the police response to persons who are emotionally disturbed or have a mental illness or a developmental disability that the Chief of Police will:

- a) work, where possible, with appropriate community members and agencies, health care providers, government agencies, municipal officials, other criminal justice agencies, and the local Crown to address service issues relating to persons who have a mental illness or developmental disability;
- b) establish procedures and processes that address the police response to persons who are emotionally disturbed or have a mental illness or a developmental disability; and
- c) ensure that the police service's skills development and learning plan addresses the training and sharing of information with officers, communications operators /dispatchers and supervisors on:
 - i) local protocols; and
 - ii) conflict resolution and use of force in situations involving persons who may be emotionally disturbed, or may have a mental illness or developmental disability.

Police Service Guidelines**Local Service
Coordination**

1. Every Chief of Police, or designate, should work, where possible, with appropriate community members and agencies, health care providers, government agencies, municipal officials, other criminal justice agencies, and the local Crown to address service issues relating to persons who have a mental illness or developmental disability in that community.

Protocol

2. Every Chief of Police should work, where possible, with local hospitals and psychiatric facilities, where ones exist, towards developing a protocol that should address:



- a) the admission of a person who is emotionally disturbed or has a mental illness who has been arrested or transported by the police;
- b) criminal offences by a person who is emotionally disturbed or has a mental illness within that facility/hospital; and
- c) unauthorized absences by persons who are emotionally disturbed or have a mental illness from that facility/hospital.

Procedures 3. Every police service's procedures and processes on the police response to persons who may be emotionally disturbed, or may have a mental illness or developmental disability should:

- a) require communications operators/dispatchers to provide information to officers, if known, on:
 - i) any medications being taken by the person or that are prescribed;
 - ii) whether the individual is under the influence of illicit drugs and/or alcohol;
 - iii) whether the individual has a history of violence;
 - iv) whether the individual is presently armed or may have access to a firearm;
 - v) whether the individual is in a public/open area or is barricaded;
 - vi) whether there are any reported injuries;
 - vii) whether the individual is involved with any community agencies or local health care providers; and
 - viii) whether the police have previously attended the same address or had prior contacts with the same individual(s) involved;
- b) address the steps for a police officer, or communications operator/dispatcher to obtain assistance from, or refer a call/situation to, another agency;
- c) set out the circumstances in which more than one officer should be dispatched to a call, where practical, or where containment or tactical support should be provided;
- d) set out the steps to be taken by a police officer when invoking the provisions under the *Mental Health Act*;
- e) require that, where an officer has reasonable grounds to believe that the individual has committed a violent crime, the officer should consider charging the individual and not consider voluntary or involuntary hospitalization as a substitute to laying a charge, absent compelling circumstances;
- f) require that in those circumstances where the suspect is taken to a hospital, the police officer shall advise the hospital as to the circumstances of the occurrence, the background of the person, whether he or she may be suicidal, and other such information as may be provided;
- g) address the transportation of persons who may be emotionally disturbed, or may have a mental illness to a psychiatric facility or hospital; and
- h) set out the procedures for responding to calls for service at a local psychiatric facility, where one exists, or hospital, including where the call relates to an

unauthorized absence of an individual who is emotionally disturbed or has a mental illness from the facility.

Training

4. Every Chief of Police should ensure that the police service's skills development and learning plan addresses the training and sharing of information with officers, communications operators/dispatchers and supervisors on:
 - a) local protocols;
 - b) conflict resolution and use of force in situations involving persons who may be emotionally disturbed, or may have a mental illness or developmental disability;
 - c) the relevant provisions of the *Mental Health Act*, *Substitute Decisions Act* and *Health Care Consent Act*;
 - d) the recognition of common mental illnesses; and
 - e) providing assistance to families of persons who have a mental illness.



BY-LAW NO. 457-2024

A BY-LAW RESPECTING PROPERTY OFFENCES (including Break and Enter)

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 O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS subsection 1 (1) of the CSPA provides, inter alia, that policing shall be provided throughout Ontario in accordance with the principle of the need to ensure the safety and security of all persons and property in Ontario, including on First Nations Reserves;
- 1.5 AND WHEREAS the Board deems it appropriate that the Chief of Police develops and maintains procedures on and processes for undertaking and managing investigations into property offences;
- 1.6 AND WHEREAS Part LE-030 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and the police service relative to investigations into property offences.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;

- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.5 "Member" means a member of the Niagara Regional Police Service;
- 2.6 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

- 3.1 The Board recognizes that property offences are serious in nature, and it is therefore the policy of this Board that investigations into property offences be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall develop and maintain procedures that require investigations into property offences be undertaken and managed in accordance with the Service's criminal investigation management plan and in accordance with Appendix A.

4.2 CRIME PREVENTION INITIATIVES

- 4.2.1 The Chief shall identify the need for the implementation of crime prevention initiatives for property crime based on crime, call and public disorder analysis, criminal intelligence and community needs.

4.3 TRAINING

- 4.3.1 The Chief shall ensure that Members investigating property offence occurrences have the requisite knowledge, skills and abilities.

5. REPORT TO THE BOARD

- 5.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of investigations into property offences. The report shall include:

- (a) a summary of the written procedures concerning property offence investigations;
- (b) the status of Service compliance with the said procedures; and
- (c) a summary of crime prevention initiatives for property crime.

6. IMPLEMENTATION

- 6.1 By-law No. 222-2000 and 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.
- 6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on the investigation of property offences, including break and enter.

In addition, section 12(1)(p) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into property offences, including break and enter.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to property offences, including break and enter that the Chief of Police will:

- a) develop and maintain procedures that require that investigations be undertaken and managed in accordance with the police service's criminal investigation management plan; and
- b) identify the need for the implementation of crime prevention initiatives for property crime based on crime, call and public disorder analysis, criminal intelligence and community needs.

Police Service Guidelines

Crime Prevention

1. Every Chief of Police should identify the need for the implementation of crime prevention initiatives for property crime based on crime, call and public disorder analysis, criminal intelligence and community needs, including the implementation of bicycle registration and property identification programs.

Procedures

2. Every police service's procedures on property offences should:
 - a) require that investigations be undertaken and managed in accordance with the police service's criminal investigation management plan;
 - b) require the retention and disposition of property relating to on-going investigations and prosecutions in accordance with the police service's procedures on the collection, preservation and control of evidence and property;
 - c) address the identification, tracing and seizing of stolen property;
 - d) provide for the processing and evaluation of reports received pursuant to the *Pawnbrokers Act* and any municipal by-laws governing the sale of second-hand goods;
 - e) address police interaction with pawnbrokers and second-hand dealers;



- f) address the investigative procedures for different classifications of property offences, including the criteria for the use of investigative supports when investigating property offences;
- g) address the investigative procedures for arson investigations;
- h) require that appropriate information be shared with patrol officers on break and enter and serious property occurrences, including any descriptions of suspects; and
- i) address the sharing of information with other police services and relevant organizations on serial break and enters, and other offences.



**PROTOCOL FOR THE SHARING OF INFORMATION
BETWEEN THE
REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD
AND THE
REGIONAL MUNICIPALITY OF NIAGARA**

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 in the area for which it has policing responsibility as required by Section 10 of the CSPA;

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;

AND WHEREAS subsection 41 (3) of the CSPA, provides that the Regional Municipality of Niagara Police Service Board shall make best efforts to negotiate and enter into a protocol with the Council for the Regional Municipality of Niagara that addresses:

- 1) The sharing of information with the Regional Municipality of Niagara including the type of information to be shared and the frequency for sharing such information; and
- 2) At the request or Regional Council, with any information, other than personal information, relevant to the preparation or review of the Community Safety and Well-Being Plan or to the Board's estimates.

AND WHEREAS the Regional Municipality of Niagara is required, pursuant to Section 50 (1), which provides that a municipality that maintains a municipal board shall provide the board with sufficient funding to, a) provide adequate and effective policing in the municipality and b) pay the expenses of the board's operations, other than the remuneration of board members;

AND WHEREAS subsection 227 (11) of the CSPA provides that the municipality may make representations before the arbitration board in an arbitration involving a municipal board if the municipality is authorized to do so by a resolution.

THEREFORE, THE PARTIES HEREBY AGREE THAT:

The Regional Municipality of Niagara Police Service Board shall provide the Regional Clerk of the Regional Municipality of Niagara:

1. In December of each year, a copy of the Police Service Board's meeting schedule for the upcoming year including dates, times and location of its meetings.
2. Electronic access to public agenda and minutes through the Regional Municipality of Niagara Police Service Board's Internet site at www.niagarapolice.ca

3. Should the Board and Chief of Police host public information sessions on current policing issues in the Niagara Region they will inform the Regional Clerk of where and when these events are to take place as soon as this information has been confirmed.
4. Notice of other public consultation processes scheduled by the Police Service Board for the development of a Niagara Regional Police Service Strategic Plan.
5. The Board will provide information as required or requested by Regional Council or as directed by the Board for Regional Council's consideration, with respect to Board meeting agendas, minutes, budget, and any other matter from time to time as may be permitted by the CSPA.
6. The Board will review and respond to Regional Council decisions applicable to the Board. In its response, the Board will consider its statutory responsibilities and the objectives of both the Board and Regional Council relevant to the decision.
7. Regional Council will communicate to the Board any information it obtains pertaining to the Board or the Service or that is necessary for the effective and efficient provision of policing services in Niagara Region, in a timely manner.
8. Any other reports or information as determined by the Police Service Board.
9. In accordance with Section 39 of the CSPA the Regional Municipality of Niagara Police Service Board shall:
 - (a) Pursuant to subsection 39 (3) of the CSPA consult with the Regional Council or any local area municipalities in the Boards' area of policing responsibility with regards to preparing or revising the Strategic Plan;
 - (b) Pursuant to subsection 39 (4), in preparing or revising the Strategic Plan, the Board shall consider, at a minimum:
 - i) The results of the consultations conducted under subsection (3);
 - ii) Any community safety and well-being plans adopted by the municipalities or First Nations that are in the Board's area of policing responsibility.
 - (c) Publish the Strategic Plan on the Internet in accordance with the regulations made by the Minister, if any. The Regional Clerk will be provided with a copy of the Strategic Plan prior to it being published on the Board's website for public viewing.
10. The Board will provide copies of the Niagara Regional Police Service Statistical Annual Report, and to the public no later than June 30 in each year.
11. On or before June 30 in each year, and in accordance with Section 41 of the CSPA, the Regional Municipality of Niagara Police Services Board shall file an annual report with Regional Council regarding:

- (a) the implementation of the Board's Strategic Plan and the achievement of the performance objectives identified in the Strategic Plan;
- (b) the affairs of the Niagara Regional Police Service;
- (c) the provisions of policing as it relates to any Community Safety and Well-Being Plans adopted by the municipalities or First Nations that are in the Board's area of policing responsibility; and
- (d) any other prescribed matters.

12. The Board shall publish the annual report referred to in section 41 of the CSPA on the Internet in accordance with the regulations made by the Ministry, if any. If the Ministry does not regulate the publishing of the annual report, the Board will post it on their website on or before June 30 in each year, after it has provided a copy to the Regional Clerk.

13. This Protocol is subject to the provisions of CSPA and *Municipal Freedom of Information and Protection of Privacy Act*.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

DATED AT Niagara Falls, Ontario this _____ day of _____, 2024.

Jen Lawson, Chair

Deb Reid, Executive Director

THE REGIONAL MUNICIPALITY OF NIAGARA

DATED AT Thorold, Ontario this _____ day of _____, 2024.

Jim Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk



BY-LAW NO. 458-2024

**A BY-LAW RESPECTING
SEARCH AND SEIZURE**

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 O. Reg. 392/23: Adequate and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, with its objectives and priorities determined pursuant to Sections 37 and 38 of the CSPA to establish policies with respect of search of premises and search of persons;
- 1.5 AND WHEREAS Part LE-011 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and police service relative to search of premises;
- 1.6 AND WHEREAS Part LE-012 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix B, contains guidelines directing the Chief and police service relative to search of persons.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;

2.5 "Member" means a member of the Niagara Regional Police Service;

2.6 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

3.1 The Board recognizes that issues relating to search and seizure are of paramount importance in the investigation and prosecution of criminal offences, and it is therefore the policy of this Board that such issues be dealt with in a professional and thorough manner, and in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 SEARCH OF THE PREMISES

4.1.1 The Chief shall establish procedures on search of premises that require compliance by Members with the legal, constitutional and caselaw requirements relating to search of the premises and in accordance with Appendix A.

4.2 SEARCH OF PERSONS

4.2.1 The Chief shall establish procedures on search of persons that comply with Appendix A and address:

- (a) the compliance by Members of the Service with the legal, constitutional and caselaw requirements relating to when and how searches of the persons are to be undertaken;
- (b) the circumstances in which an officer may undertake a search of person;
- (c) frisk/field searches;
- (d) strip/complete searches;
- (e) body cavity searches;
- (f) consent searches;
- (g) supervision of searches of persons; and
- (h) the documentation of searches of persons.

4.3 TRAINING

4.3.1 The Chief shall ensure that Members are kept informed of changes in the law relating to search and seizure.

5. REPORT TO THE BOARD

5.1 Chief shall make a written report to the Board on or before August 30 of each year. The report shall include:

- (a) a summary of the written procedures regarding search and seizure; and
- (b) confirmation of compliance with the procedures regarding search and seizure.

6. IMPLEMENTATION

6.1 By-law No. 203-2000 and 204-2000, and 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.

6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachments (2)

Legislative/Regulatory Requirements

Section 29 of the Police Adequacy Standards Regulation requires a police services board to have a policy on search of premises. In addition, section 13(1)(i) requires the Chief of Police to establish procedures and processes in respect of search of premises.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to search of premises that the Chief of Police will:

- a) establish procedures on search of premises that require the compliance by members of the police service with the legal, constitutional and case law requirements relating to the search of premises; and
- b) ensure that officers and other members as appropriate are kept informed of changes in the law relating to search of premises.

Police Service Guidelines

- Procedures**
1. Every police service's procedures on search of premises should:
 - a) require an officer to comply with legal, constitutional and case law requirements for undertaking a search of premise, as well as for vehicle /conveyance searches and the contents found within;
 - b) address the procedures for:
 - i) obtaining and executing search warrants; and
 - ii) undertaking a consent search;
 - c) provide that an officer shall not use a Coroner's warrant as a means of obtaining evidence in respect to a criminal act;
 - d) require that before conducting a search of a dwelling, the officer in possession of the search warrant will, where practicable and unless safety or operational requirements clearly dictate otherwise, indicate the reason for their attendance and request that the door be opened;
 - e) require that sufficient personnel be deployed to control the search and to provide adequate security;
 - f) require that seized evidence be collected, handled, packaged, marked, recorded, transported and stored in accordance with the police service's procedures for the collection, preservation and control of evidence and property;
 - g) require that all searches be conducted in accordance with the police service's procedures on communicable diseases;



- h) require that the results of any search be fully documented; and
- i) require that the search of a person found within a premise be conducted in accordance with the police service's procedures on the search of the person.

Information 2. Every Chief of Police should ensure that officers and other members as appropriate are kept informed of changes in the law relating to search of premises.

Legislative/Regulatory Requirements

Section 29 of the Police Adequacy Standards Regulation requires a police services board to have a policy on search of persons. In addition, section 13(1)(h) requires the Chief of Police to establish procedures and processes in respect of the search of persons.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to the search of persons that the Chief of Police will:

- a) establish procedures that address:
 - i) the compliance by members of the police service with the legal, constitutional and case law requirements relating to when and how searches of persons are to be undertaken;
 - ii) the circumstances in which an officer may undertake a search of person;
 - iii) frisk/field searches;
 - iv) strip/complete searches;
 - v) body cavity searches;
 - vi) consent searches;
 - vii) the supervision of searches of persons; and
 - viii) the documentation of searches of persons; and
- b) ensure that officers and other members as appropriate are kept informed of changes in the law relating to the search of persons.

Police Service Guidelines

- Procedures**
1. Every police service's procedures on the search of persons should:
 - a) require an officer when undertaking a search of person to comply with legal, constitutional and case law requirements;
 - b) address the circumstances in which an officer may undertake a search of person;
 - c) set out the procedures for undertaking:
 - i) frisk/field searches;
 - ii) strip/complete searches, including:
 - the circumstances under which a strip/complete search may be conducted;
 - the circumstances when a strip/complete search must be reported;
 - the circumstances, if any, where the permission of a supervisor must be obtained before a strip/complete search is conducted;
 - a requirement against conducting a strip/complete search while any person is present who is not a member of a police service, or whose attendance is

- not appropriate or required in the circumstances, unless safety requirements dictate otherwise;
- that a search be conducted by a member of the same gender as the person to be searched, unless safety requirements dictate otherwise;
- that a search be conducted in a place in which the privacy of the person can be reasonably assured, unless safety requirements dictate otherwise;
- that the person be encouraged to remove their own clothing, unless safety requirements or destruction of evidence issues dictate otherwise; and
- that the search be conducted in a manner which avoids unnecessary body contact;
- iii) body cavity searches, including:
 - that such searches be conducted in private by a qualified medical practitioner and other medical staff as required, and in the presence of a member of the police service of the same gender as the person to be searched; and
 - operational responsibility for authorizing such a search; and
- iv) consent searches;
- d) address the search of a young person and a person with a disability which affects communication or comprehension; and
- e) require that the results of all searches be documented.

Information 2. Every Chief of Police should ensure that the members who may perform search of persons are kept informed of changes in the law with respect to the search of persons.





BY-LAW NO. 459-2024

**A BY-LAW RESPECTING
STOLEN OR SMUGGLED FIREARMS**

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 O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS Section 260 of the CSPA provides for storage, recording and reporting on firearms that come into the possession of the Service;
- 1.5 AND WHEREAS the Board deems it appropriate that the Chief of Police develop and maintain procedures on and processes for undertaking and managing investigations into stolen or smuggled firearms;
- 1.6 AND WHEREAS the Ministry has published a Police Standards Manual (2000) which provides direction to the police service in respect of investigations into stolen or smuggled firearms;
- 1.7 AND WHEREAS Part LE-019 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and the Service relative to investigations of stolen or smuggled firearms.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;

2.5 "Member" means a member of the Niagara Regional Police Service;

2.6 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

3.1 The Board recognizes that matters of stolen or smuggled firearms are serious in nature, and it is therefore the policy of this Board that investigations into such matters be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

4 DIRECTION TO THE CHIEF

4.1 The Chief shall develop a procedure to ensure compliance with Section 260 of the CSPA.

4.2 ORIGIN OF FIREARM

4.2.1 The Chief shall develop and implement a procedure to determine the origin of every firearm that comes into the possession of the Service with a view to determining whether the firearm is:

- (a) lost or stolen;
- (b) registered in Canada; or
- (c) illegal in Canada.

4.3 INVESTIGATION OF STOLEN OR SMUGGLED FIREARMS

4.3.1 The Chief shall develop and implement written procedures relating to the investigation of stolen or smuggled firearms.

4.4 SHARING OF INFORMATION

4.4.1 The Chief shall develop and implement a procedure to address the sharing of information on stolen and smuggled firearms with law enforcement agencies.

4.5 TRAINING

4.5.1 The Chief shall ensure that Members receive the appropriate training in relation to firearms safety and that Members involved in investigations of stolen or smuggled firearms have had the requisite knowledge, skills and abilities.

4.6 The procedures referred to above shall be in accordance with Appendix A.

5 REPORT TO THE BOARD

5.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of the investigation of stolen or smuggled firearms. This report will contain:

- (a) a summary of the written procedures concerning investigations into stolen or smuggled firearms; and
- (b) the status of Service compliance with the said procedures.

6. IMPLEMENTATION

6.1 By-law No. 211-2000 and 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.

6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this ____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into stolen or smuggled firearms.

In addition, section 12(1)(s) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into stolen or smuggled firearms.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to stolen or smuggled firearms that the Chief of Police will develop and maintain procedures:

- a) that require that every firearm that comes into the possession of the police service will be checked to determine whether the firearm:
 - i) has been reported stolen or lost;
 - ii) is legally registered in Canada; or
 - iii) is smuggled;
- b) on the investigation of stolen or smuggled firearms in accordance with the police service's criminal investigation management plan; and
- c) that address the sharing of crime analysis, criminal intelligence and other information on stolen or smuggled firearms with relevant law enforcement agencies and as required by section 134(8)4 of the *Police Services Act*.

Police Service Guidelines

- Procedures**
1. Every police service's procedures should:
 - a) require that every firearm that comes into the possession of the police service shall be checked to determine whether the firearm:
 - i) has been reported stolen or lost;
 - ii) is legally registered in Canada; or
 - iii) is smuggled;
 - b) provide that the police service participates in the *Firearms Tracing and Analysis Program* (FATE), and that members should comply with the administrative requirements specified by the program;
 - c) provide that where it is determined that a seized firearm has been stolen an investigation shall be undertaken, in accordance with the police service's criminal investigation management plan, to determine how the individual from whom the



firearm was seized came into possession of the stolen firearm, as well as whether the original owner of the firearm complied with requirements for the safe storage of firearms;

- d) provide that where it is determined that the seized firearm is of the type that should be registered in Canada but is not, or the firearm is prohibited, that:
 - i) the *Provincial Weapons Enforcement Unit* (PWEU) shall be consulted for the appropriate assistance and/or investigative procedure to be followed; and
 - ii) an investigation shall be undertaken, in accordance with the police service's criminal investigation management plan, to determine how the individual from whom the firearm was seized came into possession of the unregistered or prohibited firearm; and
- e) provide that information shall be shared with PWEU, and appropriate law enforcement agencies when:
 - i) the seized weapon may have been distributed through a "supplier" or "distribution network";
 - ii) there is a theft/robbery of firearms from a store that sells firearms, a gun club or a theft from a private residence; and
 - iii) it is suspected that individuals within the community are involved in the smuggling and/or distribution of firearms.





BY-LAW NO. 460-2024

**A BY-LAW RESPECTING
VEHICLE THEFT**

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 O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS the Board deems it appropriate that the Chief of Police develops and maintains procedures on and processes for undertaking and managing investigations into vehicle theft;
- 1.5 AND WHEREAS Part LE-043 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the police service relative to vehicle theft investigations.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.5 "Member" means a member of the Niagara Regional Police Service;
- 2.6 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that vehicle theft is serious in nature, and it is therefore the policy of this Board that investigations into vehicle thefts be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall develop and maintain procedures that require investigations into vehicle theft occurrences to be undertaken in accordance with the Service's Criminal Investigation Management Plan and in accordance with Appendix A.

4.2 NOTIFICATION TO OWNERS

- 4.2.1 The Chief shall ensure the timely notification of registered owners of the recovery of stolen vehicles, except where ongoing criminal investigations may be compromised.

4.3 TRAINING

- 4.3.1 The Chief shall ensure that Members investigating vehicle theft occurrences have the requisite knowledge, skills and abilities.

5 REPORT TO THE BOARD

- 5.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of investigations into vehicle theft occurrences. The report shall include:

- (a) a summary of the written procedures concerning vehicle theft investigations; and
- (b) the status of Service compliance with the said procedures.

6. IMPLEMENTATION

- 6.1 By-law No. 235-2000 and 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.

- 6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this ____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into vehicle thefts.

In addition section 12(1)(t) requires the Chief of Police to establish procedures on and processes for undertaking and managing investigations into vehicle thefts.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to vehicle thefts that the Chief of Police will:

- a) develop and maintain procedures that require that investigations be undertaken in accordance with the police service's criminal investigation management plan; and
- b) ensure the timely notifications of registered owners of the recovery of stolen vehicles, except where ongoing criminal investigations may be compromised.

Police Service Guidelines

- Procedures**
1. Every police service's procedures on the investigation of vehicle thefts should:
 - a) require that investigations be undertaken in accordance with the police service's criminal investigation management plan, including notifying the *Ontario Provincial Auto Theft Team* in investigations involving:
 - i) organized theft rings; and
 - ii) thefts of heavy construction equipment vehicles;
 - b) require the sharing of information on vehicle theft with relevant law enforcement agencies, government agencies and other organizations;
 - c) require the recording of vehicle theft information on CPIC, including the VIN number and/or license plate number;
 - d) address the communications of stolen vehicle reports, including any descriptions of suspects;
 - e) require that information on stolen vehicles be shared with patrol officers, including any descriptions of suspects; and
 - f) require the timely notifications of registered owners of the recovery of stolen vehicles, except where ongoing criminal investigations may be compromised.





BY-LAW NO. 461-2024

**A BY-LAW RESPECTING
VICTIMS' ASSISTANCE**

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 subsection 1. 4 of the CSPA provides for the importance of respect for victims of crime and understanding of their needs;
- 1.4 AND WHEREAS subsection 82 (1) (c) of the CSPA provides that police officers have a duty to assist victims of crime;
- 1.5 AND WHEREAS subsection 11 (1) 5 of the CSPA provides that adequate and effective policing includes, inter alia, providing assistance to victims of crime;
- 1.6 AND WHEREAS subsection 13 (1) and (2) of O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequate and effective policing respecting assistance to victims of crime;
- 1.7 AND WHEREAS the Board deems it appropriate that the Chief of Police establish procedures on providing assistance to victims that reflect the principles of the *Victims' Bill of Rights, 1995* and sets out the role and responsibilities of Members providing victims' assistance;
- 1.8 AND WHEREAS the Board deems it appropriate to have a policy on victims' assistance;
- 1.9 AND WHEREAS Part VA-001 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Board, the Chief and members relative to victims' assistance.

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*, and amendments thereto;

- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.5 "Member" means a member of the Niagara Regional Police Service;
- 2.6 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

- 3.1 The Board recognizes that issues relating to victims' assistance form an important part of policing, and it is therefore the policy of this Board that victims' assistance issues be dealt with in a professional and thorough manner, and in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall establish procedures on providing assistance to victims in accordance with Appendix A, and the Community and Safety Well-Being Plan developed by the Region of Niagara in accordance with Part XVI of the CSPA.

4.2 COMMUNITY PARTNERSHIP

- 4.2.1 The Chief shall work in partnership with the Ministry of the Attorney General's Victim/Witness Assistance Program (VWAP) and agencies that deliver the Victim Crisis and Referral Service (VCARS) program, where available, and municipalities, community and social service agencies and other local organizations, to promote the development of an integrated service delivery framework for providing assistance to victims, including safety planning.

4.3 TRAINING

- 4.3.1 The Chief shall ensure that Members are aware of victims' service providers or a victim referral service available in the area.
- 4.3.2 The Chief shall ensure that in each instance where there is police service contact with one or more victims of crime involving physical and/or psychological injury that such victims are referred to the appropriate community service available in their area.
- 4.3.3 The Chief shall ensure that Members are aware of the provisions of the *Victims Bill of Rights, 1995*, and are kept informed of changes in the law relating to victims' assistance.

5. REPORT TO THE BOARD

- 5.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of victims' assistance. The report shall include:
 - (a) a summary of the written procedures concerning victims' assistance;

- (b) quantitative and qualitative performance objectives and indicators of outcomes relating to police assistance to victims of crime and re-victimization rates in accordance with subsection 39 (1) 3. vii of the CSPA; and
- (c) the status of Service compliance with the said procedures.

6. IMPLEMENTATION

- 6.1 By-law Nos. 312-2011 and 322-2012, and 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.
- 6.2 This By-law shall come into force on April 1, 2024.
- 6.3 The Chief shall implement this By-law, where applicable, through General Order.

ENACTED AND PASSED this ____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 42(1)(c) of the *Police Services Act* provides that police officers have a duty to assist victims of crime.

Section 29 of the Adequacy and Effectiveness of Police Services Regulation requires a police services board have a policy on victims' assistance.

In addition, section 17 of the Regulation requires the Chief of Police establish procedures on providing assistance to victims that:

- reflect the principles of the *Victims' Bill of Rights, 1995*; and
- set out the roles and responsibilities of members for providing victims' assistance.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to providing assistance to victims that the Chief of Police will:

- a) working in partnership with the Ministry of the Attorney General's Victim/Witness Assistance Program (V/WAP) and agencies that deliver the Victim Crisis and Referral Service (VCARS) program, where available, municipalities, community and social service agencies and other local organizations, promote the development of an integrated service delivery framework for providing assistance to victims, including safety planning;
- b) ensure that members of the police service are aware of victim service providers or a victim referral service available in the area;
- c) establish procedures on providing assistance to victims; and
- d) ensure that in each instance where there is police service contact with one or more victims of crime involving physical and/or psychological injury, that such victims are referred to the appropriate community service available in their area.

Police Service Guidelines

*Integrated
Service
Delivery*

1. Every Chief of Police should, working in partnership with the V/WAP and VCARS program, where available, municipalities, community and social service agencies and other local organizations, promote the development of an integrated service delivery framework for providing assistance to victims, including safety planning.

Procedures

2. Every police service's procedures on providing assistance to victims should:
- a) reflect the principles of the *Victims' Bill of Rights, 1995 (Act Respecting Victims of Crime)*;
 - b) set out the roles and responsibilities of members for providing victims' assistance;
 - c) require confidentiality to the extent consistent with applicable law;
 - d) require that a victim's property be promptly returned, where the property is no longer needed for the purposes of the justice system;
 - e) set out the procedures for notifying next-of-kin of deceased, seriously injured or seriously ill persons;
 - f) address direct services to victims, including:
 - i) providing victims, in accordance with local protocols, with the following information, where applicable:
 - arrests and charges laid with respect to the crime, and, if no charges are laid, the reasons why no charges are laid;
 - the progress of investigations that relate to the crime;
 - the protection available to victims to prevent unlawful intimidation;
 - interim release of the accused and any conditions;
 - prior to leaving the scene, officers' names and badge numbers; and
 - at the request of the victim, the date of all court appearances of the accused;
 - ii) providing information to the victim on available community services;
 - iii) upon notice to the victim, providing the following victim related information, on a timely basis, to an appropriate community agency (such as a VCARS agency), unless the victim specifically declines this assistance:
 - Victim's name,
 - Victim's telephone number,
 - Victim's address,
 - Spoken language (so the service can arrange for an interpreter if required),
 - Accommodation needs (if victim requires a disability accommodation),
 - The *Criminal Code* offence for which charges have been laid, and
 - The release status of the accused, if deemed necessary.
 - iv) providing the victim with information on safety planning, or on the availability of safety planning information and assistance within the community;
 - v) in cases involving domestic violence occurrences, providing assistance to victims in accordance with the police service's procedures on domestic violence occurrences;
 - vi) requiring officers to remain at a scene until satisfied that there is no imminent threat to the victim and issues related to the victim's safety have been addressed;

- vii) arranging transportation of a victim to a shelter or place of safety, if necessary, the location of which shall remain confidential to third parties;
 - viii) when a victim has a disability, contacting appropriate community resources or services to provide assistance, including suitable transportation, care and shelter, if necessary;
 - ix) if immigration status is an issue, advising the victim to seek independent legal advice;
 - x) if language is a barrier, making reasonable effort to obtain the services of an interpreter;
 - xi) requiring that victims of sexual assault, when resources and circumstances permit, should:
 - be interviewed during the investigation by members of the gender of their choice, upon request;
 - be interviewed in a private and victim appropriate environment that provides for the safety and security of the victim.
 - be advised regarding appropriate protective measures, which may be taken to enhance the victim's safety and/or reduce the accessibility of the victim to the suspect;
- (g) require that procedures be developed with the local Crown and VWAP (justice partners), where available, to provide timely victim related information to V/WAP and the Crown as part of the Early Victim Contact in Domestic Violence Cases Initiative and for other core cases where V/WAP provides services to victims, and to ensure the general provision of information to victims, including on:
- i) relevant provisions of the *Victims' Bill of Rights, 1995 (Act Respecting Victims of Crime)* and the *Compensation for Victims of Crime Act*;
 - ii) victims' role in the prosecution;
 - iii) court procedures that relate to prosecutions;
 - iv) interim release and, in the event of conviction, the sentencing of an accused;
 - v) dispositions made under sections 672.54 or 672.58 of the *Criminal Code* in respect of an accused who is found unfit to stand trial, or who is found not criminally responsible on account of a mental disorder;
 - vi) provisions of the *Criminal Code* that allow for the protection of the victim's identity; and
 - vii) rights of victims under the *Criminal Code* to make representation to the court by way of a victim impact statement, including the option of filing the statement in an alternate format; and
- (h) for major cases, require officers to also comply with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*.
- (i) devise a policy to ensure that officers have:
- provided victims with information about victim assistance available through the police and through community agencies.

- provided victims with notice about sharing their contact information with community service providers for the purpose of victim assistance;
- shared victim contact information with the appropriate service providers, unless a victim has specifically declined this assistance; and
- indicated in writing, e.g. in their notebook, that the above notice has been given to victim.

Information 3) Every Chief of Police should ensure that members of the police service are aware of victim service providers or a victim referral service available in the area.



BY-LAW NO. 462-2024

**A BY-LAW RESPECTING
WITNESS PROTECTION AND SECURITY**

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 subsection 6 (1) 4 vii of O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes that a Chief of Police shall establish procedures and processes with respect to witness protection and security;
- 1.4 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, with its objectives and priorities determined pursuant to Sections 37 and 38 of the CSPA;
- 1.5 AND WHEREAS the Ministry has published a Policing Standards Manual (2000) which provides direction to the police service in respect of witness protection and security;
- 1.6 AND WHEREAS Part LE-018 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Board, the Chief and members relative to witness protection and security.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;

2.5 "Member" means a member of the Niagara Regional Police Service;

2.6 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

3.1 The Board recognizes that issues relating to the protection of witnesses form an important part of policing and of the prosecution of criminal offences, and it is therefore the policy of this Board that witness protection issues be dealt with in a professional and thorough manner in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 WITNESS PROTECTION LIAISON OFFICER

4.1.1 The Chief shall appoint a Member, who as part of his or her duties, will act as a Witness Protection Liaison Officer.

4.2 PROCEDURES FOR SECURITY OF WITNESSES

4.2.1 The Chief shall develop and implement written procedures and processes in respect of the protection and security of witnesses.

4.3 PROCEDURES FOR WITNESS ASSISTANCE

4.3.1 The Chief shall establish procedures and processes in respect of witness assistance.

4.4 TRAINING

4.4.1 The Chief shall ensure that Members are aware of the provisions of the *Witness Protection Act* and are kept informed of changes in the law relating to witness protection.

4.5 The Chief shall establish written procedures relative to witness protection issues in accordance with Appendix A and subsection 6 (1) 4 vii of O. Reg. 392/23: Adequate and Effective Policing (General).

5. REPORT TO THE BOARD

5.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of witness protection and security and witness assistance. The report shall include:

- (a) a summary of the written procedures concerning witness protection and security and witness assistance;
- (b) the status of Service compliance with the said procedures; and
- (c) on an anonymous basis, the cost of witness protection and assistance.

6. IMPLEMENTATION

6.1 By-law No. 210-2000 and 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.

- 6.2 This By-law shall come into force on April 1, 2024.
- 6.3 The Chief shall implement this By-law, where applicable, through General Order.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on witness protection and security. In addition, section 13(1)(f) requires the Chief of Police to establish procedures and processes in respect of witness protection and security.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to witness protection and security that the Chief of Police will:

- a) establish procedures and processes in respect of witness protection and security; and
- b) ensure that the police service has a Witness Protection Liaison Officer, or an arrangement with another police service to use their Witness Protection Liaison Officer.

Police Service Guidelines

- Procedures**
1. Every police service's procedures and process in respect of witness protection and security should:
 - a) require that all members of the police service who may become involved in the investigation of serious crimes are aware of the provisions of the *Witness Protection Program Act* and any provincial Witness Protection Program; and
 - b) require the designation of at least one Witness Protection Liaison Officer or set out the procedures for accessing a Witness Protection Liaison Officer from another police service.





BY-LAW NO. 463-2024

**A BY-LAW RESPECTING
YOUTH CRIME**

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 O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS subsection 39 (1) 3) (vi) of the CSPA provides that a Board is to include in its Strategic Plan a requirement, inter alia, quantitative and qualitative performance objectives and indicators of outcomes relating to Youth Crime and clearance rates for Youth Crime;
- 1.5 AND WHEREAS the Board deems it appropriate that the Chief of Police develops and maintains procedures on and processes for undertaking and managing investigations into Youth Crime;
- 1.6 AND WHEREAS Part LE-044 of the Policing Standards Manual (2000), a copy of which is attached as Appendix A contains guidelines directing the Chief and the police service relative to investigations into Youth Crime.

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*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General

- 2.5 "Member" means a member of the Niagara Regional Police Service;
- 2.6 "Service" means the Niagara Regional Police Service;
- 2.7 "Youth Crime" means offences, within the meaning of the Youth Criminal Justice Act (Canada), committed by a person while they were a young person within the meaning of that Act.

3 BOARD POLICY

- 3.1 The Board recognizes that matters of Youth Crime are serious in nature, and it is therefore the policy of this Board that investigations into such matters be conducted professionally and thoroughly, and in accordance with the procedures established by the Chief as directed by this By-law.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall develop and maintain procedures on and processes for undertaking and managing investigations into Youth Crime in accordance with Appendix A.

4.2 SCHOOL LIAISON PROGRAM

- 4.2.1 The Chief shall develop and maintain a school liaison program which includes establishing protocols for investigating school related occurrences.
- 4.2.2 The Chief shall ensure that the protocols referred to in section 4.2.1 above is reviewed on an annual basis.

4.3 COMMUNITY PARTNERSHIP

- 4.3.1 The Chief shall consider the need for a multi-agency strategy to prevent or counter the activities of youth gangs in the community in accordance with the Service's procedures on crime prevention and problem-oriented policing.

5 REPORT TO THE BOARD

- 5.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of investigations into youth crime. The report shall include:
- (a) a summary of the written procedures concerning Youth Crime investigations;
 - (b) the status of Service compliance with the said procedures;
 - (c) a summary of steps taken by the Service to monitor and evaluate Youth Crime; and
 - (d) reference to the requirement in section 4.3.1.

6. IMPLEMENTATION

- 6.1 By-law No. 236-2000 and 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.

6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into youth crime.

In addition section 12(1)(u) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into youth crime.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to youth crime that the Chief of Police will:

- a) develop and maintain procedures on and processes for undertaking and managing investigations into youth crime;
- b) work, where possible, with local school boards to develop programs for safe schools, including establishing protocols for investigating school-related occurrences; and
- c) consider the need for a multi-agency strategy to prevent or counter the activities of youth gangs in the community in accordance with the police service's procedures on crime prevention and problem-oriented policing.

Police Service Guidelines

- Procedures**
1. Every police service's procedures on the investigation of offences committed by young persons should:
 - a) address compliance by members with the relevant federal legislation relating to young persons;
 - b) address the steps to be taken by officers, in accordance with local protocols, when responding to school-related occurrences;
 - c) require the sharing of information with intelligence personnel if it is believed that an offence committed by a young person is gang-related;
 - d) address the sharing of information with officers, appropriate members, other police services and relevant organizations on youth gang activities;
 - e) set out the steps to be followed if a young person should escape, be unlawfully at large or breach probation; and
 - f) require that young persons' records are flagged in order to avoid unlawful disclosure.

**Safe
Schools**

2. Every Chief of Police should work, where possible, with local school boards to develop programs for safe schools, including establishing a protocol for the investigation of school-related occurrences that is consistent with the Ministry of Education's policies relating to safe schools.

**Youth
Gangs**

3. Every Chief of Police should consider the need for a multi-agency strategy to prevent or counter the activities of youth gangs in the community, including working, where possible, with school boards, municipalities, youth and other community organizations, businesses and the Crown.

