



INTERNAL CORRESPONDENCE

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

Date: April 16, 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 43 *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 existing Police Service Board By-laws under review and several new By-laws to be developed, which 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 effective April 1, 2024. The revised and new By-laws submitted for Board approval at the April 25, 2024 meeting are as follows:

1. Acoustic Hailing Devices
2. Appointment of Special Constables Employed by the Board as Members of the NRPS
3. Appointment of Special Constables Employed by Special Constable Employers
4. Canine Units
5. Collection of Identifying Information (COII) In Certain Circumstances – Prohibition and Duties
6. Collection, Preservation and Control of Property and Evidence
7. Communicable Diseases
8. Communications and Dispatch

9. Community Based Crime Prevention
10. Community Patrol
11. Court Security
12. Crisis Negotiation
13. Emergency Planning
14. Equipment – Body Armour
15. Explosives Forced Entry and Explosive Disposal
16. Firearms Training and Investigations
17. Hostage Rescue
18. Investigations into Homicides
19. Major Incident Command
20. Marine Unit
21. Marked Patrol Vehicles
22. Missing Persons
23. Officer Note Taking
24. Police Action at Labour Disputes
25. Police Response to False Alarms
26. Police Response to High-Risk Individuals
27. Police Uniforms
28. Policing First Nations Occupations and Protests
29. Preliminary Perimeter Control and Containment
30. Problem-Oriented Policing
31. Proceeds of Crime
32. Public Order Units
33. Robbery Investigations
34. Safe Storage of Police Service Firearms
35. Secure Holsters
36. Sexual Assault Investigations
37. Speed Detection Devices
38. Sudden Death and Found Human Remains
39. Supervision
40. Tactical Units
41. Traffic Management, Enforcement and Road Safety
42. Underwater Search and Recovery Units
43. Use of Force

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. 464-2024

A BY-LAW RESPECTING ACOUSTIC HAILING DEVICES

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 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 requirements in relation to the use of acoustic hailing devices including the need for independent testing, for training and to develop standard operating procedures;
- 1.4 AND WHEREAS O. Reg. 405/23: Police Uniforms and Equipment (O. Reg. 405/23) to the CSPA prescribes a definition and use of acoustic hailing devices by Police Service Members;
- 1.5 AND WHEREAS the Board has deemed it appropriate that it establish a policy with respect to acoustic hailing devices for the purposes of workplace safety;
- 1.6 AND WHEREAS the *Occupational Health and Safety Act, R.S.O. 1990, c.0.1* as amended, sets out the responsibilities of employers, supervisors and workers for workplace safety, and accordingly the Board requires the Chief of Police to establish procedures and processes with respect to acoustic hailing devices;
- 1.7 AND WHEREAS Part AI-017 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 acoustic hailing devices.

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

2. DEFINITIONS

- 2.1 "*Acoustic Hailing Device*" means a device that was designed for communicating voice messages or other sounds over long distances and that is capable of emitting, or was designed to emit, sounds that are 135 decibels or greater when measured at a distance of

one metre from the device, but does not include a siren that was designed to be mounted on a vehicle;

2.2 "Act" or "CSPA" means the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, and amendments thereto;

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

2.6 "Ministry" means the Ministry of the Solicitor General; and

2.7 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

3.1 The Board recognizes the importance of workplace and public safety, including safety with respect to long-range acoustic hailing devices, and therefore it is the policy of this Board to require the Chief to set out procedures as directed in this By-law with respect to the provision, use and function of long-range acoustic hailing devices.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

4.1.1 The Chief shall develop and maintain written procedures in accordance with O. Reg. 405/23 and Appendix A that govern the provision, use and function of acoustic hailing devices.

4.1.2 The Chief shall ensure that recorded voice announcements are recorded using good engineering practices and that existing and future recordings are reviewed to ensure messages are clear and do not result in higher than anticipated sound pressure levels.

4.2 MEMBERSHIP AND TRAINING

4.2.1 The Chief shall ensure that the procedures developed and maintained in section 4.1 above require that members receive the appropriate training in relation to acoustic hailing devices.

4.2.2 The Chief shall ensure that members operating the device have received training on the police service procedures, proper use of the device, and training on product information, warnings and practical application of the device.

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 with respect to acoustic hailing devices. The report shall contain:

- (a) a summary of the written procedures relating to acoustic hailing devices;
- (b) the status of Service compliance with the said procedures;
- (c) confirmation that Members have been trained in accordance with section 4.2;

- (d) a summary of the circumstances in which acoustic hailing devices have been deployed; and
- (e) the results of the testing and recommendations relied on by the Service in relation to Sections 3 of O. Reg. 405/23.

6 IMPLEMENTATION

- 6.1 By-law No. 335-2013 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

The Equipment and Use of Force Regulation, as amended, under the *Police Services Act*, sets out the requirements in relation to the use of acoustic hailing devices including the need for independent testing, for training and to develop standard operating procedures.

The requirements of the Equipment and Use of Force Regulation in relation to the use of acoustic hailing devices do not replace an employer's obligations under the *Occupational Health and Safety Act* to provide information, instruction and supervision to a worker to protect the health or safety of the worker.

Sample Board Policy

Board Policy # _____

It is the Policy of the _____ Police Services Board with respect to long-range acoustic hailing devices that:

- a) Acoustic hailing devices will only be used in accordance with procedures that set out the supervisory, operating, reporting and training requirements for their deployment; and
- b) Police service procedures regarding the use of acoustic hailing devices are based on recommendations about the devices per section 16 (1)(c) of the Equipment and Use of Force Regulation.

Police Services Guidelines

1. Every police service's procedures on the use of acoustic hailing devices shall:
 - a) be established per section 16 (1)(d) of the Equipment and Use of Force Regulation; and
 - b) indicate the device is to be used only to communicate.
2. Every police service's procedures on the use of acoustic hailing devices should:
 - a) identify the type of incidents in which an acoustic hailing device may be used;
 - b) address the supervision of operators, including authorization(s) to be obtained prior to deploying the device;
 - c) require any recorded communication be followed by a period of silence to allow for effective communication while reducing bystander exposure;
 - d) require that the following information be documented:
 - i) the date, time and location of the deployment of the device;
 - ii) the purpose for which the device was used;
 - iii) the volume level(s) or setting(s) at which the device was used;

- iv) the approximate distance(s) and the decibel level(s) from the intended audience at which the device was used;
 - v) all messages and communications; and
 - vi) the authorizing member(s).
 - e) require operators of the acoustic hailing devices wear appropriate hearing protection devices during equipment operation.
3. Every Chief of Police shall ensure members operating the device have received training on the police service's procedures and on proper use of the device. Training should include product information and warnings and practical application.
 4. Every Chief of Police should ensure that recorded voice announcements are recorded using good engineering practice. Existing and future recordings should be reviewed to ensure messages are clear and do not result in higher than anticipated sound pressure levels.
 5. Every Chief of Police should ensure the report of the testing and recommendations relied on by the police service in relation to sections 16 (1) (b) and (c) of the Equipment and Use of Force Regulation are available to the public.



BY-LAW NO. 465-2024

**A BY-LAW RESPECTING
APPOINTMENT OF SPECIAL CONSTABLES EMPLOYED BY
THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD
AS MEMBERS OF THE NIAGARA REGIONAL POLICE 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 Sections 92, 93, 94 of the CSPA contain provisions governing the appointment, duties, reappointment, suspension and termination of Special Constable appointments to be employed as Members of the Service;
- 1.4 AND WHEREAS O. Reg. 396/23: Matters Respecting the Appointment and Functions of Special Constables and the Authorization of Special Constable Employers, prescribes rules respecting Certificates of Appointment, Weapons, Equipment, Special Constable Employer Applications and powers and duties of Special Constables;
- 1.5 AND WHEREAS the Board has deemed it appropriate that it establish a policy regarding the appointment of Special Constables to be employed by the Board as Members of the Service;
- 1.6 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, and with its objectives and priorities determined pursuant to Sections 37, 38, 92, 93, 94, and 94 of the CSPA and O. Reg 396/23 to require the Chief of Police to establish procedures and processes in respect of the hiring, training and deployment of Special Constables.

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 as amended;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;

- 2.3 *"Certificate of Appointment"* means a certificate issued by the Board pursuant to subsection 92 (6) of the CSPA, as amended, appointing an employee of the Service as a Special Constable;
- 2.4 *"Chief"* means the Chief of the Niagara Regional Police Service;
- 2.5 *"Member"* means a member of the Niagara Regional Police Service;
- 2.6 *"Ministry"* means the Ministry of the Solicitor General;
- 2.7 *"Service"* means the Niagara Regional Police Service;
- 2.8 *"Special Constable"* in this By-law means a Member of the Service appointed by the Board to carry out Special Constable functions in accordance with the CSPA, O. Reg. 396/23, as amended, and the terms and conditions of the Certificate of Appointment.

3. BOARD POLICY

- 3.1 It is the policy of this Board that all Special Constable appointments regarding Members of the Service be made in consultation with and on the advice of the Chief, and that all such appointments, including Special Constable duties, permitted weapons, suspension and termination of appointments comply with the provisions of sections 92, 93 and 94 of the CSPA and O. Reg 396/23, as amended.

4. DIRECTION TO THE CHIEF

- 4.1 The Chief shall make recommendations to the Board regarding Members to be appointed as Special Constables.
- 4.2 The Chief shall ensure that candidates recommended to Board pursuant to Section 4.1 above meet at a minimum the criteria set out in subsection 92 (1) of the CSPA, as amended.
- 4.3 The Chief shall ensure that the Special Constable powers and duties recommended to be included in the Certificate of Appointment of a Special Constable are included in and do not exceed the powers and duties prescribed in Columns 2, 3 and 4 of item 1 of the Schedule to O. Reg. 396/23, as amended.
- 4.4 The Chief shall ensure that Special Constables receive, at a minimum, training mandated by the Ministry from time to time, including initial and ongoing annual training.
- 4.5 The Chief shall ensure that the Board is notified of any circumstances reasonably requiring consideration of an amendment, suspension or termination of the Certificate of Appointment.

5. CERTIFICATE OF APPOINTMENT

- 5.1 Upon receipt of the recommendation made pursuant to Section 4 above, the Board shall consider the recommendation, and in the absence of any contrary negative information which indicates non-compliance with the CSPA or O. Reg. 396/23, as amended, shall issue a Certificate of Appointment to the Special Constable(s) who are the subject of the Chief's recommendation.

6. REPORT TO THE BOARD

- 6.1 The Chief shall make an annual report in February of each year including the following information:
- 6.1.1 The number of Special Constables employed as Members of the Service;
 - 6.1.2 The number of Special Constables hired/appointed during preceding calendar year;
 - 6.1.3 The units/duties to which Special Constables were deployed during preceding calendar year;
 - 6.1.4 The number of appointments terminated for disciplinary reasons;
 - 6.1.5 The number of appointments terminated for non-disciplinary reasons;
 - 6.1.6 The total hours of Special Constables who were off work during preceding calendar year;
 - 6.1.7 The number of public complaints made against Special Constables in the preceding calendar year, and status/disposition of those complaints; and
 - 6.1.8 Confirmation that the Service has followed the requirements of the terms of the Certificate of Appointment, and the provisions of the CSPA and O. Reg 396/23, as amended, or, if not in compliance, an explanation of any incident(s) of such non-compliance.

7. IMPLEMENTATION

- 7.1 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

Attachments (2)



Application for Appointment as Special Constable Niagara Regional Police Service

Pursuant to Section 92 of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, ("CSPA")*
(Information provided on this application will be regarded as strictly confidential).

A. GENERAL INFORMATION (to be completed by Special Constable candidate)

Surname		Given Names		ID #
Address			Apt./Unit	
City	Province	Postal Code		
Residence Telephone	Business Telephone	Date of Birth (Y/M/D)		
Driver's Licence Number	Province of Issue			
Have you ever been:		From (Y/M/D)	To (Y/M/D)	
1. a member of a police service?	<input type="radio"/> Yes <input type="radio"/> No			
2. an auxiliary police officer?	<input type="radio"/> Yes <input type="radio"/> No			
3. a special constable?	<input type="radio"/> Yes <input type="radio"/> No			

B. EMPLOYMENT INFORMATION (to be completed by Employer)

Name of Employer
Address
City Province Postal Code
Business Telephone
Describe the purpose for which Special Constable status is being requested. (Use additional paper if necessary)

B. EMPLOYER INFORMATION (to be completed by Employer - continued)

Police officer powers requested – Please specify statute and section(s) to be consistent with and not to exceed powers and duties as set out in Columns 2, 3 and 4 of Item 1 of the Schedule to O. Reg. 396/23, as applicable.		Geographic Jurisdiction of Special Constable Appointment
Highway Traffic Act	<input type="radio"/> Yes <input type="radio"/> No	<input type="checkbox"/> Province of Ontario
Motorized Snow Vehicles Act	<input type="radio"/> Yes <input type="radio"/> No	<input type="checkbox"/> Municipality(ies): (please specify)
Liquor Licence and Control Act	<input type="radio"/> Yes <input type="radio"/> No	
Youth Criminal Justice Act	<input type="radio"/> Yes <input type="radio"/> No	
Mental Health Act	<input type="radio"/> Yes <input type="radio"/> No	
Trespass to Property Act	<input type="radio"/> Yes <input type="radio"/> No	
Other(s) (please specify)	<input type="radio"/> Yes <input type="radio"/> No	
Is the applicant a Canadian citizen, permanent resident of Canada, or lawfully able to work in Canada?		Is the applicant physically and mentally able to perform the duties of the position having regard for his or her own safety, and the safety of the public where applicable?
<input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No
Is the applicant at least eighteen years of age?		Will the applicant be adequately supervised?
<input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No
Use of Force Equipment Requested (If requested, please provide detailed rationale for each article of equipment)		
Oleoresin Capsicum Spray/Foam	<input type="radio"/> Yes <input type="radio"/> No	Justification (if applicable)
Baton/ASP	<input type="radio"/> Yes <input type="radio"/> No	
Other (please specify)	<input type="radio"/> Yes <input type="radio"/> No	
Please describe the training received by the applicant (Please specify for each) Date successfully completed (Y/M/D)		If the employer intends to conduct further training for this applicant, please indicate which training is to be conducted
Use of Force	<input type="radio"/> Yes <input type="radio"/> No	
First Aid/CPR	<input type="radio"/> Yes <input type="radio"/> No	
Police Powers	<input type="radio"/> Yes <input type="radio"/> No	
Provincial Legislation	<input type="radio"/> Yes <input type="radio"/> No	
Federal Legislation	<input type="radio"/> Yes <input type="radio"/> No	
Other:	<input type="radio"/> Yes <input type="radio"/> No	
Does the employer maintain written policies and procedures relating to the activities of the Special Constable?		
<input type="radio"/> Yes <input type="radio"/> No		
Signature of authorized officer of the employer		Date (Y/M/D)
Name and title – please print		

By signing the above noted, the Employer certifies that this Application complies in all respects with Section 92 of the CSPA and O. Reg. 396/23.

C. SPONSORING POLICE SERVICE INFORMATION (to be completed by sponsoring Police Service)

<i>Name of Sponsoring Police Service</i>	
<i>Contact Person/Title</i>	
<i>Address</i>	
<i>City</i>	<i>Province</i> <i>Postal Code</i>
<i>Business Telephone</i>	
<i>Does the applicant meet the background check criteria appropriate for the duties, powers and equipment requested?</i> <input type="radio"/> Yes <input type="radio"/> No	
<i>Duration of Appointment Requested</i> <input type="checkbox"/> 5 Years <i>If less than 5 years please specify:</i> <input type="radio"/> New Appointment or <input type="radio"/> Re-appointment	
<i>Use of Force Equipment Recommended by Sponsoring Agency</i> <i>Oleoresin Capsicum Spray/Foam</i> <input type="radio"/> Yes <input type="radio"/> No <i>Baton/ASP</i> <input type="radio"/> Yes <input type="radio"/> No <i>Other (please specify)</i> <input type="radio"/> Yes <input type="radio"/> No	<i>Has the employer provided proof of sufficient liability coverage indemnifying the Province of Ontario and the Regional Municipality of Niagara Police Service Board in respect to any claim arising out of the actions of the employer or Special Constable applicant?</i> <input type="radio"/> Yes <input type="radio"/> No
<i>I hereby confirm that</i> <u><i>Name of applicant</i></u> fulfills the requirements for appointment as Special Constable, and the training as set out by the Ministry of the Solicitor General.	
<i>I am authorized by the Chief of Police to submit to the Regional Municipality of Niagara Police Service Board this Application for Approval of Special Constable Appointment.</i> <i>Signature of authorized officer of sponsoring Police Service</i> <i>Date (Y/M/D)</i>	
<i>Name and title – please print</i>	



Regional Municipality of
Niagara Police Service Board

Approval and Certificate of Appointment as Special
Constable for Niagara Regional Police Service

Pursuant to Section 92(6) of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, the appointment of as a Special Constable for the purpose of:

Name of Individual

(Update description as appropriate - Enter purpose to be consistent with and not to exceed powers and duties as set out in Columns 2, 3, and 4 of Item 1 of the Schedule to O. Reg. 396/23, as applicable.)

Is hereby approved in:

☐ the Province of Ontario OR ☒ the Municipality of Regional Municipality of Niagara

☒ Sponsoring Police Service
Niagara Regional Police Service

Specifics of Area

☒ Name of Employer
Regional Municipality of Niagara Police Service Board

The geographic jurisdiction of the applicant shall be limited to

and the appointee has, for the purpose of this appointment:

- the status of peace officer; and
- police officer powers as contained in the following legislation:

Sections

Highway Traffic Act

☐ Yes ☐ No

Liquor Licence and Control Act

☐ Yes ☐ No

Mental Health Act

☐ Yes ☐ No

Motorized Snow Vehicles Act

☐ Yes ☐ No

Trespass to Property Act

☐ Yes ☐ No

Youth Criminal Justice Act

☐ Yes ☐ No

Other: *(Please specify statute and sections to be consistent with and not to exceed powers and duties as set out in Columns 2, 3, and 4 of Item 1 of the Schedule to O. Reg. 396/23, as applicable).*

☐ Yes ☐ No

Subject to the following restrictions/conditions:

- ☐ This appointment does not permit the carriage of a firearm.
- ☐ This appointment does not permit the carriage of a prohibited weapon - (e.g. Oleoresin Capsicum Spray)

This appointment is valid until the earliest of:

- 1) YY/MM/DD, or 2) the date at which the appointee ceases to perform the duties outlined above; or 3) the appointee is no longer in the employ of the Niagara Regional Police Service.

Approval has been granted by the Board Chair (or designee) exercising the powers of the Regional Municipality of Niagara Police Service Board pursuant to delegated authority.

Appointed on

(Date of Appointment)

at

(Place of Appointment)

Chair (or Designee) Signature
Regional Municipality of Niagara Police Service Board

Name (Please Print)

Date of Signature



BY-LAW NO. 466-2024

**A BY-LAW RESPECTING
APPOINTMENT OF SPECIAL CONSTABLES EMPLOYED BY
SPECIAL CONSTABLE EMPLOYERS**

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 Sections 92, 93, 94 of the CSPA contain provisions governing the appointment, duties, reappointment, suspension and termination of Special Constable appointments to be employed as employees of Special Constable Employers;
- 1.4 AND WHEREAS O. Reg. 396/23: Matters Respecting the Appointment and Functions of Special Constables and the Authorization of Special Constable Employers prescribes rules respecting Certificates of Appointment, Weapons, Equipment, Special Constable Employer Applications and powers and duties of Special Constables;
- 1.5 AND WHEREAS Sections 97, 98 and 99 of the CSPA contain provisions governing the authorizations issued by the Minister to Special Constable Employers, the duties of Special Constable Employers, and the suspension or revocation of such authorizations;
- 1.6 AND WHEREAS Brock University and the Niagara Parks Commission have employed Special Constables prior to the enactment of the CSPA and will continue to do so in accordance with the provisions of the CSPA referenced above, subject to being issued authorizations from the Minister under the said section 97 and to the transition provisions of subsection 92 (12) of the CSPA;
- 1.7 AND WHEREAS the Board has deemed it appropriate that it establish a policy regarding the appointment of Special Constables to be employed by Special Constable Employers;
- 1.8 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, and with its objectives and priorities determined pursuant to Sections 37, 38, 92, 93, 94, 97, 98, and 99 of the CSPA and O. Reg 396/23 to require the Chief of Police to establish procedures and processes in respect of the appointment, training and deployment of Special Constables.

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*, as amended;
- 2.2 *"Authorization"* means the authorization to employ Special Constables issued by the Minister pursuant to Section 97 of the CSPA, as amended;
- 2.3 *"Board"* means the Regional Municipality of Niagara Police Service Board;
- 2.4 *"Certificate of Appointment"* means a certificate issued by the Board pursuant to subsection 92 (6) of the CSPA, as amended, appointing an employee of a Special Constable Employer as a Special Constable;
- 2.5 *"Chief"* means the Chief of the Niagara Regional Police Service;
- 2.6 *"Member"* means a member of the Niagara Regional Police Service;
- 2.7 *"Service"* means the Niagara Regional Police Service;
- 2.8 *"Special Constable"* in this By-law means an employee of a Special Constable Employer appointed by the Board to carry out Special Constable functions in accordance with the CSPA, O. Reg 396/23, as amended, and the terms and conditions of the Certificate of Appointment;
- 2.9 *"Special Constable Agreement"* means a written contract between the Board and the Special Constable Employer regarding the duties of the Special Constable Employer, the terms and conditions of the Special Constable appointments, including powers and duties, training, investigations, complaints, discipline, suspension and termination of Special Constables and Special Constable appointments;
- 2.10 *"Special Constable Employer"* means a not-for-profit employer authorized by the Minister to employ Special Constables pursuant to Section 97 of the CSPA, as amended, and includes Brock University and the Niagara Parks Commission.

3. BOARD POLICY

- 3.1 It is the policy of this Board that all Special Constable Certificates of Appointment regarding employees of Special Constable Employers be issued in consultation with and on the advice of the Chief, and that all such appointments, including Special Constable powers and duties, permitted weapons, suspension and termination of appointments comply with the provisions of Sections 92, 93 and 94 of the CSPA and O. Reg 396/23, as amended.
- 3.2 It is the further policy of this Board that no new Special Constable Appointments will be issued after April 1, 2024, unless the Minister has issued a Special Constable Employer authorization under Section 97 of the CSPA, as amended.
- 3.3 It is the further policy of this Board that no new Special Constable Certificates of Appointment will be issued until the Board and the Special Constable Employer enter into a Special Constable Agreement.
- 3.4 It is the further policy of this Board that such Special Constable Agreement be negotiated and signed as soon as possible after April 1, 2024, and in any event, on or before July 31, 2024.

4. DIRECTION TO THE CHIEF

- 4.1 The Chief shall make recommendations to the Board regarding employees of Special Constable Employers to be appointed as Special Constables.
- 4.2 The Chief shall ensure that candidates recommended to the Board pursuant to 4.1 above meet at a minimum the criteria set out in subsection 92 (1) of the CSPA, as amended.
- 4.3 Regarding applications for appointment of Special Constables employed by the Niagara Parks Commission, the Chief shall ensure that Special Constable duties and powers recommended to be included in the Certificate of Appointment are included in and do not exceed the powers and duties prescribed in Columns 2, 3 and 4 of Item 3 of the Schedule to O. Reg. 396/23, as amended.
- 4.4 Regarding applications for appointment of Special Constables other than those employed by the Niagara Parks Commission, the Chief shall ensure that Special Constable duties and powers recommended to be included in the Certificate of Appointment are included in and do not exceed the duties and powers prescribed in Columns 2, 3 and 4 of Item 5 of the Schedule to O. Reg. 396/23.
- 4.5 The Chief shall ensure that the Special Constable Employer ensures that its Special Constables receive, at a minimum, training mandated by the Ministry from time to time, including initial and ongoing annual training.
- 4.6 The Chief shall ensure that the Board is notified of any circumstances reasonably requiring consideration of an amendment, suspension or termination of the Certificate of Appointment.
- 4.7 Prior to making the recommendation referenced in this section 4.1 above, the Chief shall:
- 4.7.1 Consult with the Special Constable Employer regarding the matters detailed in this section;
 - 4.7.2 Ensure that the said Employer is aware of the CSPA provisions regarding Special Constables.

5. DIRECTION TO SPECIAL CONSTABLE EMPLOYER

- 5.1 Every prospective Special Constable Employer shall complete and submit to the Chief and the Board an application for each Special Constable Appointment in the form and content attached as Appendix A to this By-law.
- 5.2 Every prospective Special Constable Employer shall negotiate and enter into a written Special Constable Agreement with the Board as defined in 2.9 of this By-law.

6. CERTIFICATE OF APPOINTMENT

- 6.1 Upon receipt of the recommendation made pursuant to Section 4 above, the Board shall consider the recommendation, and in the absence of any contrary negative information which indicates non-compliance with the CSPA or O. Reg. 396/23, as amended, shall issue a Certificate of Appointment to the Special Constable who is the subject of the Chief's recommendation.

7. REPORT TO THE BOARD

- 7.1 The Chief shall make an annual report in February of each year including the following information:
- 7.1.1 The name of Special Constable Employers which employ Special Constables pursuant to Certificates of Appointment issued by the Board;
 - 7.1.2 The number of Special Constables employed by each Special Constable Employer;
 - 7.1.3 The number of Special Constables appointed by the Board pursuant to this By-law for each Special Constable Employer during preceding calendar year;
 - 7.1.4 A general description of the duties of the Special Constables employed by each Special Constable Employer;
 - 7.1.5 The number of appointments of Special Constables which were terminated for disciplinary reasons during preceding calendar year;
 - 7.1.6 The number of appointments of Special Constables which were terminated for non-disciplinary reasons during preceding calendar year;
 - 7.1.7 The number of public complaints made against Special Constables in preceding calendar year, and status/disposition of those complaints; and
 - 7.1.8 Confirmation that the Special Constable Employer has followed the requirements of the Authorization from the Minister, the terms of the Certificate of Appointment, the provisions of the CSPA, and O. Reg. 396/23, as amended, and the Special Constable Agreement, or, if not in compliance, an explanation of any incident(s) of such non-compliance.

8. IMPLEMENTATION

- 8.1 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.
- 8.2 This By-law shall come into force on April 1, 2024.
- 8.3 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 (2)



Application for Appointment as Special Constable Niagara Parks Commission

Pursuant to Section 92 of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, ("CSPA")*
(Information provided on this application will be regarded as strictly confidential).

A. GENERAL INFORMATION (to be completed by Special Constable candidate)

Surname		Given Names		ID #
Address		Apt./Unit		
City	Province	Postal Code		
Residence Telephone	Business Telephone	Date of Birth (Y/M/D)		
Driver's Licence Number	Province of Issue			
Have you ever been:		From (Y/M/D)	To (Y/M/D)	
1. a member of a police service?	<input type="radio"/> Yes <input type="radio"/> No			
2. an auxiliary police officer?	<input type="radio"/> Yes <input type="radio"/> No			
3. a special constable?	<input type="radio"/> Yes <input type="radio"/> No			

B. EMPLOYMENT INFORMATION (to be completed by Employer)

Name of Employer		
Address		
City	Province	Postal Code
Business Telephone		
Describe the purpose for which Special Constable status is being requested. (Use additional paper if necessary)		

B. EMPLOYER INFORMATION (to be completed by Employer - continued)

Police officer powers requested – Please specify statute and section(s) to be consistent with and not to exceed powers and duties as set out in Columns 2, 3 and 4 of Item 3 of the Schedule to O. Reg. 396/23, as applicable.		Geographic Jurisdiction of Special Constable Appointment
Highway Traffic Act	<input type="radio"/> Yes <input type="radio"/> No	<input type="checkbox"/> Province of Ontario
Motorized Snow Vehicles Act	<input type="radio"/> Yes <input type="radio"/> No	<input type="checkbox"/> Municipality(ies): (please specify)
Liquor Licence and Control Act	<input type="radio"/> Yes <input type="radio"/> No	
Youth Criminal Justice Act	<input type="radio"/> Yes <input type="radio"/> No	
Mental Health Act	<input type="radio"/> Yes <input type="radio"/> No	
Trespass to Property Act	<input type="radio"/> Yes <input type="radio"/> No	
Other(s) (please specify)	<input type="radio"/> Yes <input type="radio"/> No	
Is the applicant a Canadian citizen, permanent resident of Canada, or lawfully able to work in Canada? <input type="radio"/> Yes <input type="radio"/> No		Is the applicant physically and mentally able to perform the duties of the position having regard for his or her own safety, and the safety of the public where applicable? <input type="radio"/> Yes <input type="radio"/> No
Is the applicant at least eighteen years of age? <input type="radio"/> Yes <input type="radio"/> No		Will the applicant be adequately supervised? <input type="radio"/> Yes <input type="radio"/> No
Use of Force Equipment Requested (If requested, please provide detailed rationale for each article of equipment)		
Oleoresin Capsicum Spray/Foam	<input type="radio"/> Yes <input type="radio"/> No	Justification (if applicable)
Baton/ASP	<input type="radio"/> Yes <input type="radio"/> No	
Other (please specify)	<input type="radio"/> Yes <input type="radio"/> No	
Please describe the training received by the applicant (Please specify for each) Date successfully completed (Y/M/D)		If the employer intends to conduct further training for this applicant, please indicate which training is to be conducted
Use of Force	<input type="radio"/> Yes <input type="radio"/> No	
First Aid/CPR	<input type="radio"/> Yes <input type="radio"/> No	
Police Powers	<input type="radio"/> Yes <input type="radio"/> No	
Provincial Legislation	<input type="radio"/> Yes <input type="radio"/> No	
Federal Legislation	<input type="radio"/> Yes <input type="radio"/> No	
Other:	<input type="radio"/> Yes <input type="radio"/> No	
Does the employer maintain written policies and procedures relating to the activities of the Special Constable? <input type="radio"/> Yes <input type="radio"/> No		
Signature of authorized officer of the employer		Date (Y/M/D)
Name and title – please print		

By signing the above noted, the Employer certifies that this Application complies in all respects with Section 92 of the CSPA and O. Reg. 396/23.

C. SPONSORING POLICE SERVICE INFORMATION (to be completed by sponsoring Police Service)

<i>Name of Sponsoring Police Service</i>	
<i>Contact Person/Title</i>	
<i>Address</i>	
<i>City</i>	<i>Province</i> <i>Postal Code</i>
<i>Business Telephone</i>	
<i>Does the applicant meet the background check criteria appropriate for the duties, powers and equipment requested?</i> <input type="radio"/> Yes <input type="radio"/> No	
<i>Duration of Appointment Requested</i> <input type="checkbox"/> 5 Years <i>If less than 5 years please specify:</i> <input type="radio"/> New Appointment or <input type="radio"/> Re-appointment	
<i>Use of Force Equipment Recommended by Sponsoring Agency</i> <i>Oleoresin Capsicum Spray/Foam</i> <input type="radio"/> Yes <input type="radio"/> No <i>Baton/ASP</i> <input type="radio"/> Yes <input type="radio"/> No <i>Other (please specify)</i> <input type="radio"/> Yes <input type="radio"/> No	<i>Has the employer provided proof of sufficient liability coverage indemnifying the Province of Ontario and the Regional Municipality of Niagara Police Service Board in respect to any claim arising out of the actions of the employer or Special Constable applicant?</i> <input type="radio"/> Yes <input type="radio"/> No
<i>I hereby confirm that</i> <u><i>Name of applicant</i></u> fulfills the requirements for appointment as Special Constable, and the training as set out by the Ministry of the Solicitor General.	
<i>I am authorized by the Chief of Police to submit to the Regional Municipality of Niagara Police Service Board this Application for Approval of Special Constable Appointment.</i> <i>Signature of authorized officer of sponsoring Police Service</i> <i>Date (Y/M/D)</i>	
<i>Name and title – please print</i>	



**Regional Municipality of
Niagara Police Service Board**

**Approval and Certificate of Appointment as
Special Constable for Niagara Parks Commission**

Pursuant to Section 92(6) of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, the appointment of as a Special Constable for the purpose of:

Name of Individual

(Update description as appropriate - Enter purpose to be consistent with and not to exceed powers and duties as set out in Columns 2, 3, and 4 of Item 3 of the Schedule to O. Reg. 396/23, as applicable.)

Is hereby approved in:

☐ the Province of Ontario OR ☒ the Municipality of Regional Municipality of Niagara

☒ Sponsoring Police Service
Niagara Regional Police Service

Specifics of Area

☒ Name of Employer
Niagara Parks Commission

The geographic jurisdiction of the applicant shall be limited to

and the appointee has, for the purpose of this appointment:

- **the status of peace officer;** and
- **police officer powers** as contained in the following legislation:

Sections

Highway Traffic Act

☐ Yes ☐ No

Liquor Licence and Control Act

☐ Yes ☐ No

Mental Health Act

☐ Yes ☐ No

Motorized Snow Vehicles Act

☐ Yes ☐ No

Trespass to Property Act

☐ Yes ☐ No

Youth Criminal Justice Act

☐ Yes ☐ No

Other: *(Please specify statute and sections to be consistent with and not to exceed powers and duties as set out in Columns 2, 3, and 4 of Item 3 of the Schedule to O. Reg. 396/23, as applicable).*

☐ Yes ☐ No

Subject to the following restrictions/conditions:

- ☐ This appointment does not permit the carriage of a firearm.
- ☐ This appointment does not permit the carriage of a prohibited weapon - (e.g. Oleoresin Capsicum Spray)

This appointment is valid until the earliest of:

- 1) YY/MM/DD, or 2) the date at which the appointee ceases to perform the duties outlined above; or 3) the appointee is no longer in the employ of the Niagara Parks Commission.

Approval has been granted by the Board Chair (or designee) exercising the powers of the Regional Municipality of Niagara Police Service Board pursuant to delegated authority.

Appointed on

(Date of Appointment)

at

(Place of Appointment)

Chair (or Designee) Signature
Regional Municipality of Niagara Police Service Board

Name (Please Print)

Date of Signature



Application for Appointment as Special Constable Brock University Campus Safety Services

Pursuant to Section 92 of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, ("CSPA")*
(Information provided on this application will be regarded as strictly confidential).

A. GENERAL INFORMATION (to be completed by Special Constable candidate)

Surname		Given Names		ID #
Address			Apt./Unit	
City	Province	Postal Code		
Residence Telephone	Business Telephone	Date of Birth (YMD)		
Driver's Licence Number	Province of Issue			
Have you ever been:				
1. a member of a police service?	<input type="radio"/> Yes	<input type="radio"/> No	From (YMD)	To (YMD)
2. an auxiliary police officer?	<input type="radio"/> Yes	<input type="radio"/> No		
3. a special constable?	<input type="radio"/> Yes	<input type="radio"/> No		

B. EMPLOYMENT INFORMATION (to be completed by Employer)

Name of Employer
Address
City Province Postal Code
Business Telephone
Describe the purpose for which Special Constable status is being requested. (Use additional paper if necessary)

B. EMPLOYER INFORMATION (to be completed by Employer - continued)

Police officer powers requested – Please specify statute and section(s) to be consistent with and not to exceed powers and duties as set out in Columns 2, 3 and 4 of Item 5 of the Schedule to O. Reg. 396/23, as applicable.		Geographic Jurisdiction of Special Constable Appointment
Highway Traffic Act	<input type="radio"/> Yes <input type="radio"/> No	<input type="checkbox"/> Province of Ontario
Motorized Snow Vehicles Act	<input type="radio"/> Yes <input type="radio"/> No	<input type="checkbox"/> Municipality(ies): (please specify)
Liquor Licence and Control Act	<input type="radio"/> Yes <input type="radio"/> No	
Youth Criminal Justice Act	<input type="radio"/> Yes <input type="radio"/> No	
Mental Health Act	<input type="radio"/> Yes <input type="radio"/> No	
Trespass to Property Act	<input type="radio"/> Yes <input type="radio"/> No	
Other(s) (please specify)	<input type="radio"/> Yes <input type="radio"/> No	
Is the applicant a Canadian citizen, permanent resident of Canada, or lawfully able to work in Canada? <input type="radio"/> Yes <input type="radio"/> No		Is the applicant physically and mentally able to perform the duties of the position having regard for his or her own safety, and the safety of the public where applicable? <input type="radio"/> Yes <input type="radio"/> No
Is the applicant at least eighteen years of age? <input type="radio"/> Yes <input type="radio"/> No		Will the applicant be adequately supervised? <input type="radio"/> Yes <input type="radio"/> No
Use of Force Equipment Requested (If requested, please provide detailed rationale for each article of equipment)		
Oleoresin Capsicum Spray/Foam	<input type="radio"/> Yes <input type="radio"/> No	Justification (if applicable)
Baton/ASP	<input type="radio"/> Yes <input type="radio"/> No	
Other (please specify)	<input type="radio"/> Yes <input type="radio"/> No	
Please describe the training received by the applicant (Please specify for each) Date successfully completed (Y/M/D)		If the employer intends to conduct further training for this applicant, please indicate which training is to be conducted
Use of Force	<input type="radio"/> Yes <input type="radio"/> No	
First Aid/CPR	<input type="radio"/> Yes <input type="radio"/> No	
Police Powers	<input type="radio"/> Yes <input type="radio"/> No	
Provincial Legislation	<input type="radio"/> Yes <input type="radio"/> No	
Federal Legislation	<input type="radio"/> Yes <input type="radio"/> No	
Other:	<input type="radio"/> Yes <input type="radio"/> No	
Does the employer maintain written policies and procedures relating to the activities of the Special Constable? <input type="radio"/> Yes <input type="radio"/> No		
Signature of authorized officer of the employer		Date (Y/M/D)
Name and title – please print		

By signing the above noted, the Employer certifies that this Application complies in all respects with Section 92 of the CSPS and O. Reg. 396/23.

C. SPONSORING POLICE SERVICE INFORMATION (to be completed by sponsoring Police Service)

<i>Name of Sponsoring Police Service</i>	
<i>Contact Person/Title</i>	
<i>Address</i>	
<i>City</i>	<i>Province</i> <i>Postal Code</i>
<i>Business Telephone</i>	
<i>Does the applicant meet the background check criteria appropriate for the duties, powers and equipment requested?</i> <input type="radio"/> Yes <input type="radio"/> No	
<i>Duration of Appointment Requested</i> <input type="checkbox"/> 5 Years <i>If less than 5 years please specify:</i> <input type="radio"/> New Appointment or <input type="radio"/> Re-appointment	
<i>Use of Force Equipment Recommended by Sponsoring Agency</i> <i>Oleoresin Capsicum Spray/Foam</i> <input type="radio"/> Yes <input type="radio"/> No <i>Baton/ASP</i> <input type="radio"/> Yes <input type="radio"/> No <i>Other (please specify)</i> <input type="radio"/> Yes <input type="radio"/> No	<i>Has the employer provided proof of sufficient liability coverage indemnifying the Province of Ontario and the Regional Municipality of Niagara Police Service Board in respect to any claim arising out of the actions of the employer or Special Constable applicant?</i> <input type="radio"/> Yes <input type="radio"/> No
<i>I hereby confirm that</i> <u><i>Name of applicant</i></u> fulfills the requirements for appointment as Special Constable, and the training as set out by the Ministry of the Solicitor General.	
<i>I am authorized by the Chief of Police to submit to the Regional Municipality of Niagara Police Service Board this Application for Approval of Special Constable Appointment.</i> <i>Signature of authorized officer of sponsoring Police Service</i> <i>Date (Y/M/D)</i>	
<i>Name and title – please print</i>	



**Regional Municipality of
Niagara Police Service Board**

**Approval and Certificate of Appointment as
Special Constable at Brock University
Campus Safety Services**

Pursuant to Section 92(6) of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, the appointment of as a Special Constable for the purpose of:

Name of Individual

(Update description as appropriate - Enter purpose to be consistent with and not to exceed powers and duties as set out in Columns 2, 3, and 4 of Item 5 of the Schedule to O. Reg. 396/23, as applicable.)

Is hereby approved in:

☐ the Province of Ontario OR ☒ the Municipality of Regional Municipality of Niagara

☒ Sponsoring Police Service

Niagara Regional Police Service

☒ Name of Employer

Brock University Campus Safety Services

Specifics of Area

The geographic jurisdiction of the applicant shall be limited to

and the appointee has, for the purpose of this appointment:

- **the status of peace officer;** and
- **police officer powers** as contained in the following legislation:

Sections

Highway Traffic Act

☐ Yes ☐ No

Liquor Licence and Control Act

☐ Yes ☐ No

Mental Health Act

☐ Yes ☐ No

Motorized Snow Vehicles Act

☐ Yes ☐ No

Trespass to Property Act

☐ Yes ☐ No

Youth Criminal Justice Act

☐ Yes ☐ No

Other: *(Please specify statute and sections to be consistent with and not to exceed powers and duties as set out in Columns 2, 3, and 4 of Item 5 of the Schedule to O. Reg. 396/23, as applicable).*

☐ Yes ☐ No

Subject to the following restrictions/conditions:

- ☐ This appointment does not permit the carriage of a firearm.
- ☐ This appointment does not permit the carriage of a prohibited weapon - (e.g. Oleoresin Capsicum Spray)

This appointment is valid until the earliest of:

- 1) YY/MM/DD, or 2) the date at which the appointee ceases to perform the duties outlined above; or 3) the appointee is no longer in the employ of Brock University Campus Safety Services.

Approval has been granted by the Board Chair (or designee) exercising the powers of the Regional Municipality of Niagara Police Service Board pursuant to delegated authority.

Appointed on

(Date of Appointment)

at

(Place of Appointment)

Chair (or Designee) Signature
Regional Municipality of Niagara Police Service Board

Name (Please Print)

Date of Signature



BY-LAW NO. 467-2024

**A BY-LAW RESPECTING
CANINE UNITS**

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) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS subsection 5 (1) 2 of the Adequacy Regulation requires that police services have canine tracking investigative supports;
- 1.5 AND WHEREAS subsection 10 (1) 10 of the Adequacy Regulation requires the Chief of Police to develop procedures and processes in respect of the functions, responsibilities, deployment and reporting relationships of Canine Units and Teams as an investigative support;
- 1.6 AND WHEREAS subsection 7 (1) of Schedule 1 to the Adequacy Regulation prescribes equipment to be provided to every member of a Canine Unit;
- 1.7 AND WHEREAS the Board has deemed it appropriate that it establish a policy regarding Canine Units;
- 1.8 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 ensure that persons who provide investigative supports have the knowledge, skills, and abilities and equipment to provide that support;
- 1.9 AND WHEREAS Part ER-010 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 canine tracking investigative supports.

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; and
- 2.7 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that canine tracking investigative supports form an important part of policing, and it is therefore the policy of this Board that canine tracking as an investigative support be conducted in a professional and thorough manner and in accordance with procedures established by the Chief as directed in this By-law.

4 PROVISION OF A CANINE UNIT

- 4.1 The Chief shall ensure that the Service will provide, within a reasonable response time, access to the services of a Canine Unit.
- 4.2 The services of the Canine Unit will be available 24 hours a day.

5 DIRECTION TO THE CHIEF

5.1 PROCEDURES

- 5.1.1 The Chief shall establish written procedures in accordance with subsections 5 (1) 2, and 10 (1) 10 of the O. Reg 392/23 and subsection 7 (1) of Schedule 1 to the said O. Reg 392/23 and Appendix A that set out the circumstances in which a Canine Unit will be deployed, including the process for obtaining the services and reporting relationships; and the deployment of other emergency response services, including receiving assistance from other agencies.

5.2 MANUAL

- 5.2.1 The Chief shall develop and maintain a manual, in accordance with the Adequacy Regulation and Appendix A, on Canine Unit services that is available to each Member providing the service.
- 5.2.2 The Chief shall ensure that the Manual referred to in section 5.2.1 above is reviewed on an annual basis and amended as required.

5.3 MEMBERSHIP AND TRAINING

- 5.3.1 The Chief shall establish a selection process for Members of the Unit, ensuring that Members who provide the service meet the requirements of O. Reg. 392/23: Adequate and Effective Policing (General).
- 5.3.2 The Chief shall ensure that all Members performing the functions of a Canine Team and/or Unit have the requisite knowledge, skills and abilities and receive training on an ongoing basis.
- 5.3.3 The procedures referred to above shall be in accordance with Appendix A.

5.4 EQUIPMENT

- 5.4.1 The Chief shall ensure the appropriate equipment, in accordance with the subsection 7 (1) of Schedule 1 to the said O. Reg 392/23 and the Ministry's designated equipment and facilities list, is used/available to Members who provide canine investigative tracking supports.

6 REPORT TO THE BOARD

- 6.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of the Canine Unit. The report shall include:
- (a) a summary of the procedures as required by this By-law;
 - (b) the status of Service compliance with the said procedures;
 - (c) confirmation of the development and maintenance of the Manual on Cactical Unit services;
 - (d) a summary of the circumstances in which the Canine Unit has been deployed; and
 - (e) confirmation that Members have been trained in accordance with Section 5.3.

7. IMPLEMENTATION

- 7.1 By-law No. 316-2012 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.
- 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

Attachments (1)

Legislative/Regulatory Requirements

Section 5(1)(d) of the Adequacy Standards Regulation requires that police services have canine tracking investigative supports.

Under section 5(5), these supports may be provided by:

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

Section 14(1)(a) requires the Chief of Police to establish procedures and processes in respect of canine tracking as an investigative support. If a board obtains those 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 is legally permissible, the person providing the investigative support shall, according to section 14(2)(a) and (b):

- 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.

Furthermore, section 14(4) requires the Chief of Police to ensure that persons who provide investigative supports have the knowledge, skills and abilities to provide that support. Finally, section 29 requires a police services board to establish a policy with respect to general investigative supports.

Definitions:

Throughout this guideline the terms "canine team" and "canine unit" have been used. The following definitions are provided to differentiate between these two terms.

Canine Team – made up of one dog and one handler.

Canine Unit – made up one or more canine teams.



Sample Board Policy

Board Policy # _____

**Contracted
Delivery**

It is the policy of the _____ Police Services Board with respect to the services of a canine unit that:

- a) this Board will contract with the _____ Police Services Board/OPP to provide the services of a canine unit, available 24 hours per day and within a reasonable response time;
- b) this Board will contract with (identify service provider) to provide the services of a canine unit, available 24 hours per day, and within a reasonable response time;
- c) the Chief of Police, in consultation with the police service providing the service, will:
 - i. establish procedures that set out the circumstances in which the canine services will be deployed, including the process for obtaining the services and the reporting relationships;
 - ii. ensure members of the contracting police service train with the contracted canine team and/or unit that is providing the services of canine;
 - iii. ensure that members performing the functions of a canine team and/or unit have the knowledge, skills and abilities to provide the canine functions assigned;
 - iv. ensure the ongoing joint training of members who provide the functions of a canine team/unit;
 - v. establish procedures for the deployment of other emergency response services, including receiving assistance from other agencies.

**Direct, or
Combined,
Regional or
Cooperative
Delivery**

It is the policy of the _____ Police Services Board with respect to the services of canine tracking that:

- a) the police service will provide the services of a canine unit by (identify service delivery method - using its own members, or by entering into an agreement for a combined, regional or cooperative delivery with another police service, or entering into an agreement with another person or organization);
- b) the services will be available 24 hours a day and within a reasonable response time;



- c) the Chief of Police will:
 - i. establish procedures that set out the circumstances in which the services of the canine team will be deployed, including the process for obtaining the services and reporting relationships;
 - ii. establish procedures for the deployment of other emergency response services, including assistance from other agencies;
 - iii. develop and maintain a manual on canine services that is available to each member providing this service;
 - iv. ensure that members performing the functions of a canine team and/or unit have the knowledge, skills and abilities to provide the canine functions assigned;
 - v. ensure the ongoing (and joint if applicable) training of members who provide this service; and
 - vi. ensure that the appropriate equipment, consistent with the Ministry's recommended equipment list, is used/available to the members who provide this service.

Police Service Guidelines

Procedures

- 1) Every police service's procedures should address:
 - a) the mandate, functions and reporting relationships of the canine team and/or unit;
 - b) the circumstances in which the services of a canine team and/or unit should be deployed; and
 - c) the process and operational responsibility for authorizing the deployment of a canine team and/or unit.

Manual

- 2) Where a police service has established its own canine team (dog and handler) and/or unit, or has officers who are members of a joint canine unit, a manual should be developed, maintained, and made available to the members of the team and/or unit that addresses:
 - a) general procedures for the canine unit, including:
 - i) the mandate, functions, and reporting relationships of the canine team and/or unit;
 - ii) call-out procedures for deployment;
 - iii) communications with members of the canine team and/or unit;
 - iv) operational procedures;
 - v) organizational charts for the emergency response function;
 - vi) the operational linkages between the canine team and/or unit, and other emergency response services;



- vii) a selection process for members of a canine team and/or unit, including that officers must meet the minimum requirements set out in the Adequacy Standards Regulation;
- viii) the recording and reporting of incidents involving a canine team and/or unit; and
- b) procedures specific to officers of a canine team and/or unit, including:
 - i) members' responsibilities;
 - ii) command and control;
 - iii) communication with team/unit members;
 - iv) incident assessment;
 - v) provision and use of equipment;
 - vi) operational training;
 - vii) hand-off/relief of teams within the canine unit;
 - viii) use of training, operational and equipment logs; and
 - ix) debriefing process; and
- c) responsibilities specific to police service dogs, including:
 - i) ownership and care of a police service dog;
 - ii) retirement of a police service dog;
 - iii) death of a police service dog;
 - iv) transportation of a police service dog;
 - v) veterinary care of a police service dog;
 - vi) boarding of a police service dog;
 - vii) police service dog nutrition;
 - viii) handler selection;
 - ix) trainer selection;
 - x) handler responsibilities;
 - xi) equipment issued to police service dog handlers;
 - xii) home kennels;
 - xiii) specific training for a police service dog; and
 - xiv) use of training logs.

Training

- 3) Where a police service has established its own canine team (dog and handler) and/or unit, or has officers who are members of a joint canine unit, the Chief of Police should ensure that the police service's skills development and learning plan includes the following requirements:
 - a) initial qualification training
 - b) maintenance canine training occurring on average 2 days per month;
 - c) maintenance general canine team training, 4 consecutive days, once a year (or in lieu thereof 40 hours);
 - d) that the canine team (dog and handler) and unit can demonstrate annual proficiency to standard, as is outlined in Appendix A: *Training Guidelines* and any additional proficiencies identified by the individual service;



- e) annual participation, wherever possible, in joint training exercises involving crisis negotiators, major incident commanders, public order units, tactical units, hostage rescue teams, other police personnel, or outside emergency services deemed appropriate or subject of service delivery agreements; and
- f) that the training plan be reviewed annually, and revised when necessary.

**Training
Requirements**

- 4) In addition to canine tracking, a police service may train a canine team to perform other investigative support functions, including:
 - a) open area search for persons;
 - b) building search for persons;
 - c) urban search and rescue (USAR)
 - d) cadaver detection;
 - e) criminal apprehension;
 - f) evidence search;
 - g) controlled drugs and substances detection;
 - h) explosives detection;
 - i) firearms detection; and
 - j) any other purpose for which the services of a canine team could be used, at the discretion of the Chief of Police.

Equipment

- 5) Where a police service has established its own canine team and/or unit, or has officers who are members of a joint canine unit, the Chief of Police should ensure that the members are provided, at minimum, with the equipment and facilities set out in the Ministry's recommended equipment and facilities list. The Chief of Police should also ensure that the appropriate task-specific equipment is provided for the proper functioning of the police service dog.



MINISTRY'S DESIGNATED EQUIPMENT LIST

Canine Units – Equipment and Facilities List

The equipment listed here is for use by canine units and/or teams. All equipment used by members of a canine unit and/or team shall be approved by the Canadian Standards Council (CSA), where appropriate. The following list is the minimum kit which members of a canine unit and/or team should have available in order to respond to a situation requiring the use of a canine unit.

BALLISTIC PROTECTION <i>(personal issue)</i>	
Body Armour	
<ul style="list-style-type: none"> • Threat level II (National Institute of Justice Standard (NIJ)) • Situationally and environmentally appropriate • "Police" identification markers on front and rear 	
CLOTHING <i>(personal issue)</i>	
Canine Uniforms	
<ul style="list-style-type: none"> • Rain, moisture and cold weather protection, which is situationally and environmentally appropriate • Two-piece fatigues in heavy-duty material • Police affiliation shoulder flashes 	
Foot Wear	
<ul style="list-style-type: none"> • Rain, moisture and cold weather protection, which is situationally and environmentally appropriate 	
Gloves and Headgear	
<ul style="list-style-type: none"> • Shall not impair use of weapons or safety equipment • Situationally and environmentally appropriate 	
OFFICER SAFETY EQUIPMENT <i>(personal issue)</i>	
Holsters	
<ul style="list-style-type: none"> • Ease of weapon removal when body armour worn 	
Eye Protection/Goggles	
<ul style="list-style-type: none"> • Effective eye protection against fragmentation • Designed not to impair peripheral vision • Clear, anti-fogging lenses 	
Impact Weapons	
<ul style="list-style-type: none"> • Collapsible baton 	
Multi-Purpose Provisional Tools	
<ul style="list-style-type: none"> • Capable of being carried easily • Used to cut ropes and other utility uses 	
Arrest or Restraint Devices	



<ul style="list-style-type: none">• Handcuffs• When operationally required, specifically designed, disposable temporary restraints
OTHER SAFETY EQUIPMENT
First Aid <ul style="list-style-type: none">• Multi-purpose kit with wide assortment of bandages, disinfectant, etc.• Veterinary wrap• Water eyewash gear for OC decontamination
ILLUMINATION (<i>personal issue</i>)
<ul style="list-style-type: none">• Handgun mounted flashlight and accommodating holster• Illuminated aiming system
RADIO EQUIPMENT
Portable Radios <ul style="list-style-type: none">• One per member, while on-duty• Dedicated operational channel capability (or access to OPC channel)• Ear-pieces or similar devices to eliminate noise• Capable of use with chemical or OC agent Power Sources <ul style="list-style-type: none">• Extra batteries
TRANSPORTING
Canine Vehicle <ul style="list-style-type: none">• Dedicated to the canine unit• Capable of transporting team members efficiently to incident locations• Marked/unmarked police car, van or truck• Storage for other canine equipment• Rechargeable flashlight• Vehicle interior temperature detection and warning system



Additional Equipment Considerations

In addition to the above list, additional equipment considerations for canine units performing other investigative support functions are as follows:

EXPLOSIVES DETECTION

- Flame resistance protection (flame retardant clothing offering outer surface protection and flame resistant hood/balaclava and gloves)
- Explosives kit for training purposes, containing the following base components, at a minimum:
 - PETN
 - Nitro-glycerin
 - TNT
 - RDX
 - Smokeless powder
 - Black powder
 - Variety of detonating cord and safety fuse
- Secure storage for explosives training kit in the dedicated canine vehicle and/or a building

CADAVER DETECTION

- First Aid: biohazard considerations (i.e. latex gloves, protective mask/shield)
- Training aides for the purposes of ongoing training in cadaver detection
- Secure storage for bio-hazardous training aides in the dedicated canine vehicle and/or a building

CONTROLLED DRUGS AND SUBSTANCES DETECTION

- Controlled drugs and substances kit for training purposes, containing the following base components, at a minimum:
 - Cannabis
 - Cocaine
 - Opiates
- Secure storage for controlled drugs and substances training kit in the dedicated canine vehicle and/or a building

URBAN SEARCH AND RESCUE

- Helmet
- Gloves



- | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none">• Long pants• Long sleeve shirt• Eye protection• Safety toe-steel shank boots• Knee protection |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



Appendix A – Training Guidelines

Canine teams and/or units that are specifically engaged in “general service training” functions will receive training in the areas outlined below, under “General Service Training.”

Canine teams and/or units that are specifically engaged in “specialty service training” functions will receive training in the areas outlined below under “Specialty Service Training.”

Canine teams and/or units may receive “general service training” and/or only “specialty service training.” The type of training the canine teams and/or units receive will depend on the requirements and needs of the police service. Training logs are mandatory for both types of training.

In summary, a canine team and/or unit may receive the General Service Training, the Specialty Training, or both, depending on the needs and requirements of the service.

Training Logs

Training logs should be kept each time the canine team (dog and handler) participates in training. Training logs should contain the following information, at a minimum:

- Date/time
- Handler and dog’s name
- Weather conditions at the time of the training session including the temperature, humidity and wind direction and velocity
- Location/surrounding environment, distances
- Equipment used (i.e. jumps, articles, boxes, etc.)
- Quarry information
- Any information the handler deems to be important
- Handler’s comments on the training scenario
- If witnessed by a member of the training staff, the member will include comments on the performance of the handler and the dog

All training logs should be kept up to date and stored appropriately.



GENERAL SERVICE TRAINING:Tracking Investigative Support

The Chief of Police should ensure that the canine team is able to follow an unknown track of human scent over various terrains with changes of direction at least 1000 meters (one kilometer) long and a minimum of thirty (30) minutes old, without being deterred by contamination or the crossing of the track by animals or other persons.

Obedience and Control

The Chief of Police should ensure that the canine team is able to perform (on and/or off-leash) the following by voice and/or hand command:

- Heel
- Sit
- Down
- Recall
- Right Turn
- Left Turn
- About Turn; and,
- Change of pace (normal, fast, slow)

The Chief of Police should ensure that the canine team is trained not to fear heights nor dark confined spaces, and will be made familiar with any other factors such as working in crowds, which may occur during the course of duties.

Agility

The Chief of Police should ensure that the canine team (dog) is able to overcome obstacles, including a 0.91 meter (3') vertical jump, a 1.83 meter (6') scale of a structure, a 1.83 meter (6') horizontal jump, a 1.83 meter (6') open staircase and a 2.44 meter (8') crawl.

Search for Persons

- **Open Area Search:** the Chief of Police should ensure that the canine team is able to search an open area of not less than 800 square meters in a controlled and systematic fashion and that the dog is able to locate and remain with any person found and make the presence of such person known to the handler.
- **Building Search:** the Chief of Police should ensure that the canine team is able to search any type of building not less than 270 square meters and that the dog is able to locate and remain with any person found and make the presence of such person known to the handler.

Criminal Apprehension

The Chief of Police should ensure that the canine team is able to chase and stop a fleeing suspect. The apprehension will be by bite and the dog will release on command. The dog will be able to apprehend while under gunfire or other threat.

Evidence Search

The Chief of Police should ensure that the canine team is able to search any area of not less than 100 square meters for evidence dropped or deposited from a human source and that the dog is able to locate such evidence in a controlled and systematic fashion and make the presence of such evidence known to the handler.

For the purposes of testing, the evaluator will determine the size of hides and the time duration prior to the search, based on the conditions of the area being searched at that time. The evaluator will ensure that negative searches are also included in the testing and evaluation process.

INVESTIGATIVE SUPPORT TRAINING:

Urban Search and Rescue (USAR)

The Chief of Police should ensure that the canine team is able to search a rubble site with a minimum average height of three (3) meters and consist of an area of 1,100 to 1,500 square meters for human scent. The rubble site should consist predominantly of concrete or a mixture of materials common to disaster sites. Banner tape should be used to reduce the search area when larger rubble sites are being used.



There should be new, unused victim locations created for the evaluation. There should be a minimum of two (2) victim locations. They should be created in accessible areas that are out of the handler's sight. The evaluator must have a clear view of the canine's work. Consideration should be given to appropriate site and personnel safety while participating in training exercises, including that paramedics and a heavy rescue team is available onsite during such training.

For the purposes of testing, the evaluator will determine the size of hides and time duration prior to the search, based on the conditions of the area being searched at that time. The evaluator will ensure that negative searches are also included in the testing and evaluation process.

Controlled Drugs and Substances Detection

- **Open Area Search:** the Chief of Police should ensure that the canine team is able to search any open area of not less than 100 square meters in a controlled and systematic fashion and that the dog is able, at minimum, to locate the presence of cannabis, cocaine and opiates and to make the presence of the controlled drug or substance found known to the handler.
- **Building Search:** the Chief of Police should ensure that the canine team is able to search any type of building of not less than 270 square meters in a controlled and systematic fashion and that the dog is able, at minimum, to locate the presence of cannabis, cocaine and opiates and to make the presence of the controlled drug or substance found known to the handler.
- **Vehicle Search:** the Chief of Police should ensure that the canine team is able to search a minimum of three (3) standard-size passenger vehicles, with at least one negative hide, in a controlled and systematic fashion and that the dog is able, at minimum, to locate the presence of cannabis, cocaine and opiates and to make the presence of the controlled drug or substance found known to the handler.

For the purposes of testing, the evaluator will determine the size of hides and the time duration prior to the search, based on the conditions of the area being searched at that time. The evaluator will ensure that negative searches are also included in the testing and evaluation process.



Explosives Detection

- **Open Area Search:** the Chief of Police should ensure that the canine team is able to search any open area of not less than 100 square meters in a controlled and systematic fashion and that the dog is able, at minimum, to locate the presence of the following explosive compounds: PETN, Nitro-Glycerin, TNT, RDX, smokeless powder, black powder, and a variety of detonating cord and safety fuse, and to make the presence of the explosive compound found known to the handler by passive indication.
- **Building Search:** the Chief of Police should ensure that the canine team is able to search any open area of not less than 270 square meters in a controlled and systematic fashion and that the dog is able, at minimum, to locate the presence of the following explosive compounds: PETN, Nitro-Glycerin, TNT, RDX, smokeless powder, black powder, ammonium nitrate and a variety of detonating cord and safety fuse, and to make the presence of the explosive compound found known to the handler by passive indication.
- **Vehicle Search:** the Chief of Police should ensure that the canine team is able to search a minimum of six (6) standard-size passenger vehicles, with at least one negative hide, in a controlled and systematic fashion and that the dog is able, at minimum, to locate the presence of the following explosive compounds: PETN; nitro-Glycerin; TNT; RDX; smokeless powder; black powder; and a variety of detonating cord and safety fuse, and to make the presence of the explosive compound found known to the handler by passive indication.

For the purposes of testing, the evaluator will determine the size of hides and the time duration prior to the search, based on the conditions of the area being searched at that time. The evaluator will ensure that negative searches are also included in the testing and evaluation process.

Firearms Detection

- **Open Area Search:** the Chief of Police should ensure that the canine team is able to search any open area of not less than 100 square meters in a controlled and systematic fashion and that the dog is able to locate the presence of firearms, ammunition and ammunition casings and to make the presence of the firearms, ammunition and spent ammunition casings found known to the handler.



- **Building Search:** the Chief of Police should ensure that the canine team is able to search any type of building of not less than 270 square meters in a controlled and systematic fashion and that the dog is able to locate the presence of firearms, ammunition and ammunition casings and to make the presence of the firearms, ammunition and spent ammunition casings found known to the handler.
- **Vehicle Search:** the Chief of Police should ensure that the canine team is able to search a minimum of three (3) standard-size passenger vehicles, with at least one negative hide, in a controlled and systematic fashion and that the dog is able to locate the presence of firearms, ammunition and ammunition casings and to make the presence of the firearms, ammunition and spent ammunition casings found known to the handler.

For the purposes of testing, the evaluator will determine the size of hides and the time duration prior to the search, based on the conditions of the area being searched at that time. The evaluator will ensure that negative searches are also included in the testing and evaluation process.

Cadaver Detection

- **Surface Area Search (Bush and Open Area):** the Chief of Police should ensure that the canine team is able to search any open area of not less than 500 square meters in a controlled and systematic fashion and that the dog is able to locate the presence of human remains and to make the presence of the human remains found known to the handler.
- **Buried Search (Below Surface):** the Chief of Police should ensure that the canine team (dog and handler) is able to search any open area of not less than 50 square meters wide and six inches deep, in a controlled and systematic fashion and that the dog is able to locate the presence of human remains and to make the presence of the human remains found known to the handler.

For the purposes of testing, the evaluator will determine the size of hides and time duration prior to the search, based on the conditions of the area being searched at that time. The evaluator will ensure that negative searches are also included in the testing and evaluation process.





BY-LAW NO. 468-2024

**A BY-LAW RESPECTING THE
COLLECTION OF IDENTIFYING INFORMATION ("COII")
IN CERTAIN CIRCUMSTANCES – PROHIBITION AND DUTIES**

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. 400/23: Collection of Identifying Information in Certain Circumstances – Prohibitions and Duties prescribes inter alia, duties, prohibitions, policy, procedure and reporting requirements of police officers and Chiefs of Police;
- 1.4 AND WHEREAS Section 13 of O. Reg. 400/23 requires a Police Service Board to have a policy with respect to the "Collection of Identifying Information in Certain Circumstances – Prohibition and Duties" that is consistent with O. Reg. 400/23;
- 1.5 AND WHEREAS Section 14 of O. Reg. 400/23 requires the Chief of Police to establish procedures for the police service on the "Collection of Identifying Information in Certain Circumstances – Prohibition and Duties" that is consistent with O. Reg. 400/23;
- 1.6 AND WHEREAS the Board deems it expedient to enact this By-law to ensure that the Board and the Service adhere to the CSPA, O. Reg. 400/23 and directives and guidelines received from the Ministry of Solicitor General.

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 "Annual Report" means the Annual Report provided by the Chief of Police to the Board under Section 15 of O. Reg. 400/23 made under the CSPA;
- 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 "Community Interactions" means on-duty police contact with member(s) of our community meant to:
- (i) foster positive relationships; and/or
 - (ii) assist members of the public (without gathering personal information for an investigative or intelligence purpose);
- 2.6 "Database" means the paper or electronic filing system under the control of the Chief of Police where identifying information about an individual collected by a police officer from the individual within a Regulated Interaction (but does not include a database where Intelligence Notes information is stored or other criminal/intelligence-based databases);
- 2.7 "Member" means a member of the Niagara Regional Police Service;
- 2.8 "O. Reg. 400/23" means Ontario Regulation 400/23: Collection of Identifying Information in Certain Circumstances – Prohibitions and Duties of the CSPA;
- 2.9 "Police Officer" is defined in accordance with the CSPA;
- 2.10 "Prohibited Grounds" under the Ontario Human Rights Code include race, creed, colour, ancestry, place of origin, ethnic origin, language or dialect spoken, citizenship, sex, sexual orientation, age, marital status, family status, gender identity, gender expression, physical or mental disability;
- 2.11 "Racial/Biased Profiling" means the practice of a member linking a person or persons to an unlawful incident or incidents and/or relating to public safety concerns, based primarily or predominately on Prohibited Grounds or stereotypes relating to those Prohibited Grounds;
- 2.12 "Receipt" means the document contemplated in Section 8 of O. Reg. 400/23;
- 2.13 "Regulated Interaction" means the interactions and documentation of such by an officer regarding an "attempt to collect identifying information about an individual from the individual by asking the individual"; that is, attempt to collect identifying information by asking the individual, in a face-to-face encounter, to identify himself or herself or to provide information for the purpose of identifying the individual and includes such an attempt whether or not identifying information is collected as governed by Regulation; and
- 2.14 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

The Board recognizes that public trust is essential to effective policing and that all interactions between Service and community members must be done in a manner that enhances public trust and co-operation with the police and fully respects citizens' rights and dignity. It is therefore the policy of this Board that the practices and procedures of the Service shall be dealt with in a professional and accountable manner to enhance positive relationships between the community and the Service in accordance with O. Reg. 400/23 and in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 GENERAL

4.1.1 The Chief of Police shall develop, implement, and as required, amend, procedures that are consistent with the CSPA, O. Reg. 400/23, any guidelines or directives received from the Ministry from time to time and this Bylaw, including at a minimum the following;

- (i) collection and attempted collection of identifying information;
- (ii) limitations on collection of certain identifying information;
- (iii) retention, access and disclosure of identifying information;
- (iii) receipts;
- (iv) duties of police officers and the Service in the collection of information, and in the inclusion of such information in the police data base;
- (v) training; and
- (vi) reporting in accordance with Sections 15 and 16 of the CSPA.

4.2 The said procedures shall ensure that all Regulated Interactions and Community Interactions are conducted in a manner that is consistent with O. Reg. 400/23 and, particularly, shall not be based on Racial/Biased Profiling, Prohibited Grounds or conducted in an arbitrary way.

4.3 TRAINING

4.3.1 The Chief of Police shall ensure that every police officer who attempts to collect identifying information about an individual from the individual, or anyone who acts as the designate of the Chief of Police for the purpose of reviewing the database, has successfully completed the required training in accordance with Section 12 of O. Reg 400/23 within the previous 36 months.

5. REPORTING REQUIREMENTS

5.1 ANNUAL REPORT

5.1.1 The Annual Report as it relates to Regulated Interactions shall be provided by the Chief of Police to the Board in the first quarter (unless an extension is approved by the Board Chair) of each year.

5.2 The contents of the Annual Report as it relates to Regulated Interactions shall include, at a minimum, the following:

- (a) the number of attempted collections and the number of attempted collections in which identifying information was collected;
- (b) the number of individuals from whom identifying information was collected;
- (c) the number of times each of the following provisions was relied upon to not advise the individual of their right that they are "not required to provide identifying information to the office" and/or the reason "why the police officer is attempting to collect identifying information about the individual":
 - i. might compromise the safety of an individual (subsection 7(2)),
 - ii. would likely compromise an ongoing police investigation (clause 7(3)(a)),
 - iii. might allow a confidential informant to be identified (clause 7(3)(b)), and
 - iv. might disclose the identity of a person contrary to law, including the Youth Crime Justice Act (clause 7(3)(c));

- (d) the number of times an individual was not given a receipt/document because the individual did not indicate that they wanted it (clause 8 (1) (b));
- (e) the number of times each of the following clauses was relied upon to not offer or give a receipt/document:
 - i. might compromise the safety of an individual (subsection 8(2)(a)); and
 - ii. might delay the officer from responding to another matter that should be responded to immediately (clause 8(2)(b));
- (f) for each of the following categories of gender identify, the number of attempted collections from individuals who are perceived, by a police officer, to be within the that category:
 - i. male;
 - ii. female; and
 - iii. transgender, non-binary or other gender identity.
- (g) for each age group established by the Chief of Police, the number of attempted collections from individuals who are perceived, by a police officer, to be within that age group;
- (h) for each racialized group established by the Chief of Police for the purpose of this paragraph, the number of attempted collections from individuals who are perceived, by a police officer, to be within that racialized group;
- (i) a statement, based on an analysis of the information, as to whether the collections were attempted disproportionately from individuals within a group based on gender identity, a particular age or racialized group, or a combination of groups and if so, any additional information that the Chief of Police considers relevant to explain the disproportionate attempted collections;
- (j) the neighbourhoods or areas where collections were attempted and the number of attempted collections in each neighbourhood or area;
- (k) the number of determinations made by the Chief of Police (or designate) as to whether the information entered into the database:
 - i. complied with limitations on collection set out in Section 6 and 10(4)(a) of the Regulation, and
 - ii. the results of the review(s), done at least once a year, of an appropriately sized random sample of entries of identifying information included in the database to estimate within a margin of error of plus or minus five (5) percent, at a 95 percent confidence level, whether it appears that Section 6 (limitations on collection of information), Section 7 (duties to inform of rights and reasons before collecting, with exceptions) or Section 8 (document for individual – receipt/document, with exceptions) were complied with;
- (l) the number of times, if any, members of the police service were permitted to access identifying information to which access must be restricted by virtue of one or more of the following:
 - i. for the purpose of an ongoing police investigation,
 - ii. in connection with legal proceedings or anticipated legal proceedings, for the purpose of dealing with a compliant under Part VIII of the CSPA or for the purpose of an investigation or inquiry under Part VII CSPA,

- iii. in order to prepare the Annual Report or a report required due to disproportionate collection (under Section 16 of the Regulation),
- iv. for the purpose of complying with a legal requirement, or
- v. for the purpose of evaluating a police officer's performance.

5.3 DISPROPORTIONATE REPORT

5.3.1 If disproportionate collection is identified based on an analysis of the information as to whether the collections were attempted disproportionately from individuals within a group based on gender identity, a particular age or racialized group, or a combination of groups, in addition to the statement required in the Annual Report, the Chief of Police shall:

- (a) review the practices of the Police Service, and
- (b) shall prepare a report to the Board setting out the results of the review and their proposals, if any, to address the disproportionate attempted collection of information.

5.3.2 The Board, upon receipt of the Disproportionate Report shall:

- (a) publish the report on the Internet in a manner that makes it available to the public free of charge and may make the report available to the public free of charge in any other manner that the Board considers appropriate; and
- (b) consider the report and the proposals, if any, set out in the Disproportionate Report and consider whether to give directions under Section 40 of the CSPA to direct the Chief of Police and monitor their performance in accordance with Section 37 (1) (f) of the CSPA.

6. IMPLEMENTATION

6.1 Where this By-law is inconsistent with Ontario Regulation 400/23, the Regulation shall apply and any inconsistent provision shall be deemed to be modified to render it consistent.

6.2 By-law No. 360-2016 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.

6.3 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. 469-2024

**A BY-LAW RESPECTING
COLLECTION, PRESERVATION AND CONTROL
OF EVIDENCE AND PROPERTY**

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 6 (1) 4 (xv) of O. Reg. 392/23: Adequacy and Effective Policing (General) requires the Chief of Police to establish written procedures in respect of property and evidence control;
- 1.5 AND WHEREAS Section 13 of O. Reg. 395/23: Investigations prescribes requirements respecting the collection and control of evidence in the course of investigations;
- 1.6 AND WHEREAS the Board deems it appropriate to require the Chief of Police to establish procedures and processes in respect of the collection, handling, preservation, documentation and analysis of physical evidence;
- 1.7 AND whereas Part LE-020 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 collection, preservation and control of evidence and property.

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 *"Property"* means articles or personal property of all kinds that come into possession of the police pursuant to the CSPA and regulations made thereunder, but not including:
- a. licit and illicit drugs; and
 - b. motor vehicles;
- 2.8 *"Service"* means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that the collection, preservation and control of evidence and property are important parts of both investigative policing and the prosecution of criminal offences, and it is therefore the policy of this Board that issues relating to collection, preservation and control of evidence and property 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 PROCEDURE FOR DEALING WITH COLLECTION, PRESERVATION AND CONTROL OF PROPERTY

- 4.1.1 The Chief shall establish a procedure for the secure collection, preservation and control of Property.
- 4.1.2 The Chief shall ensure that the procedure outlined in section 4.1.1 above complies with Section 258 of the CSPA, Appendix A, O. Reg. 392/23: Adequacy and Effective Policing (General), and Section 13 of O. Reg. 395/23: Investigations.
- 4.1.3 The Chief shall ensure that an annual audit of Property held by the Police Service is conducted by Member(s) not routinely or directly connected with the Property.

4.2 EVIDENCE

- 4.2.1 The Chief shall establish procedures for the secure collection, preservation and control of evidence that comply with Appendix A O. Reg. 392/23: Adequacy and Effective Policing (General), and Section 13 of O. Reg. 395/23: Investigations.
- 4.2.2 The Chief shall ensure that an annual audit of evidence held by the Police Service is conducted by Member(s) not routinely or directly connected with the evidence control function.

4.3 MONITORING OF EVIDENCE AND PROPERTY

- 4.3.1 The Chief shall, where a Member who has responsibility for a Property or evidence storage area is transferred or replaced, ensure that an inventory is taken of the Property or evidence in that area.

4.4 The procedures established 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 collection, preservation and control of property and evidence. The report shall include:

- (a) a summary of the written procedures concerning the collection, preservation and control of Property and evidence;
- (b) confirmation that the written procedures comply with Appendix A and Section 258 of the CSPA;
- (c) the status of Service compliance with the said procedures; and
- (d) the result of the annual audit of the Property and evidence held by the Police Service.

6. IMPLEMENTATION

6.1 By-law No. 212-2000 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

Sections 132, 133 and 134 of the *Police Services Act* address the effective management, storage and disposition of personal property, money and firearms, which come into the possession of the police service.

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy with respect to property and evidence control and the collection, handling, preservation, documentation and analysis of physical evidence.

In addition, section 13(1)(n) requires the Chief of Police to establish procedures and processes in respect of property and evidence control. Furthermore, section 14(1)(b) requires the Chief of Police to establish procedures and processes in respect of the collection, handling, preservation, documentation and analysis of physical evidence.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to property and evidence control and the collection, preservation, documentation and analysis of physical evidence that the Chief of Police will:

- a) ensure and report back on compliance by members of the police service with sections 132, 133 and 134 of the *Police Services Act*;
- b) establish procedures, consistent with the advice from the Centre of Forensic Sciences and its current version of the *Laboratory Guide for the Investigator*, for the safe and secure collection, preservation, control, handling and packaging of evidence;
- c) establish procedures for the secure collection, preservation and control of property;
- d) ensure that an annual audit of the property/evidence held by the police service is conducted by a member(s) not routinely or directly connected with the property/evidence control function, and report the results to the Board; and
- e) where a member who has responsibility for a property/evidence storage area is transferred or replaced, ensure that an inventory is taken of the property/evidence in that area.



Police Service Guidelines**Procedures
on Evidence
Control**

1. Every police service's procedures should:
 - a) set out the procedures, consistent with the advice from the Centre of Forensic Sciences and its current version of the *Laboratory Guide for the Investigator*, for the safe and secure collection, preservation, control, handling and packaging of evidence;
 - b) require that in all cases a secure continuity of evidence be maintained and documented;
 - c) require that complete records be kept of the seizing, finding, retaining, storing, returning, disposing of, or destruction of, all evidence coming into the possession of the police service consistent with legal requirements;
 - d) require the establishment of designated secure areas for the storage of evidence, and ensure access by members is controlled and recorded; and
 - e) where an investigation falls within 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*.

**Local
Protocol**

2. Every police service should enter into a local protocol with the Crown on the retention and release of evidence.

**Body Site
Searches**

3. Every police service should establish and maintain procedures relating to body site and other major crime searches that address, where practicable, the use of:
 - a) a grid search;
 - b) methods to preserve the scene against inclement weather;
 - c) adequate lighting;
 - d) procedures for documenting any found evidence, including the precise locations and continuity of evidence;
 - e) photography and videotaping, where available, of the scene and any found evidence;
 - f) a method for indexing exhibits and photographs;
 - g) decontamination suits, where appropriate;
 - h) aerial and topographic mapping information, where available; and
 - i) resources to avoid cross-contamination of different sites, where appropriate.

**Procedures
on Property
Control**

4. Every police service's procedures for receiving, tracking and disposing of all property that comes into the police service's possession should:
 - a) address compliance by members with sections 132, 133 and 134 of the *Police Services Act*;
 - b) require that all property be logged into the police service's records, as soon as practicable;



- c) require that all property be placed under the control of personnel responsible for this function before the member obtaining the property reports off-duty, unless otherwise authorized by a supervisor;
 - d) require that a report be completed providing details regarding the circumstances by which the property came into the possession of the police service and a description of each item of property obtained;
 - e) address procedures for the packaging and labeling of all property prior to storage;
 - f) require members to make reasonable effort to identify and notify the owner of stolen or found property;
 - g) require the establishment of designated secure areas for the storage of property, with limited access by members;
 - h) set out procedures for the temporary and final release or disposition of all property; and
 - i) ensure that secure facilities are designated for the temporary storage of property when the property area is closed.
5. Every Chief of Police should ensure that an annual audit of the property/evidence control function is conducted by a member(s) not routinely or directly connected with the property/evidence control function, and report the results to the Board.
6. Where a member who has responsibility for a property/evidence storage area is transferred or replaced, every Chief of Police should ensure that an inventory is taken of the property/evidence in that area. The inventory should be jointly conducted by the newly appointed member responsible and a designee of the Chief of Police, in order to ensure that all records relating to the stored property/evidence are accurate.





BY-LAW NO. 470-2024

**A BY-LAW RESPECTING
COMMUNICABLE DISEASES**

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) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS the Board deems it appropriate to have a policy with respect to communicable diseases for the purpose of workplace safety;
- 1.5 AND WHEREAS the *Occupational Health and Safety Act, R.S.O. 1990, c.0.1* as amended, sets out the responsibilities of employers, supervisors and workers for workplace safety, the Board prescribes that the Chief of Police shall establish procedures and processes with respect to communicable diseases;
- 1.6 AND WHEREAS Part AI-004 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 with respect to communicable diseases.

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 "Exposure to Communicable Disease" means when a Member of the Service has been exposed, during the course of carrying out the Member's duties, to a person known to be or suspected to be a vehicle of transmission for either blood borne diseases or diseases spread by the respiratory route, which include but are not limited to HIV, Hepatitis-B, Hepatitis-C, and Tuberculosis, or any other communicable diseases as designated by the Medical Officer of Health for the Region;
- 2.5 "Member" means a member of the Niagara Regional Police Service;
- 2.6 "Ministry" means the Ministry of the Solicitor General; and
- 2.7 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that Uniform and Civilian Police Services Members are at risk for exposure to communicable diseases in the workplace, and that the level of risk is related to the individual's role and responsibilities within the Police Service.
- 3.2 The Board is committed to addressing this issue in a responsible and humane way to enhance the safety of Members.
- 3.3 The Board believes that the Board and the Members share responsibility for following established policy, procedures and protocols to safeguard themselves and others against occupational exposure to communicable diseases.
- 3.4 It is therefore the policy of the Board that the designation and maintenance of a system dealing with these types of 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 maintain written procedures that address occupational exposure to communicable diseases that are in accordance with Appendix A and the *Occupational Health and Safety Act*, R.S.O. 1990, c.O.1.
- 4.1.2 The procedures referred to above shall:
- (a) provide ongoing training in the prevention of communicable diseases;
 - (b) provide necessary equipment and procedures to minimize the risk of occupational exposure;
 - (c) offer a voluntary Hepatitis B vaccination program for all potentially affected members; and
 - (d) enter into a partnership and protocol with the Regional Medical Officer of Health to activate a post-exposure plan regarding communicable diseases.

4.2 CO-ORDINATION DESIGNATED OFFICER

- 4.2.1 The Chief shall designate a Member of the Service with overall responsibilities for developing and maintaining a system for promptly initiating evaluation, medical documentation, counseling and follow-up after a reported occupational exposure to communicable diseases.

4.3 COMMUNITY PARTNERSHIP – LOCAL MEDICAL OFFICER OF HEALTH

- 4.3.1 The Chief, where possible, work with the local medical officer of health, to develop a post-exposure plan that addresses roles and responsibilities, reporting protocols, medical evaluation, intervention, confidentiality, access to treatments and follow-up support for workers who have suffered a high-risk occupational exposure to a communicable disease.

4.4 MANUAL

- 4.4.1 The Chief shall ensure that the Ministry of Health and Long Term Care's *Preventing and Assessing Occupational Exposures to Selected Communicable Diseases* Manual is available to each Member providing that service.
- 4.4.2 The Chief shall ensure that the manual referred to in section 4.4.1 above is reviewed on an annual basis and the most recent edition of the manual is on file.

4.5 TRAINING

- 4.5.1 The Chief shall ensure that Members who may be at risk of exposure to communicable diseases receive the appropriate training on communicable diseases and universal precautions to protect against Member exposure to these types of occurrences.
- 4.5.2 The Chief shall ensure that the management and effectiveness of the Service procedures on communicable diseases is regularly monitored and evaluated.

4.6 EQUIPMENT

- 4.6.1 The Chief shall ensure that appropriate equipment, in accordance with the Ministry's designated equipment and facilities list, is used/available to Members who are at risk of occupational exposure to communicable diseases.
- 4.6.2 The procedures established above shall be in accordance with Appendix A.

5 REPORT TO THE BOARD

5.1 ANNUAL REPORTING REQUIREMENTS

- 5.1.1 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 concerning occupational exposure to communicable diseases;
 - (b) the status of Service compliance with said procedures; and
 - (c) a summary of the training given to Members with respect to exposure to communicable diseases and universal precautions to protect against exposure to communicable diseases.

6. IMPLEMENTATION

- 6.1 By-law No. 253-2003 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

The *Occupational Health and Safety Act* sets out the responsibilities of employers, supervisors and workers for workplace safety. Among other obligations the Act requires employers to “take every precaution reasonable in the circumstances for the protection of a worker” and to “acquaint a worker or a person in authority over a worker with any hazard in the workplace and in the handling, storage, use, disposal and transport” of biological agents.

Sample Board Policy

Board Policy # _____

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

- a) develop and maintain procedures that are consistent with the most recent edition of the Ministry of Health and Long-Term Care’s *Preventing and Assessing Occupational Exposures to Selected Communicable Diseases – An Information Manual for Designated Officers*;
- b) designate and train one or more members as a Communicable Disease Coordinator(s);
- c) ensure that each Communicable Disease Coordinator is provided with a copy of the most recent edition of the Ministry of Health and Long-Term Care’s *Preventing and Assessing Occupational Exposures to Selected Communicable Diseases – An Information Manual for Designated Officers*; and
- d) work, where possible, with the local medical officer of health, to develop a post-exposure plan that addresses roles and responsibilities, reporting protocols, medical evaluation, intervention, confidentiality, access to treatments and follow-up support for workers who have suffered a high-risk occupational exposure to a communicable disease.

Police Service Guidelines

- Coordination**
1. Every Chief of Police should designate and train one or more members as a Communicable Disease Coordinator(s) who would be responsible for:
 - a) receiving reports from members who believe they may have been exposed to a communicable disease;
 - b) assessing, given the situation and circumstances, whether an exposure could have occurred;
 - c) if an exposure could have occurred, liaising with the local medical officer of health; and



- d) following liaison with the local medical officer of health, providing information and advice to the member about the possible exposure.
- 2. Every Chief of Police should ensure that each Communicable Disease Coordinator is provided with a copy of the most recent edition of the Ministry of Health and Long-Term Care's *Preventing and Assessing Occupational Exposures to Selected Communicable Diseases – An Information Manual for Designated Officers*.
- 3. Every Chief of Police should work, where possible, with the local medical officer of health, to develop a post-exposure plan that addresses roles and responsibilities, reporting protocols, medical evaluation, intervention, confidentiality, access to treatments and follow-up support for workers who have suffered a high-risk occupational exposure to a communicable disease.

Procedures

- 4. Every police service's procedures should:
 - a) be consistent with the most recent edition of the Ministry of Health and Long-Term Care's *Preventing and Assessing Occupational Exposures to Selected Communicable Diseases – An Information Manual for Designated Officers*;
 - b) set out procedures to be followed by a member who believes that he or she may have been exposed to a communicable disease.
 - c) require that all police officers and civilian members who may be exposed to blood/bodily fluids in the workplace are offered a voluntary Hepatitis B vaccination at no cost to the worker;
 - d) set out the workplace controls for minimizing and preventing the risk of occupational exposure, including:
 - i) the handling and storage of contaminated forensic exhibits, in accordance with the police service's procedures on the collection, preservation and control of evidence and property;
 - ii) undertaking search of persons or premises;
 - iii) the custody and transportation of prisoners, in accordance with the police service's procedures on prisoner care and control and prisoner transportation, including the implementation of special precautions for dealing with prisoners with a known or suspected communicable disease;
 - iv) the handling of sharps, including syringes; and
 - v) practices around blood/bodily fluid;
 - e) set out the workplace procedures and controls for post-exposure management, including the requirement that:
 - i) potential exposures are managed promptly, in collaboration with the local medical officer of health;
 - ii) the appropriate first aid measures are delivered immediately;
 - iii) the role of supervisors in managing exposure incidents is clearly defined and communicated to all workers;



- iv) the role of the Communicable Disease Coordinator(s) is clearly defined and communicated to all workers;
- v) the established protocol for assessing and reporting a possible exposure is followed;
- vi) follow-up planning is undertaken for each individual who has experienced a potential exposure, based on a reasonable assessment of their needs; and
- vii) a record keeping procedure is established for the following purposes:
 - training;
 - maintaining confidential records for affected workers; and
 - problem identification, resolution and evaluation; and
- f) set out the workplace procedures and controls that address general infection control, including:
 - i) the cleaning of unprotected skin;
 - ii) hand washing procedures;
 - iii) the removal and disposal of anti-microbial gloves;
 - iv) handling contaminated work clothing;
 - v) disinfection methods for surfaces and police vehicles, both interior and exterior;
 - vi) disinfection of holding facilities;
 - vii) handling and disinfection of non-disposable equipment; and
 - viii) handling and disposal of biological waste and non-reusable equipment.

- Training**
5. Every Chief of Police should ensure that police officers and civilian members who may be at risk of exposure to communicable diseases receive training on communicable diseases and their prevention, including information on:
- a) bloodborne diseases, including, at minimum, Hepatitis B (HBV), Hepatitis C (HCV) and HIV/Aids, including:
 - i) overview, incidence and prevalence of disease in the population;
 - ii) sero-conversion rates for HBV, HCV and HIV;
 - iii) modes of transmission and incubation period;
 - iv) the risk of infection when exposed to infected blood/bodily fluids;
 - v) assessing and reducing the risks;
 - vi) identification and symptoms; and
 - vii) post-exposure management; and
 - b) airborne infections, including, at minimum, Meningitis, Tuberculosis (TB) including:
 - i) overview, incidence and prevalence of disease in the population;
 - ii) modes of transmission and incubation period;
 - iii) risk of acquiring the disease;
 - iv) differentiation between what is TB infection versus the disease;
 - v) reducing the risks;
 - vi) identification and symptoms; and



vii) post-exposure management.

6. Every Chief of Police should ensure that all police officers and civilian members who may be at risk of exposure to communicable diseases are provided with current information, including information on emerging trends.

7. Every Chief of Police, in cooperation with the local medical officer of health, should ensure that there is a mechanism to share information on a regular basis and to ensure that the staff training being provided is current, accurate and sufficient.

**Monitoring
and
Evaluation**

8. Every Chief of Police should periodically monitor and evaluate the effectiveness of the police service's procedures on communicable diseases.

Equipment

9. Every Chief of Police should ensure that every police officer and civilian members who may be at risk of exposure to communicable diseases have available to them the personal protective equipment set out in the Ministry's designated equipment list on communicable diseases.

10. Every Chief of Police should also ensure that police officers and civilian members who may at risk of exposure to communicable diseases are trained on the use of the personal protective equipment set out in the Ministry's designated equipment list on communicable diseases, and where appropriate, are properly fitted and sized for the protective equipment.

MINISTRY'S DESIGNATED EQUIPMENT LIST

Communicable Diseases – Equipment and Facilities List

The following minimum equipment should be contained in biohazard kits that are made available to police officers and appropriate civilian members of a police service.

PERSONAL ISSUE
<ul style="list-style-type: none"> • disposable medical grade non-sterile examination gloves, preferably non-latex, usually nitrile, to avoid the problem of latex sensitivity • waterless antiseptic hand wipes • a disposable one-way air valve for cardio-pulmonary resuscitation • a device to secure the items to the officer's person
MOBILE KITS
<ul style="list-style-type: none"> • goggles • disposable moisture-resistant cone masks (NIOSH approved N95 respirator) for tuberculosis protection, and has boomerang nose sealing • heavy gauge gloves • moisture-resistant disposable clothing • biohazardous waste disposal products • spatulas • evidence tubes • biohazard labels • biohazard bags • antiseptic hand wipes • waterless antiseptic hand cleaner • to be in a container designed to hold such items
STATIONARY KITS
<ul style="list-style-type: none"> • disposable medical grade non-sterile examination gloves, preferably non-latex, usually nitrile, to avoid the problem of latex sensitivity • biohazard waste disposal products • heavy gauge gloves • moisture-resistant disposable protective clothing • spatulas • biohazard bags • germicidal cleaner • sharps containers • waterless antiseptic hand cleaner • to be in a container designed to hold such items



BY-LAW NO. 471-2024

**A BY-LAW RESPECTING
COMMUNICATIONS AND DISPATCH**

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 39 (1) of the CSPA requires the Board's Strategic Plan include quantitative and qualitative performance objectives and indicators of outcomes relating to, inter alia, emergency calls for service;
- 1.4 AND WHEREAS O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.5 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 Section 37 and 38 of the CSPA to require the Police Service to have a communication centre;
- 1.6 AND WHEREAS the Board has deemed it appropriate that it establish a policy to access the services of a communication centre by contracting with another municipal emergency service, contracting with another police service, or entering into arrangements to provide the services of a communication centre on a combined, regional or cooperative basis;
- 1.7 AND WHEREAS the Board has deemed it appropriate that it establish a communication centre to operate 24-hours a day with one or more communications operator/dispatcher to answer emergency calls for service and maintain a constant two-way voice communication capability with police officers who are on patrol responding to emergency calls;
- 1.8 AND WHEREAS the Board has deemed it appropriate that it establish a policy that ensures:
- (a) 24 hours a day, a member of a Police Service is available to supervise police communications and dispatch services; and
 - (b) police officers on patrol have a portable two-way voice communication capability that allows the police officers to be in contact with the communication centre when away from their vehicle or on foot patrol;

- 1.9 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:
- (a) establish procedures on communications and dispatch services; and
 - (b) ensure that communications operators/dispatchers and those supervising them have successfully completed the required Ministry accredited training or acquired the Ministry approved equivalent competencies;
- 1.10 AND WHEREAS the Board has deemed it appropriate that it establish a policy on communication and dispatch services;
- 1.11 AND WHEREAS Part LE-002 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Board and the Chief relative to communications and dispatch.

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 appropriate communications and dispatch are crucial to policing, and it is therefore the policy of this Board that such communications and dispatch 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 and processes with respect to communications and dispatch services in accordance with Appendix A.

4.2 SUPERVISION

- 4.2.1 The Chief shall ensure that twenty-four (24) hours a day a Member of the Service is available to supervise police communications and dispatch services.

4.3 PORTABLE RADIOS

- 4.3.1 The Chief shall ensure that police officers on patrol have a portable two-way voice communication capability that allows the police officers to be in contact with the communications centre when away from their vehicle or on foot patrol.

4.4 COMMUNITY PROTOCOL

- 4.4.1 The Chief shall ensure that a protocol is developed with municipal fire services and the Regional Municipality of Niagara with respect to processes and procedures for communications and dispatch services.
- 4.4.2 The Chief shall ensure that the protocol referred to in Section 4.4.1 above is reviewed on an annual basis.

4.5 TRAINING

- 4.5.1 The Chief shall ensure that Members who provide communications and dispatch services have the requisite knowledge, skills and abilities.
- 4.5.2 The Chief shall ensure that the management and effectiveness of the communications and dispatch centre is regularly monitored and evaluated.

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 communications and dispatch. The report shall include:
- (a) a summary of the written procedures regarding communications and dispatch;
 - (b) the status of Service compliance with the said procedures;
 - (c) a copy of the organizational chart of the communications unit; and
 - (d) a summary of the training given to Members in the communications unit including a summary of the cost associated with the training.
- 5.2 The Chief shall ensure that the community protocol referred to in section 4.4 and any subsequent changes thereto is presented to the Board for review and approval.

6. IMPLEMENTATION

- 6.1 By-law No. 194-2000 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 5(1)(a) of the Adequacy Standards Regulation requires a police service to have a communications centre.

Section 5(3) allows a police service to access the services of a communications centre by contracting with another municipal emergency service, contracting with another police service, or entering into arrangements to provide the services of a communications centre on a combined, regional or cooperative basis.

Section 5(6) requires a communications centre to operate 24 hours a day with one or more communications operators/dispatchers to answer emergency calls for service, and maintain constant two-way voice communication capability with police officers who are on patrol or responding to emergency calls.

In addition, section 6(1) of the Adequacy Standards Regulation requires a police service to ensure that:

- 24 hours a day a member of a police service is available to supervise police communications and dispatch services; and
- police officers on patrol have a portable two-way voice communication capability that allows the police officers to be in contact with the communications centre when away from their vehicle or on foot patrol.

Furthermore, section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on communications and dispatch services. Also, section 6(3) requires the Chief of Police to:

- establish procedures on communications and dispatch services; and
- ensure that communications operators/dispatchers and those supervising them have successfully completed the required Ministry accredited training or acquired the Ministry approved equivalent competencies.

Sample Board Policy

Board Policy # _____

Contracted Delivery

It is the policy of the _____ Police Services Board with respect to communications and dispatch services that:



- a) this Board will contract with _____ Police Services Board/OPP/ Municipal Emergency Service to provide the services of a communications centre (decision also required on whether to contract for communications and dispatch supervision by a member of another police service); and
- b) the Chief of Police will:
 - i) ensure that 24 hours a day a member of a police service is available to supervise police communications and dispatch services;
 - ii) ensure that police officers on patrol have a portable two-way voice communication capability that allows the police officers to be in contact with the communications centre when away from their vehicle or on foot patrol;
 - iii) in consultation with the police service/municipal emergency service providing the services of a communications centre, establish procedures and processes on communications and dispatch services, including ensuring that persons providing these services meet the requirements of the Adequacy Standards Regulation; and
 - iv) regularly monitor and evaluate the management and effectiveness of the communications/dispatch centre.

**Direct, or
Combined,
Regional or
Cooperative
Delivery**

It is the policy of the _____ Police Services Board with respect to communications and dispatch services that:

- a) the police service will provide the services of a communications centre by (identify service delivery method); and
- b) the Chief of Police will:
 - i) ensure that 24 hours a day a member of a police service is available to supervise police communications and dispatch services;
 - ii) ensure that police officers on patrol have a portable two-way voice communication capability that allows the police officers to be in contact with the communications centre when away from their vehicle or on foot patrol;
 - iii) establish procedures and processes on communications and dispatch services; and
 - iv) ensure that members who provide communications and dispatch services meet the requirements of the Adequacy Standards Regulation.

Police Service Guidelines

Note: Provisions apply equally to other municipal emergency services that provide police communications and dispatch.

- Procedures**
- 1. Procedures and processes on communications and dispatch services should address:
 - a) the answering, dispatching and tracking of calls and officer-initiated activity;
 - b) the priority to be assigned to different categories of calls;



- c) providing information to the caller on the proposed method of response;
- d) the criteria for the assignment of the number of officers in response to an incident;
- e) the control, maintenance, retention and storage of communication records and statistics;
- f) radio communications to and from officers, including:
 - i) the circumstances requiring radio communications by officers;
 - ii) the recording of the status of officers when out of service;
 - iii) the use of the Ten-code and the International Phonetic Alphabet;
 - iv) the methods used for identifying officers during radio transmissions; and
 - v) communication with other agencies/service providers;
- g) the communications procedures to be followed during pursuits, and require the availability of the police service's procedures on suspect apprehension pursuits in the communications area;
- h) supervising communications activities, including undertaking periodic assessments to review the consistent application by dispatchers/operators and supervisors of the response priorities established under 1(b);
- i) providing information to the public on:
 - i) the police service's emergency and administrative numbers;
 - ii) which numbers to call based on the type of request for service; and
 - iii) the police service's priorities for responding to different categories of calls for service, and expected response based on the police service's performance objectives;
- j) the availability of the municipal and police service's emergency plan for the community, region and/or area in the communications area;
- k) immediate access by communications and dispatch personnel to the following:
 - i) the designated senior officer in charge;
 - ii) duty roster of all personnel that are normally dispatched through that centre;
 - iii) visual maps detailing its service area;
 - iv) officer status indicators; and
 - v) telephone numbers for procuring emergency and necessary external services to the police service;
- l) security for the communications center;
- m) the regular maintenance of the communications equipment; and
- n) inter-jurisdictional communications capabilities.

**Systems
Capabilities**

- 2. Every communications and dispatch centre should have:
 - a) a communications system that can record radio and emergency telephone communications, and has the capability for immediate playback of recorded telephone and radio conversations while maintaining a continuous recording of radio transmissions;
 - b) an alternate source of electrical power available for its communications system that is sufficient to ensure continued operation of emergency communication

equipment in the event of failure of the primary power source, and which is inspected and tested on a regular basis; and

- c) access to multi-channel mobile and/or portable radio equipment capable of two-way operation on a joint public safety frequency or frequencies.

**Staffing
and
Resourcing**

- 3. Every communications and dispatch centre should:
 - a) set out the roles and responsibilities of communications/dispatch operators;
 - b) ensure that the appropriate level of resources are provided to the communications function, including shift staffing levels based on calls for service analysis;
 - c) establish the selection processes for communications operators, dispatchers and those supervising them, including ensuring that members meet the requirements of the Adequacy Standards Regulation; and
 - d) ensure that the skills development and maintenance training for communications /dispatch operators and communications supervisors is set out in the police service's skills development and learning plan.
- 4. Every Chief of Police should ensure that police officers are kept informed of communications/dispatch policies and procedures.



BY-LAW NO. 472-2024

**A BY-LAW RESPECTING
COMMUNITY-BASED CRIME PREVENTION**

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 39 (1) of the CSPA requires the Board's Strategic Plan include quantitative and qualitative performance objectives and indicators of outcomes relating to, inter alia, community-based crime prevention initiatives;
- 1.4 AND WHEREAS O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.5 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 Section 37 and 38 of the CSPA to provide community-based crime prevention initiatives;
- 1.6 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 Section 37 and 38 of the CSPA to use members of the police service, auxiliary members, special constables and volunteers in community-based crime prevention initiatives;
- 1.7 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 Section 37 and 38 of the CSPA to require the Chief of Police to establish procedures and processes on community-based crime prevention initiatives;
- 1.8 AND WHEREAS the Board has deemed it appropriate that it establish a policy on community-based crime prevention initiatives;
- 1.9 AND WHEREAS Part CP-002 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 community-based crime prevention initiatives.

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 Public safety, quality of life and the prevention of crime are of the utmost importance to the Board, and it is therefore the policy of this Board that community-based crime prevention procedures be 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 on community-based crime prevention initiatives in accordance with Appendix A.

4.2 SERVICE DELIVERY

- 4.2.1 The Chief shall identify the need, and recommend service delivery options, for community-based crime prevention initiatives based on crime, calls and public disorder analysis, criminal intelligence, road safety and community needs.

4.3 COMMUNITY PARTNERSHIP

- 4.3.1 The Chief shall ensure that the Service works, where possible, with municipalities, school boards, community organizations, neighbourhoods, businesses and neighbouring municipalities or jurisdictions to develop and implement community-based crime prevention initiatives.

4.4 COMMUNITY-BASED CRIME PREVENTION OFFICER

- 4.4.1 The Chief shall designate a Member who, in addition to other duties, will have overall responsibility for the Service’s involvement in community-based crime prevention initiatives.

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 community-based crime prevention initiatives. The report shall include:

- (a) a summary of the written procedures concerning community-based crime prevention initiatives;
- (b) the status of Service compliance with the said procedures;
- (c) a summary of current crime prevention initiatives and an indication of their success; and
- (d) a summary of current concerns, as voiced by the community through the community partnership initiatives.

6. IMPLEMENTATION

- 6.1 By-law No. 192-2000 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 1(1) of the Adequacy Standards Regulation requires a police service to provide community-based crime prevention initiatives.

Section 1(2)(a) and 1(2)(b) allows a police service to provide community-based crime prevention initiatives by contracting with another police service, entering into arrangements to provide community-based crime prevention initiatives on a combined, regional or cooperative basis, or entering into an agreement with one or more organizations to provide community-based crime prevention initiatives.

Section 2 provides that a police service may use members of the police service, auxiliary members, special constables and volunteers in community-based crime prevention initiatives.

Furthermore, section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on community-based crime prevention initiatives. In addition, section 3 requires the Chief of Police to establish procedures and processes on community-based crime prevention initiatives.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to providing community-based crime prevention initiatives that:

- a) the Chief of Police will:
 - i) identify the need, and recommend service delivery options, in accordance with the Adequacy Standards Regulation, for community-based crime prevention initiatives based on crime, call and public disorder analysis, criminal intelligence, road safety and community needs;
 - ii) ensure that the police service works, where possible, with municipalities, school boards, community organizations, neighbourhoods, businesses and neighbouring municipalities or jurisdictions to develop and implement community-based crime prevention initiatives;
 - iii) designate a member to have overall responsibility for the police service's involvement in community-based crime prevention initiatives; and
 - iv) establish procedures on crime prevention initiatives; and

- b) this policy does not apply to local crime prevention activities being undertaken by front-line officers and supervisors in accordance with the police service's procedures on problem-oriented policing.

Police Service Guidelines

Procedures

1. Every Chief of Police should:
 - a) identify the need, and recommend service delivery options to the board, in accordance with the Adequacy Standards Regulation, for community-based crime prevention initiatives based on crime, call and public disorder analysis, criminal intelligence, road safety and community needs; and
 - b) designate a member to have overall responsibility for the police service's involvement in community-based crime prevention initiatives.
2. Every police service's procedures on crime prevention should:
 - a) set out the role of the member who has overall responsibility for the police service's involvement in community-based crime prevention initiatives, including:
 - i) ensuring that the police service works, where possible, with municipalities, school boards, community organizations, neighbourhoods, businesses and neighbouring municipalities or jurisdictions to develop and implement community-based crime prevention initiatives;
 - ii) regularly monitoring and evaluating the effectiveness and on-going need for community-based crime prevention initiatives in collaboration with the municipalities, school boards, businesses and community organizations;
 - iii) sharing information with front-line officers and other appropriate members on community-based crime prevention initiatives, including best practices; and
 - iv) sharing information on community-based crime prevention initiatives with other police services, municipalities, government agencies and relevant community and business organizations; and
 - b) address the supervision and use of auxiliaries, special constables and volunteers who are involved in the delivery of the police service's community-based crime prevention initiatives.





BY-LAW NO. 473-2024

**A BY-LAW RESPECTING
COMMUNITY PATROL**

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 39 (1) of the CSPA requires the Board's Strategic Plan include quantitative and qualitative performance objectives and indicators of outcomes relating to, inter alia, community patrol;
- 1.4 AND WHEREAS O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.5 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 Section 37 and 38 of the CSPA to provide community patrol consisting of General Patrol and Directed Patrol;
- 1.6 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 Section 37 and 38 of the CSPA to establish procedures and processes on community patrol which address when and where Directed Patrol is considered necessary or appropriate, based on such factors as crime, call and public disorder analysis, criminal intelligence and road safety;
- 1.7 AND WHEREAS the Board has deemed it appropriate that it establish a policy on community patrol;
- 1.8 AND WHEREAS the Ministry has published a Policing Standards Manual which provides direction to the Board in respect of certain administrative and personnel issues;
- 1.9 AND WHEREAS community policing including community patrol is of the highest priority to the Regional Municipality of Niagara Police Service Board.

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 *"Association"* means the Niagara Region Police Association;
- 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 *"Community Patrol"* means General Patrol and Directed Patrol;
- 2.6 *"Cost of Directed Patrol"* means those costs associated with the deployment of members on Directed Patrol where members are brought in on overtime for deployment;
- 2.7 *"Directed Patrol"* means those members of the patrol unit deployed in the areas and at the times where it is considered necessary of appropriate based on crime, call and public disorder analysis, criminal intelligence and road safety, but does not include members working on a privately funded project as described in By-law 424-2024;
- 2.8 *"General Patrol"* means those members of the patrol unit responsible for responding to calls for service, follow-up for calls, preventative presence, and community policing;
- 2.9 *"Manual"* means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.10 *"Member"* means a member of the Niagara Regional Police Service;
- 2.11 *"Minimum Staffing Numbers"* means the number of patrol officers as agreed between the Board and the Association, on the advice of the Chief, who will be on duty at specified times;
- 2.12 *"Peak Period"* means the hours between 6:00 pm and 3:00 am;
- 2.13 *"Service"* means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 Public safety, quality of life and the prevention of crime are of the utmost importance to the Board, and it is therefore the policy of this Board that community patrol procedures be established by the Chief as directed in this By-law.

4 DIRECTION TO THE CHIEF

4.1 PROTOCOL ON COMMUNITY PATROL

- 4.1.1 The Chief shall establish a protocol on Community Patrol which shall provide appropriate direction to patrol officers, and which shall include procedure on General Patrol and Directed Patrol as described in 3.2 and 3.3.

4.2 GENERAL PATROL

4.2.1 Peak Periods

The Chief shall ensure that there are sufficient Members on General Patrol to meet or exceed Minimum Staffing Numbers at Peak Periods as agreed between the Board and the Association from time to time.

4.2.2 Non-Peak Periods

The Chief shall ensure that there are sufficient Members on General Patrol to ensure that the duties outlined in the definition of General Patrol are met during Non-Peak Periods, subject to any agreement in writing with the Association.

4.3 DIRECTED PATROL

4.3.1 The Chief shall develop a procedure relating to the deployment of Members on Directed Patrol.

4.3.2 The procedure referred to in paragraph 4.3.1 above shall include the protocol to be followed by a Supervisor for approval for the deployment of Members on Directed Patrol.

4.3.3 The Chief shall ensure that the procedure for deployment referred to in paragraph 4.3.1 above for the deployment of Members on Directed Patrol is followed.

4.3.4 The Chief shall ensure written arrangements are in place with other police services to obtain assistance or support in enhancing Directed Patrol in extraordinary circumstances.

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 community patrol. The report shall include:

- (a) confirmation of compliance with the Directed Patrol procedure;
- (b) the high and low numbers of Members assigned to the patrol unit, with particulars and reasons for any period that the patrol unit numbers were less than those required under Section 4.3.1;
- (c) costs of Directed Patrol; and
- (d) the status of the outcome of the Directed Patrol initiative including the effect of Directed Patrol on crime, calls for service, public disorder analysis and road safety.

6. IMPLEMENTATION

6.1 By-law No. 193-2000 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 4(2) of the Adequacy Standards Regulation requires a police service, using its own police officers, to provide community patrol consisting of:

- general patrol; and
- directed patrol in the areas and at the times where it is considered necessary or appropriate.

Section 29 of the regulation requires a police services board to have a policy on community patrol. In addition, section 4(3) requires the Chief of Police to establish procedures and processes relating to community patrol which address when and where directed patrol is considered necessary or appropriate, based on such factors as crime, call and public disorder analysis, criminal intelligence and road safety.

Furthermore, section 4(4) allows a police service to obtain the assistance or support of another police service to enhance its capacity to undertake community patrol under extraordinary circumstances.

Sample Board Policy

Board Policy # _____

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

- a) establish procedures and processes on community patrol, including when directed patrol is considered necessary or appropriate based on such factors as crime, call and public disorder analysis, criminal intelligence and road safety; and
- b) ensure that written arrangements are in place with other police services to obtain their assistance or support in enhancing the community patrol function in extraordinary circumstances.

Police Service Guidelines

- Procedures**
1. Every police service's procedures and processes on community patrol should address:
 - a) general patrol; and
 - b) directed patrol.

2. Every police service's procedures and processes on community patrol should require supervisors to:
 - a) use directed patrol in the areas and at the times where it is necessary or appropriate, based on crime, call, public disorder analysis, criminal intelligence and road safety; and
 - b) ensure that patrol officers are provided with relevant information to undertake the type of directed patrol that they have been assigned.
3. Every police service's procedures should set out the process for obtaining assistance or support from one or more police services to enhance the community patrol function in extraordinary circumstances in accordance with the written arrangements that are in place with those police services.



BY-LAW NO. 474-2024

**A BY-LAW RESPECTING
COURT 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 Section 243 of the CSPA requires that, where a Police Service Board has court security obligations, the Board is responsible for:
- (a) ensuring the security of judges and other judicial officers and of persons taking part in or attending proceedings;
 - (b) during the hours when judges, other judicial officers and members of the public are normally present, ensuring the security of the premises;
 - (c) ensuring the secure custody of persons in custody who are on or about the premises, including persons taken into custody at proceedings; and
 - (d) determining appropriate levels of security for the purposes of all of the above in accordance with the regulations, if any;
- 1.4 AND WHEREAS O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.5 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 that, where a Police Service Board has court security obligations under Section 243 of the CSPA, the Chief shall:
- (a) prepare a court security plan;
 - (b) establish procedures on court security that address the provision and training; and
 - (c) ensure that court security personnel have the knowledge, skills and abilities to perform court security functions;
- 1.6 AND WHEREAS the Board has deemed it appropriate that it establish policies with respect to court security;
- 1.7 AND WHEREAS Part LE-014 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief relative to court 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 *"Regional Crown Attorney"* means the Director of Crown Operations for the Region of Central South West in conjunction with the Crown Attorney for the Judicial District of Niagara North and the Crown Attorney for the Judicial District of Niagara South;
- 2.7 *"Service"* means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that issues relating to court security are important to the administration of justice and it is therefore the policy of this Board that court security 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 COURT SECURITY COMMITTEE

- 4.1.1 The Chief shall establish a local Court Security Committee, to serve in an advisory capacity to the Chief. The Court Security Committee shall include representatives from:

- (a) the Service;
- (b) the Regional Crown Attorney's office;
- (c) the judiciary;
- (d) the local bar association;
- (e) victims services/organizations; and
- (f) Ministry of the Attorney General – Court Services Branch.

- 4.1.2 The Chief shall ensure that the local Court Security Committee meets on a regular basis in order to address court security issues.

4.2 COURT SECURITY OFFICER

- 4.2.1 The Chief shall designate a Member of the Service with overall responsibilities for the Service's court security function.

4.3 COURT SECURITY PLAN

- 4.3.1 The Chief shall, in accordance with the Court Security Committee, prepare a Court Security Plan.
- 4.3.2 The Chief shall ensure that the Court Security Plan is reviewed and evaluated on an annual basis by the Court Security Committee using defined performance measures and indicators.

4.4 TRAINING

- 4.4.1 The Chief shall ensure that personnel utilized for court security and prisoner transport are adequately trained and supervised.
- 4.4.2 The Chief shall establish procedures in relation to court security 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 30th of each year concerning the Court Security Plan, which report shall include at least the following information:

- (a) an outline of the Court Security Plan;
- (b) confirmation that the Plan conforms with Section 243 of the CSPA;
- (c) the annual cost of the Plan;
- (d) any issues or criticisms of the Court Security Plan known to the Chief; and
- (e) a summary of the issues discussed at the Court Security Committee meetings.

6. IMPLEMENTATION

- 6.1 By-law No. 206-2000 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 137 of the *Police Services Act* requires that, where a police services board has court security obligations, the board is responsible for:

- ensuring the security of judges and of persons taking part in or attending proceedings;
- during the hours when judges and members of the public are present, ensuring the security of the premises;
- ensuring the secure custody of persons in custody who are on or about the premises, including persons taken into custody at proceedings; and
- determining appropriate levels of security for the purposes of [the above paragraphs].

Section 16 of the Adequacy Standards Regulation requires that, where a police services board has court security obligations under section 137 of the *Act*, the Chief of Police shall:

- prepare a court security plan;
- establish procedures on court security that address supervision and training; and
- ensure that court security personnel have the knowledge, skills and abilities to perform court security functions.

Finally, section 29 of the regulation requires police services boards with court security responsibilities to establish policies with respect to court security.

Sample Board Policy

Board Policy # _____

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

- a) establish a local court security committee, to serve in an advisory capacity to the Chief of Police, comprised of representatives, at minimum, from the police, Crown, judiciary, local bar, victim services/organizations and Courts Services - Ministry of the Attorney General;
- b) prepare a court security plan, in consultation with the local court security committee, that adequately addresses local needs and circumstances, and meets the statutory responsibilities set out in section 137 of the *Police Services Act*; and
- c) ensure that police officers and special constables utilized for court security are supervised and have the knowledge, skills and abilities to perform the function.



Police Service Guidelines**Court
Security
Committee**

1. Every Chief of Police should establish a local court security committee, to serve in an advisory capacity to the Chief, comprised of representatives, at minimum, from the:
 - a) police;
 - b) Crown;
 - c) judiciary;
 - d) local bar;
 - e) victim services/organizations; and
 - f) Courts Services - Ministry of the Attorney General.

Plan

2. Every Chief of Police, in consultation with the local court security committee, should prepare a court security plan that addresses the:
 - a) police service's responsibilities for court security as set out in section 137 of the *Police Services Act*;
 - b) designation of a member of the police service with overall responsibility for the police service's court security function;
 - c) emergency procedures, including for fire, evacuation, medical, bomb, hostage, high-risk movement and care of prisoners, including persons who are emotionally disturbed or have a mental illness or a developmental disability in accordance with the police service's procedures on prisoner care and control;
 - d) procedures for dealing with exposure to communicable diseases;
 - e) use of security equipment, where appropriate, including wand and other electronic weapon scanning devices;
 - f) equipment to be available/used by personnel performing court security services;
 - g) requirement for personnel performing court security to comply with the police service's procedures on note taking;
 - h) requirement that court security services are provided by uniformed police officers or special constables (this does not preclude the use of plain clothes police officers in the delivery of court security to augment uniformed personnel);
 - i) communications equipment for personnel performing court security services;
 - j) requirement that uniforms and insignia for special constables performing court security be distinct from the uniforms of the police service's officers;
 - k) need for perimeter security of a court facility;
 - l) safety of persons who work in, or are in attendance at, a court facility;
 - m) selection process and skills development and learning of personnel providing court security services to ensure that they have the knowledge, skills and abilities to perform the function; and
 - n) annual review and evaluation of the plan by the local court security committee, using set out performance measures and indicators, in order to address changing local circumstances.



3. In developing the court security plan, the court security committee should use a security assessment tool in order to assess local needs, including factors to be considered in determining the appropriate level of security, such as the:
- a) court house facilities;
 - b) communications equipment available;
 - c) nature of the local community;
 - d) type of occurrences that have previously occurred at the court house;
 - e) nature of the cases dealt with at the court house;
 - f) presence or absence of electronic weapons scanning devices at entrances;
 - g) volume of cases;
 - h) existence of special security for special cases;
 - i) presence of on-site police personnel;
 - j) use of video monitoring at the court house;
 - k) response times in the event of emergencies;
 - l) presence of panic buttons in courtrooms, chambers and public office areas; and
 - m) procedures for ensuring the secure custody and safe movement of prisoners.

Training

4. Every Chief of Police should ensure that police officers and special constables providing court security have the knowledge, skills and abilities to perform the function, including:
- a) use of force in accordance with the *Use of Force Regulation*;
 - b) search of persons consistent with the police service's procedures on search of persons;
 - c) in relation to persons who are emotionally disturbed, have a mental illness or a developmental disability;
 - d) emergency procedures;
 - e) administering first aid/CPR; and
 - f) care and control of prisoners consistent with the police service's procedures on prisoner care and control.



Purpose

The primary purpose of the court security assessment tool is to assist a police service in undertaking an assessment of the security needs of each individual courthouse for which a police service is responsible. A secondary purpose of the court security assessment tool is to establish a baseline, which can be used to measure improvements to the overall security of the courthouse over time.

Courthouses are public facilities. The presence of members of the public in court proceedings and access to these proceedings by victims of crime, family members of court participants and members of the general public are important justice principles in our society. The ability to maintain such access in a safe environment is one of the challenges of court security.

Court security should be assessed in accordance with local needs. Security needs vary by community, and there may be various means of achieving similar ends while still meeting local needs. Solutions to court security challenges will differ. Given that court security is a combination of dynamic and static considerations (e.g., policing practices and physical attributes of the courthouse) it is essential to assess, and balance, both the dynamic and static considerations in order to develop an effective plan for improvements.

Some court security solutions, particularly those based on physical modifications, will be extremely costly and therefore workable solutions may require multi-year plans. The determination of local court security needs, therefore, must be viewed as an ongoing process and not just a "snapshot" at a given point in time. This tool is intended to assist in the on-going evaluation of court security needs.

The court security assessment tool considers the following:

- critical incident assessment;
- nature of cases assessment;
- security personnel and procedures assessment;
- emergency plan assessment; and
- physical assessment.

Critical Incident Assessment

The purpose of the critical incident assessment is to learn from past occurrences, including situations where an incident was attempted or narrowly averted, where courthouse security had been breached or otherwise compromised. There is a need to review a critical incident with a view of determining:

1. How the incident took place;
2. How personnel responded to the incident;
3. How the physical characteristics of the courthouse affected the incident;
4. How training or equipment affected the incident;
5. How the incident could have been handled better; and
6. Whether any changes put in place since the incident require refinement.

Data on the number and type of incidents will also be useful when identifying local court security needs. In preparing the critical incident assessment, front-line employees with direct knowledge of critical incidents should be interviewed for their input.

Nature of Cases Assessment

An analysis of the cases at the courthouse should be undertaken to determine the type and frequency of:

1. Cases which typically require special security arrangements, and their frequency;
2. “Lower risk” hearings, and their frequency;
3. Cases which generate interest in the public, and which may require special security measures;
4. Cases which may tend to generate a disproportionate number of bomb threats; and
5. Cases which may tend to generate a disproportionate number of threats against the judiciary and other staff members.

There needs to be extensive communication between court staff, the investigating officer and other police personnel (e.g. Tactical; Criminal Investigations; and Emergency Response) where prisoner escorts in ‘high profile’ cases are concerned. Such communication could be critical in murder trials and trials involving ‘gang-related’ crimes where there may be greater potential for violence or escape.

In addition to the assessment of specific types of cases, the following factors should also be assessed:

1. Court Schedules – peaks and valleys;
2. Days where trials are the major activity; and
3. Days where remands are the major activity.

Security Personnel and Procedures Assessment

The effectiveness of the following factors should be assessed:

1. The training levels of security personnel;
2. The number of security personnel and their scheduling;
3. The types and effectiveness of the equipment issued to security personnel;
4. The command and control structure for security personnel;
5. The morale of the security personnel;
6. The relationship between security personnel and the judiciary, public and other courthouse staff
7. The communication linkages between security personnel and other courthouse staff, as well as with the police service's communication centre;
8. The linkage between communications and the use of video monitoring at the court house;
9. The supervision of security personnel; and
10. The compliance by security personnel with existing policies and procedures.

This assessment should also consider 'peripheral personnel' such as delivery drivers, couriers, contractors and cleaning staff and their approved patterns/ routines of activity. Such personnel could be instrumental in assisting the escape of prisoners.

Emergency Plan Assessment

The purpose of reviewing and examining all existing emergency contingency plans is to assess the readiness and effectiveness of the courthouse and staff to deal with emergency situations, including:

1. Violent acts against persons;
2. Escapes and other prisoner misconduct;
3. Bomb threats;
4. Fires;
5. Disorderly persons/groups;
6. Hostage taking/barricaded individual(s); and

7. Other circumstances dictating an emergency response or evacuation of the courthouse.

Implications of this type of review include identifying: training gaps/needs, including whether training is geared towards the court security function; the need to create, amend or discard one or more emergency plans; and requirements for acquiring additional/upgraded security equipment.

Physical Assessment

The physical assessment is to be conducted by making a thorough, direct physical examination of the courthouse, examining floor plans for the structure and reviewing all existing emergency plans and escape routes currently in effect.

In conducting the physical assessment, the following factors should be considered:

1. Perimeter security, including:
 - a) all methods by which a person may physically enter or leave the structure, whether designed for this purpose or not;
 - b) all doors and windows and any locking mechanisms on them, whether used or not;
 - c) the methods used, if any, to control where persons may enter and leave the courthouse;
 - d) the parking lot and access provided for vehicles onto the property adjacent to the courthouse;
 - e) lighting provided around the courthouse;
 - f) the nature and type of any fencing around all or part of the courthouse;
 - g) the methods by which persons in custody enter and leave the courthouse;
 - h) the availability of any natural barriers to entry; and
 - i) the existence of vegetation or another structural entity which conceals from view any portion of the courthouse;
2. Adjacent properties, including:
 - a) the nature of structures adjacent to the courthouse
 - b) an assessment of how adjacent properties could be used to assist in compromising the security of the courthouse; and
 - c) where the courthouse shares a common wall, roof or basement with an adjoining structure, an assessment of the opportunities for this to be exploited by any person(s) seeking to breach the courthouse's security, or for a person in custody to exploit this as a means to escape; and



3. Internal security controls and structures, including the:
- a) availability of any electronic security or scanning devices or systems and the means by which they are controlled and monitored;
 - b) availability of any physical barriers to the movement of persons inside the structure;
 - c) use of any signage which gives direction to the courthouse's occupants;
 - d) location of high travel areas through which "bottlenecks" in pedestrian traffic may occur during periods of high volume;
 - e) existence of any articles or structures which have the potential to be used to facilitate a breach of the peace or a criminal act within the courthouse;
 - f) availability of any barriers which serve to sever members of the public from courthouse staff;
 - g) existence of any special hallways, elevators, stairways or other common areas reserved for exclusive use by the judiciary and other courtroom staff;
 - h) use, monitoring and recording of any CCTV, and any "blind spots" not monitored by it;
 - i) availability of an alternate source of power, and contingency plan, in the event of an electrical failure that may render systems (e.g. lighting, CCTV, elevators, automated doors) inoperable;
 - j) availability of video conferencing facilities that may reduce the transportation of prisoners to, and from, the courthouse in certain court matters;
 - k) availability of communications systems within the structure, including:
 - i) public telephones;
 - ii) private office phones;
 - iii) emergency call stations;
 - iv) emergency buttons/stations;
 - v) mobile communications devices; and
 - vi) emergency alarms designed to be worn by a person;
 - l) placement and stocking of first aid stations/kits;
 - m) placement of fire control or suppression equipment;
 - n) location of offices in which court staff or the judiciary see the public, with special attention paid to:
 - i) the number of exits from such an office;
 - ii) the placement of objects in an office which may impede a person's escape;
 - iii) lines of sight into private interview areas where members of the public transact business with court staff or members of the judiciary; and
 - iv) any window or other means by which meetings in offices between court staff or members of the judiciary may be viewed, but not heard, by other staff members and/or members of the public proximate to the office;
 - o) areas and mechanisms used to house persons in custody, and the security features employed in their detention and transportation, including:



- i) cells, including private, male, female, transitional (search), protective custody cells and bullpens;
- ii) leg irons, handcuffs and other personal restraint devices;
- iii) any private hallways, stairwells, elevators or egresses for the exclusive use of court security personnel transporting prisoners;
- iv) the placement of toilet facilities for prisoners' use;
- v) the location and design of conference areas for prisoners to converse privately with defence counsel; and
- vi) devices used to monitor or search prisoners and their visitors, including:
 - the position of convex mirrors;
 - the use of CCTV;
 - lines of sight with security personnel; and
 - electronic sensing equipment; and
- p) means by which disabled persons and children are assisted in entering or exiting the facility in emergency and non-emergency situations.





BY-LAW NO. 475-2024

**A BY-LAW RESPECTING
CRISIS NEGOTIATION**

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) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS Section 9 (1) of the Adequacy Regulation requires the Police Service to deploy at least two crisis negotiators simultaneously to any incident requiring the functions of a Crisis Negotiator;
- 1.5 AND WHEREAS Sections 23 and 24 of O. Reg. 87/24: Training prescribes initial and ongoing training requirements for Crisis Negotiators;
- 1.6 AND WHEREAS Section 10 of the Adequacy Regulation requires the Chief of Police to establish a written procedure concerning:
- (a) the deployment of Crisis Negotiators; and
 - (b) access to a procedures manual;
- 1.7 AND WHEREAS Part ER-005 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Police Service relative to Crisis Negotiation.

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; and
- 2.7 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that crisis negotiation is an important part of policing, and it is therefore the policy of this Board that 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 CRISIS NEGOTIATION

- 4.1.1 The Chief shall ensure the Service will provide, within a reasonable response time, access to the services of a Crisis Negotiator.
- 4.1.2 The Chief shall ensure the services of a Crisis Negotiator will be available 24 hours a day.
- 4.1.3 The Chief shall ensure the Crisis Negotiator will not perform any incident management role other than crisis negotiation.

4.2 PROCEDURES

- 4.2.1 The Chief shall develop procedures, in accordance with Appendix A, that address the circumstances in which the Crisis Negotiator is to be deployed.

4.3 MANUAL

- 4.3.1 The Chief shall develop a Manual on crisis management in accordance with Appendix A, that is available to each Member providing this service.
- 4.3.2 The Chief shall ensure that the manual referred to in section 4.3.1 is reviewed on an annual basis and amended as required.

4.4 MEMBERSHIP AND TRAINING

- 4.4.1 The Chief shall establish a selection process for Members who provide the service of crisis negotiation, including ensuring that Members who provide this service meet the requirements of O.Reg. 392/23: Adequate and Effective Policing (General) and O. Reg 87/24: Training.
- 4.4.2 The Chief shall ensure that Members who provide services of crisis negotiation have the requisite knowledge, skills and abilities and receive training on an ongoing basis.

4.5 **EQUIPMENT**

- 4.5.1 The Chief shall ensure that appropriate equipment, in accordance with the Ministry's designated equipment and facilities list, is used/available to Members who provide the service of crisis negotiation.

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 crisis negotiation. The report shall include:
- (a) a summary of the procedures as required by this By-law;
 - (b) the status of Service compliance with the said procedures;
 - (c) confirmation of the development and maintenance of the Manual on crisis negotiation; and
 - (d) a summary of the circumstances in which a Crisis Negotiator has been deployed.

6. IMPLEMENTATION

- 6.1 By-law No. 245-2000 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 21 of the Adequacy Standards Regulation requires a police service to provide, within a reasonable response time, the services of one or more crisis negotiators.

Additionally, Section 21 of the regulation permits a police service to deliver the services of crisis negotiation by contracting with another police service, or entering into arrangements to provide this service on a combined, regional or cooperative basis.

Section 24(2) requires the Chief of Police to ensure that no person is to be a crisis negotiator unless that person has successfully completed the required Ministry accredited training or acquired the Ministry approved equivalent competencies. Section 29 requires a police services board to have a policy in respect of required accredited training and equivalent competencies for crisis negotiators.

Furthermore, section 29 requires a board to have a policy concerning the deployment of crisis negotiators. Also, section 25(2)(a) requires the Chief of Police to establish procedures that set out the circumstances in which crisis negotiators will be deployed.

Finally, section 29 requires a board to have a policy requiring that all crisis negotiators have access to a procedures manual. Section 25(3) requires the Chief of Police to ensure that the police service's procedures for crisis negotiation are contained in a manual that is available to each member providing that service

Sample Board Policy

Board Policy # _____

Contracted Delivery

It is the policy of the _____ Police Services Board with respect to crisis negotiation services that:

- a) this Board will contract with _____ Police Services Board/OPP to provide the services of a crisis negotiator, available 24 hours a day and within a reasonable response time; and
- b) the Chief of Police will, in consultation with the police service providing the service, establish procedures that set out the circumstances in which the service will be deployed, including the steps for obtaining the service and the reporting relationships.

**Direct, or
Combined or
Cooperative
Delivery**

It is the policy of the _____ Police Services Board with respect to crisis negotiation services that:

- a) the police service will provide the services of a crisis negotiator by (identify service delivery method - using its own members, or by entering into an agreement for a combined, regional or cooperative delivery);
- b) the services will be available 24 hours a day and within a reasonable response time;
- c) a crisis negotiator will not perform any incident management role other than crisis negotiation;
- d) the Chief of Police will:
 - i) develop procedures that address the circumstances in which a crisis negotiator is to be deployed;
 - ii) develop and maintain a manual on crisis negotiation that is available to each member providing this service;
 - iii) establish a selection process for members who provide this service, including ensuring that members who provide this service meet the requirements of the Adequacy Standards Regulation;
 - iv) ensure the ongoing training of members who provide this service; and
 - v) ensure that appropriate equipment, in accordance with the Ministry's designated equipment and facilities list, is used/available to members who provide this service.

Police Service Guidelines**Procedures**

1. Every police service's procedures on crisis negotiation should address:
 - a) the circumstances in which a crisis negotiator should be deployed;
 - b) operational responsibility within the police service for requesting the services of a crisis negotiator; and
 - c) the requirement that, wherever possible, two crisis negotiators attend an incident.

Manual

2. Where a police service provides crisis negotiation services using its own members, a manual shall be developed, maintained and made available to the members providing that service, that addresses:
 - a) general procedures for crisis negotiation, including:
 - i) mandate, functions and reporting relationships;
 - ii) call-out procedures;
 - iii) communications with the crisis negotiators;
 - iv) operational procedures;
 - v) organizational charts for the emergency response function;
 - vi) the operational linkages between crisis negotiators and other emergency response and public order unit services;



- vii) a selection process for crisis negotiators, including that members must meet the requirements set out in the Adequacy Standards Regulation; and
- viii) the recording and reporting of incidents involving crisis negotiation; and
- b) procedures specific to members providing crisis negotiation, including:
 - i) members' responsibilities;
 - ii) command and control functions;
 - iii) operational training;
 - iv) situation specific checklists;
 - v) incident assessment;
 - vi) provision and use of equipment;
 - vii) use of training, operational and equipment logs; and
 - viii) debriefing process.

Equipment 3. Where a police service provides crisis negotiation services using its own members, the Chief of Police should ensure that members are provided, at minimum, with the equipment and facilities set out in the Ministry's designated equipment and facilities list.

Training 4. Where a police service provides crisis negotiation services using its own members, the Chief of Police should develop a skills development and learning plan that, at minimum, addresses annual participation, wherever possible, in a joint training exercise involving major incident commanders, crisis negotiators, public order units, tactical units, hostage rescue teams, other police personnel, or outside emergency services deemed appropriate or subject of service delivery agreements.

5. The Chief of Police should review, as part of the skills development and learning plan, the extent to which the police service's crisis negotiators are making sufficient use of their skills.



MINISTRY'S DESIGNATED EQUIPMENT LIST

Crisis Negotiation – Equipment List

The following minimum equipment shall be made available to a crisis negotiator:

NEGOTIATION EQUIPMENT
<ul style="list-style-type: none">• (optional) lap top computer with template forms, checklists and LENS database access capability• clothing and accessories suitable for the varied weather conditions and situational circumstances, which may be encountered• portable, easy to operate, field phone equipped with one-way monitoring capability• consul phone for dedicated connection to the field phone complete with a logging monitor capable of recording, spare batteries and ample recording storage capability• portable tape recorder• current training manual (CPC/OPP) for crisis negotiators
<p data-bbox="548 1146 1170 1178">Crisis Negotiators Deployed in the Inner Perimeter</p> <ul style="list-style-type: none">• appropriate head and body protection and other safety equipment deemed necessary





BY-LAW NO. 476-2024

**A BY-LAW RESPECTING
EMERGENCY PLANNING**

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) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS Section 20 of the Adequacy Regulation requires the Chief of Police to prepare an Emergency Plan for the Police Service that sets out the procedures to be followed during an emergency;
- 1.5 AND WHEREAS Part ER-008 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 an Emergency Plan.

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 "Member" means a member of the Niagara Regional Police Service;
- 2.5 "Ministry" means the Ministry of the Solicitor General;
- 2.6 "Municipality" means the Regional Municipality of Niagara; and

2.7 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

3.1 The Board recognizes the importance of emergency planning, and it is therefore the policy of this Board that issues involving emergency planning be dealt with in a professional and thorough manner, 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 an Emergency Plan that is in accordance with Appendix A and Section 20 of the Adequacy Regulation and addresses the roles and duties of the Police Service during an emergency, and the procedures to be followed by Members during an emergency.

4.1.2 The Chief shall consult with the Municipality and other emergency services on the development of the Emergency Plan.

4.1.3 The Chief shall ensure that the Emergency Plan is reviewed on an annual basis and amended as required.

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 Emergency Plan. The report shall include:

- (a) a summary of the emergency plan; and
- (b) the status of Service compliance with the said Plan.

6. IMPLEMENTATION

6.1 By-law No 248-2000, 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 with respect to emergency planning by the police service.

In addition, section 26(1) requires the Chief of Police to prepare an emergency plan for the police service that sets out the procedures to be followed during an emergency.

Furthermore, under section 26(2), the Chief of Police may adopt the municipality's emergency plan as the police service's emergency plan if it addresses the role and duties of the police service during an emergency, and the procedures to be followed by members of the police service during an emergency.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to emergency planning that the Chief of Police will consult with the municipality and other emergency services on the development of an emergency plan that addresses the role and duties of the police service during an emergency, and the procedures to be followed by members of the police service during an emergency.

Police Service Guidelines

Consultation

- I. Every Chief of Police should consult with the municipality and other emergency services on the development of an emergency plan that addresses the role and duties of the police service during an emergency, and the procedures to be followed by members of the police service during an emergency.

Plan

2. Every police service's emergency plan should address:
 - a) the role and duties of the police service during an emergency, including to:
 - i) maintain law and order within the community;
 - ii) notify and assist relevant emergency services, as required;
 - iii) establish a command post, as required;
 - iv) alert persons endangered by the emergency and coordinate evacuation procedures, as necessary;
 - v) establish inner and outer perimeters around the emergency site;
 - vi) notify the Coroner of fatalities and provide assistance with respect to the collection, security and identification of deceased persons, and notification of next of kin;



- vii) ensure the timely and accurate dissemination of information and instructions to the public, in coordination with local emergency management officials;
- viii) undertake and manage, in concert with any other police action relating to the incident, investigations into criminal acts that have been committed or suspected;
- ix) provide traffic control to facilitate the movement of emergency vehicles; and
- x) liaise with other municipal, provincial and federal agencies, as required;
- b) the procedures to be followed by members of the police service during an emergency, including:
 - i) initial response, including the role of the first officer on the scene;
 - ii) perimeter control and containment;
 - iii) communications and dispatch;
 - iv) incident command;
 - v) traffic control;
 - vi) evacuation, including community notification procedures, assistance services and forcible removal procedures;
 - vii) mobilization of police personnel;
 - viii) support/assistance to employees and the employees' families;
 - ix) media and public information; and
 - x) investigation;
- c) command/control of police personnel at an emergency;
- d) an up-to-date call-out list of police personnel;
- e) the implementation of an emergency classification system;
- f) arrangements for requesting assistance from other police services or organizations;
- g) undertaking a risk analysis to identify potential hazards in the community;
- h) compliance with appropriate regulatory requirements;
- i) cross references with other relevant emergency/operational plans;
- j) the use of checklists during an emergency;
- k) an up-to-date contact list for:
 - i) Head of Council;
 - ii) Chief Administrative Officer/Clerk;
 - iii) Emergency Measures Ontario – Duty Officer and Ontario Provincial Police – Duty Officer after business hours;
 - iv) fire services;
 - v) ambulance services;
 - vi) Coroner;
 - vii) Justice(s) of the Peace;
 - viii) public works;
 - ix) hospitals;
 - x) social services;
 - xi) emergency shelters (schools, community centres, etc.);
 - xii) public utilities (gas, electrical, telephone);

- xiii) Spills Action Centre;
- xiv) CANUTEC; and
- xv) other contacts deemed appropriate;
- l) the periodic review and testing of the emergency plan and participation in municipal emergency plan exercises involving other agencies, e.g., other police services, fire, ambulance, public works and public utilities;
- m) the distribution of copies of the plan, including to communications/dispatch personnel;
- n) police training on emergency response;
- o) conducting an operational review at the conclusion of an emergency; and
- p) the equipment, facilities and clothing available for use by members during an emergency.



BY-LAW NO. 477-2024

**A BY-LAW RESPECTING
EQUIPMENT – BODY ARMOUR**

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) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS O. Reg. 405/23: Police Uniforms and Equipment of the CSPA sets out requirements that the Board shall provide to all Members of a Police Service maintained by the Board all articles of uniform and equipment necessary for the performance of duty;
- 1.5 AND WHEREAS Schedule 1 to the Adequacy Regulation prescribes, inter alia, standards for body armour issued to the prescribed units;
- 1.6 AND WHEREAS the Board has deemed it appropriate that it establish a policy with respect to equipment – body armour for the purposes of workplace safety;
- 1.7 AND WHEREAS the *Occupational Health and Safety Act, R.S.O. 1990, c.0.1* as amended, sets out the responsibilities of employers, supervisors and workers for workplace safety, the Board prescribes the Chief of Police shall establish procedures and processes with respect to equipment – body armour;
- 1.8 AND WHEREAS Part AI-015 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 equipment – body armour.

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 "Member" means a member of the Niagara Regional Police Service;
- 2.5 "Ministry" means the Ministry of the Solicitor General; and
- 2.6 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes the importance of workplace and public safety, including safety with respect to body armour, and therefore it is the policy of this Board to require the Chief to set out procedures as directed in this by-law with respect to the provision, use and function of body armour equipment.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall develop and maintain written procedures in accordance with Schedule 1 to the Adequacy Regulation and Appendix A that govern the provision, use and function of body armour equipment.
- 4.1.2 The Chief shall consult with designated employee representatives regarding the acquisition of body armour.

4.2 MEMBERSHIP AND TRAINING

- 4.2.1 The Chief shall ensure that the procedures developed and maintained in Section 4.1 above require that Members receive the appropriate training in relation to body armour.

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 with respect to body armour equipment. The report shall contain:
- (a) a summary of the written procedures relating to body armour equipment;
 - (b) the status of Service compliance with the said procedures; and
 - (c) confirmation that Members have been trained in accordance with section 4.2.

6 IMPLEMENTATION

- 6.1 By-law No. 311-2012 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

Attachments (1)

Legislative/Regulatory Requirements

The *Occupational Health and Safety Act* (OHSA) sets out the responsibilities of employers, supervisors and workers for workplace safety.

Section 7 of O. Reg. 268/10 (“General”), made under the *Police Services Act* (PSA), requires that all articles of uniform and equipment necessary for the performance of duty shall be provided by the municipality, but, where a uniform or equipment is damaged or lost through the fault of the member of a police force, the member shall bear the cost of replacement.

Section 135 of the *Police Services Act* allows for the making of regulations regarding the use of any equipment and the use of force by a police force or any of its members. “Regulation 926” (“Equipment and Use of Force”), under the *Police Services Act*, sets out requirements in relation to the use of force, including use of approved weapons, training, reporting and use/technical specifications for handguns.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to equipment-body armour that:

1. The Chief of Police will:
 - a) ensure the provision of body armour equipment that is:
 - i) constructed to provide the level of protection necessary for the performance of duty that addresses:
 - the type of weapons members are likely exposed to;
 - protection for members from their own handguns and ammunition that are in accordance with prescribed specifications;
 - b) ensure the provision of body armour that is purchased from manufacturers that:
 - i) practice effective quality control for testing and labeling in accordance with current National Institute of Justice (NIJ) Standards/Requirements on Ballistic Resistance of Body Armor;
 - ii) are certified under current International Organization for Standardization-ISO 9001:2008 standards for production and manufacturing; and
 - iii) ensure that the body armour provided is listed on the NIJ Compliant Products List, including replacement panels and carriers, in accordance with current NIJ Standards/Requirements;

- c) ensure that each member uses, maintains and cares for the body armour provided in accordance with the manufacturer's instructions;
- d) ensure that a formal and documented inspection program is in place that addresses wear and tear;
- e) ensure that members receive the appropriate training on the legislative requirements of OHSA and information on use and care, as well as the benefits and limitations of body armour; and
- f) consult with designated employee representatives regarding the acquisition of body armour.

Publication of this guideline revision does not invalidate or render unsuitable any body armour models previously determined by the NIJ to be compliant to either the NIJ 2005 Interim Requirements or the NIJ Standard-0101.04 Rev. A Requirements. While it may not be necessary to remove these existing armours from service, agencies are advised to always require their procurements to meet or exceed the most recent and up-to-date version of this guideline.

Police Service Guidelines

General

1. Every Chief of Police should ensure that, at a minimum, appropriate members are provided personal body armour that is:

Personal Body Armour (Ballistic Protection)

- a) constructed of ballistic fabric or other ballistic resistant materials. The ballistic panel is inserted into a carrier of conventional garment fabrics, such as nylon or cotton. The ballistic protection is determined by the type and number of layers in the ballistic panel.
- b) purchased from manufacturers:
 - i) whose products are listed on the NIJ Compliant Products List;
 - ii) who are certified under current International Organization for Standardization-ISO 9001:2008 standards for production and manufacturing;
- c) able to provide the level of protection required by meeting the National Institute of Justice most current Requirements on Ballistic Body Armor (NIJ Standard 0101.06 Ballistic Resistance of Body Armor) at a minimum, Threat Level Type II
- d) able to provide where possible, optimum fit and comfort and maximum mobility;
- e) able to provide full coverage including front, back and side protection under the arms and above the waist;
- f) designed to provide for an issued carrier (Under-shirt or Over-shirt carrier or both as determined by police service policy) that includes an:
 - i) Under-shirt Carrier that:
 - is worn under the normal uniform shirt;

- is constructed to form front and back pockets shaped to securely retain the body armour panels in place;
 - includes a hook and pile closure across the entire opening of the pocket;
 - permits the easy insertion and removal of the body armour panels;
 - permits the easy insertion and removal of a stab/trauma plate;
 - may include integral front and rear shirttail with the front split to accommodate use of the trouser zipper; and
 - is able to be laundered while another issued carrier is worn; and
- ii) Over-shirt Carrier that:
- may be worn over the uniform shirt;
 - permits the easy insertion and removal of a stab/trauma plate;
 - shall be constructed to form front and back pockets shaped to securely retain the body armour panels in place; and
 - is able to be laundered while another issued carrier is worn; and
- g) designed to provide body armour panels for optimum fit, coverage, and in accordance with manufacturers specifications, and:
- i) will be contained within a water resistant cover, hermetically seam sealed and impervious to external influences including, but not limited to, body oils, perspiration, fluids, insect repellent, sunscreen, and ultraviolet light; and
- ii) allow for the same body armour panels to be used in the under-shirt carrier or in the over-shirt carrier.

Publication of this guideline revision does not invalidate or render unsuitable any body armour models previously determined by the NIJ to be compliant to either the NIJ 2005 Interim Requirements or the NIJ Standard-0101.04 Rev. A Requirements. While it may not be necessary to remove these existing armours from service, agencies are advised to always require their procurements to meet or exceed the most recent and up-to-date version of this guideline.

Procedures

2. Every Chief of Police should ensure that members:
- a) use, maintain and care for the body armour that is provided to them in accordance with the manufacturers instructions;
 - b) participate in a formal and documented inspection on an annual basis to ensure that body armour is in proper working condition;
 - c) report to his or her supervisor the absence of or defect in any equipment or protective device of which the police officer is aware and which may endanger himself, herself, or another worker; and
 - d) report to his or her supervisor any contravention of the OHSA or the regulations or the existence of any hazard of which he or she knows.

**Training
and
Information**

3. Every Chief of Police should ensure that, as part of the acquisition of body armour process, designated employee representatives are consulted.
4. Every police service should provide appropriate members with training and information that would include:
 - a) the proper use and care of body armour;
 - b) the limitations of body armour;
 - c) the protection offered against handgun assault;
 - d) the protection/prevention of serious and potential fatal injuries from traffic accidents, knives, edged weapons and physical assault with improvised weapons; and
 - e) information on the responsibilities and obligations of employers, supervisors and employees under the OHSA.



BY-LAW NO. 478-2024

**A BY-LAW RESPECTING
EXPLOSIVES FORCED ENTRY AND EXPLOSIVE DISPOSAL**

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 Sections 37 and 39 of O. Reg. 87/24: Training prescribes training requirements for police officers whose duties include explosive forced entry or explosive disposal;
- 1.4 AND WHEREAS subsection 8 (2) of O. Reg. 392/23: Adequate and Effective Policing (General) ("the Adequacy Regulation") prescribes equipment and resources to be provided to police officers whose duties include explosive forced entry or explosive disposal;
- 1.5 AND WHEREAS Section 10 (1) of the Adequacy Regulation requires the Chief of Police to establish procedures on explosive forced entry and explosive disposal;
- 1.6 AND WHEREAS Section 9 (1) of the Adequacy Regulation requires a Police Service to provide, within a reasonable time, the services of, inter alia, explosive disposal;
- 1.7 AND WHEREAS Part ER-006 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Police Service relative to explosives.

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; and
- 2.7 “*Service*” means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that the services of police explosive forced entry technicians and police explosive disposal technicians are a required part of policing, and it is therefore the policy of this Board that this service 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 EXPLOSIVE FORCED ENTRY AND EXPLOSIVE DISPOSAL

- 4.1.1 The Chief shall ensure that the Service will provide, within a reasonable response time, access to the services of police explosive forced entry technician and police explosive disposal technician.
- 4.1.2 The Chief shall ensure that the services of police explosive forced entry technician and a police explosive disposal technician will be available 24 hours a day.

4.2 PROCEDURES

- 4.2.1 The Chief shall set out the circumstances when police forced entry explosives and explosive disposal services will be deployed.
- 4.2.2 The Chief shall develop procedures, in accordance with Appendix A, for the initial response to occurrences involving found or suspected explosives.

4.3 MANUAL

- 4.3.1 The Chief shall develop and maintain a Manual, in accordance with Appendix A and subsection 10 (1) 6 of the CSPA, setting out procedures regarding the use of police forced entry explosives and explosive disposal services that is available to each Member providing this service.
- 4.3.2 The Chief shall ensure that the Manual referred to in section 4.3.1 is reviewed on an annual basis and amended as required.

4.4 MEMBERSHIP AND TRAINING

- 4.4.1 The Chief shall establish a selection process for forced entry explosive technicians and explosive disposal technicians, ensuring that Members who provide this service meet the requirements of Sections 37 and 39 of O. Reg. 87/24: Training.
- 4.4.2 The Chief shall ensure that Members who provide the services of forced entry or explosive disposal have the requisite knowledge, skills and receive training on an ongoing basis.

4.5 EQUIPMENT

- 4.5.1 The Chief shall ensure that appropriate equipment and resources as prescribed by subsection 8 (2) the Adequacy Regulation are provided to Members providing explosive forced entry or explosive disposal services.

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 explosive forced entry and disposal. The report shall include:
- (a) a summary of the procedures as required by this By-law;
 - (b) the status of Service compliance with the said procedures;
 - (c) confirmation of the development and maintenance of the Manual on explosive forced entry and explosive disposal;
 - (d) confirmation of training in accordance with section 4.4 above;
 - (e) confirmation that required equipment and resources have been provided to Members who perform explosive forced entry and explosive disposal services in accordance with section 4.5 above; and
 - (f) a summary of the circumstances in which forced entry and explosive disposal services have been deployed.

6. IMPLEMENTATION

- 6.1 By-law No. 246-2000 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 21 of the Adequacy Standards Regulation requires a police service to provide, within a reasonable response time, the services of police explosive forced entry technicians and explosive disposal technicians.

Section 21(2) of the regulation allows a police service to deliver the services of police explosive forced entry technicians or explosive disposal technicians by contracting with another police service, or entering into arrangements to provide these services on a combined, regional or cooperative basis.

Furthermore, section 21(4) allows a police service to enter into an agreement with the Canadian Armed Forces or another organization to provide explosive disposal technicians. In situations where the police service enters into an agreement with another organization to provide explosive disposal services, the explosive disposal technician must work under the direction of a member of the police service.

Section 29 of the regulation requires a police services board to have a policy on the services of police explosive forced entry technicians and explosive disposal technicians. In addition, section 25 requires the Chief of Police to establish procedures on the services of police explosive forced entry technicians and explosive disposal technicians which:

- set out the circumstances in which police explosive forced entry technicians and explosive disposal technicians will be deployed;
- require that, if the police service has its own police explosive forced entry technicians and explosive disposal technicians, the police service's procedures on these services are contained in a manual that is available to all members providing these services; and
- ensure that a person who is a police explosive forced entry technician or explosive disposal technician has the knowledge, skills and abilities to provide the specific service.

Note: It is the Ministry's position that, except in exceptional circumstances, the safe detonation, removal and disposal of improvised explosive devices should be undertaken by members of police services.



Sample Board Policy

Board Policy # _____

**Contracted
Delivery**

It is the policy of the _____ Police Services Board with respect to the services of police forced entry explosive technicians and explosive disposal technicians that:

- a) this Board will contract with _____ Police Services Board/OPP to provide the services of police forced entry explosive technicians, available 24 hours a day and within a reasonable response time;
- b) this Board will contract with (identify service provider) to provide the services of explosive disposal technicians, available 24 hours a day, within a reasonable response time; and
- c) the Chief of Police will, in consultation with the agencies providing the services, establish procedures that set out the circumstances in which the services will be deployed, including the steps for obtaining the services and the reporting relationships.

**Direct, or
Combined,
Regional or
Cooperative
Delivery**

It is the policy of the _____ Police Services Board with respect to the services of police forced entry explosive technicians and explosive disposal technicians that:

- a) the police service will provide the services of police forced entry explosive technicians and explosive disposal technicians by (identify service delivery method - using its own members, or by entering into an agreement for a combined, regional or cooperative delivery);
- b) the services will be available 24 hours a day and within a reasonable response time;
- c) the Chief of Police will set out the circumstances when police forced entry explosives and explosive disposal services will be deployed; and
- d) the Chief of Police will:
 - i) develop procedures for the initial response to occurrences involving found or suspected explosives;
 - ii) develop and maintain a manual on the use of police forced entry explosives and explosives disposal services that is available to each member providing that service;
 - iii) develop a selection process to ensure that members who provide these services have the knowledge, skills and abilities required to deliver these services effectively and safely;
 - iv) ensure the ongoing training of members providing these services; and
 - v) ensure that appropriate equipment is used/available to members providing these services.



Police Service Guidelines

- Procedures** 1. Every police service's procedures should address:
- a) the initial response to occurrences involving found or suspected explosives;
 - b) the circumstances when police forced entry explosives and explosive disposal services should be deployed; and
 - c) the operational responsibility for authorizing the use of police forced entry explosives and explosive disposal services.
- Manual** 2. Where a police service provides police forced entry explosive services or explosive disposal services using its own members, a manual shall be developed, maintained and made available to the members providing that service, that addresses:
- a) mandate, functions and members' responsibilities;
 - b) call-out procedures;
 - c) command and control;
 - d) reporting relationships;
 - e) operational procedures and training;
 - f) provision and use of equipment;
 - g) the selection process to ensure that members who provide these services have the knowledge, skills and abilities required to deliver these services effectively and safely;
 - h) debriefing process; and
 - i) the recording and reporting of incidents involving police forced entry explosives and explosive disposal services.
- Equipment** 3. Where a police service provides police forced entry explosive services or explosive disposal services using its own members, the Chief of Police should ensure that appropriate equipment is used/available to members providing these services.
- Training** 4. Where a police service provides police forced entry explosive services or explosive disposal services using its own members, the Chief of Police should ensure the ongoing training of members providing these services.



BY-LAW NO. 479-2024

**A BY-LAW RESPECTING
FIREARMS TRAINING AND 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) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS subsection 12 (2) (b) of O. Reg. 391/23: Use of Force and Weapons ensure that every Member of the Police Service who is authorized to carry or use a firearm is in compliance with the training requirements prescribed by the Minister on the use of firearms;
- 1.5 AND WHEREAS Sections 5, 11 and 15 of O. Reg. 87/24: Training prescribes training requirements for police officers, including firearms training;
- 1.6 AND WHEREAS the Board deems it appropriate to require the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into occurrences involving firearms;
- 1.7 AND WHEREAS Part LE-029 of the Policing Standards Manual (2000), a copy of which is attached as Appendix A, contains guidelines directing the Police Service and the Chief relative to investigations into occurrences involving 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 "CPIC" means the Canadian Police Information Centre;
- 2.5 "Manual" means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.6 "Member" means a member of the Niagara Regional Police Service;
- 2.7 "Ministry" means the Ministry of the Solicitor General; and
- 2.8 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that matters of firearms investigations are serious in nature, and it is therefore the policy of this Board that investigations into such matters 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 maintain procedures on and processes for undertaking and managing investigations into offences/occurrences involving firearms.
- 4.1.2 The Chief shall develop and maintain procedures on and processes for preventing offences/occurrences involving firearms.
- 4.1.3 The Chief shall develop and maintain procedures relating to the Firearms Interest Police (FIP) category of CPIC.

4.2 TRAINING

- 4.2.1 The Chief shall ensure that Members are trained on all search and seizure powers available to officers under Part III and IV of the Criminal Code that may be relevant to search and seizure of firearms, ammunition or related licences, certificates or permits as well as options for obtaining prohibition orders.
- 4.2.2 The Chief shall ensure that Members involved in investigations into offences/occurrences involving firearms have the requisite knowledge, skills and abilities.
- 4.2.3 The Chief shall ensure that all police officers are receive the training prescribed in Sections 5, 11 and 15 of O. Reg. 87/24: Training prior to being issued a firearm.

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 preventing or responding to occurrences involving firearms. The report shall include:

- (a) a summary of the written procedures concerning managing investigations and preventing offences/occurrences involving firearms;
- (b) the status of Service compliance with the said procedures; and
- (c) confirmation that Members were trained in accordance with Section 4.2 of this By-law.

6. IMPLEMENTATION

- 6.1 By-law No. 221-2000 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 offences involving firearms. In addition, section 12(1)(n) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into offences involving firearms.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to preventing or responding to occurrences involving firearms that the Chief of Police will:

- a) ensure that the police service's officers are provided with information on all the search and seizure powers available to officers under Part III and Part XV of the *Criminal Code* that may be relevant to the search and seizure of firearms, ammunition, or related licences, certificates or permits, as well as options for obtaining prohibition orders;
- b) develop and maintain procedures on undertaking and managing investigations into offences/occurrences involving firearms;
- c) develop and maintain procedures on preventing offences/occurrences involving firearms; and
- d) develop and maintain procedures relating to the Firearms Interest Police (FIP) category of CPIC.

Police Service Guidelines

Procedures

1. Every police service's procedures should set out the steps to be followed by officers when exercising any of the search and seizure powers available, or when seeking prohibition orders, including:
 - a) gathering information or evidence;
 - b) preparing the documentation to support the search and seizure of firearms/ammunition or obtain the prohibition order; and
 - c) consulting with the Crown, Chief Firearms Officer or the *Provincial Weapons Enforcement Unit* (PWEU), when necessary.
2. Every police service's procedures should set out the steps to be followed as part of an investigation into offences/occurrences involving firearms, including that officers should:

- a) consider and exercise, where applicable, all powers available to search for and seize firearms, ammunition or related licences, certificates or permits;
 - b) inquire of intimate partners (or past partners if known), family members or associates whether the accused has access to firearms or ammunition;
 - c) determine if the accused, family members, or other associates possess the necessary firearms certificates, registration certificates, permits, licenses or authorizations for the possession or purchase of a firearm or restricted weapon, or has been denied any of these;
 - d) document the powers exercised to search for and seize firearms, firearms certificates, registration certificates, permits, licences or authorizations for the possession or purchase of a firearm or restricted weapon or provide reasons why such powers were not exercised;
 - e) determine whether reasonable grounds exist to lay a charge pursuant to Part III of the *Criminal Code*, and if unsure, consult with a supervisor or a Crown;
 - f) comply with the bail preparation procedures as outlined in the police service's procedures on bail and violent crime;
 - g) unless a prohibition order has been imposed under section 515 of the *Criminal Code* or any other section, consider seeking such an order against the accused;
 - h) comply with the police service's procedures for the investigation of stolen or smuggled firearms; and
 - i) consider consulting with the Chief Firearms Officer and Provincial Weapons Enforcement Unit when necessary.
3. Every police service's procedures should set out the steps that officers should take to prevent or minimize the potential risk of violence involving a firearm by an individual or suspect who has been involved in any domestic violence occurrence, or occurrence involving child abuse, sexual assault, criminal harassment, hate/bias motivated crime, uttering death threats, threatened suicide or an emotionally disturbed person by:
- a) determining whether any of the individuals involved in the occurrence own, possess or have access to a firearm, ammunition, firearms certificate, registration certificate, permit, licence or authorization regardless of whether sufficient grounds exist to lay a charge against the individual;
 - b) assessing whether there are reasonable grounds for believing there is a threat to safety, including in all domestic violence occurrences considering the risk indicators identified in the domestic violence supplementary report form;
 - c) considering and exercising where applicable all powers available to search and seize firearms, ammunition, or related licences, certificates or permits;
 - d) applying for a prohibition order under section 111 of Part III of the *Criminal Code* or seeking a revocation under *The Firearms Act*, unless such an order has been imposed under section 515 or any other section of the *Criminal Code*; and
 - e) documenting their actions with an explanation.

4. Every police service's procedures should set out the type of information that should be obtained when determining whether there are reasonable grounds for believing that there is a threat to safety, including:
 - a) does the occurrence involve an assault or threatened use of violence?
 - b) has a spouse (partner), family member, friend, neighbour or other associate raised safety concerns over the presence of a firearm, and if so, why?
 - c) does the occurrence involve violent behaviour resulting in significant property damage that would indicate that an individual has acted in an irrational or enraged manner?
 - d) does the individual have a history of violence, threatening or abusive behaviour?
 - e) does the individual have a criminal record for violence, including assault?
 - f) has there been a gradual escalation in the intensity or severity of violent or abusive incidents involving the individual?
 - g) is the incident related to a significant life event, such as the breakdown of a relationship?
 - h) is there a history of violence in the relationship?
 - i) is the individual intoxicated, under the influence of other substances, or do they have a history of substance abuse?
 - j) is the individual acting in a manner which would suggest that they are disturbed, distraught, suicidal, or may be suffering from or known to have a history of a mental illness or a developmental disability? and
 - k) is the individual in breach of an existing prohibition order, condition of bail, conditional sentence or peace bond?

- Information**
5. Every police service's procedures should:
 - a) address the Firearm Interest Police (FIP) category of CPIC and should be consistent with Policing Services Division's Bulletin 4/98 on FIP Records that was distributed with the All Chiefs Memorandum 98-077 on September 29, 1998;
 - b) require timely and prompt entry of information into FIP; and
 - c) provide for a prompt response to FIP queries from the CFO and other police agencies.
 6. Every Chief of Police should ensure that police officers are provided with information on the search and seizure powers available to officers, as well as options for obtaining prohibition orders that relate to firearms.





BY-LAW NO. 480-2024

**A BY-LAW RESPECTING
HOSTAGE RESCUE**

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) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS Section 9 of the Adequacy Regulation prescribes, inter alia, the functions and capacity of Hostage Rescue Teams;
- 1.5 AND WHEREAS subsection 2 (5) 2 of O. Reg. 398/23: Alternative Provision of Policing Functions and Section 14 of the CSPA permit a Police Service to deliver the services of a Hostage Rescue Team by contracting with another police service;
- 1.6 AND WHEREAS Section 10 of the Adequacy Regulation provides that every Chief of Police shall establish written procedures in relation to the functions of Tactical Units and Hostage Rescue Teams, authorizing the Tactical Supervisor or Incident Commander to determine deployment needs at an incident;
- 1.7 AND WHEREAS the Board has deemed it appropriate that it establish a policy concerning Hostage Rescue;
- 1.8 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 establish procedures regarding selection, training, equipping and deployment of the Hostage Rescue Teams;
- 1.9 AND WHEREAS Part ER-003 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the police service relative to Hostage Rescue.

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; and
- 2.7 “Service” means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that Hostage Rescue is an important part of policing, and it is therefore the policy of this Board that Hostage Rescue be conducted professionally and thoroughly, and in accordance with the procedures established by the Chief as directed in this By-law, and in accordance with any protocol in force between the Service and an outside police service.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall, in consultation with an outside police service providing the service of hostage rescue, if applicable,
 - (a) establish procedures that are in accordance with Sections 9 and 10 of the Adequacy Regulation and Appendix A and that set out the circumstances in which the services of the Hostage Rescue Team will be deployed, including the process for obtaining the services and reporting relationships; and
 - (b) ensure that the Service’s Major Incident Commanders and Crisis Negotiators train with the other police service’s Hostage Rescue Team.

4.2 PROTOCOL

- 4.2.1 The Chief shall ensure that the protocol referred to in Section 3 and the procedures referred to in Section 4 above comply with the Adequacy Regulation in all aspects including:
 - (a) that the services of a Hostage Rescue Team are available 24 hours a day;
 - (b) that the services of a Hostage Rescue Team are available within a reasonable response time; and
 - (c) the Hostage Rescue Team consists of a minimum of 12 full-time tactical officers, including a supervisor, who are dedicated to the team.

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 Hostage Rescue. The report shall include:
- (a) a summary of the procedures as required by this By-law;
 - (b) the status of Service compliance with the said procedures;
 - (c) confirmation that the existing protocol with another service, if any, complies with legislative requirements; and
 - (d) a summary of the circumstances in which Hostage Rescue services have been utilized.

6. IMPLEMENTATION

- 6.1 By-law No. 243-2000 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 21 of the Adequacy Standards Regulation requires a police service to provide, within a reasonable response time, the services of a hostage rescue team.

Additionally, Section 21 of the regulation permits a police service to deliver the services of a hostage rescue team by contracting with another police service, or entering into arrangements to provide this service on a combined, regional or cooperative basis.

Section 23 requires every hostage rescue team to consist of a minimum of twelve full-time tactical officers, including the supervisor and that a hostage rescue team shall be able to perform the following functions:

- containment;
- apprehension of an armed barricaded person; and
- hostage rescue.

Section 24(1) requires, when a board has entered into an agreement to provide the services of a hostage rescue team or has entered into arrangements to provide hostage rescue on a combined, regional or cooperative basis, the police service to:

- enter into agreement with the same police service to obtain the services of its major incident commanders and crisis negotiators who have trained with that hostage rescue team; or
- require the Chief of Police to ensure that at least one of the police service's major incident commanders and crisis negotiators train with the other police service's hostage rescue team.

Section 24(2) requires the Chief of Police to ensure that no person is to be a member of a hostage rescue team unless that person has successfully completed the required Ministry accredited training or acquired the Ministry approved equivalent competencies. Section 29 requires a police services board to have a policy in respect of required accredited training and equivalent competencies for members of a hostage rescue team.

Section 29 requires a board to have a policy concerning the deployment of a hostage rescue team. Also, section 25(2)(a) requires the Chief of Police to establish procedures that set out the circumstances in which a hostage rescue team will be deployed.

Furthermore, section 29 requires a board to have a policy on the delegation to the tactical supervisor or major incident commander of responsibility for determining how many tactical officers are required to be deployed to a hostage rescue incident. Section

25(2)(b) requires the Chief of Police to establish procedures that delegates to the tactical supervisor or major incident commander the responsibility for determining how many tactical officers are required to be deployed to a hostage rescue incident.

Finally, section 29 requires a board to have a policy requiring that all members of a hostage rescue team have access to a procedures manual. Section 25(3) requires the Chief of Police to ensure that the police service's procedures for a hostage rescue team are contained in a manual that is available to each member providing that service.

Note: The functions of a tactical unit and hostage rescue team may be provided by one unit or team that is capable of performing the functions of both a tactical unit and a hostage rescue team. Also, it is implicit that a hostage rescue team must have the capability to undertake explosive forced entry.

Sample Board Policy

Board Policy # _____

**Contracted
Delivery**

It is the policy of the _____ Police Services Board with respect to the services of a hostage rescue team that:

- a) this Board will contract with _____ Police Services Board/OPP to provide to the services of a hostage rescue team (decision also required on whether to contract for major incident commanders and crisis negotiators from the same police service) that is available 24 hours a day and within a reasonable response time; and
- b) the Chief of Police, in consultation with the police service providing the service, will:
 - i) establish procedures that set out the circumstances in which the service will be deployed, including the steps for obtaining the service and the reporting relationships; and
 - ii) ensure that the police service's major incident commanders and crisis negotiators train with the other police service's hostage rescue team.

**Direct, or
Combined,
Regional or
Cooperative
Delivery**

It is the policy of the _____ Police Services Board with respect the services of a hostage rescue team that:

- a) the police service will provide the services of a hostage rescue team by (identify service delivery method - using its own members, or by entering into an agreement for a combined, regional or cooperative delivery);
- b) the services will be available 24 hours a day and within a reasonable response time;
- c) the team will consist of a minimum of 12 full-time tactical officers, including the supervisor, who are dedicated to the team but who, when not training or



undertaking tactical or hostage rescue activities, may undertake community patrol; and

- d) the Chief of Police will:
- i) establish procedures that set out the circumstances in which the services of the hostage rescue team will be deployed, including the process for obtaining the services and reporting relationships;
 - ii) ensure that the hostage rescue team can undertake containment, the apprehension of an armed barricaded person, and hostage rescue;
 - iii) develop and maintain a manual on hostage rescue team services that is available to each member providing this service;
 - iv) establish a selection process for members of the team, including ensuring that members who provide this service meet the requirements of the Adequacy Standards Regulation;
 - v) ensure the ongoing (and joint if applicable) training of members who provide this service; and
 - vi) ensure that appropriate equipment, in accordance with the Ministry's designated equipment and facilities list, is used/available to the members who provide this service.

Police Service Guidelines

Procedures 1. Every police service's procedures should address:

- a) the mandate, functions and reporting relationships of the hostage rescue team;
- b) the circumstances in which the services of a hostage rescue team should be deployed; and
- c) the process and operational responsibility for authorizing the deployment of a hostage rescue team.

- Manual** 2. Where a police service has established its own hostage rescue team, or has officers who are members of joint hostage rescue team, a manual shall be developed, maintained and made available to the members of the unit that addresses:
- a) general procedures for the hostage rescue team, including:
 - i) the hostage rescue team's mandate, functions, and reporting relationships;
 - ii) call-out procedures;
 - iii) communications with members of the hostage rescue team;
 - iv) operational procedures;
 - v) organizational charts for the emergency response function;
 - vi) the operational linkages between the hostage rescue team, and other emergency response and public order unit services;
 - vii) a selection process for members of a hostage rescue team, including that officers must meet the minimum requirements set out in the Adequacy Standards Regulation;

- viii) reporting relationship regarding the hostage rescue team; and
- ix) the recording and reporting of incidents involving a hostage rescue team; and
- b) procedures specific to members of a hostage rescue team, including:
 - i) members' responsibilities;
 - ii) command and control;
 - iii) communications with team members;
 - iv) incident assessment;
 - v) provision and use of equipment;
 - vi) operational training;
 - vii) reporting relationships within the hostage rescue team;
 - viii) hand-off/relief of teams within the hostage rescue team;
 - ix) use of training, operational and equipment logs; and
 - x) debriefing process.

- Training**
3. Where a police service has established its own hostage rescue team, or has officers who are members of joint hostage rescue team, the Chief of Police should develop a skills development and learning plan that includes:
- a) training requirements set out in the Ministry's guideline on Tactical Units (ER-002); and
 - b) training specific to hostage rescue.

- Equipment**
4. Where a police service has established its own hostage rescue team, or has officers who are members of joint hostage rescue team, the Chief of Police should ensure that the members are provided, at minimum, with the equipment and facilities set out in the Ministry's designated equipment and facilities list contained in the guideline on Tactical Units (ER-002).





BY-LAW NO. 481-2024

**A BY-LAW RESPECTING
INVESTIGATIONS INTO HOMICIDES**

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 (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;
- 1.4 AND WHEREAS O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.5 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 homicides and attempted homicides;
- 1.6 AND WHEREAS O. Reg. 394/23: Major Case Management and Approved Software Requirements prescribes requirements for investigation of Major Cases, including homicides;
- 1.7 AND WHEREAS the Board has deemed it appropriate to require the Chief of Police to develop and maintain procedures and processes for undertaking and managing investigations into homicide and attempted homicide occurrences;
- 1.8 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;
- 1.9 AND WHEREAS Part LE-039 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 homicides.

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; and
- 2.7 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that matters of homicide 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 homicides and attempted homicides that are in compliance with the Ministry's designated Ontario Major Case Management Manual, O. Reg. 394/23: Major Case Management and Approved Software Requirements, the reporting requirements of Section 18 of O. Reg. 395/23: Investigations, and Appendix A.

4.2 TRAINING

- 4.2.1 The Chief shall ensure that Members investigating homicides or attempted homicides 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. The report shall include:
 - (a) a summary of the written procedures concerning homicide and attempted homicide investigations;
 - (b) confirmation that the procedures are in compliance with the Ministry's designated Ontario Major Case Management Manual and O. Reg. 394/23: Major Case Management and Approved Software Requirements;

- (c) the status of Service compliance with the procedures; and
- (d) a summary of training given to Members regarding homicide and attempted homicide investigations.

6. IMPLEMENTATION

- 6.1 By-law No. 231-2000 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 homicides and attempted homicides.

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

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to investigations into homicides and attempted homicides that the Chief of Police will develop and maintain procedures that require compliance by officers 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 the investigation of homicides and attempted homicides should:
 - a) require compliance by officers with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*;
 - b) outline the responsibilities of a first officer(s) responding to a scene of a homicide, including:
 - i) approaching and immediately securing the scene, taking care not to contaminate or destroy potential evidence;
 - ii) arrests of suspects;
 - iii) recording the details of the scene and identification of all persons present;
 - iv) preserving the integrity of evidence of witnesses by ensuring that they don't discuss their observations with each other;
 - v) observations of persons leaving the scene;
 - vi) preserving short-lived evidence;
 - vii) notification of supervisory and other appropriate personnel; and
 - viii) responding to initial media inquiries at the scene;
 - c) outline the responsibilities of the supervisor dispatched to the scene of a homicide;
 - d) ensure the adequate assignment of human and physical resources; and
 - e) require the issuance and dissemination of appropriate CPIC alerts.



BY-LAW NO. 482-2024

**A BY-LAW TO ESTABLISH POLICY
RESPECTING MAJOR INCIDENT COMMAND**

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) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS subsections 9 (1) and 11 (1) of the Adequacy Regulation and subsection 5 (2) of Schedule 1 to the Adequacy Regulation prescribes standards for adequacy and effectiveness of police services, including the functions of Incident Commanders;
- 1.5 AND WHEREAS the Board has deemed it appropriate that it establish a policy with respect to access to the deployment and functions of Major Incident Commanders;
- 1.6 AND WHEREAS subsection 10 (1) of the Adequacy Regulation requires the Chief of Police to establish procedures that set out circumstances in which Major Incident Commanders will be deployed;
- 1.7 AND WHEREAS Part ER-004 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 Major Incident Command.

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; and
- 2.7 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that Major Incident Command is an important part of policing, and it is therefore the policy of this Board that the deployment of Major Incident Commanders be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law, the Adequacy Regulation and Appendix A.

4 PROVISION OF MAJOR INCIDENT COMMAND

- 4.1 The Service will provide, within a reasonable response time, access to the services of Major Incident Commanders.
- 4.2 The services of Major Incident Commanders will be available 24 hours a day.

5 DIRECTION TO THE CHIEF

5.1 PROCEDURES

- 5.1.1 The Chief will develop written procedures in accordance with the Adequacy Regulation and Appendix "A" that set out the circumstances in which a Major Incident Commander is to be deployed.

5.2 MANUAL

- 5.2.1 The Chief shall develop and maintain a Manual, in accordance with the Adequacy Regulation and Appendix A, on Major Incident Command that is available to each Member providing the service.
- 5.2.2 The Chief shall ensure that the Manual referred to in section 5.2.1 above is reviewed on an annual basis and amended as required.

5.3 MEMBERSHIP AND TRAINING

- 5.3.1 The Chief shall establish a selection process for Major Incident Commanders, ensuring that Major Incident Commanders who provide the service meet the requirements of the Adequacy Regulation.
- 5.3.2 The Chief shall ensure that Members who provide services of Major Incident Command have the requisite knowledge, skills and abilities and receive training on an ongoing basis.

5.4 EQUIPMENT

- 5.4.1 The Chief shall ensure that appropriate equipment and resources, in accordance with subsection 5(2) of Schedule 1 to the Adequacy Regulation and the Ministry's designated equipment and facilities list, are used/available to Members providing Major Incident Command.

6 REPORT TO THE BOARD

- 6.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of major incident command. The report shall include:
- (a) a summary of the procedures as required by this By-law;
 - (b) the status of Service compliance with the said procedures;
 - (c) confirmation of the development and maintenance of the Manual on Major Incident Command; and
 - (d) a summary of the circumstances in which Major Incident Commanders have been deployed.

7 IMPLEMENTATION

- 7.1 By-law No. 244-2000 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.
- 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

Attachments (1)

Legislative/Regulatory Requirements

Section 21 of the Adequacy Standards Regulation requires a police service to provide within a reasonable response time access to the services of one or more major incident commanders.

Additionally, Section 21 of the regulation permits a police service to deliver the services of major incident command by contracting with another police service, or entering into arrangements to provide this service on a combined, regional or cooperative basis.

Section 24(2) requires the Chief of Police to ensure that no person is to be a major incident commander unless that person has successfully completed the required Ministry accredited training or acquired the Ministry approved equivalent competencies. Section 29 requires a police services board to have a policy in respect of required accredited training and equivalent competencies for major incident commanders.

Furthermore, section 29 requires a board to have a policy concerning the deployment of major incident commanders. Also, section 25(2)(a) requires the Chief of Police to establish procedures that set out the circumstances in which major incident commanders will be deployed.

Finally, section 29 requires a board to have a policy requiring that all major incident commanders have access to a procedure manual. Section 25(3) requires the Chief of Police to ensure that the police service's procedures for major incident command are contained in a manual that is available to each member providing that service.

Sample Board Policy

Board Policy # _____

Contracted Delivery

It is the policy of the _____ Police Services Board with respect to major incident command services that:

- a) this Board will contract with _____ Police Services Board/OPP to provide the services of a major incident commander, available 24 hours a day and within a reasonable response time; and
- b) the Chief of Police will, in consultation with the police service providing the service, establish procedures that set out the circumstances, in which the service will be deployed, including the steps for obtaining the service and the reporting relationships.

**Direct, or
Combined,
Regional or
Cooperative
Delivery**

It is the policy of the _____ Police Services Board with respect to major incident command services that:

- a) the police service will provide the services of a major incident commander by (identify service delivery method - using its own members, or by entering into an agreement for a combined, regional or cooperative delivery);
- b) the services will be available 24 hours a day and within a reasonable response time; and
- c) the Chief of Police will:
 - i) develop procedures that address the circumstances in which a major incident commander is to be deployed;
 - ii) develop and maintain a manual on major incident command that is available to each member providing this service;
 - iii) establish a selection process for members who provide this service, including ensuring that members who provide this service meet the requirements of the Adequacy Standards Regulation;
 - iv) ensure the ongoing training of members who provide this service; and
 - v) ensure that appropriate equipment, in accordance with the Ministry's designated equipment and facilities list, is used/available to members who provide this service.

Police Service Guidelines

- Procedures** 1. Every police service's procedures on major incident command should address:
- a) the circumstances in which a major incident commander should be deployed; and
 - b) the operational responsibility within the police service for requesting the services of a major incident commander.

- Manual** 2. Where a police service provides major incident command services using its own members, a manual shall be developed, maintained and made available to the members providing that service, that addresses:
- a) general procedures for major incident command, including:
 - i) mandate, functions and reporting relationships;
 - ii) call-out procedures;
 - iii) processes for establishing a major incident command;
 - iv) communications with the major incident commanders;
 - v) taking precautionary measures that are adequate and effective, to secure communication between officers for tactical decisions and intelligence;
 - vi) communication protocols by police services to ensure that the police chief/commissioner or his/her designate including incident commanders are

alert to the perception of political interference during incidents and take steps to avoid such interference;

- vii) operational procedures;
 - viii) organizational charts for the emergency response function;
 - ix) the operational linkages between major incident commanders and other emergency response and public order unit services;
 - x) a selection process for major incident commanders, including that members must meet the requirements of the Adequacy Standards Regulation; and
 - xi) the recording and reporting of incidents involving major incident command; and
- b) procedures specific to members of major incident command, including:
- i) members' responsibilities;
 - ii) command and control;
 - iii) operational training;
 - iv) situation specific checklists;
 - v) disaster response;
 - vi) acquiring medical support;
 - vii) incident assessment;
 - viii) provision and use of equipment;
 - ix) hand-off/relief of major incident commanders;
 - x) use of training, operational and equipment logs; and
 - xi) debriefing process.

**Equipment
and
Supports**

3. Where a police service provides major incident command services using its own members, the Chief of Police should ensure that members are provided, at minimum, with the equipment and facilities set out in the Ministry's designated equipment and facilities list.
4. Where a police service provides major incident command services using its own members, the Chief of Police should ensure that the following support resources, at minimum, are made available to a major incident commander:
- a) command post facilities and equipment;
 - b) media liaison;
 - c) police liaison officer(s);
 - d) communications advisor; and
 - e) scribe.

Training

5. Where a police service provides major incident command using its own members, the Chief of Police should develop a skills development and learning plan that, at minimum, addresses annual participation, wherever possible, in a joint training exercise involving major incident commanders, crisis negotiators, public order units, tactical units,

hostage rescue teams, other police personnel, or outside emergency services deemed appropriate or subject of service delivery agreements.

6. The Chief of Police should review, as part of the skills development and learning plan, the extent to which the police service's major incident commanders are making sufficient use of their skills.

MINISTRY'S DESIGNATED EQUIPMENT LIST

Incident Command – Equipment and Facilities List

The following minimum equipment shall be made available, as soon as practicable, to an incident commander. If a command centre is established at the discretion of an incident commander, it shall include the equipment and facilities outlined below:

COMMAND CENTRES

- access to Mobile Command Post (CP)
- self-sufficient
- capable of prolonged housing of minimum of six persons
- pre-configured or multi-channel communications (including mobile terminal)
- radio and video media monitoring capability
- dedicated phone line
- separate and secure area for negotiation team
- writing and recording facilities, wherever possible
- individually numbered authorization tags for entry into frozen zone
- data lines and facsimile system
- current training manual (CPC/OPP) for incident commanders



BY-LAW NO. 483-2024

**A BY-LAW RESPECTING
MARINE UNIT**

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 Section 10 (6) of the CSPA provides that a Board or the Commissioner shall provide policing in respect of all navigable bodies and courses of water in the area for which the Board or the Commissioner has policing responsibility;
- 1.4 AND WHEREAS O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.5 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA and with its objectives and priorities determined pursuant to Sections 37 and 38 of the CSPA to require the Chief of Police to establish procedures and processes in respect of all navigable bodies and courses of water within that municipality;
- 1.6 AND WHEREAS the Board has deemed it appropriate that it establish policies with respect to waterways policing;
- 1.7 AND WHEREAS Part LE-035 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines direction the police service relative to waterways policing.

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 "Marine Unit" means the unit assigned to provide police services in respect of navigable waters pursuant to subsection 10 (6) 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; and
- 2.8 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that appropriate policing of the waterways within the jurisdiction of the Service forms an important part of the overall policing duties of the Service and the Region, and it is therefore the policy of this Board that the waterways be policed 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 develop and maintain procedures for the Marine Unit. These procedures shall be in accordance with Appendix A.

4.2 TRAINING

- 4.2.1 The Chief shall ensure that no Member is assigned to the Marine Unit unless they have successfully completed proper training.

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 marine unit as well as the time period of assignment.
- 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 Marine Unit;
 - (b) the status of Service compliance with the said procedures; and
 - (c) whether or not the Marine Unit has been utilized by other services and the extent of such utilization.

6. IMPLEMENTATION

- 6.1 By-law No. 227-2000 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 19(1) of the *Police Services Act* provides that the OPP is responsible for providing police services in respect of all navigable bodies and courses of water in Ontario, except those that lie within municipalities designated by the Solicitor General.

Section 15 of the Adequacy Standards Regulation requires every Chief of Police in a municipality that has been designated under subsection 19(1) of the *Act* to establish procedures and processes for the provision of police services in respect of all navigable bodies and courses of water within that municipality.

In addition, section 29 of the Regulation requires the police services board to establish policies with respect to waterways policing.

Sample Board Policy For Designated Municipalities

Board Policy # _____

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

- a) establish procedures on waterways policing; and
- b) ensure that members involved in waterways policing have the knowledge, skills and abilities required to perform the specialized functions connected with waterways policing.

Police Service Guidelines

- Procedures**
1. The police service's procedures on waterways policing should:
 - a) require that all vessels operated by, or on behalf of, the police service are equipped in compliance with the relevant provisions of *Canada Shipping Act* and its regulations;
 - b) require that, except in exigent circumstances, only those members of the police service designated by the Chief of Police should pilot, navigate or crew vessels operated by, for or under the direction of the police service;
 - c) require that, where practicable, all vessels operated by, or on behalf of, the police service be equipped with an approved screening device, as defined in the *Criminal Code* and its regulations;
 - d) set out the circumstances when more than one officer needs to be present on a vessel, but require that at least one uniformed police officer be present on board any marked police vessel;



- e) emphasize that the person piloting a vessel being operated by, or on behalf of, the police service has complete discretion with respect to its safe use and operation;
 - f) require that any vessel operated by, or on behalf of, the police service be equipped with telecommunications equipment to allow persons aboard the vessel to contact the police communications centre and other vessels equipped with marine or citizen band radios;
 - g) address the stopping of vessels;
 - h) require that all vessels operated by, or on behalf of, the police service have one or more blue flashing lights in accordance with the Collision Regulations made under the *Canada Shipping Act*, and any appropriate sound making device capable of sounding a warning to persons and vessels in the vicinity of the police vessel; and
 - i) address the search, rescue and recovery of persons and vessels on the waterways within the jurisdiction of the municipality.
2. Every police service's procedures should address the steps to be taken when receiving a report of a lost, sinking, overdue or otherwise in distress vessel on any Great Lake or the St. Lawrence Seaway, including immediately notifying the Canadian Forces Rescue Coordination Centre (RCC) located in Trenton.
3. Every Chief of Police should ensure that members involved in waterways policing have the knowledge, skills and abilities required to perform the specialized functions connected with waterways policing, including:
- a) knowledge of specialized enforcement information relating to boating and the *Contraventions Act*;
 - b) the ability to safely and competently operate vessels utilized by the police service for waterways policing, and other types of small watercraft, including possessing a Pleasure Craft Operator Card obtained after successful completion of a Canadian Coast Guard accredited course, as required by federal law;
 - c) nautical survival techniques;
 - d) marine towing procedures;
 - e) adequate and effective marine search and rescue procedures;
 - f) nautical navigation; and
 - g) the ability to effect emergency repairs to the police vessel.





BY-LAW NO. 484-2024

A BY-LAW RESPECTING MARKED PATROL VEHICLES

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 that it establish a policy regarding marked patrol vehicles;
- 1.5 AND WHEREAS Part AI-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 marked patrol vehicles.

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 "Marked Patrol Vehicle" means a vehicle used primarily for patrol/uniform function, which is conspicuously marked with police decals;

2.7 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

3.1 The Board recognizes that issues relating to the function of marked patrol vehicles are an important component of the provision of Police Services and it is therefore the policy of this Board that marked patrol vehicles be governed by and used only in accordance with the procedure set out by the Chief of Police as directed in this By-law.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

4.1.1 The Chief of Police shall develop and maintain written procedures that govern the use and function of marked patrol vehicles.

4.1.2 The procedures referred to above shall:

- (a) address the functions of marked patrol vehicles;
- (b) ensure that all marked patrol vehicles meet required specifications;
- (c) ensure that regular maintenance, inspection and replacement of the Service's marked patrol vehicles;
- (d) ensure that marked patrol vehicle equipment is maintained in operable condition;
- (e) address the acquisition of patrol vehicles and related equipment;
- (f) ensure the resources required for marked patrol vehicles are within budgetary requirements;
- (g) ensure that any markings are limited to required police markings, Niagara Regional Police division, unit and operational markings, emblems in honour of the country and/or the province; and emblems in recognition of the Niagara Regional Police honours; and
- (h) that alterations to the markings on patrol vehicles as set out in sub-section (g) not be permitted without prior approval of the Board.

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

4.2 EQUIPMENT

4.2.1 The Chief shall ensure that Members involved with operating marked patrol vehicles have available and use appropriate tools and equipment in performing this function.

4.2.2 The procedures established 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 30th of each year. The report shall include:

- (a) a summary of the written procedures regarding marked patrol vehicles;
- (b) the status of Service compliance with said procedures;
- (c) the total number of police vehicles and kilometers travelled; and
- (d) as part of the budget and procurement process, the Chief shall report on the acquisition of police vehicles.

6. IMPLEMENTATION

- 6.1 By-law No. 257-2003 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

Under the *Police Services Act (PSA)*, municipalities are responsible for providing the infrastructure necessary to support adequate and effective police services, including vehicles.

Section 15 of the *Equipment and Use of Force Regulation* sets out what type of vehicle is not permitted to be used for general police patrol purposes.

In addition, the *Occupational Health and Safety Act* defines the responsibilities of employers, supervisors and workers with respect to the use of equipment related to the workplace.

Note: The subject of this guideline is limited to marked general patrol vehicles and does not address vehicles utilized for specialized functions (e.g., supervision, surveillance, canines). In these areas, police services maintain full flexibility and discretion in their choice of vehicles.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to marked general patrol vehicles that the Chief of Police will:

- a) establish procedures that set out the functions of marked general patrol vehicles;
- b) ensure that the police service's marked general patrol vehicles meet required specifications;
- c) ensure the regular maintenance, inspection and replacement of the police service's marked general patrol vehicles; and
- d) consult with designated employee representatives regarding the acquisition of patrol vehicles and related equipment.

Police Service Guidelines

- Procedures**
- I. Every police services procedures should address the functions of marked general patrol vehicles, including the following:
 - a) general patrol and general calls for service;
 - b) emergency response;
 - c) transportation of personnel and equipment;
 - d) suspect apprehension pursuit;
 - e) protection, including protection of a vehicle collision scene;



- f) provision of sufficient space to allow for interviewing and report preparation; and
- g) temporary detention.

Equipment

2. Every Chief of Police should ensure that all marked general patrol vehicles acquired by the police service, and utilized for the functions set out in section 1, meet the following specifications:
 - a) the vehicle is designated by the manufacturer as a “*police package*“, and that compact and sub-compact vehicles (as defined by the U.S. Environmental Protection Agency) should not be operated as patrol vehicles;
 - b) the vehicle is solid white in colour, clearly marked and identifiable as a police vehicle (i.e., with the word “*police*” appearing on the vehicle);
 - c) municipal police services are to utilize a combination of blue and red reflective striping and the Ontario Provincial Police are to utilize a combination of blue and gold reflective striping for the purposes of identification and visibility;
 - d) standard equipment should include, but not be limited to, police service compatible, and heavy duty, where applicable:
 - i) engine;
 - ii) automatic transmission;
 - iii) power steering and police suspension;
 - iv) power hydraulic ABS braking system;
 - v) highest output alternator available;
 - vi) highest amp-hr, CCA, battery available;
 - vii) cooling system;
 - viii) engine and transmission coolers;
 - ix) frame, body mounts, and/or unibody undercarriage;
 - x) police speed rated tires;
 - xi) tilt/adjustable steering wheel;
 - xii) air conditioning;
 - xiii) dual airbags;
 - xiv) dash-mounted driver and passenger accessible deck lid release;
 - xv) power door locks and windows;
 - xvi) electric remote outside mirrors;
 - xvii) trim panel mounted door front/window lock controls front-operated only, with rear locks inoperative;
 - xviii) certified speedometer calibration;
 - xix) police radio frequency/electronic equipment interference protection; and
 - xx) high quality driver and passenger seats with individual 6-way adjustable power controls, where available;
 - e) where applicable, police services that typically utilize single-officer patrols may choose to equip only the driver’s seat to the specifications set out in section d);
 - f) the vehicle is equipped with adequate emergency lighting visible from 360 degrees in accordance with the provisions of the *Highway Traffic Act*;



- g) the vehicle is equipped with 100 watt minimum, forward-facing siren that is situated ahead of the vehicle's front wheels and positioned in such a way as not to interfere with air flow to the radiator;
 - h) the vehicle is equipped with a public address system (i.e., loud hailer);
 - i) equipment and controls in the vehicle are properly secured and mounted/installed in such a way as not to interfere with the safe operation of the vehicle, including the deployment of airbags; and
 - j) the vehicle is supplied with safety equipment to fulfill general patrol functions.
3. Every Chief of Police should ensure that:
- a) the police service meets or exceeds the manufacturer's maintenance schedule in servicing and maintaining its vehicles.
 - b) accurate and up-to-date maintenance, servicing and accident damage records are maintained;
 - c) emergency equipment is inspected and tested regularly;
 - d) inspections are performed on a regular basis by a qualified technician;
 - e) replaced parts meet or exceed the Original Equipment Manufacturer (OEM) police package designation for the specific vehicle model; and
 - f) the speed rating of replacement tires meet or exceed the vehicle performance capabilities as indicated by the manufacturer in relation to the specific vehicle model.
4. Every Chief of Police should ensure that, prior to making a final decision regarding the acquisition of patrol vehicles and related equipment, designated employee representatives are consulted.



BY-LAW NO. 485-2024

**A BY-LAW RESPECTING
MISSING PERSONS**

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 establish procedures and processes for undertaking and managing investigations into missing persons;
- 1.5 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, with its objective sand priorities determined pursuant to Sections 37 and 38 of the CSPA to require the Chief of Police to develop procedures on ground searches and promote through partnerships with other emergency providers and volunteer groups the co-ordination of ground searches;
- 1.6 AND WHEREAS the Board has deemed it appropriate that it establish a policy on investigations into missing persons;
- 1.7 AND WHEREAS Parts LE-026 and ER-007 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 managing investigations into missing persons and respecting ground searches for lost or missing persons;
- 1.8 AND WHEREAS the *Missing Persons Act, 2018*, (O. Reg. 182/19) was enacted on July 1, 2019 to assist Members of a Police Service when responding to missing persons occurrences;
- 1.9 AND WHEREAS Section 5 of O. Reg. 182/19, made under the *Missing Persons Act, 2018*, provides operational clarity about the requirements regarding urgent demands for records;
- 1.10 AND WHEREAS Section 8 of O. Reg. 182/19, made under the *Missing Persons Act, 2018*, requires the Chief of Police to report annually on the use of urgent demands for records by Members of the Police Service and the date by which the Board is required to make the annual report available to the public.

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;
- 2.4 "Member" means a member of the Niagara Regional Police Service;
- 2.5 "Missing Persons Act" includes O. Reg. 182/19 made under the *Missing Persons Act, 2018*;
- 2.6 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that matters of missing persons 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 TO BE FOLLOWED WHEN INVESTIGATING A "MISSING PERSON" INCIDENT

- 4.1.1 The Chief shall develop and maintain procedures that set out the steps to be followed for undertaking investigations into reports of missing persons, including situations involving children, teenagers and elder and vulnerable adults.
- 4.1.2 The Chief shall ensure that the procedures referred to in Section 4.1.1 above include a mechanism for investigative follow-up on outstanding missing person cases.
- 4.1.3 The Chief shall establish procedures and processes to recognize and deal with the circumstances where there is the possibility of foul play and comply with the Ministry's designated Ontario Major Case Management Manual.
- 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 GROUND SEARCH

- 4.2.1 The Chief shall develop procedures on ground search for lost or missing persons.
- 4.2.2 The Chief shall promote, through partnerships with other emergency service providers and volunteer groups the co-ordination of ground search services in the Regional Municipality of Niagara.

4.3 TRAINING

4.3.1 The Chief shall ensure that search coordinators and team leaders involved in investigating a missing person incident and/or ground search incident have the requisite knowledge, skills and abilities.

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

4.4 NUMBER OF URGENT DEMANDS

4.4.1 The Chief shall ensure that officers who make an urgent demand for records do so in accordance with Section 5 of the *Missing Persons Act, 2018*.

5 REPORT TO THE BOARD

5.1 ANNUAL REPORTING REQUIREMENTS

The Chief shall make a written report to the Board on or before April 1st of each year. The report shall include:

- (a) A summary of the written procedures concerning investigations into missing persons and ground searches for lost or missing persons;
- (b) The status of Service compliance with said procedures;
- (c) Under Section 8 of the *Missing Persons Act, 2018* the Service is to report annually on the use of urgent demands for records by members of the Service, this includes:
 - (i) The total number of urgent demands made that year and the number of missing persons investigations to which they related; and,
 - (ii) A description of the types of records specified in the urgent demands for records made in that year; and,
 - (iii) The total number of times that different types of records listed in subsection 4 (2) of the *Missing Persons Act* were specified in the urgent demands made in that year; and if applicable, a description of any types of records not listed in subsection 4 (2) of the *Missing Persons Act*;
- (d) The Annual Report must be provided to the Board by April 1st in a format approved by the Minister and made available to the public on the Police Service website by June 1st of the year it is received;
- (e) A copy of the Annual Report must be filed with the Ministry including the lead contact information of the Service.

6. IMPLEMENTATION

6.1 By-law No. 218/247-2000, 294-2010, 386-2020, 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 and Effectiveness of Police Services Regulation requires a police services board to have a policy on investigations into missing persons.

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

Sample Board Policy

Board Policy # _____

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

- a) set out the steps to be followed for undertaking investigations into reports of missing persons, including situations involving children, teenagers and elder and vulnerable adults;
- b) ensure investigative follow-up on outstanding cases; and
- c) where circumstances indicate a strong possibility of foul play, require officers to comply with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*.
- d) ensure an AMBER Alert activation is considered in all missing children investigations, and Major Case Management is implemented in all cases involving AMBER Alert activation.

Police Service Guidelines

Procedures

1. Every police service's procedures should:
 - a) require that investigations be undertaken or managed in accordance with the police service's criminal investigation management plan;
 - b) require that, when information is received that a person is missing, a report be taken and an investigation undertaken to establish the missing person's identity, physical description, any medical condition, emotional disturbance, mental illness or developmental disability, and circumstances surrounding the disappearance;
 - c) require that appropriate information be entered on CPIC upon verification of the report;
 - d) require that interviews with the reporting individual(s) and associates of a missing person be conducted as soon as practicable;

- e) set out the steps to be followed for situations involving:
 - i) a report that a missing person from another jurisdiction was last seen in the police service's jurisdiction; and
 - ii) a report that a missing person from the police service's jurisdiction was last seen in another jurisdiction;
- f) set out the steps for collecting information to assist in the identification of a missing person, including any photographs, media reports, dental records, fingerprints and DNA samples;
- g) require that any evidence be collected, preserved and secured in accordance with the police service's procedures for the collection, preservation and control of evidence and property;
- h) set out the steps to be followed in situations in which a missing person is a:
 - i) child;
 - ii) teenager; or
 - iii) elder or vulnerable adult, including liaising with the person's caregivers;
- i) require officers to also follow the police service's procedures on parental and non-parental abductions;
- j) require that officers liaise with voluntary or community agencies that are involved in locating missing children, teenagers and adults;
- k) require that any searches undertaken during a missing persons investigation be supervised by a trained search co-ordinator and conducted in accordance with the police service's procedures on ground search for lost or missing persons;
- l) address the steps to be followed during investigative follow-up when a missing person is not located, including the mandatory retention of the complete file, which includes the original and subsequent reports, photos, media reports, missing person identifiers and CPIC messages;
- m) where circumstances indicate a strong possibility of foul play, require officers to comply with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*.
- n) consider AMBER Alert activation in all missing children investigations;
 - Before an Alert is initiated, these guidelines must be met:
 - 1. Law enforcement agency believes a child under 18 years of age has been abducted;
 - 2. Law enforcement agency believes the child is in danger;
 - 3. There is descriptive information about one or more of the following:
 - Child
 - Abductor
 - Vehicleto believe an immediate broadcast alert will help in locating the child.
- o) require Major Case Management be implemented in all cases involving AMBER Alert activation.

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on ground search.

Section 27(a) requires the Chief of Police to develop procedures on ground search. In addition, section 27(b) requires the Chief of Police to promote through partnerships with other emergency service providers and volunteer groups the coordination of ground search services in the municipality served by the police service.

For the purposes of this guideline ground search means ground search for lost or missing persons.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to ground search for lost or missing persons that the Chief of Police will:

- a) promote, through partnerships with other emergency service providers and volunteer groups, the coordination of ground search services in the jurisdiction served by the police service;
- b) develop procedures on ground search for lost or missing persons; and
- c) ensure that search coordinators and team leaders have the knowledge, skills and abilities required to perform these functions.

Police Service Guidelines**Coordination
of Ground
Search**

1. Every Chief of Police will promote, through partnerships with other emergency service providers and trained volunteer groups, the coordination of ground search services in the jurisdiction served by the police service.

Procedures

2. Every police service's procedures on ground search for lost or missing persons should:
 - a) require the designation of a trained member to coordinate search efforts in an area, with responsibility for:
 - i) selecting trained members to lead and direct small teams of searchers;
 - ii) consulting with the Ontario Provincial Police (OPP) when local resources are determined insufficient to conduct the required ground search operation;

- iii) requesting the assistance of Emergency Measures Ontario (EMO), where required;
 - iv) requesting the assistance of trained volunteers or volunteer groups, where required;
 - v) coordinating information and actions between the police service, other police services, other emergency service providers, government agencies, municipal officials, volunteer groups and the family of the lost or missing person; and
 - vi) advising assisting agencies of the decision to terminate a search;
- b) where volunteers from the community, who are not part of an organized volunteer search and rescue group, are utilized in a ground search operation, require that the search coordinator ensure that each volunteer is:
- i) registered by name and address;
 - ii) properly dressed and equipped in accordance with environmental conditions;
 - iii) assigned to an area of search according to that person's capabilities; and
 - iv) supervised to the extent reasonable and practicable, to avoid injury and damage to property;
- c) require officers to follow the police service's procedures on missing persons;
- d) where a ground search operation involves a major case, require compliance with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*;
- e) set out the process for obtaining the assistance of canine tracking investigative support;
- f) where federal operational assistance/humanitarian aid is needed to assist with a ground search operation, require that notification be made to the OPP to contact the Federal Government directly, including notifying EMO, where appropriate; and
- g) require the provision of assistance to victims and victims' families, in accordance with the police service's procedures on victims' assistance.

Training

3. Every Chief of Police should ensure that search coordinators and team leaders have the knowledge skills and abilities to perform these functions.





BY-LAW NO. 486-2024

A BY-LAW RESPECTING OFFICER NOTE TAKING

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 duties of a Constable are detailed in Section 82 of the CSPA and include laying charges, participating in prosecutions and complying with the prescribed code of conduct;
- 1.4 AND WHEREAS Section 20 of O. Reg. 407/23: Code of Conduct for Police Officers provides that a police officer shall take notes in accordance with the duties of a Constable and the procedures established by their Chief of Police;
- 1.5 AND WHEREAS subsection 14.3 of O. Reg. 395/23: Investigations requires that an investigating officer's notes be entered into the Police Service's record management system;
- 1.6 AND WHEREAS the Board has deemed it appropriate that it establish a policy on the effective note-taking by Members of the Police Service;
- 1.7 AND WHEREAS the Ministry has published a Policing Standards Manual (2000) which provides direction to the Board and Service in respect of officer note-taking;
- 1.8 AND WHEREAS Part LE-022 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 officer note-taking.

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 proper note-taking by officers is crucial to the prosecution of criminal offences, and it is therefore the policy of this Board that such note-taking be done in a consistent, 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 relating to officer note-taking in accordance with Appendix A.

4.2 STORAGE

- 4.2.1 The Chief shall establish procedures relating to secure storage and retention of officer notes in accordance with Appendix A and subsection 14.3 of O. Reg. 395/23: Investigations.

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. The report shall include a summary of the written procedures regarding officer note-taking.

6. IMPLEMENTATION

- 6.1 By-law No. 214-2000 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 31(1)(c) of the *Police Services Act (PSA)* requires a police services board, in providing adequate and effective police services, to establish policies for the effective management of the police service.

In addition, section 41(1)(a) requires the Chief of Police to administer the police service and oversee its operations in accordance with the objectives, priorities and policies established by the board.

Furthermore, consistent with these provisions of the *PSA*, and demonstrated through jurisprudence and public inquiries/inquests, a police services board should establish a policy on, and the Chief of Police should establish procedures for, the effective note taking by members of the police service.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board that the Chief of Police will establish procedures relating to officer note taking, including the secure storage and retention of police officer notes.

Police Service Guidelines

- Procedures**
- I. Every police service's procedures on officer note taking should:
 - a) require that note taking practices be in accordance with procedures taught to police officers attending the Ontario Police College;
 - b) require that notebooks be bound with consecutively numbered and ruled pages;
 - c) require officers to use only one notebook at a time, except as otherwise provided for in the police service's procedures;
 - d) require officers to complete, before reporting off-duty, their notes pertaining to that shift;
 - e) require references in the notebook to any other notes or reports pertaining to events recorded in the notebook;
 - f) require the regular review by supervisors of police officer's notebooks, and their monitoring of the completeness and accuracy of officer's notes;
 - g) require the secure storage of police notebooks;
 - h) require that officer notebooks be retained for a period of at least fifteen years from the last date of entry in the books, or longer if the notebook relates to an unsolved threshold major case;



- i) set out the circumstances in which a police officer is exempt from the normal requirements of note taking;
- j) provide that notes taken by an officer are the property of the police service and shall be surrendered upon request or separation from the police service;
- k) address compliance in major cases with the procedures on hard copy file management set out in the Ministry's designated *Ontario Major Case Management Manual*; and
- l) address the relevant provisions of the *SIU Regulation*.

Alternative Media 2. Every police service that uses alternative media for officer note taking should develop procedures with comparable requirements to those set out in section 1.



BY-LAW NO. 487-2024

A BY-LAW RESPECTING POLICE ACTION AT LABOUR DISPUTES

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 Section 37 and 38 of the CSPA to require the Chief of Police to establish procedures on police action in respect of labour disputes;
- 1.5 AND WHEREAS the Board has deemed it appropriate that it establish a policy on police action in respect of labour disputes;
- 1.6 AND WHEREAS Part PO-002 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the police service relative to police action at labour disputes.

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 labour disputes are serious in nature, and it is therefore the policy of this Board that the role of police at a labour dispute is to preserve the peace, prevent offences and enforce the law, in accordance with the powers and discretion available to a police officer under the law 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 on the role of police at labour disputes. These procedures shall be in accordance with Appendix A.

4.1.2 The Chief shall ensure that the written procedures address the provision of information to management, labour and the public on police procedures at a labour dispute.

4.4 TRAINING

4.4.1 The Chief shall ensure that Members receive training in the role of police at labour disputes and in the law regarding lawful and unlawful picketing.

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 police action at labour disputes. The report shall include:

- (a) a summary of the written procedures concerning police action at labour disputes;
- (b) the status of Service compliance with the said procedures; and
- (c) a summary of any incidents of police response to a labour dispute.

6. IMPLEMENTATION

6.1 By-law No. 240-2000 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 police action in respect of labour disputes. In addition, section 20 requires the Chief of Police to establish procedures on police action in respect of labour disputes.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to police action at labour disputes that:

- a) the role of the police at a labour dispute is to preserve the peace, prevent offences, and enforce the law including offences against persons and property, in accordance with the powers and discretion available to a police officer under the law; and
- b) the Chief of Police will establish procedures on:
 - i) the role of the police at a labour dispute;
 - ii) providing information to management, labour and the public on police procedures during a labour dispute; and
 - iii) secondary employment under section 49 of the *Police Services Act* and labour disputes.

Police Service Guidelines

- Procedures**
1. Every police service's procedures on police action in respect of labour disputes should:
 - a) indicate that the role of the police at a labour dispute is to preserve the peace, prevent offences, and enforce the law including offences against persons and property, in accordance with the powers and discretion available to an officer under the law;
 - b) require, that upon the request of a trade union, an employer or any member of the public, information will be provided on:
 - i) the procedures and role of the police service during a labour dispute or organizing activity by a trade union;
 - ii) the distinctions between lawful picketing and those activities which may constitute a breach of statute; and
 - iii) sources of information on civil remedies during labour disputes, but not advice on possible civil remedies;

- c) designate an officer responsible for coordinating the implementation of the police service's procedures on police action at labour disputes;
 - d) provide that the responsibilities of the designated coordinator, upon learning that a labour dispute is likely to occur or has begun, include:
 - i) appointing, if necessary, a liaison officer for the duration of the dispute who may perform the responsibilities of the coordinator;
 - ii) contacting the employer and union involved and providing information on the police service's procedures and role during a labour dispute, and the distinctions between lawful picketing and activities which may constitute an offence under the *Criminal Code* or other legislation;
 - iii) meeting with representatives from management and labour to discuss issues such as peace, order, traffic and crowd control problems, the prevention of offences against persons and property, and to identify solutions;
 - iv) maintaining a daily log of significant activities and reported incidents, as well as ensuring that such incidents are fully documented;
 - v) where possible, not appearing in uniform when undertaking liaison duties; and
 - vi) where the above functions are performed by a liaison officer, briefing the designated coordinator on a regular basis;
 - e) provide that police personnel, other than the liaison officer(s), are not to be present at a strike location unless there is a perceived threat to peace and order, or traffic and crowd control problems exist, or there is a history of violence or disorder during labour disputes between the employer and the trade union;
 - f) indicate that the deployment of police officers at the location of a strike, when required, is to be kept proportional to the actual or anticipated problem that necessitates police involvement;
 - g) address the circumstances in which the services of a public order unit should be requested; and
 - h) provide that officers are prohibited from undertaking paid-duty policing on behalf of an employer or union that is related to a labour dispute.
2. Every police service should ensure that its procedure includes the following information on lawful and unlawful picketing:

Definition of Lawful and Unlawful Picketing

"Many disputes involve picketing. In these cases, it is important for the police to understand the distinction between lawful and unlawful conduct by picketers. Only informational picketing is lawful. That is, picketing is permitted only for the purpose of communicating information. Picketers may communicate information through a variety of means including placards, shouted slogans, pamphlets, and the mere fact of solidarity exhibited by the number of persons present on picket. However, they may not interfere with or obstruct the lawful right to enter or leave the struck premises."



Ontario courts have confirmed that picketing is unlawful if it interferes with the rights of entrance or exit from private property. Picketers may not lawfully engage in the following activity:

- *stopping vehicles entering the struck premises;*
- *blocking roadways that lead to the premises;*
- *limiting access to the premises;*
- *limiting exit from the premises; or*
- *making threats or engaging in intimidation.*

In summary, picketing that blocks or obstructs access to the struck premises is unlawful and has never been condoned by the courts.

The distinction between lawful (i.e., informational) picketing and unlawful picketing is reflected in the Criminal Code, which says that a person is not guilty of watching and besetting if he attends near a place 'for the purpose only of obtaining or communicating information...'

From time to time a party to a labour dispute may seek a court injunction to restrain picketing. However, the availability of this remedy does not diminish the police responsibility to preserve the peace, prevent the commission of offences, and enforce the law. In fact, under the Courts of Justice Act an injunction in connection with a labour dispute will not be granted unless the court is satisfied 'that reasonable efforts to obtain police assistance, protection and action to prevent or remove any alleged danger of damage to property, injury to persons, obstruction of or interference with lawful entry or exit from the premises in question or breach of the peace have been unsuccessful.'

*Clearly, policing of labour disputes and of picketing is a complex task that requires sensitivity and tact on the part of the officers involved. However, the courts have made it clear that where a breach of the law occurs, a labour dispute must be treated like any other situation (see Montgomery J.'s decision in *Canada Post Corp. v. C.U.P.W.* (1991), 84 D.L.R. (4th) 150 at p.153 "Breaches of the law must be remedied just as assiduously in a labour dispute as in any other situation.").*



BY-LAW NO. 488-2024

A BY-LAW TO APPROVE THE NO FEE VERIFIED ALARM RESPONSE PROGRAM FOR POLICE RESPONSE TO FALSE ALARMS

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 false alarms attract emergency response from the police service;
- 1.4 AND WHEREAS police response to false alarms at institutional, commercial and residential premises results in delay of police response at genuine emergencies and results in a serious loss of police resources;
- 1.5 AND WHEREAS the Board on the recommendation of the Chief of Police has approved the implementation of the Verified Alarm Response Program for Police Response to False Alarms in place of the prior Alarm Response Program providing the imposition of charges in the case of false alarms.

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 "Alarm Company" means the business, by an individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm system at an alarm site, and includes a monitoring service retained by the Alarm Company for the purpose of monitoring alarms;
- 2.3 "Alarm System" means any device which is used for the detection of a criminal act or unauthorized entry into a building, structure or facility and which when activated emits a sound or transmits a signal or message to an alarm business and includes bank automated teller machines;

- 2.4 "Alarm System Owner" means the owner or lessee of a building, structure or facility that has an alarm system;
- 2.5 "Alarm System Registration Number" means the number assigned to an alarm system by the Niagara Regional Police Service;
- 2.6 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.7 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.8 "Owner" means a person who has any proprietary interest in an alarm business, including but not limited to, partners in a partnership and shareholders in a corporation;
- 2.9 "Police Response" includes any means of answering a call for police service which involves the attendance of a police officer at the scene of an alarm;
- 2.10 "Service" means the Niagara Regional Police Service;
- 2.11 "Verified False Alarm Response Program (VARP)" means the program for police response to alarms described in Schedule A to this By-law.

3. REGISTRATION OF ALARM SYSTEMS

- 3.1 The Chief of Police shall determine the need for registration of Alarm Systems within the Region of Niagara, and upon determining such need for registration, shall implement a procedure which shall include the following requirements.
- 3.2 The Alarm Company, as determined by the Chief of Police, shall register every Alarm System it is responsible for installing and/or monitoring with the Board through the Communications Unit.
- 3.3 The Alarm System Owner is responsible for ensuring the Alarm Company, as determined by the Chief of Police, registers any installed and/or monitored Alarm System in which it has an interest with the Board through the Communications Unit.
- 3.4 The Alarm Company shall notify the Communications Unit, as determined by the Chief of Police, of any cancellations or changes of every Alarm System that it monitors.

4. VERIFIED FALSE ALARM RESPONSE PROGRAM

- 4.1 The Board hereby approves implementation of the VARP Program for police response to alarms as described in Schedule A to this By-law and authorizes the Chief to amend the specific procedures described in Schedule A as required, provided that the intent and effect of the Program remain intact.
- 4.2 The Chief of Police shall develop and implement procedures for the implementation of VARP, including circumstances when the Service will not respond to alarms, including instances of past failures by the alarm company to follow VARP and past false alarms relating to specific addresses.

5. PARTIAL INVALIDITY

- 5.1 If any term of this By-law or the application thereof shall to any extent be invalid or unenforceable, the remainder of this By-law and or the application of such term to circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.

6. IMPLEMENTATION

- 6.1 By-law Nos. 268-2004, 302-2010, 377-2018 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 short title of this By-law is the Police Response to False Alarms By-law.

ENACTED AND PASSED this _____ day of _____, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachments (1)

SCHEDULE "A" TO BY-LAW NO. XXX-2024

**A BY-LAW TO APPROVE THE NO FEE VERIFIED ALARM RESPONSE PROGRAM
FOR POLICE RESPONSE TO FALSE ALARMS**

The no fee Verified Alarm Response Program (VARP) provides that an Alarm Company or Monitoring Service must verify an intrusion alarm using at least one of the following criteria prior to requesting police emergency response:

- (a) Audio sensors that provide the Alarm Company or Monitoring Service with the ability to confirm criminal activity by the sounds detected within the premise;
- (b) A video system that provides the Alarm Company or Monitoring Service with the ability to confirm criminal activity through visual images;
- (c) Confirmation made by an Owner, a person to whom the Owner has provided a key, an alternate response agency, or a witness on scene who can confirm the existence of a suspected criminal act; or
- (d) Multiple activation points and the Alarm Company, Monitoring Service or monitoring system determines the manner or sequence of activation indicates that suspected criminal activity is, or has taken place.

The VARP also provides:

- (e) if the Alarm company is reporting a panic/duress or hold-up alarm that emergency response would be initiated without the need for verification, and
- (f) should a member of the public call in an audible alarm with no suspicious circumstances that the incident would be given a low priority and responded to as a noise complaint.



BY-LAW NO. 489-2024

**A BY-LAW RESPECTING
POLICE RESPONSE TO HIGH-RISK INDIVIDUALS**

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 80 (1) of the CSPA allows for the Chief of Police, or designate, to disclose personal information about an individual in accordance with the Regulation;
- 1.5 AND WHEREAS the Board has deemed it appropriate that it establish a policy to allow the Chief of Police, or designate, to disclose personal information about an offender when there are reasonable grounds to believe an individual poses a significant risk of harm to other persons or property, and reasonably believes that disclosure will reduce the risk;
- 1.6 AND WHEREAS the *Municipal Freedom of Information and Protection of Privacy Act* provides obligations to disclose any record to the public or persons affected if there is reasonable or probable grounds to believe that it is in the public interest to do so and that the record reveals a grave environmental, health or safety hazard to the public;
- 1.7 AND WHEREAS the Ministry of the Solicitor General Policing Standards requires a Police Service Board to have a policy with respect to police response to high-risk individuals for the purpose of crime prevention or law enforcement and disclosures of personal information under the CSPA;
- 1.8 AND WHEREAS Part LE-047 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 police response to high-risk individuals.

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 *"High Risk Individual"* includes any individual identified through various criteria or factors that may be included in legislation or policies or procedures, including:
- (i) an individual released at Warrant Expiry Date (WED) from a Federal Penitentiary who has been deemed to be a high risk to re-offend and commit a further offence involving sexual assaults, serious bodily harm or death; or
 - (ii) an individual convicted of a sexual offence against a child; or
 - (iii) an individual released from either a Federal or Provincial Institution who is deemed to be high risk to commit a sexual offence or other offence likely to cause serious bodily harm or death to another individual;
 - (iv) an individual entered on the High-Risk Offender National Flagging System, has been designated as a Dangerous Offender, Habitual Offender or Long Term Offender; or
 - (v) an individual against whom a judicial restraint order issued pursuant to section 8.10.01 or 8.10.02 of the Criminal Code has been issued;
 - (vi) an individual who has been identified as demonstrating a pattern of escalating violent behaviour likely to cause serious bodily harm or death to another person or a pattern of sexual offences; or
 - (vii) an individual whose psychological state and behaviour places them in a high-risk category, even though they may have never been convicted of a serious personal injury offence.
- 2.5 *"High-Risk Offender National Flagging System"* means an offender who in the opinion of Crown Counsel, has been identified as posing an ongoing serious threat to society;
- 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;
- 2.9 *"Warrant Expiry Date (WED)"* means the date upon which an offender who has been held in custody for their entire sentence and is released from custody at the expiration of their sentence, without any form of supervision by way of probation or parole.

3 BOARD POLICY

- 3.1 The Board recognizes as a priority the identification and management of high-risk offenders.
- 3.2 The Board believes that the Police Service must assume a leadership role in co-ordinating efforts to effectively manage high risk offenders.
- 3.3 It is therefore the policy of the Board that high risk offender management be conducted professionally and thoroughly, and in accordance with the procedure set out by the Chief as established and directed with this by-law.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

4.1.1 The Chief shall, where possible, work in partnership with the local Crown Attorney, appropriate community members and agencies, including health care providers, government agencies, municipal officials, other criminal justice agencies, including law enforcement agencies, as well as victim services to ensure a co-ordinated and effective strategy in response to high-risk individuals that address:

- (a) post-arrest procedures;
- (b) dangerous offender and long-term offender applications;
- (c) High-Risk Offender National Flagging System and requirements of CPIC;
- (d) information sharing;
- (e) case management planning;
- (f) review of risk assessment information;
- (g) judicial restraint orders;
- (h) victim assistance and safety planning; and
- (i) community notification regarding high-risk individuals.

4.1.2 The Chief shall ensure that the strategy referred to in section 4.1.1 shall be reflected in policies and procedures that are in accordance with Appendix A.

4.1.3 The Chief shall ensure that said procedure above complies with the *Municipal Freedom of Information and Protection of Privacy Act* obligations to disclose records.

4.2 PROTOCOL

4.2.1 The Chief shall ensure that the Police Service, where possible, establish multi-agency protocols with appropriate community members, law enforcement agencies, including local Crown Attorney's and victims services, local provincial probation and parole offices, local federal parole offices, provincial and federal correctional authorities, National Parole Board, Ontario Parole and Earned Release Board, Ontario Review Board, and local mental health facilities, regarding the co-ordinated response to the management of high risk individuals.

4.3 COMMUNITY NOTIFICATION

4.3.1 The Chief shall develop and implement written policies and procedures with respect to community notification of high-risk offenders that are in accordance with provincial legislation.

4.4 TRAINING

4.4.1 The Chief shall ensure that Members involved with high-risk offender management have the requisite knowledge, skills, and abilities to perform this function.

4.4.2 The Chief shall establish a skills development and learning plan that 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 30th of each year. The report shall include:

- (a) a summary of the written procedures regarding police response to high-risk individuals;
- (b) the status of Service compliance with said procedures; and
- (c) confirmation that members have been trained in accordance with section 4.4.

6. IMPLEMENTATION

- 6.1 By-law No. 272-2005, 340-2013 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 25(3) of the *Corrections and Conditional Release Act (CCRA)* requires that Correctional Service Canada, where they have reasonable grounds to believe that an inmate who is about to be released by reason of the expiration of the sentence will, on release, pose a threat to any person, prior to the release and on a timely basis, take all reasonable steps to give the police all information under its control that is relevant to that perceived threat.

The *Ministry of Correctional Services Act (MCSA)* as amended by the *Community Safety Act, 1997 (CSA)* proclaimed on June 4, 1998, provides the ability for authorized ministry staff to release to a Chief of Police or designate personal information about an individual, in accordance with the regulations, when there are reasonable grounds to believe that the individual poses a “significant risk of harm to other persons or property”, and reasonably believes that disclosure will reduce that risk.

Section 41(1.1) of the *Police Services Act (PSA)* as amended by the *Community Safety Act, 1997* allows for the Chief of Police, or designate, to disclose personal information about an individual in accordance with regulations.

Further, section 41(1.2) of the *PSA* requires that any disclosure made under subsection (1.1) be for one or more of the following purposes:

- a) Protection of the public;
- b) Protection of victims of crime;
- c) Keeping victims of crime informed of the law enforcement, judicial or correctional processes relevant to the crime that affected them;
- d) Law enforcement;
- e) Correctional purposes;
- f) Administration of justice;
- g) Enforcement of and compliance with any federal or provincial Act, regulation or government program; and
- h) Keeping the public informed of the law enforcement, judicial or correctional processes respecting any individual.

Section 2(1) of the Disclosure of Personal Information Ontario Regulation 265/98, made under the *PSA*, allows the Chief of Police or designate to disclose personal information about an offender when there are reasonable grounds to believe that the individual poses a significant risk of harm to others or property and the disclosure will reduce the risk posed by the individual. Other sections of the regulation address disclosures made on individuals charged with offences and disclosures allowed to a victim, if requested.



In addition, the *Freedom of Information and Protection of Privacy Act (FIPPA)* section 11(1) states that “Despite any other provisions of this Act, a head shall, as soon as practicable, disclose any record to the public or persons affected if the head has reasonable and probable grounds to believe that it is in the public interest to do so and that the record reveals a grave environmental, health or safety hazard to the public”.

Finally, section 5(1) of the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* provides similar obligations to disclose records.

This guideline has been developed to assist in establishing a consistent approach in managing the risk to public safety posed by sexual, violent and “potentially dangerous” individuals. It recognizes the need for cooperation between police services and their communities, and the importance of respecting and understanding the needs of victims of crime. It also recognizes the complexity of risk assessment and risk management strategies that has resulted in the need for the establishment of formal protocols with multi-agencies for information sharing and decision-making. In addition, although the ultimate decision on whether to disclose personal information rests with local police services, there is a move towards the use of committees with representatives of the justice system, the medical profession and the community, to assist in the review of risk assessment information and to make recommendations on effective management strategies.

In identifying individuals deemed to be “High Risk”, evidence would show that there are reasonable grounds to believe that the individual has a high likelihood to commit an offence causing serious harm. An individual may be assessed as “High Risk” based on the individual’s psychological state and behaviour, such as in some domestic violence cases, even though the individual may not have a prior criminal record or have ever been convicted of a serious personal injury offence. Further, an order under section 810.1 of the Criminal Code does not require a conviction for an offence or even the laying of a charge. It can be obtained by anyone who can establish a reasonable fear that the person in question will commit one or more of the enumerated sexual offences against a person under the age of 14. In addition, a “High Risk” individual may be identified as a released “Dangerous Offender” or a “Long Term Offender”, where the substantial risk that they present by their re-offending needs to be managed in the community with intensive supervision and other risk management strategies, including treatment interventions.

For the purposes of this guideline, a “High Risk” individual is identified through various criteria or factors that may be included in legislation (e.g., Dangerous Offender, Long Term Offender, detained until warrant expiry); or in policies and procedures (e.g., High Risk Offender National Flagging System, Ministry’s guidelines on Bail and Violent Crime and Domestic Violence Occurrence) including:



- *an offender detained until warrant expiry in consideration of the factors identified in sec. 132 of the CCRA and determined likely to commit a further offence involving serious harm or death; a sexual offence against a child; or a serious drug offence prior to the warrant expiry date (Warrant Expiry Inmate Release); or*
- *an offender placed on the High Risk Offender National Flagging System who, in the opinion of Crown counsel, has been identified as posing an ongoing serious threat to society. The High Risk Offender National Flagging System may include Habitual Offenders, Dangerous Sexual Offenders, Dangerous Offenders serving determinate sentence and indeterminate sentence, Long Term Offenders, Warrant Expiry Inmate Releases, and Judicial Restraint Orders pursuant to section 810.1, 810.01 and 810.2 cc; or*
- *an individual assessed by correctional authorities or mental health authorities who presents a high risk to commit a sexual offence or an offence likely to cause serious bodily harm or death to another person (factors would support placement in Intensive Supervision correctional plan); or*
- *an individual where the court has been satisfied that there are reasonable grounds to fear that the individual will cause personal injury or damage.*

Sample Board Policy

Board Policy # _____

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

- a) work in partnership, where possible, with the local Crown, appropriate community members and agencies, including health care providers, government agencies, municipal officials, other criminal justice agencies, including law enforcement agencies, as well as victim services to ensure a coordinated and effective strategy in response to high risk individuals that addresses:
 - i) bail opposition consistent with the Ministry's guideline on Bail and Violent Crime;
 - ii) dangerous offender and long term offender applications;
 - iii) High Risk Offender National Flagging System and requirements of CPIC;
 - iv) information sharing;
 - v) case management planning;
 - vi) judicial restraint orders;
 - vii) victim assistance; and
 - viii) disclosure of information, including community notification and safety planning; and
- b) ensure that the police service's skills development and learning plan addresses the training and sharing of information with officers, communication



operators/dispatchers and supervisors on the police response to high risk individuals.

Police Service Guidelines

Local Service Coordination

- 1) Every Chief of Police should work in partnership, where possible, with the local Crown, appropriate community members and agencies, including health care providers, government agencies, municipal officials, other criminal justice and law enforcement agencies and victim services to address:
 - a) the development of a coordinated and effective strategy for the assessment, supervision and inter-agency case management planning of high risk individuals who pose a significant risk of harm to members in the community;
 - b) the designation of an investigator to liaise with partners for responding to high risk individuals;
 - c) enhanced supervision and management of those assessed as high risk individuals under community supervision with Federal or Provincial correctional authorities or under the authority of the Ontario Review Board;
 - d) supervision and management, including inter-agency problem solving of those assessed as high risk individuals in the community that are not under the authority of Federal or Provincial correctional authorities or the Ontario Review Board;
 - e) issues of public concern and safety to ensure that appropriate community stakeholders, have effective and informed input into the pre-release process and post custody;
 - f) safety planning assistance to victims;
 - g) sharing of case specific information among relevant partners responsible for issues related to high risk individuals, subject to confidentiality requirements, in order to assess risk and provide a coordinated response; and
 - h) sharing of relevant information to address specific problems, including specialized enforcement and directed investigation into the timely apprehension of individuals for whom outstanding warrants exist.

Protocol

- 2) Every Chief of Police should, where possible, establish protocols with appropriate community members and law enforcement agencies, including local Crown Attorneys and victim services, local provincial probation and parole offices, local federal parole offices, provincial and federal correctional authorities, National Parole Board, Ontario Parole and Earned Release Board, Ontario Review Board, and local mental health facilities, where ones exist, that address:
 - a) information sharing and legal authority to release information (e.g., relevant information package from the Correctional Service of Canada pursuant to section 25(3) *CCRA*, provincial high risk release package as allowed by the *Ministry of Correctional Services Act*);
 - b) gathering, reviewing and retaining of information, as may be appropriate, for risk assessment and development of risk management strategies (e.g. Combined



Police/Corrections Investigation Unit “Penitentiary Squad”), including the use of behavioural science support, if required;

- c) strategies for risk management, including enhanced supervision with the use of police presence (e.g. home visits, police station interviews), the timely apprehension of individuals for whom outstanding warrants exist, and judicial restraint orders;
- d) practical assistance and support to victims, including disclosure of information to victims regarding their cases; and
- e) community notification and targeted release of information in accordance with the *Police Services Act* and *Disclosure of Personal Information Regulation* and local policies and procedures on media relations.

**Bail
Procedures**

- 3) Every police service’s procedures on the police response to high risk individuals should:
 - a) ensure compliance with the procedures set out in the Ministry’s guideline on Bail and Violent Crime;
 - b) require that the Crown Attorney conducting the bail hearing is notified, as soon as possible, where it has been determined that an accused has been flagged on CPIC under the Special Interest Police (SIP) category for the High Risk Offender National Flagging System;
 - c) require the retrieval of the file information from the High Risk Offender National Flagging System, if available; and
 - d) require that the Crown Attorney be consulted to determine appropriateness of gathering evidence in support of a Dangerous Offender or Long Term Supervision Order application for cases flagged for the High Risk Offender National Flagging System.

**Dangerous
Offender
and
Long Term
Offender**

- 4) Every police service’s procedures should set out the steps to be taken by an investigator, in consultation with the Crown Attorney, when gathering, reviewing and retaining evidence, through consent or order of the court, to support a Dangerous Offender or Long Term Offender application, which may include:
 - a) past criminal record and arrest reports;
 - b) past trial transcripts, including sentencing transcripts;
 - c) victim impact statements;
 - d) interviews with other collaterals, including family members;
 - e) correctional services records and parole records;
 - f) pre-sentence reports and pre-disposition reports;
 - g) psychological reports and psychiatric reports;
 - h) health records;
 - i) employment performance reports and termination records;
 - j) school records;
 - k) military records; and
 - l) Children’s Aid Society records.



**Warrant
Expiry
Inmate
Release**

- 5) Every police service's procedures should set out the steps to be taken upon the receipt of information generated by the "Penitentiary Squad" regarding a Warrant Expiry Inmate Release, including:
- a) where an inmate has identified a residence in the police service's jurisdiction consistent with information received from Correctional Service of Canada;
 - b) where a Warrant Expiry Inmate Release locates to a police service jurisdiction and establishes a bona fide residence, without prior knowledge revealed by Correctional Service of Canada; and
 - c) where investigative support from the "Penitentiary Squad" is required.

**Sharing of
Information
on all
High Risk
Cases**

- 6) Every police service's procedures should:
- a) address the sharing of information with correctional authorities, consistent with protocols, including the Correctional Service of Canada, National Parole Board, the Ministry of Community Safety and Correctional Services-Correctional Services, Ontario Parole and Earned Release Board and other law enforcement agencies, including local Crown Attorneys, and with health authorities, including the Ontario Review Board, regarding the expected release or presence in the community of a high risk individual;
 - b) address the linkages to other relevant procedures, including victims' assistance, sex offender registry, criminal harassment, domestic violence occurrences, child abuse and neglect and preventing or responding to occurrences involving firearms;
 - c) require officers, for major cases, to comply with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*, as well as the provisions of the *Violent Crime Linkage Analysis System Reports (ViCLAS) Regulation*;
 - d) address the role of communications and dispatch in the exchange of information with front-line officers on high risk individuals;
 - e) ensure occurrences involving high risk individuals are referred to an investigator for appropriate follow-up;
 - f) ensure the sharing of information with the Crown Attorney for review for flagging, where appropriate, on the High Risk Offender National Flagging System;
 - g) require the issuance and dissemination of appropriate CPIC information;
 - h) ensure the exchange of appropriate information with police services and other relevant law enforcement agencies, in or outside of Canada, on transfer of a high risk individual from one jurisdiction to another and supporting inter-jurisdictional investigations, including liaising with police services and other law enforcement agencies, pending transfer of a high risk offender; and
 - i) address the investigative supports that may be available to assist in cases determined to be high risk, including the use of:
 - i) physical surveillance;
 - ii) electronic interception;
 - iii) video and photographic surveillance; and



iv) victim/witness protection services.

**Risk
Assessment**

- 7) Every police service's procedures should:
- a) ensure the timely review of risk assessment information provided by correctional authorities for those individuals identified as Warrant Expiry Inmate Releases and the timely review of risk assessment information, consistent with protocols, on all cases identified as "High Risk"; and
 - b) address the development of a case management plan, consistent with protocols, with correctional authorities and the monitoring of conditions of release (e.g., parole, probation, long term supervision orders) and health authorities, where applicable, including enforcement.

**Judicial
Restraint
Order**

- 8) Every police service's procedures should set out the steps to be taken by an investigator when applying for a Judicial Restraint Order (810 orders including 810.1, 810.01 and 810.2) provision under the *Criminal Code*, including:
- a) obtaining and reviewing risk assessment documentation (Note: "Protected Information Reports" obtained from correctional services should not form part of the disclosure documents);
 - b) interviewing the high risk individual, where possible;
 - c) interviewing the institution psychologist, case management officer, classification officer, or other professional institutional staff, where applicable;
 - d) consulting with the probation/parole officer, where applicable;
 - e) consulting with the Crown Attorney;
 - f) reviewing police occurrences/crown briefs/contacts;
 - g) preparing "Grounds for Fear" information;
 - h) determining firearms possession or acquisition status for consideration of forfeiture condition;
 - i) developing conditions for Judicial Restraint Order, including access to support services (e.g. mental health care) and preparing draft recognizance order;
 - j) preparing Crown package in a timely fashion, including information regarding prior criminal record, information from correctional services, victim impact statements, interview with the individual and/or their family, psychiatric/psychological reports/assessments;
 - k) laying an information (s. 810.1 and s.810.2 applications must be sworn before a provincial court judge and s.810.01 and s.810.2 applications require the initial consent of the Attorney General);
 - l) compelling the appearance of the high risk individual;
 - m) monitoring compliance with judicial release orders;
 - n) addressing the enforcement of judicial release orders when there is a breach of a condition; and
 - o) tracking of 810 orders for renewal.

**Community
Notification**

- 9) Every police service's procedures should address community notifications, including;



- a) upon receiving information from Correctional Service of Canada, Ministry of Community Safety and Correctional Services-Correctional Services, Ministry of Health and Long-Term Care or other relevant law enforcement agency or health authorities of an individual assessed as a high risk individual, the designated officer reviewing the information package, including risk assessment documents, consistent with protocols, to determine if reasonable grounds exist to believe that the individual poses a significant risk of harm to other persons or property;
- b) addressing the criteria and steps for assessing risk to the community, including interviewing, where possible, the high risk individual, institutional case manager, psychologist/institutional professional, community corrections officer or health professional;
- c) initiating a Judicial Restraint Order application, in consultation with the local Crown Attorney and the high risk individual;
- d) consulting with the police service's legal representative if proceeding with a media or controlled information release, and ensuring that the disclosure will be in accordance with the *Police Services Act* and *Disclosure of Personal Information Regulation* and local policies and procedures on media relations;
- e) determining the personal information to be released, in accordance with legislation and regulations and the local policies and procedures on media relations and how the disclosure will reduce the risk;
- f) protecting the rights and safety of the public, including the high risk individual; and
- g) disseminating information to the public, where appropriate, regarding high risk individuals.

**Training
and
Information**

- 10) 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) current legislation and case law pertaining to high risk individuals;
 - b) local protocols;
 - c) the use of the Special Interest Police (SIP) category on CPIC;
 - d) the implementation of local community strategies and education/awareness initiatives and programs for addressing issues related to high risk individuals;
 - e) special security measures in cases which generate public interest; and
 - f) victim service providers or a victim referral service available to the area.





BY-LAW NO. 490-2024

A BY-LAW RESPECTING POLICE UNIFORMS

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) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS Section 2 of O. Reg. 405/23: Police Uniforms and Equipment provides that a Board shall provide to Members of a Police Service maintained by the Board all articles of uniform and equipment necessary for the performance of their duties;
- 1.5 AND WHEREAS O. Reg. 90/24: General Matters Under the Authority of the Minister prescribes insignias to be worn by ranks in a Police Service and the size and content of service badges;
- 1.6 AND WHEREAS the Board has deemed it appropriate that it establish a policy with respect to police uniforms;
- 1.7 AND WHEREAS Part AI-010 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 police uniforms.

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 "Member" means a member of the Niagara Regional Police Service;
- 2.5 "Ministry" means the Ministry of the Solicitor General; and
- 2.6 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes the importance of having members of a Police Service maintain a disciplined and professional image and therefore, it is the policy of the Board that the use of standardized police uniforms while on duty be in accordance with the procedures set out by the Chief of Police as directed in this By-law.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Board directs the Chief to develop procedures on the provision and use of a standardized uniform by the Service's uniformed police officers that are consistent with the provisions of Sections 3, 4 and 5 of the said O. Reg. 90/24, the said O. Reg. 405/23 and 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. The report shall include:
- (a) a summary of the written procedures concerning police uniforms; and
 - (b) the status of Service compliance with said procedures.

6 IMPLEMENTATION

- 6.1 By-law No. 259-2000 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

The *Municipal Police Forces Regulation* sets out requirements relating to the wearing of police insignias and service badges.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to police uniforms that the Chief of Police will develop procedures on the provision and use of a standardized uniform by the police service's uniformed police officers.

Police Service Guidelines

- Procedures**
1. Every police service's procedures should require that:
 - a) all parts of the standardized police uniform, including body armour, use only blue graphite coloured material as defined by Pantone textile colour code 19-4015 TC, other than footwear, gloves and police identifiers;
 - b) all uniformed senior police officers, holding rank of Inspector or above, and all uniformed police officers of the rank of staff sergeant or sergeant major may wear a white shirt;
 - c) all front-line police officers be issued uniform pants, with cargo-style pockets on the side of the thighs that is sewn down on three sides, and a red stripe, or blue stripe for the OPP, be worn down each side of the pant leg;
 - d) all police officers be issued black polishable footwear that has a slip and puncture resistant sole;
 - e) the provision of Outer/Winter wear provides easy access to an officer's equipment;
 - f) the gloves of a front-line police officer be black and allow appropriate finger dexterity;
 - g) all front-line police officers have a shoulder flash containing the word "Police", or, in the case of the OPP, "OPP";
 - h) a personal identifier (that is, name or badge number) be visible on the uniform shirt or outer garment at all times;
 - i) rank insignia be displayed on shoulder epaulettes, with the exception of dress uniforms;
 - j) all front-line police officers use the type of headgear, if any, that is selected by the police service; and
 - k) notwithstanding paragraphs (a) – (j), the police service modify its front-line uniform to accommodate individuals or groups of individuals as required by the

Ontario Human Rights Code, and set out the procedures for making such an accommodation.

2. Nothing in this guideline precludes a police service from providing police officers, who are performing activities in relation to investigative supports, public order and emergency response services, specialized patrol (e.g., motorcycle, bicycle, mounted and marine), or any other police officer performing any function in any other extraordinary circumstances, such as unusual or extreme weather conditions, with a different uniform that is suitable to the operational circumstances facing those officers while performing their duties.
3. Every Chief of Police should ensure that, prior to making a final decision regarding the acquisition of, and modifications to, police uniforms, designated employee representatives are consulted.



BY-LAW NO. 491-2024

**A BY-LAW RESPECTING
POLICING FIRST NATIONS OCCUPATIONS AND PROTESTS**

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 39 (1) of the CSPA requires the Board's Strategic Plan include quantitative and qualitative performance objectives and indicators of outcomes relating to, inter alia, interactions with members of First Nation, Inuit and Métis communities;
- 1.3 AND WHEREAS, Section 1 of the CSPA sets out principles for the provision of Police Services throughout Ontario, including:
- the need to ensure the safety and security of all persons and property in Ontario, including First Nation reserves;
 - the importance of safeguarding the fundamental rights guaranteed by the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*;
 - the need for co-operation between policing providers and the communities they serve;
 - the importance of respect for victims of crime and understanding of their needs;
 - The need for sensitivity to the pluralistic, multiracial and multicultural character of Ontario society;
 - the need to be responsive to the unique histories and cultures of First Nation, Inuit and Métis communities;
 - the need to ensure that Police Services and Police Service Boards are representative of the communities they serve; and
 - the need to ensure that all parts of Ontario, including First Nation reserves, receive equitable levels of policing.
- 1.4 AND WHEREAS Section 82 (1) (a) of the CSPA states the duties of a police officer include, preserving the peace;
- 1.5 AND WHEREAS Section 82 (3) of the CSPA states a police officer has the powers and duties ascribed to a constable at common law;
- 1.6 AND WHEREAS Section 2 of the Criminal Code defines peace officer, referring to a duty to ensure the preservation and maintenance of the public peace;

- 1.7 AND WHEREAS O. Reg. 392/23: Adequate and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.8 AND WHEREAS Part PO-003 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 policing First Nations occupations and protests.

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 "*First Nations Occupation*" means the seizure and control of an area arising from assertions of First Nations or treaty rights by members of a First Nations group;
- 2.5 "*First Nations People*" has the same meaning as Aboriginal Peoples as detailed in Section 35(2) of the Constitution Act, 1982, which states that Aboriginal Peoples includes Indian, Inuit and Métis people;
- 2.6 "*First Nations Protest*" means a physical demonstration related to assertions of First Nations or treaty rights by members of a First Nations group;
- 2.7 "*Manual*" means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.8 "*Member*" means a member of the Niagara Regional Police Service;
- 2.9 "*Service*" means the Niagara Regional Police Service.

3. BOARD POLICY

- 3.1 The Board recognizes the objective of policing First Nations occupations and protests is to preserve the peace, prevent offences, and enforce the law in a manner that respects the rights of all involved parties, and it is therefore the policy of this Board that the policing of First Nations occupations and protests 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 will develop written procedures in accordance with Appendix "A" that set out the policing of First Nations occupations and protests.
- 4.1.2 The Chief shall ensure the role of the police at First Nations occupations or protests is to preserve the peace, prevent offences, and enforce the law including offences against persons and property, in accordance with the powers and discretion available to a police officer under the law.

4.1.3 The Chief shall ensure the consideration of police actions at First Nations occupations or protests include preserving the peace, communication, negotiation and building trust with participating and affected communities.

4.1.4 The Chief shall develop and maintain procedures on:

- (a) communicating information in relation to police procedures on First Nations occupations and protests;
- (b) training requirements for policing First Nations occupations and protests;
- (c) fostering community understanding of the police response to the events;
- (d) the collection and analysis of information prior to and during events; and
- (e) addressing the uniqueness of First Nations occupations and protests.

4.2 TRAINING

4.2.1 The Chief shall ensure that Members receive the appropriate training and that Members involved in policing First Nations occupations and protests have the requisite knowledge, skills and abilities and receive training on an ongoing basis.

4.3 COMMUNICATIONS STRATEGY

4.3.1 The Chief will develop a communication strategy on policing First Nations occupations and protests in accordance with Section 2 of Appendix A.

5. REPORTING REQUIREMENTS

5.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of policing First Nations occupations and protests. The report shall include:

- (a) a summary of the procedures as required by this By-law;
- (b) the status of Service compliance with the said procedures;
- (c) a summary of the training given to Members with respect to policing First Nations occupations and protests;
- (d) a summary of any incidents of police response to First Nations occupations and protests; and
- (e) a summary of the steps taken by the Service to monitor and evaluate response to First Nations occupations and protests.

6. IMPLEMENTATION

6.1 By-law No. 324-2012, 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 4(1) of the *Police Services Act* states every municipality to which this subsection applies shall provide adequate and effective police services in accordance with its needs.

Section 4(2) of the *Police Services Act* states adequate and effective police services must include, at a minimum, all of the following police services:

1. Crime prevention.
2. Law enforcement.
3. Assistance to victims of crime.
4. Public order maintenance.
5. Emergency response.

Section 1 of the *Police Services Act* sets out principles for the provision of police services throughout Ontario, including:

- The need to ensure the safety and security of all persons and property in Ontario.
- The importance of safeguarding the fundamental rights guaranteed by the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*.
- The need for co-operation between the providers of police services and the communities they serve.
- The need for sensitivity to the pluralistic, multiracial and multicultural character of Ontario society.

Section 42(1)(a) of the *Police Services Act* states the duties of a police officer include, preserving the peace.

Section 42(3) of the *Police Services Act* states a police officer has the powers and duties ascribed to a constable at common law.

Section 2 of the *Criminal Code* defines *peace officer*, referring to a duty to ensure the preservation and maintenance of the public peace.

1. For the purposes of this guideline, Aboriginal occupation means: the seizure and control of an area arising from assertions of Aboriginal or treaty rights by members of an Aboriginal group.
2. For the purposes of this guideline, Aboriginal protest means: a physical demonstration related to assertions of Aboriginal or treaty rights by members of an Aboriginal group.
3. For the purposes of this guideline, Aboriginal people has the same meaning as in s. 35(2) of the *Constitution Act, 1982*. Subsection 35(2) states that Aboriginal peoples includes Indian, Inuit and Metis people.

Sample Board Policy

Board Policy # _____

The objective of policing Aboriginal occupations and protests is to preserve the peace, prevent offences, and enforce the law in a manner that respects the rights of all involved parties. To this end, it is the policy of the _____ Police Services Board with respect to policing Aboriginal occupations or protests that:

- a) the role of the police at an Aboriginal occupation or protest is to preserve the peace, prevent offences, and enforce the law including offences against persons and property, in accordance with the powers and discretion available to a police officer under the law.
- b) the consideration of police actions at an Aboriginal occupation or protest include preserving the peace, communication, negotiation and building trust with participating and affected communities.
- c) the Chief of Police will develop and maintain procedures on:
 - i. communicating information in relation to police procedures on Aboriginal occupations and protests;
 - ii. training requirements for policing Aboriginal occupations and protests;
 - iii. fostering community understanding of the police response to the events;
 - iv. the collection and analysis of information prior to and during events; and
 - v. addressing the uniqueness of Aboriginal occupations and protests.

Police Service Guidelines

Procedures

1. Every police service's procedures on policing Aboriginal occupations and protests should:
 - a) indicate that the role of the police at an Aboriginal occupation and protest is to preserve the peace, prevent offences, and enforce the law including offences against persons and property, in accordance with the powers and discretion available to an officer under the law. With respect to their role in preserving the peace, officers should have regard to:
 - i. remaining neutral as to the underlying grievance, where possible; and
 - ii. facilitating the building of trust between police, participating and affected communities.
 - b) include training requirements for policing an Aboriginal occupation or protest that focus on:
 - i. the role of police;
 - ii. communication skills;
 - iii. ability to negotiate, mediate and/or engage in dispute resolution; and
 - iv. building trust.
 - c) foster community understanding of events by:
 - i. seeking the assistance/involvement of First Nations police services and First Nations police officers, when appropriate and where resources permit;
 - ii. seeking the assistance of Aboriginal mediators, when appropriate;
 - iii. consulting and sharing information with local communities that may be affected by an Aboriginal occupation and protest.
 - d) address the continuous gathering and use of relevant information prior to and during the event;
 - e) encourage police commanders for the event to acquire an understanding of and consider the uniqueness of these events in the context of the history, traditions, culture and claims of the occupiers or protestors;
2. Every police service's procedures on policing Aboriginal occupations and protests should require:
 - a) the development of a communications strategy that includes:
 - i. the mandate, functions and reporting relationships of the police officers involved;
 - ii. identifying police procedures and protocols;

- iii. how important messages are to be conveyed to communities participating in the protest and those affected by the protest;
 - iv. the technical aspects of how the police would communicate with occupiers;
 - v. the identity of specific persons, other than police agency members, who could effectively communicate with occupiers;
 - vi. how community information should be conveyed regarding significant Aboriginal occupations and protests, and how these incidents are policed;
 - vii. information on restoring police relationships with Aboriginal and non-Aboriginal communities affected by an Aboriginal occupation or protest directly or indirectly.
- b) the communications strategy to be provided to any involved First Nations police officers, First Nations police services, Aboriginal mediators, protestors, occupiers and the public during an Aboriginal occupation or protest.

Please note the general principles in this guideline could apply to the policing of occupations and protests that involve other identified groups and not solely Aboriginal occupations and protests.



BY-LAW NO. 492-2024

**A BY-LAW RESPECTING
PRELIMINARY PERIMETER CONTROL AND CONTAINMENT**

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) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS subsection 10 (1) (3) of the Adequacy Regulation requires the Chief of Police to establish procedures on preliminary perimeter control and containment;
- 1.5 AND WHEREAS subsection 10 (1) (2) of the Adequacy Regulation requires the Chief of Police to establish procedures that set out circumstances in which a containment team will be deployed;
- 1.6 AND WHEREAS Part ER-001 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 preliminary control and containment.

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; and
- 2.7 *"Service"* means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that issues relating to preliminary perimeter control and containment form an important part of policing, and it is therefore the policy of this Board that such matters be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

4 PROVISION OF PRELIMINARY AND SUBSEQUENT PERIMETER CONTROL AND CONTAINMENT

- 4.1 The Chief shall ensure that preliminary perimeter control and containment will be provided by front-line patrol officers, and that all subsequent perimeter containment will be provided by the Emergency Task Unit, comprised of Service Members and/or support from parties to the Shared Resources Agreement.

5 DIRECTION TO THE CHIEF

5.1 PROCEDURES

- 5.1.1 The Chief shall establish procedures on providing preliminary perimeter control and containment in accordance with Appendix A and subsection 10 (1) 3 of the Adequacy Regulation that address:
- (a) the circumstances in which preliminary perimeter control and containment will be deployed;
 - (b) operational responsibility for the establishment of preliminary perimeter control and containment in accordance with subsection 10 (1) 3 of the Adequacy Regulation; and
 - (c) the duties of an officer involved in the establishment of preliminary perimeter control and containment until the arrival of a Tactical Unit or Containment Team.

5.2 MANUAL

- 5.2.1 The Chief shall develop and maintain a manual, in accordance with Appendix A and the said subsection 10 (1) 3 of the Adequacy Regulation respecting preliminary perimeter control and containment, that addresses the subsequent perimeter control and containment services provided by the Emergency Task Unit. This Manual will be made available to each member who provides preliminary perimeter control and containment service, and to the Emergency Task Unit and Tactical Support Group who provide subsequent perimeter control and containment services.
- 5.2.2 The Chief shall ensure that the Manual referred to in section 5.2.1 is reviewed on an annual basis and amended as required.

5.3 **MEMBERSHIP**

- 5.3.1 The Chief shall establish a selection process for members of the preliminary perimeter control and containment team ensuring that Members who provide this service meet the requirements of subsection 10 (1) 3 of the Adequacy Regulation.
- 5.3.2 The Chief shall ensure that Members who provide services of crisis negotiation have the requisite knowledge, skills and abilities and receive training on an ongoing basis.

5.4 **TRAINING**

- 5.4.1 The Chief shall ensure that all Members involved in preliminary perimeter control and containment have the requisite knowledge, skills and abilities and receive training on an ongoing basis.
- 5.4.2 The Chief shall ensure that no person is a member of the Emergency Task Unit or provides perimeter control and containment as a member of the Tactical Support Group unless the person has successfully received the required Ministry accredited training.

5.5 **EQUIPMENT**

- 5.5.1 The Chief shall ensure the appropriate equipment, in accordance with the Ministry's designated equipment and facilities list, is used/available to Members who provide preliminary perimeter control and containment services.

6 REPORT TO THE BOARD

- 6.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect preliminary perimeter control and containment. The report shall include:
 - (a) summary of the procedures relating to preliminary perimeter control and containment as required by this By-law;
 - (b) the status of Service compliance with the said procedures;
 - (c) confirmation of the development and maintenance of the Manual addressing perimeter control and containment provided by the Emergency Task Unit and Members of the Tactical Support Group; and
 - (d) confirmation that Members have been trained in accordance with section 5.4.

7. IMPLEMENTATION

- 7.1 By-law Nos. 241-2000, 345-2014, 355-2014, 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

Attachments (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on preliminary perimeter control and containment. In addition, section 22(1) requires the Chief of Police to establish procedures on preliminary perimeter control and containment. If a police service maintains its own containment team, section 22(2) requires the Chief of Police to develop procedures for it.

Section 22(3) requires that police officers who are not members of a tactical unit and who are deployed in a containment function, including members of a containment team, shall not, prior to the arrival of a tactical response, employ offensive tactics unless the officers believe, on reasonable grounds, that to do so is necessary to protect against the loss of life or serious bodily harm.

Section 24(2) requires the Chief of Police to ensure that no person is to be a member of a containment team unless that person has successfully completed the required Ministry accredited training or acquired the Ministry approved equivalent competencies. Section 29 requires a police services board to have a policy in respect of required accredited training and equivalent competencies for members of a containment team.

Furthermore, section 29 requires a board to have a policy concerning the deployment of a containment team. Also, section 25(2)(a) requires the Chief of Police to establish procedures that set out the circumstances in which the containment team will be deployed.

Finally, section 29 requires a board to have a policy requiring that all members of a containment team have access to a procedures manual. Section 25(3) requires the Chief of Police to ensure that the police service's procedures for containment are contained in a manual that is available to each member providing that service.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to preliminary perimeter control and containment that:

- a) containment will be provided by (identify service delivery methods - the police service's patrol officers, a containment team (using its own members, entering into a contract, or by entering into an agreement for a combined, regional or cooperative delivery) or a tactical unit);
- b) the Chief of Police will establish procedures that address:



- i) the circumstances in which preliminary perimeter control and containment will be established;
 - ii) operational responsibility for an incident where preliminary perimeter control and containment is being established;
 - iii) the deployment of other emergency response services, including receiving assistance from other agencies;
 - iv) the duties of an officer involved in the establishment of preliminary perimeter control and containment, including compliance with the requirement of section 22(3) of the Adequacy Standards Regulation, pending the deployment of a tactical unit; and
 - v) the training of officers in preliminary perimeter control and containment; and
- c) the Chief of Police will, if the police service establishes its own containment team, or has officers who are members of a joint containment team, develop and maintain a manual on containment team services that addresses:
- i) the selection process for members of the team, including ensuring that members who provide this service meet the requirements of the Adequacy Standards Regulation;
 - ii) the equipment to be used/available to the members of the team in accordance with the Ministry's designated equipment and facilities list; and
 - iii) the ongoing (and joint if applicable) training of members of the team.

Police Service Guidelines

- Procedures**
1. Every police service's procedures should:
 - a) identify the circumstances in which preliminary perimeter control and containment will be established;
 - b) indicate who has operational responsibility for an incident when preliminary perimeter control and containment is being established;
 - c) address the deployment of other emergency response services, including receiving assistance from other agencies; and
 - d) set out the duties of an officer involved in the establishment of preliminary perimeter control and containment, including compliance with the requirement of section 22(3) of the Adequacy Standards Regulation, pending the deployment of a tactical unit.
- Manual**
2. Where a police service has established its own containment team, or has officers participate in a joint containment team, a manual shall be developed, maintained and made available to the members of the team that addresses:
 - a) general procedures for the containment team, including:
 - i) the containment team's mandate, functions and reporting relationships;
 - ii) call-out and operational procedures;
 - iii) communications with the containment team;

- iv) organizational charts for the emergency response function;
 - v) the operational linkages between the containment team and other emergency response and public order unit services;
 - vi) a selection process for the containment team, including that officers must meet the requirements set out in the Adequacy Standards Regulation; and
 - vii) the recording and reporting of incidents involving the containment team; and
- b) procedures specific to members of the containment team, including:
- i) members' responsibilities;
 - ii) command and control;
 - iii) operational training;
 - iv) communications with team members;
 - v) incident assessment;
 - vi) provision and use of equipment;
 - vii) reporting relationships within the containment team;
 - viii) hand-off/relief of teams;
 - ix) use of training, operational and equipment logs; and
 - x) debriefing process.

- Training** 3. Where a police service has established its own containment team, or has officers participate in a joint containment team, the Chief of Police should ensure that the police service's skills development and learning plan includes the following:
- a) at least two days maintenance training occurring on average every six months;
 - b) annual participation, wherever possible, in a joint training exercise involving crisis negotiators, major incident commanders, public order units, tactical units, other police personnel and outside emergency services deemed appropriate or subject of service delivery agreements; and
 - c) annual re-qualification to a task-specific fitness standard.

- Equipment** 4. Where a police service has established its own containment team, or has officers who participate in a joint containment team, the Chief of Police should ensure that members are provided, at minimum, with the equipment and facilities set out in the Ministry's designated equipment and facilities list.

MINISTRY'S DESIGNATED EQUIPMENT LIST

Containment Teams – Equipment and Facilities List

The equipment listed here is for use by containment teams. All equipment used by members of a containment team shall be approved by the Canadian Standards Council (CSA), where appropriate. The following list is the minimum kit with which members of containment teams shall have available in order to respond to a containment situation:

BALLISTIC PROTECTION
Body Armour (<i>personal issue</i>)
<ul style="list-style-type: none"> • minimum threat level IIA (NIJ) • subdued colour (situationally and environmentally appropriate) • “police” identification markers on front and rear
CLOTHING
Containment Uniform (<i>personal issue</i>)
<ul style="list-style-type: none"> • two-piece fatigues in heavy-duty material • situationally and environmentally appropriate • police affiliation shoulder flashes
Foot Wear (<i>personal issue</i>)
<ul style="list-style-type: none"> • rain, moisture and cold weather protection, which is situationally and environmentally appropriate
Gloves and Headgear (<i>personal issue</i>)
<ul style="list-style-type: none"> • situationally and environmentally appropriate • will not impair use of weapons or safety equipment
OTHER SAFETY EQUIPMENT
Goggles (<i>personal issue</i>)
<ul style="list-style-type: none"> • effective eye protection against fragmentation • designed not to impair peripheral vision • clear, anti-fogging lenses
First Aid
<ul style="list-style-type: none"> • large, multi-purpose kit with wide assortment of bandages, disinfectant, etc.
Arrest or Restraint Devices
<ul style="list-style-type: none"> • handcuffs • specifically designed disposable temporary hand and foot restraints

OPTICS INTENSIFICATION
<ul style="list-style-type: none"> • binoculars
RADIO EQUIPMENT
Portable Radios
<ul style="list-style-type: none"> • with ear-pieces or similar devices • one per member
Monitoring Radio Equipment
<ul style="list-style-type: none"> • equipment capable of monitoring containment and other police communications • recording equipment
Power Sources
<ul style="list-style-type: none"> • extra batteries
OTHER COMMUNICATIONS
Loud Hailing System
<ul style="list-style-type: none"> • portable
LETHAL
Semi-automatic Rifle and 12 Gauge Shotgun
<ul style="list-style-type: none"> • one per member of either type of weapon • spare available • rifles with minimum of 5.56 mm calibre and a minimum magazine capacity of 20 rounds • shotguns with minimum magazine capacity of four rounds
LESS LETHAL
Impact Weapons
<ul style="list-style-type: none"> • collapsible baton (personal issue) • OC spray
Conducted Energy Weapons (December 2003 - Optional)
<ul style="list-style-type: none"> • TASER
RANGES
Firearms
<ul style="list-style-type: none"> • must have reasonable access to small & long arms range (indoor or outdoor)
ADMINISTRATION
Records
<ul style="list-style-type: none"> • administrative area for storing training and operational records



BY-LAW NO. 493-2024

**A BY-LAW RESPECTING
PROBLEM-ORIENTED POLICING**

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 Section 37 and 38 of the CSPA to require the Chief of Police to establish procedures and processes on problem-oriented policing;
- 1.5 AND WHEREAS the Board has deemed it appropriate that it establish a policy on problem-oriented policing;
- 1.6 AND WHEREAS Part CP-001 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the police service relative to problem-oriented policing.

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 Public safety, quality of life, and prevention of crime are of the utmost importance to the Board, and it is therefore the policy of this Board to pursue problem-oriented policing 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 to support the promotion and implementation of problem-oriented policing in accordance with Appendix A.

4.1.2 The Chief shall require appropriate supervisors and front-line Members to promote and implement problem-oriented policing initiatives to respond to identified crime, community safety, public disorder and road safety problems, including repeat calls for service and repeat victimization.

4.2 COMMUNITY PARTNERSHIP

4.2.1 The Chief shall require appropriate supervisors and front-line Members to promote and implement problem-oriented policing initiatives, where possible, with municipalities, school boards, businesses, community organizations and members of the public to address crime, public disorder and road safety problems.

4.3 INFORMATION ON PROBLEM-ORIENTED POLICING

4.3.1 The Chief shall ensure that supervisors and front-line Members are provided with information and resource material on problem-oriented policing.

4.3.2 The Chief shall ensure that a statistical and information reporting program is in place to ensure clear, adequate periodic reports and reviews.

4.4 IMPLEMENTATION

4.4.1 The Chief shall promote the use of directed patrol, targeted enforcement and other initiatives to respond to high crime or high occurrence places/areas and serial occurrences.

5 REPORT TO THE BOARD

5.1 The Chief shall make a written report to the Board on or before August 30 of every year in respect of problem-oriented policing. This report will contain:

- (a) a summary of the written procedures regarding problem-oriented policing;
- (b) the status of Service compliance with the said procedures;
- (c) the steps taken by the Service to promote, implement and evaluate problem-oriented policing initiatives.

6. IMPLEMENTATION

- 6.1 By-law No. 191-2000 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 problem-oriented policing. In addition, section 3 requires the Chief of Police to establish procedures and processes on problem-oriented policing.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to problem-oriented policing that the Chief of Police will:

- a) require appropriate supervisors and front-line members to work, where possible, with municipalities, school boards, businesses, community organizations and members of the public to address crime, public disorder and road safety problems;
- b) require appropriate supervisors and front-line members to promote and implement problem-oriented policing initiatives to respond to identified crime, community safety, public disorder and road safety problems, including repeat calls for service and repeat victimization;
- c) ensure that supervisors and front-line members are provided with information and resource material on problem-oriented policing;
- d) promote the use of directed patrol, targeted enforcement and other initiatives to respond to high crime or high occurrence places/areas and serial occurrences;
- e) develop procedures to support the promotion and implementation of problem-oriented policing; and
- f) provide information in the annual report on the steps taken by the police service to promote, implement and evaluate problem-oriented policing initiatives.

Police Service Guidelines

Procedures

1. Every police service's procedures on problem-oriented policing should:
 - a) require appropriate supervisors and front-line members to promote and implement problem-oriented policing initiatives to respond to identified crime, public disorder and road safety problems, including repeat calls for service and repeat victimization;
 - b) require appropriate supervisors and front-line members to work, where possible, with municipalities, school boards, businesses, community organizations and members of the public to address crime, public disorder and road safety problems;
 - c) set out the steps for obtaining approval for, and evaluating, initiatives designed to respond to identified problems;



- d) promote the use of directed patrol, targeted enforcement and other initiatives to respond to high crime or high occurrence places/areas and serial occurrences; and
- e) require the appropriate level of supervisor to periodically report back to the Chief of Police, or designate, on the steps being taken to address identified problems.

**Information
and
Resource
Material**

- 2. Every police service should provide appropriate supervisors and front-line members with information and resource material on:
 - a) problem identification;
 - b) problem analysis;
 - c) problem response, including the development of proposals/initiatives; and
 - d) the monitoring and evaluation of initiatives.





BY-LAW NO. 494-2024

**A BY-LAW RESPECTING
PROCEEDS OF 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) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS the Board deems it appropriate to require the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into proceeds of crime;
- 1.5 AND WHEREAS Part LE-041 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 Proceeds of 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 "Ministry" means the Ministry of the Solicitor General; and

2.7 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

3.1 The Board recognizes that matters involving proceeds of crime 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 shall develop and maintain procedures that require investigations into proceeds of crime to be undertaken and managed in accordance with the Police Service's Criminal Investigation Management Plan and in accordance with Appendix A.

4.1.2 The procedures referred to in Section 4.1.1 shall include notifying the Ontario Provincial Police (OPP) Proceeds of Crime team or the Integrated Proceeds of Crime section for the appropriate assistance and/or investigative procedures to follow.

4.2 TRAINING

4.2.1 The Chief shall ensure that Members involved in investigation of proceeds of crime offences 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 proceeds of crime. The report shall include:

- (a) a summary of the written procedures concerning proceeds of crime investigations;
- (b) the status of Service compliance with the said procedures; and;
- (c) the amount of proceeds of crime seized, and the disposition of such proceeds.

6. IMPLEMENTATION

7.1 By-law No. 233-2000 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.

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

Attachments (1)

Legislative/Regulatory Requirements

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

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

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to proceeds of crime 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, including notifying the Ontario Provincial Police *Proceeds of Crime Team* or the *Integrated Proceeds of Crime Section* for the appropriate assistance and/or investigative procedure to follow; and
- b) ensure that officers involved in the investigation of proceeds of crime have the knowledge, skills and abilities required.

Police Service Guidelines

Procedures

1. Every police service's procedures should:
 - a) require that investigations into the laundering and possession of proceeds derived from designated substance offences, designated customs and excise offences or enterprise crime offences be undertaken and managed in accordance with the police service's criminal investigation management plan, including notifying the Ontario Provincial Police *Proceeds of Crime Team* or the *Integrated Proceeds of Crime Section* for the appropriate assistance and/or investigative procedure to follow;
 - b) address the investigative steps for undertaking a proceeds of crime investigation;
 - c) set out the criteria and steps for obtaining specialized resources, i.e., forensic accountants;
 - d) require that information on the laundering and possession of proceeds of crime be shared within the police service (i.e., intelligence), the *Proceeds of Crime Team*, the *Integrated Proceeds of Crime Section* and other relevant law enforcement agencies;

- e) address the dissemination of information on money laundering activities to government agencies, financial institutions, businesses and the public; and
 - f) set out the steps to be followed when it is necessary to contact an agency outside Canada for information in connection with a proceeds of crime investigation.
- 2. Every police service should consult with the local Crown during the development of its local procedures on proceeds of crime investigations.
- 3. Every Chief of Police should ensure that officers involved in the investigation of proceeds of crime have the knowledge, skills and abilities required, including knowledge of the relevant provisions of the:
 - a) *Criminal Code*;
 - b) *Controlled Drugs and Substances Act*;
 - c) *Customs Act*;
 - d) *Excise Act*;
 - e) *Proceeds of Crime (Money Laundering) Act*; and
 - f) *Seized Property Management Act*.



BY-LAW NO. 495-2024

**A BY-LAW TO ESTABLISH POLICY
RESPECTING PUBLIC ORDER UNITS**

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) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS Section 7 of the Adequacy Regulation prescribes standards for Public Order Units including deployment, response times, unit size and supervision;
- 1.5 AND WHEREAS Section 8 of the Adequacy Regulation requires a Chief to establish written procedures respecting the functions, responsibilities and reporting relationships of a Public Order Unit and its Members;
- 1.6 AND WHEREAS subsection 2 (1) of the Schedule 1 to the Adequacy Regulation prescribes equipment and resources requirements regarding Public Order Units;
- 1.7 AND WHEREAS the Board has deemed it appropriate that it establish a policy on Public Order Unit services, including permitting agreements/arrangements that would result in the services of a Public Order Unit being available from another police service, as permitted by subsection 2 (4) of O. Reg. 398/23: Alternative provision of Policing Functions;
- 1.8 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 to establish procedures on Public Order Units in accordance with Section 8 of the said Adequacy Regulation;
- 1.9 AND WHEREAS Part PO-001 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the police service relative to Public Order Units.

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; and
- 2.7 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that Public Order Unit services are an important part of policing, and it is therefore the policy of this Board:
 - (a) that the Service maintain a Public Order Unit using its own resources; and
 - (b) that the role of police at any public demonstration, protest or public safety incident is to preserve the peace, prevent offences and enforce the law including offences against, persons and property, in accordance with powers and direction available to the Chief of Police under the law 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 of Police will ensure that the Service provide its own Public Order Unit by using Service Members that will consist of a unit supervisor and at least four squads of seven officers, including the squad leader for undertaking Public Order Unit activities, and must be deployed in a reasonable time.
- 4.1.2 The Chief of Police will develop written procedures in accordance with "Appendix A" as attached to this By-law, being Part PO-001 of the Ministry of the Solicitor General Policing Standards Manual (2000), that provides guidelines directing the Police Service relative to Public Order Units.
- 4.1.3 The Chief will ensure that Service procedures relating to Public Order Unit services are based on the following principles:
- 4.1.4 That it is in complete compliance with legislative and constitutional requirements, and recognized legal principles;
- 4.1.5 That Members act with full respect for human dignity and according to professional standards of skill, integrity, and accountability;

- 4.1.6 That it maintains both officer and public safety as a priority;
- 4.1.7 That there is 24-hour police response to all incidents requiring the services of a Public Order Unit;
- 4.1.8 That consideration of police actions at an occupation or protest involving members of one of the Region's diverse communities include preserving the peace, communication, negotiation, building trust and fostering understanding with participating and affected communities keeping in mind the uniqueness of policing occupations and protests involving members of these diverse communities; and
- 4.1.9 That the Chief of Police regularly reviews procedures relating to Public Order Unit services to remain current with case law, inquests, inquiry findings, and amendments to related legislation.

4.2 MANUAL

- 4.2.1 The Chief shall develop a Public Order Unit Manual that includes the requirements set out by the Ministry of the Solicitor General and that it is available to all Members of the Unit.
- 4.2.2 The Chief shall ensure that the Manual referred to in section 4.2.1 above is reviewed on an annual basis and amended as required.

4.3 TRAINING

- 4.3.1 The Chief shall develop a selection process for Members of the Public Order Unit to ensure that the Members have the appropriate knowledge, skills, and abilities to provide the service of the Public Order Unit.
- 4.3.2 The Chief shall develop a Skills Development and Learning Plan that includes the training requirements set out by the Ministry of the Solicitor General.
- 4.3.3 The Chief will address the ongoing training of members of the Public Order Unit.

4.4 EQUIPMENT

- 4.4.1 The Chief shall ensure that appropriate equipment, in accordance with the Ministry's designated equipment and facilities list, is used/available to Members who provide the services of a Public Order Unit.

4.5 MONITORING AND REVIEW

- 4.5.1 The Chief of Police shall conduct ongoing statistical analysis, qualitative and quantitative review of Public Order Unit services as may be required to:
 - (a) ensure the integrity of the police service procedures; and
 - (b) collect information with respect to the number of incidents involving the Public Order Unit services.

4.6 ALTERNATIVE PROVISION OF PUBLIC ORDER UNIT FUNCTIONS

- 4.6.1 In the case of exigent circumstances requiring the Board to contract with another Board for use of the other Board's Public Order Unit, the Chief shall advise the Board of such need and the Board shall authorize such use.

5 REPORT TO THE BOARD

5.1 ANNUAL REPORT

5.1.1 The Chief of Police shall provide the Board with a written report on an annual basis in respect of the Public Order Unit. The report shall include:

- (a) a summary of the procedures concerning Public Order Unit services as required by this By-law;
- (b) the status of Service compliance with said procedures;
- (c) confirmation that Members have been trained in accordance with section 4.3; and
- (d) confirmation of the development and maintenance of the manual on Public Order Unit services; and
- (e) a summary of the circumstances in which the Public Order Unit has been deployed.

5.2 EXCEPTION BASED REPORTING

5.2.1 The Chief of Police shall report on those circumstances where the use of the Public Order Unit has resulted in an "exceptional" circumstance, or a circumstance which may be detrimental to the Police Service; and/or has significant issues of potential liability to the Board and the Police Service.

6 IMPLEMENTATION

6.1 By-law No. 239-2000, 401-2023 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 18(1) of the Adequacy Standards Regulation requires a police service to have a public order unit.

Section 18(2) allows a police services board to enter into agreements/arrangements that would result in the services of a public order unit being available from another police service, or the services of a public order unit being delivered on a combined, regional or cooperative basis.

Section 18(3) requires every public order unit to consist of a unit supervisor, and, at least, four squads of seven officers, including the squad leader, and must be able to be deployed within a reasonable time.

Section 29 of the regulation requires a police services board to have a policy on public order unit services. In addition, section 19 requires the Chief of Police to establish procedures on public order unit services, which:

- set out the circumstances in which a public order unit, or a squad within a unit, may be deployed;
- require that, if the police service maintains its own public order unit, the police service's procedures on public unit services are contained in a manual that is available to all members of the unit; and
- ensure that a person who is a member of a public order unit has the knowledge, skills and abilities to provide that service.

Sample Board Policy

Board Policy # _____

Contracted Delivery It is the policy of the _____ Police Services Board with respect to public order maintenance that:

- a) this Board will contract with the _____ Police Services Board/OPP to provide the services of a public order unit within a reasonable response time; and
- b) the Chief of Police will establish procedures, in consultation with the Chief of Police who is providing the services of the public order unit, that:
 - i) set out the circumstances in which a public order unit may be deployed;
 - ii) set out the steps for obtaining the services of a public order unit; and

- iii) address the circumstances and processes for liaising with appropriate officials for the purposes of Sections 63 - 68 of the *Criminal Code*, regarding unlawful assemblies and riot situations.

**Direct, or
Combined,
Regional or
Cooperative
Delivery**

It is the policy of the _____ Police Services Board with respect to public order maintenance that:

- a) the police service will provide access to the services of a public order unit within a reasonable response time by (using its own members, or by entering into an agreement for a combined, regional or cooperative delivery);
- b) the public order unit will consist of a unit supervisor and, at least, four squads of seven officers, including the squad leader;
- c) the Chief of Police will establish procedures that:
 - i) set out the circumstances in which a public order unit may be deployed;
 - ii) set out the steps for obtaining the services of a public order unit; and
 - iii) address the circumstances and processes for liaising with appropriate officials for the purposes of Sections 63 - 68 of the *Criminal Code*, regarding unlawful assemblies and riot situations; and
- d) the Chief of Police will:
 - i) ensure that a manual on the procedures of the unit is made available to all members of the unit;
 - ii) ensure that appropriate equipment, in accordance with the Ministry's designated equipment and facilities list, is used/available to members of the public order unit;
 - iii) develop a selection process for members of the public order unit to ensure that the members have the knowledge, skills and abilities to provide the services of the public order unit; and
 - iv) address the ongoing training of members of the public order unit.

Police Service Guidelines

- Procedures**
1. Every police service's procedures should address:
 - a) the circumstances in which a public order unit should be deployed;
 - b) operational responsibility within the police service for requesting the services of a public order unit;
 - c) incident command, including when public order unit services are provided by another police service;
 - d) the circumstances and processes for liaising with appropriate officials for the purposes of Sections 63 - 68 of the *Criminal Code*, regarding unlawful assemblies and riot situations; and
 - e) debriefing following all major incidents.

**Public
Order Unit
Manual**

2. Where a police service has established or participates in a public order unit, the manual made available to the members of the unit should address:
- a) the unit's mandate, functions and members' responsibilities;
 - b) call-out and reporting relationships;
 - c) command and control;
 - d) communications with unit members;
 - e) crowd management procedures, including response levels and negotiation;
 - f) incident assessment;
 - g) provision and use of equipment;
 - h) operational training;
 - i) the circumstances and processes for liaising with appropriate officials for the purposes of Sections 63 - 68 of the *Criminal Code*, regarding unlawful assemblies and riot situations;
 - j) use of training, operational and equipment logs;
 - k) debriefing process;
 - l) the selection process for members of the public order unit to ensure that the members have the knowledge, skills and abilities to provide the services of the public order unit; and
 - m) the recording and reporting of incidents involving a public order unit.

Training

3. Where a police service has established or participates in a public order unit, the Chief of Police should develop a skills development and learning plan that includes the following requirements:
- a) ongoing two-day semi-annual maintenance training; and
 - b) annual re-qualification to a task-specific fitness standard, based on the functions being provided by the public order unit.

Equipment

4. Where a police service has established or participates in a public order unit, the Chief of Police should ensure that members are provided, at minimum, with the equipment and facilities set out in the Ministry's designated equipment and facilities list.



MINISTRY'S DESIGNATED EQUIPMENT LIST

Public Order Units – Equipment and Facilities List

All equipment used by members of a Public Order Unit shall be approved by the Canadian Standards Council (CSA), where appropriate. The following list is the minimum kit with which a POU member or unit shall have available in order to respond to a public order situation:

GENERAL PROTECTION	
Body Armour	
<ul style="list-style-type: none"> • standard police service issue 	
Helmets	
<ul style="list-style-type: none"> • riot control design to meet minimum standard NIJ 0104.01 or CSA equivalent • designed not to impair peripheral vision and quick movement • allowance for earpiece 	
Shields and Batons	
<ul style="list-style-type: none"> • riot or crowd control design easily manipulated with one hand • clear construction • one per member • spares available • 24 - 26" non-collapsible baton (personal issue) 	
FOREIGN AGENT PROTECTION	
Chemical Masks	
<ul style="list-style-type: none"> • CS chemical agent protection • filtration canister suitable for an extended period of use • capable of wide range of vision • filter canister system for ambidextrous shoulder-firing of weapon 	
COMBUSTION PROTECTION <i>combine with clothing section</i>	
Flame Resistance Protection	
<ul style="list-style-type: none"> • flame retardant clothing offering outer surface protection 	
Fire Extinguishers	
<ul style="list-style-type: none"> • <i>minimum available, one per squad</i> • spares available • portable 	



CLOTHING
<p>POU Uniform</p> <ul style="list-style-type: none"> • fatigues in heavy-duty, fire-retardant material • allow for maximum ease of movement • rain, moisture and cold weather protection, which is situationally and environmentally appropriate
<p>Foot Wear</p> <ul style="list-style-type: none"> • reinforced heavy-duty boots (steel shank & instep protection) with toe impact protection • situationally and environmentally appropriate • chemical and puncture resistant sole
<p>Gloves</p> <ul style="list-style-type: none"> • all weather and impact protection
<p>Body Impact Protection</p> <ul style="list-style-type: none"> • body impact protection/deflection for arms, elbows, shoulders, groin, thighs, knees and shins
OTHER SAFETY EQUIPMENT
<p>First Aid</p> <ul style="list-style-type: none"> • members' emergency medical information (vital information for rapid medical information sharing in emergency situation) • multi-purpose kit with wide assortment of bandages, disinfectant, etc.
<p>Chemical Munitions Decontamination</p> <ul style="list-style-type: none"> • water eyewash gear for OC decontamination
<p>Arrest or Restraint Devices</p> <ul style="list-style-type: none"> • handcuffs • temporary hand and foot restraints
ILLUMINATION
<ul style="list-style-type: none"> • flashlight
RADIO EQUIPMENT
<p>Portable Radios</p> <ul style="list-style-type: none"> • dedicated channel capability (or access to OPC common tactical channel) • with ear-pieces or similar devices • capable of use with foreign agent protection, as set out in this equipment list
<p>Power Source</p> <ul style="list-style-type: none"> • extra batteries



OTHER COMMUNICATIONS	
Loud Hailing System	
• portable	
TACTICAL OPTIONS <i>as identified in use of force standard</i>	
Oleoresin Capsicum	
• spares available	
CS Agent	
• canister system designed to be thrown	
• 37 mm delivery system	
Impact Weapons	
• 37 mm impact projectiles designed to be accurately fired directly at a threat	
ADMINISTRATION	
Records	
• administrative area for storing training and operational records	



BY-LAW NO. 496-2024

A BY-LAW RESPECTING ROBBERY 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 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;
- 1.4 AND WHEREAS O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.5 AND WHEREAS the Board deems it appropriate to require the Chief of Police to develop and maintain procedures and processes for undertaking and managing investigations into robbery occurrences;
- 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-042 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Police Service relative to robbery 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 “*Ministry*” means the Ministry of the Solicitor General; and
- 2.7 “*Service*” means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that robbery occurrences are serious in nature, and it is therefore the policy of this Board that investigations into robbery occurrences 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 robbery occurrences. These procedures shall be in accordance with Appendix A.

4.2 MAJOR CASE

- 4.2.1 The Chief shall ensure that a robbery occurrence that also involves a major case be investigated in accordance with procedures set out in the Ministry’s designated Ontario Major Case Management Manual.

4.3 TRAINING

- 4.3.1 The Chief shall ensure that Members investigating robbery 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. The report shall include:
- (a) a summary of the written procedures concerning robbery investigations; and
 - (b) confirmation that the Service procedures comply with Appendix A.

6. IMPLEMENTATION

- 6.1 By-law No. 234-2000 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 robbery investigations.

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

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to robbery 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; and
- b) ensure that a robbery occurrence that also involves a major case be investigated 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 should:
 - a) require that investigations be undertaken and managed in accordance with the police service's criminal investigation management plan;
 - b) require that, where a robbery occurrence also involves a major case, the investigation be conducted in accordance with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*;
 - c) require compliance by officers with the police service's procedures on the collection, preservation and control of evidence and property;
 - d) set the steps to be taken by officers initially responding to a robbery, including one that is in progress when they arrive;
 - e) address the response to hold-up alarms activated, i.e., at financial institutions and businesses;
 - f) require the sharing of information with patrol officers on relevant robbery occurrences, including any descriptions of suspects; and
 - g) address the sharing of appropriate information on robbery occurrences with other relevant law enforcement agencies, and organizations, including businesses, where appropriate.



BY-LAW NO. 497-2024

**A BY-LAW RESPECTING
SAFE STORAGE OF POLICE SERVICE 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 Section 117 of the *Firearms Act*, S.C. 1995, c.39 sets out the requirements relating to the safe storage and transfer of firearms for both individual owners and public agents, including police officers;
- 1.4 AND WHEREAS Section 3 (1) of the *Public Agents Firearms Regulations* requires that a public agent shall store firearms when not in use in a container, receptacle, vault, safe or room that is kept securely locked and that is constructed so that it cannot be easily broken open or into;
- 1.5 AND WHEREAS O. Reg. 392/23: Adequate and Effective Policing (General) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.6 AND WHEREAS O. Reg. 391/23: Use of Force and Weapons prescribes requirements for firearms training;
- 1.7 AND WHEREAS the Board has deemed it appropriate that it establish a policy with respect to the safe storage of police service firearms;
- 1.8 AND WHEREAS Part AI-009 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 safe storage of police service 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 "Member" means a member of the Niagara Regional Police Service;
- 2.5 "Ministry" means the Ministry of the Solicitor General; and
- 2.6 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes the importance of the safe storage of police service firearms, and it is therefore the policy of this Board that such storage of firearms 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 and processes relating to the safe storage of police service firearms in accordance with Section 117 of the *Firearms Act*, Section 3 (1) of the *Public Agents Firearms Regulations* and Appendix A.

4.2 TRAINING

- 4.2.1 The Chief shall ensure that Members receive the appropriate training in relation to firearms safety as required by the Adequacy Regulation, Section 117 of the *Firearms Act*, Section 3(1) of the *Public Agents Firearms Regulations* and Appendix A, and that Members have the requisite knowledge, skills and abilities to perform this function.

5 REPORT TO THE BOARD

5.1 REPORTING REQUIREMENTS – EXCEPTION BASED REPORTING

- 5.1.1 The Chief shall make a written report to the Board immediately following any incidents involving the discharge of a firearm:
- (a) when a member of the police service, accidentally discharges a firearm during the ordinary firearm maintenance in accordance with the rules of the police service;
 - (b) there has been property damage;
 - (c) there has been a personal injury or death;
 - (d) the procedures with respect to firearms safety were not followed; and
 - (e) in any other circumstance where, in the opinion of the Chief, there is significant issue or potential liability to the Board or the Service.

5.2 ANNUAL REPORTING REQUIREMENTS

- 5.2.1 The Chief shall make a written report to the Board on or before August 30th of each year with respect to the safe storage of police service firearms. The report shall contain:

- (a) a summary of the written procedures relating to the safe storage of police service firearms;
- (b) the status of Service compliance with the said procedures; and
- (c) confirmation that Members have been trained in accordance with Section 4.2.

6 IMPLEMENTATION

6.1 By-law No. 258-2000 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 117 of the *Firearms Act* provides the legislative authority for the regulations made under the *Firearms Act*. These regulations set out stringent requirements relating to the safe storage and transfer of firearms for both individual owners and public agents, including police officers.

Section 3 (1) of the *Public Agents Firearms Regulations* requires that a public agent shall store firearms when not in use in a container, receptacle, vault, safe or room that is kept securely locked and that is constructed so that it cannot easily be broken open or into.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to the safe storage of police service firearms that the Chief of Police will establish procedures that are consistent with the requirements of the *Firearms Act* and the *Public Agents Firearms Regulations*.

Police Service Guidelines

Procedures

1. Every police service's procedures on the safe storage of firearms should:
 - a) require that unloading stations be available in police facilities;
 - b) require that the security measures for police firearms are consistent with the requirements set out in the *Firearms Act* and the *Public Agents Firearms Regulations*;
 - c) require that police officers do not store their service firearms in their private residence, or location other than a police facility, except where permitted by written policy of the police service, or specific written order of the Chief of Police or designate; and
 - d) require that when a police officer's service firearm is stored in a dwelling house it be stored in accordance with the requirements of the *Storage, Display, Transportation and Handling of Firearms by Individuals Regulations*, including the following:
 - i) the firearm be unloaded;
 - ii) the firearm be:
 - rendered inoperable by means of a secure locking device; and
 - the firearm be stored in a container, receptacle or room that is kept securely locked and that is constructed so that it cannot readily be broken open or into; and

- iii) the stored firearm not be readily accessible to ammunition, unless the ammunition is stored, together with or separately from the firearm, in a container or receptacle that is kept securely locked and that is constructed so that it cannot readily be broken open or into.



BY-LAW NO. 498-2024

A BY-LAW RESPECTING SECURE HOLSTERS

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. 405/23: Police Uniforms and Equipment of the CSPA, as amended, sets out requirements that the Board shall provide to all Members of a Police Service maintained by the Board articles of uniform and equipment necessary for the performance of duty;
- 1.4 AND WHEREAS the Board has deemed it appropriate that it establish a policy with respect to secure holsters for the purposes of workplace safety;
- 1.5 AND WHEREAS the *Occupational Health and Safety Act, R.S.O. 1990, c.0.1* as amended, sets out the responsibilities of employers, supervisors and workers for workplace safety, the Board prescribes the Chief of Police shall establish procedures and processes with respect to secure holsters;
- 1.6 AND WHEREAS Part AI-014 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 secure holsters.

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

2.5 "Ministry" means the Ministry of the Solicitor General; and

2.6 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

3.1 The Board recognizes the importance of workplace and public safety, including safety with respect to holsters, and therefore it is the policy of this Board to require the Chief to set out procedures as directed in this by-law with respect to the provision, use and function of secure holster equipment.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

4.1.1 The Chief shall develop and maintain written procedures in accordance with Appendix A that govern the provision, use and function of secure holster equipment.

4.1.2 The Chief shall consult with designated employee representatives regarding the acquisition of secure holsters.

4.2 MEMBERSHIP AND TRAINING

4.2.1 The Chief shall ensure that the procedures developed and maintained in Section 4.1 above require that Members receive the appropriate training in relation to secure holsters.

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 with respect to the secure holster equipment for Police Service firearms. The report shall contain:

- (a) a summary of the written procedures relating to secure holster equipment for Police Service firearms;
- (b) the status of Service compliance with the said procedures; and
- (c) confirmation that Members have been trained in accordance with section 4.2.

6 IMPLEMENTATION

6.1 By-law No. 269-2005 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

The *Occupational Health and Safety Act (OHSA)* sets out the responsibilities of employers, supervisors and workers for workplace safety.

Section 3 of O. Reg. 123/98 ("General"), made under the *Police Services Act (PSA)*, requires that all articles of uniform and equipment necessary for the performance of duty shall be provided by the municipality, but, where a uniform or equipment is damaged or lost through the fault of the member of a police force, the member shall bear the cost of replacement.

Section 135 of the *PSA* allows for the making of regulations regarding the use of any equipment by a police force or any of its members. "Regulation 926 ("Equipment and Use of Force")", under the *PSA*, sets out requirements in relation to the use of force, including use of approved weapons, training, reporting and use/technical specifications for handguns.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to secure holsters that:

1. The Chief of Police will:
 - a) ensure the provision of secure holster equipment that is constructed to provide the level of protection that is necessary for the performance of duty including:
 - i) inhibiting the handgun from being drawn inadvertently;
 - ii) inhibiting the handgun from being withdrawn by an unauthorized person; and
 - iii) permitting the rapid unimpeded drawing of the handgun should it be required;and
 - b) consult with designated employee representatives regarding the acquisition of secure holsters.

Police Service Guidelines

General

1. Every Chief of Police should ensure that, at minimum, police officers and other appropriate members are issued a secure holster that:

Secure Holster

- a) will be so constructed (so that both the holster and the finger-break) as to expose the handgun's butt so that the user's initial grip may remain unchanged during the handgun's removal and firing;

- b) has no features that will inhibit the handgun's rapid withdrawal on those occasions where instantaneous access is required;
 - c) has safety features that inhibit the withdrawal of the gun inadvertently or by an unauthorized person;
 - d) must be constructed to allow quick and safe re-holstering and securing of the handgun with one hand;
 - e) allows for an optional belt loop mount to be provided for those officers who require the holster to be somewhat lower and capable of being mounted on a drop loop belt or straight belt; and
 - f) is inspected on an annual basis by a qualified person to ensure that it is in proper working condition.
2. Every Chief of Police should ensure that, prior to making a decision regarding the acquisition of secure holsters, designated employee representatives are consulted.
3. Every Chief of Police should ensure that, at minimum, police officers are issued secure holsters that have the following physical requirements:
- a) the main body of the holster is to be a unitary moulded pocket;
 - b) the holster is to be constructed of a material of high durability;
 - c) the holster is to be moulded for the particular make, model, and barrel length of the handgun carried within;
 - d) the holster is to provide a resilient squeezing effect to inhibit relative movement while in the holster, and to prevent the accidental removal of the handgun from the holster;
 - e) the holster is to be constructed so as to permit minimal moisture retention;
 - f) the holster is to be constructed with a provision to partially enclose the trigger guard in such a way that the trigger is fully covered;
 - g) a one or two-piece finger-break retention/release provision will be provided for the opening;
 - h) the holster will provide at least two separate and redundant safety features to prevent the withdrawal inadvertently or by an unauthorized person, even when one of the two systems are defeated;
 - i) the holster will be constructed to reduce the risk of an unauthorized forward release;
 - j) the holster will be constructed with safety features that are effective from a left hand or a right hand attack;
 - k) the holster will be constructed to permit withdrawal by the support hand if required in an emergent situation;
 - l) a belt mount will be provided of the same, or stronger material as the holster;
 - m) the belt mount will be so constructed that it will:
 - i) snugly fit the contours of the user's body;
 - ii) position the holster on the user's strong hand side;
 - iii) be affixed to and through the holster's inner-side with secure and durable fasteners, the heads being of such a size to minimize damage to clothing and to prevent pulling through belt loop mount;



- iv) must include an inner belt and minimum four belt keepers designed to secure the gun belt to the body; and
- v) accommodate a belt of high quality durable material, to be a maximum of $2\frac{1}{4}$ " in width and a minimum of $2\frac{1}{8}$ " in width, and to be a maximum thickness of $\frac{1}{4}$ " and a minimum thickness of $\frac{3}{16}$ " thick.

**Concealed
Carry and
Specialized
Units**

4. Every Chief of Police should ensure that police officers and other authorized members operating in a plain clothes or undercover capacity or operating in a specialized unit are issued a secure holster that:
 - a) is designed to meet the specific needs and requirements of the officer;
 - b) provides the level of protection that is necessary for the performance of the members non-uniform or specialized duty;
 - c) inhibits the handgun from being drawn inadvertently, or by an unauthorized person;
 - d) permits the rapid drawing of the handgun when required;
 - e) is approved by the police service; and
 - f) the police officer or authorized person has been provided with in service training on the type of secure holster issued for this specialized function.

Procedures

5. Every police service's procedures should ensure that police officers that are provided a secure holster:
 - a) use that type of secure holster in accordance with the manufacturers standards;
 - b) maintain and care for the secure holster that is issued to them; and
 - c) report to his or her supervisor the absence of, or defect in, any equipment or protective device of which the police officer is aware and which may endanger himself, herself or another worker.

**Training
and
Information**

6. Every police service's procedures on secure holsters shall ensure that police officers and appropriate members receive training in accordance with the requirements of the *Equipment and Use of Force Regulation* and accompanying guideline.
7. Every Chief of Police shall ensure that appropriate supervisors and police officers are provided with training and information in accordance with the *OHS Act* that would include:
 - a) the proper use and care of secure holsters; and
 - b) the responsibilities and obligations of employers, supervisors and employees under the *Occupational Health and Safety Act*.





BY-LAW NO. 499-2024

**A BY-LAW RESPECTING
SEXUAL ASSAULT 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 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;
- 1.4 AND WHEREAS O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.5 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 sexual assault occurrences;
- 1.6 AND WHEREAS O. Reg. 394/23: Major Case Management and Approved Software Requirements prescribes requirements for investigation of Major Cases, including sexual assaults;
- 1.7 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 sexual assault occurrences;
- 1.8 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;
- 1.9 AND whereas Part LE-034 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and the Board relative to the police response to sexual assault occurrences;

- 1.10 AND WHEREAS it is the purpose of this By-law to ensure that the Service has procedures in place to reduce violence against women by encouraging an effective and consistent response to sexual assault 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 “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; and
- 2.7 “Service” means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that matters of sexual assault 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 implement written procedures with respect to the investigation of and laying of charges in sexual assault cases. 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;
- (b) require compliance with the procedures set out in the Ministry’s designated Ontario Major Case Management Manual and O. Reg. 394/23: Major Case management and Approved Software Requirements;
- (c) address communications and dispatch, initial response and investigations relating to sexual assaults;
- (d) address community notification; and
- (e) adhere to the reporting requirements of Section 18 of O. Reg. 395/23: Investigations.

- 4.2.1 The Chief shall develop and implement a written procedure to monitor and evaluate all responses to complaints of sexual assaults to ensure compliance with the said procedures by Members.

4.2 PROTOCOL

- 4.2.1 The Chief shall ensure the Police Service, where possible, establish multi-agency protocols with hospitals and agencies, including local Crown Attorney's, sexual assault treatment centres, sexual assault/rape crisis centres and victim services to ensure a co-ordinated and effective response to victims of sexual assaults.

4.3 TRAINING

- 4.3.1 The Chief shall ensure that Members involved in the investigation of sexual assaults receive the appropriate Ministry accredited training in dealing with sexual assault occurrences and that these Members have the requisite knowledge, skills and abilities to investigate sexual assault offences.
- 4.3.2 The Chief shall ensure that the Skills Development and Learning Plan is consistent with Appendix A for members performing this function.

4.4 VICTIMS

- 4.4.1 The Chief shall form a committee with local hospitals and agencies which provide services to victims of sexual assault in order to ensure a coordinated and effective response to victims of sexual assault.
- 4.4.2 The Chief shall develop and implement a written procedure to ensure that the needs of victims of sexual assault crimes are accommodated.

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 sexual assault occurrences. This report will contain:
- (a) a summary of the written procedures concerning sexual assault investigations, including changes since the date of the last report;
 - (b) confirmation that the procedures are in compliance with the Ministry's designated Ontario Major Case Management Manual and O. Reg. 394/23: Major Case management and Approved Software Requirements;
 - (c) the status of Service compliance with the said procedures;
 - (d) a summary of the training given to Members with respect to sexual assault;
 - (e) a summary of the steps taken by the Service to monitor and evaluate response to sexual assault occurrences; and
 - (f) a summary of the issues dealt with by the Sexual Assault Committee.

6. IMPLEMENTATION

- 6.1 By-law No. 226-2000 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 sexual assaults.

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

Sample Board Policy

Board Policy # _____

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

- a) develop and maintain procedures that:
 - i) require that investigations be undertaken in accordance with the police service's criminal investigation management plan;
 - ii) require compliance with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*;
 - iii) address communications and dispatch, initial response and investigations relating to sexual assaults; and
 - iv) address community notification;
- b) work, where possible, with hospitals and agencies which provide services to victims of sexual assault, including Sexual Assault Treatment Centres, Sexual Assault/Rape Crisis Centres and Victim Services, as well as the local Crown, to ensure a co-ordinated and effective response to victims of sexual assaults; and
- c) address training for officers and other appropriate members on the response to sexual assault occurrences, including victims' assistance.

Police Service Guidelines

- Protocols**
1. Every Chief of Police should work, where possible, with hospitals and agencies which provide services to victims of sexual assault, including Sexual Assault Treatment Centres, Sexual Assault/Rape Crisis Centres and Victim Services, as well as the local Crown, to ensure a co-ordinated and effective response to victims of sexual assaults, including developing a local protocol that addresses:
 - a) practical assistance and support to victims;
 - b) the receipt of information from third party and anonymous sources;

- c) information sharing;
- d) training of members of the police service;
- e) concerns raised over practices and procedures;
- f) role and responsibilities of investigating officers;
- g) documentation of referrals;
- h) information to victims regarding their cases;
- i) the collection, preservation and transfer of medical/forensic evidence (including provisions to allow for a Sexual Assault Evidence Kit to be stored for up to six months when a victim chooses to attend the hospital to have the examination completed but chooses not to report the assault to the police at that time);
- j) the dissemination of Sexual Assault Evidence Kits; and
- k) community education.

Procedures

2. Every police service's procedures on sexual assaults should:
 - a) require that investigations be undertaken in accordance with the police service's criminal investigation management plan;
 - b) require compliance with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*;
 - c) address the notification of the community or members of the community who may be at risk in the event that suspected serial sexual assault offences or attempts are occurring;
 - d) address compliance with the *ViCLAS Regulation*;
 - e) address the role of communications and dispatch, including advising the complainant of precautions that should be taken in order to preserve any physical evidence;
 - f) address an officer's initial response to a sexual assault occurrence;
 - g) address the preliminary and detailed interviewing of the victim;
 - h) require minimizing the unnecessary repetition of the facts by the victim of the sexual assault to different police officers;
 - i) address the sharing of information with patrol officers on sexual assault occurrences, including suspect descriptions, where available;
 - j) address the collection and preservation of evidence relating to a sexual assault, including:
 - i) if the assault is reported within seventy-two hours, explaining to the victim the importance of attending a hospital (Sexual Assault Treatment Centre, where available) to retrieve medical/forensic evidence and/or to receive medical treatment to identify and treat any disease or injury or to provide reassurance that no enduring physical harm was inflicted; and
 - ii) the use of the Sexual Assault Evidence Kit;
 - k) address the safety and security of the victim upon completion of any medical/forensic examination;
 - l) set out the steps for obtaining third party records;

- m) address the linkages to other relevant procedures, including victims' assistance, bail and violent crime, criminal harassment, domestic violence occurrences, child abuse and neglect and preventing or responding to occurrences involving firearms;
- n) refer to relevant programs including the Provincial Strategy to protect children from sexual abuse and exploitation on the internet;
- o) address the fact that historical sexual assault/abuse cases should be governed by the same set of investigative standards as recent sexual assault/abuse cases;
- p) ensure officers involved in sexual assault cases continue to receive in-service support and supervision.

Training

- 3. Every Chief of Police should ensure that the police service's skills development and learning plan addresses the training for officers and other appropriate members on the response to sexual assault occurrences, including victims' assistance.

**Monitoring
and
Supervision**

- 4. Every police service should require supervisors to monitor, and ensure, compliance by members with the police service's procedures on sexual assault investigation.



BY-LAW NO. 500-2024

A BY-LAW RESPECTING SPEED DETECTION DEVICES

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 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 establish a policy on the proper acquisition, use and maintenance of Speed Measuring Devices and related training and to require the Chief of Police to establish procedures on the proper acquisition, use and maintenance of Speed Measuring Devices;
- 1.4 AND WHEREAS Part AI-013 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 speed detection devices;
- 1.5 AND WHEREAS the *Occupational Health and Safety Act, R.S.O. 1990, c.0.1*, as amended, sets out the responsibilities of employers, supervisors and workers for workplace safety, the Board prescribes the Chief of Police shall establish procedures and processes with respect to speed detection devices.

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

2.5 “Ministry” means the Ministry of the Solicitor General; and

2.6 “Service” means the Niagara Regional Police Service.

3 BOARD POLICY

3.1 The Board recognizes that traffic enforcement and the safety of road users are important elements of public safety and are statutorily required and that positive outcomes depend on the proper and safe operation of speed measuring devices and the provision of standardized training in the safe, effective and consistent use of speed measuring devices. It is therefore the policy of the Board that speed measuring devices be governed and used only in accordance with the procedure set out by the Chief of Police 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 that govern the use and function of speed detection devices that are in accordance with Appendix A.

4.2 MEMBERSHIP AND TRAINING

4.2.1 The Chief shall ensure that the procedures developed and maintained in section 4.1 ensure that Members receive the appropriate training in relation to speed detection devices.

4.2.2 The Chief shall ensure that Members who operate speed detection devices have the requisite knowledge, skills and abilities and receive training on an ongoing basis.

4.2.3 The Chief shall establish a skills development and learning plan that is consistent with Appendix A for Members performing this function.

4.3 EQUIPMENT

4.3.1 The Chief shall ensure that appropriate equipment, in accordance with the Ministry’s performance standard for speed detection devices, is used and available to Members who provide the service of traffic radar.

4.3.2 The procedures established 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 30th of each year with respect to speed detection devices. The report shall include::

- (a) a summary of the procedures as required by this By-law;
- (b) the status of Service compliance with the said procedures; and
- (c) a summary of the training given to Members with respect to speed detection devices and confirmation that Members have been trained in accordance with section 4.2.

6 IMPLEMENTATION

- 6.1 By-law Nos. 270-2005, 321-2012 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

Attachments (1)

Legislative/Regulatory Requirements

Section 29 of Ontario Regulation (O. Reg.) 3/99 ("Adequacy and Effectiveness of Police Services"), made under the *Police Services Act* (PSA), requires a police services board to have a policy on traffic management, traffic law enforcement and road safety which includes a policy on the proper acquisition, use and maintenance of Speed Measuring Devices and related training.

In addition, section 8 of O. Reg. 3/99 requires the Chief of Police to establish procedures on traffic management, traffic law enforcement and road safety which includes procedures on the proper acquisition, use and maintenance of Speed Measuring Devices and related training.

The *Occupational Health and Safety Act* (OHSA) outlines the responsibilities of employers, supervisors and workers for workplace safety.

The Ontario Ministry of Labour's Health and Safety Guideline on "*Radiofrequency and Microwave Radiation in the Workplace*" (or its successor) sets out Occupational Exposure Limits; and is enforced in Ontario workplaces by the Ministry of Labour (MOL). An electronic copy of this Guideline is available at MOL's website: <http://www.labour.gov.on.ca>.

The Occupational Exposure Limits in the above noted MOL Guideline are based on Health Canada's "Limits of Human Exposure to Radiofrequency Electromagnetic Energy in the Frequency Range from 3 kHz to 300 GHz", *Safety Code 6, 2009* or its successors. To obtain an electronic copy of this Safety Code, please contact: publications@hc-sc.gc.ca.

The Ontario Police Health and Safety Committee (OPHSC) has prepared Guidance Note #8 which is entitled, "*High Visibility Garments*". This Guidance Note (or its successor) provides procedures for the wearing of high visibility garments when employees are exposed to traffic hazards. MOL inspectors refer to OPHSC Guidance Notes when they carry out their enforcement duties under the OHSA. This OPHSC Guidance Note is available from all Ontario police services, the Police Association of Ontario, the Ontario Provincial Police Association and the Ontario Association of Chiefs of Police (OACP).

The current "*Speed Measuring Device Performance Specifications: Down-The-Road Radar Module*" (DOT HS 809-812, June 2004, Technical Manual or successor versions) is a publication of the National Highway Traffic Safety Administration (NHTSA). This NHTSA Technical Manual has been adopted by the International Association of Chiefs of

Police (IACP); and, it is recognized as the performance standard for speed measuring radar¹ devices.

The current “*Speed Measuring Device Performance Specifications: Lidar Module*” (DOT HS 809 811, June 2004, Technical Manual or successor versions) is an NHTSA publication. This NHTSA Technical Manual has been adopted by the IACP; and, is recognized as the performance standard for speed measuring lidar² (laser) devices.

The above referenced NHTSA Technical Manuals on radar and lidar performance standards and a list of IACP approved radar and lidar devices (conforming products list) can be found on the website of the IACP at www.theiacp.org.

For the purposes of these requirements, an Operator is a person, assigned to/carrying out traffic enforcement duties, who has successfully completed the accredited/prescribed initial and refresher training by a qualified Instructor.

Sample Board Policy

Board Policy # _____

PREAMBLE:

Traffic enforcement and the safety of road users are important elements of public safety and are statutorily required. In this regard, positive outcomes depend on the proper and safe operation of speed measuring devices, and the provision of standardized training in the safe, effective and consistent use of speed measuring devices:

Therefore, it is the policy of the _____ Police Services Board with respect to speed measuring devices that:

The Chief of Police will:

- a) ensure the provision of speed measuring devices that:
 - i) comply with the current NHTSA performance standards adopted by the International Association of Chiefs of Police (IACP) and entitled, “*Speed Measuring Device Performance Specifications: Down-The-Road Radar Module*” (DOT HS 809-812, June 2004, Technical Manual or its successor versions); and, “*Speed Measuring Device Performance Specifications: Lidar*

¹ Radar is the short form for “radio detection and ranging”.

² Lidar is the short form for “light detection and ranging”.

Module" (DOT HS 809 811, June 2004, Technical Manual or its successor versions);

- b) do not exceed the current 50W/m^2 occupational exposure limits (formerly expressed as 5mW/cm^2) in compliance with the Occupational Exposure Limits established by Health Canada's *Safety Code 6, 2009* and adopted by Ontario Ministry of Labour's Health and Safety Guidance Note "*Radiofrequency and Microwave Radiation in the Workplace*"³ and their successors; and
- i) are tested and certified initially by the manufacturer to be in accordance with the above NHTSA performance standards and similarly tested and certified following any major repair.
- c) ensure that each operator uses and maintains and cares for the speed measuring devices provided to them in accordance with the manufacturer's manual for the specific device; and
- d) ensure that operators:
 - i) use speed measuring devices only after successfully completing the accredited/prescribed training by a qualified Instructor;
 - ii) do not permit devices to transmit when not in use; and
 - iii) always direct speed measuring devices away from their body, specifically the head and groin areas;
- e) ensure that, at least every thirty-six months, every operator who may be required to use speed measuring devices successfully completes an accredited or prescribed training course by a qualified Instructor that reviews the topics covered in the initial accredited/prescribed training course, including updates on changes in case law, new technological developments and/or operating procedures; and
- f) ensure that operators receive information on the current NHTSA performance standards adopted by IACP and entitled, "*Speed Measuring Device Performance Specifications: Down-The-Road Radar Module*" (DOT HS 809-812, June 2004,

³ The current limit is expressed as 50 W/m^2 ; whereas, the former limit had been expressed as a 5 mW/cm^2 . Nonetheless, since a power density of 10 W/m^2 is equivalent to 1 mW/cm^2 ; the value of the current exposure limit of 50 W/m^2 (Safety Code 6 1999 and 2009) and former 5mW/cm^2 exposure limit (Safety Code 6 1991) remain identical. In other words, the value has not changed only its expression has changed.

Technical Manual); and, "*Speed Measuring Device Performance Specifications: Lidar Module*" (DOT HS 809 811, June 2004, Technical Manual); on Health Canada's *Safety Code 6, 2009*; on the *Occupational Health and Safety Act* (OHSA) including the Ontario Ministry of Labour's Health and Safety Guideline entitled, "*Radiofrequency and Microwave Radiation in the Workplace*"; and on the Ontario Police Health and Safety Committee (OPHSC) Guidance Note #8 entitled, "*High Visibility Garments*" (or, successor versions of any of these).

Police Service Guidelines

Radar Devices

1. Every Chief of Police should ensure that a radar device provided for use has:
 - a) operating frequencies that conform to the following:
 - i) X-BAND radar = 10.525 GHz (10,525,000,000 Hz);
 - ii) K-BAND radar = 24.150 GHz (24,150,000,000 Hz); and
 - iii) Ka-BAND radar = 33.400 GHz through to 36.000 GHz (33,400,000,000 Hz - 36,000,000,000 Hz); and
 - b) occupational exposure limits not exceeding the current $50\text{W}/\text{m}^2$ (formerly expressed as $5\text{mW}/\text{cm}^2$) in compliance with the Occupational Exposure Limits established by Health Canada's *Safety Code 6, 2009* and adopted by the MOL Health and Safety Guideline on "*Radiofrequency and Microwave Radiation in the Workplace*" or their successors.
2. Every Chief of Police should ensure that:
 - a) radar devices acquired for use are tested and certified initially by the manufacturer to be in accordance with the current NHTSA radar device performance standards adopted by the IACP, which is entitled, "*Speed Measuring Device Performance Specifications: Down-The-Road Radar Module*" (DOT HS 809-812, June 2004, Technical Manual or its successor versions); and that, this certification is provided on the delivery of any new device;

- b) radar devices are tested and certified in accordance with the NHTSA performance standard after any major repair;
- c) the power density test results for radar devices does not exceed the current occupational exposure limits of 50W/m^2 (formerly expressed as 5mW/cm^2) adopted by the MOL and as set out in Health Canada's *Safety Code 6, 2009*; (or its successor)
- d) radar devices are tested on set-up for accuracy in accordance with the manufacturer's manual; and
- e) radar devices are used in accordance with the manufacturer's instructions.

Stationary Radar Devices

3. Every Chief of Police should ensure that:

- a) all stationary radar devices consist of one or more components that have the capabilities of a radar device as defined in the NHTSA's current radar performance standard adopted by the IACP and entitled, "*Speed Measuring Device Performance Specifications: Down-The-Road Radar Module*"; (DOT HS 809-812, June 2004, Technical Manual or its successor versions);
- b) all stationary radar devices only transmit when the trigger is depressed;
- c) every police service's procedures on stationary radar devices should ensure that operators do not use traffic radar devices unless:
 - (i) the device to be used has been certified to operate in accordance with NHTSA performance standard at the time of purchase; and
 - (ii) the radar device is tested and certified for accuracy in accordance with the NHTSA performance standard following any major repair;
- d) radar devices are tested on set-up for accuracy in accordance with the manufacturer's manual; and
- e) radar devices are used in accordance with the manufacturer's instructions.

4. Every Chief of Police should ensure that every operator who may be required to use a stationary radar device is made aware of the safety considerations for the use of a stationary radar device, including that:
 - a) during operation, the radar device should not be directed towards any part of the body (and especially not towards the head and the groin areas);
 - b) the radar device should be transmitting only during speed acquisition; and
 - c) the radar device should be securely positioned when not in use.

Moving Radar Devices

5. Every Chief of Police should ensure that all moving radar devices:
 - a) consist of components that include the patrol and target speed displays; and
 - b) can be used in both the moving mode and stationary mode of operation.
6. Every police service's operating procedures on moving radar devices should specify that:
 - a) operators do not use moving radar devices unless the device is so securely fastened that the device cannot move;
 - b) operators do not use moving radar devices unless the antenna of the device is located in a way that ensures adequate ground reflection;
 - c) at the time of purchase, the moving radar device is tested and certified by the manufacturer in accordance with the NHTSA performance standards;
 - d) the moving radar device is tested and certified in accordance with the NHTSA performance standard following any major repair;
 - e) the moving radar device is tested on set-up for accuracy in accordance with the manufacturer's manual; and
 - f) radar devices are used in accordance with the manufacturer's instructions.

7. Every Chief of Police should ensure that every operator who may be required to use a moving radar device is made aware of the safety considerations for the use of a moving radar device, including that:
 - a) when not in use to actively measure a speed, a moving radar device is not to be left in the transmitting mode;
 - b) the antenna of a moving radar device should be located more than 15 cm from the occupants of the vehicle; and
 - c) the antenna of a moving radar device should be positioned so that the operator is not intercepting the transmitting beam.

Lidar Devices

8. Every Chief of Police should ensure that all lidar devices are tested and certified by the manufacturer to be in accordance with the current NHTSA lidar device performance standard adopted by the IACP, which is entitled, "*Speed Measuring Device Performance Specifications: Lidar Module*" (DOT HS 809 811, June 2004, Technical Manual, or its successor versions); and that this certification is provided on the delivery of a new device.
9. Every police service's procedures on lidar devices should specify that:
 - a) devices are to be tested and certified by the manufacturer to be in accordance with the current NHTSA lidar device performance standard, adopted by the IACP, and entitled, "*Speed Measuring Device Performance Specifications: Lidar Module*" (DOT HS 809 811, June 2004, Technical Manual, or its successor versions); and that this certification is to be provided on the delivery of any new device;
 - b) devices are tested and certified in accordance with the NHTSA performance standard following any major repair; and
 - c) an operator should not use a lidar device unless that device is:
 - i) tested on set-up for accuracy in accordance with the manufacturer's instructions (manual); and
 - ii) used in accordance with the manufacturer's instructions.

Training

General

10. An Operator is a person, assigned to/carrying out traffic enforcement duties, who has successfully completed the accredited/prescribed initial and refresher training by a qualified Instructor.
11. An Instructor is qualified if he/she is a person who has successfully completed Operator and Instructor training accredited by the Ontario Police College (OPC)⁴ or the equivalent training prescribed by the IACP; and, who has used speed measuring devices in accordance with this guideline for a minimum of thirty-six months.
12. A Master Trainer (Instructor Trainer) is a qualified Instructor:
 - a) who has been actively instructing for no less than sixty months;
 - b) who has training in instructional techniques or an equivalent;
 - c) who has conducted at least one Instructor course;
 - d) who has successfully completed the training for a Master Trainer accredited by the OPC or, its IACP equivalent;
13. Every Chief of Police should establish a development and learning plan for operators using speed measuring devices that is consistent with and reflects this guideline; and, ensures that every such operator using speed measuring devices has the knowledge, skills and abilities required to perform the function safely and competently.

Training for Stationary Radar Devices

14. Every Chief of Police should ensure that operators do not use stationary radar devices unless the operator has successfully completed the accredited/prescribed initial training session, offered by an instructor on radar devices, including the following topics:
 - a) Basic Theory of Radar;
 - b) Speed Management;
 - c) The Doppler Principle;
 - d) Cosine Angle Effect;

⁴ OPC means the police college known as the Ontario Police College pursuant to section 3(3) of PSA.

- e) Sources of Interference;
- f) Speed Measuring Warning Devices;
- g) Operator Health and Safety;
- h) Operational Procedures;
- i) Equipment Maintenance;
- j) Direction Sensing/"Fastest Target Feature";
- k) Case Law; and
- l) Testimony and Presenting Radar Evidence in Court;

as well as, practical exercises including:

- m) Sources of Interference;
- n) Speed Observation;
- o) Target Identification Exercises; and
- p) Set-up and Test Procedures;

Training for Moving Radar Devices

15. Every Chief of Police should ensure that operators do not use moving radar devices unless they have successfully completed initial accredited/prescribed training by an Instructor on stationary radar. In addition, operators must successfully complete the accredited/prescribed training on the use of moving radar including:

- a) Operational Procedures for Moving Radar Devices;
- b) Moving Cosine Angle Effect; and
- c) Limitations of Equipment;

as well as, practical exercises including:

- d) Sources of Interference;
- e) Speed Observation;
- f) Target Identification Exercises; and
- g) Set-up and Test Procedures.

16. Every Chief of Police should ensure that an operator:

- a) does not use moving radar for same direction mode unless the operator has successfully completed the accredited/prescribed training by an Instructor on stationary radar and has successfully completed the accredited/prescribed training on moving radar; and

- b) has successfully completed the accredited/prescribed same direction mode training by an Instructor, including:
 - i) training on same direction mode theory; and
 - ii) practical exercises on same direction mode.

Training for Lidar Devices

17. Every Chief of Police should ensure that an operator has successfully completed the accredited/prescribed lidar device training by an Instructor, including:
- a) Basics of Lidar;
 - b) Speed Management;
 - c) Cosine Angle Effect;
 - d) Speed Measuring Warning Devices;
 - e) Operator Health and Safety;
 - f) Operational Procedures;
 - g) Equipment Maintenance;
 - h) Case Law; and
 - i) Testimony and Presenting Lidar Evidence in Court;

as well as practical exercises including:

- j) Speed Observation;
- k) Target Identification Exercises; and
- l) Set-up and Test Procedures.

Refresher Training on Speed Measuring Devices

18. Every Chief of Police should ensure that, at least every thirty-six months, an operator who may be required to use speed measuring devices receives and successfully completes refresher training approved by an Instructor. This refresher training is to be accredited by the OPC or the equivalent training as prescribed by the IACP. Training should include a review of the topics covered in the Operator's initial training course, including updates on case law, technological developments and operating procedures.
19. Every Chief of Police should ensure that, at least every sixty months, every Instructor receives and successfully completes refresher instructor training by a Master Trainer (Instructor Trainer). This refresher training is to be accredited by the OPC or the equivalent training prescribed by the IACP. This training should include topics covered in the Instructor's initial training, including updates on case law,

technological developments and operating procedures. There must also be a practical component to this training.

20. Every Chief of Police should ensure that, at least every sixty months, every Master Trainer (Instructor Trainer) receives and successfully completes refresher training. This refresher training is to be accredited by the OPC or the equivalent training prescribed by the IACP. This training should include initial topics covered in the Master Trainer's initial training, including updates on case law, technological developments and operating procedures. There must also be a practical component to this training.



BY-LAW NO. 501-2024

**A BY-LAW RESPECTING
SUDDEN DEATH AND FOUND HUMAN REMAINS**

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 (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;
- 1.4 AND WHEREAS O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.5 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 sudden death and found human remains;
- 1.6 AND WHEREAS O. Reg. 394/23: Major Case Management and Approved Software Requirements prescribes requirements for investigation of Major Cases, including found human remains suspected to be a homicide;
- 1.7 AND WHEREAS the Board deems it appropriate to require the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into sudden death and found human remains;
- 1.8 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;
- 1.9 AND WHEREAS Part LE-037 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 sudden death and found human remains.

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; and
- 2.7 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that issues relating to sudden death and found human remains form an important part of investigative policing, 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 – SUDDEN DEATH

- 4.1.1 The Chief shall establish procedures that address a standardized approach for all sudden death investigations in accordance with Appendix A.
- 4.1.2 Where the occurrence falls within the definition of a major case, the Chief shall ensure that officers comply with the procedures set out in the Ministry's designated Ontario Major Case Management Manual and O. Reg. 394/23: Major Case Management and Approved Software Requirements.

4.2 PROCEDURES – FOUND HUMAN REMAINS

- 4.2.1 The Chief shall develop procedures to be followed when unidentified human remains are found in accordance with Appendix A.
- 4.2.2 Where the occurrence falls within the definition of a major case, the Chief shall ensure that officers comply with the procedures set out in the Ministry's designated Ontario Major Case Management Manual and O. Reg. 394/23: Major Case Management and Approved Software Requirements.

4.3 TRAINING

- 4.3.1 The Chief shall ensure that all Members involved in the investigation of a sudden death or found human remains have the requisite knowledge, skills and abilities and receives the appropriate training.

5 CHIEF CORONER'S MEMORANDA

- 5.1 The Chief shall ensure that the procedures concerning sudden death are in compliance with any and all memoranda issued by the office of the Chief Coroner.

6 REPORT TO THE BOARD

- 6.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of sudden death and found human remains investigations. The report shall include:
- (a) a summary of the written procedures concerning sudden death and found human remains investigations;
 - (b) confirmation that Service procedures comply with Appendix A, the Ministry's designated Ontario Major Case Management Manual and O. Reg. 394/23: Major Case Management and Approved Software Requirements;
 - (c) the status of Service compliance with the said procedures;
 - (d) a summary of the memoranda of the Chief Coroner relating to sudden death; and
 - (e) the status of Service compliance with the said memoranda.

7. IMPLEMENTATION

- 7.1 By-law No. 229-2000 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.
- 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

Attachments (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into found human remains.

Section 12(1)(j) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into found human remains.

In addition to the above legislative requirements, a number of Chief Coroner's Memoranda outline protocols to be followed during the investigation of:

- sudden and unexpected deaths of children under five years of age;
- multiple fatality incidents, as well as railway fatalities and aviation fatalities;
- persons dying in hospitals following suspected accidents, suicides or homicides;
- firearm-related suicides; and
- homicides.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to sudden or unexplained death investigations and investigations into found human remains that the Chief of Police will:

- a) develop and maintain procedures that require that investigations into sudden or unexplained deaths and found human remains be considered potential homicides and be undertaken in accordance with the police service's criminal investigation management plan;
- b) ensure that officers investigating sudden or unexplained death and found human remains occurrences have the knowledge, skills and abilities required; and
- c) where an occurrence falls within the definition of a major case, ensure that officers comply 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 should:
 - a) require that sudden or unexplained death and found human remains occurrences be considered potential homicides and investigations be undertaken in accordance with the police service's criminal investigation management plan;

- b) where an occurrence falls within the definition of a major case, ensure that officers comply with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*;
- c) provide that a sudden death includes any death resulting from:
 - i) homicide;
 - ii) suicide;
 - iii) accident; or
 - iv) unexplained or unknown causes;
- d) require that officers do not assume that an individual is deceased, unless there is obvious signs of:
 - i) decomposition;
 - ii) decapitation;
 - iii) transection;
 - iv) gross rigor mortis;
 - v) gross outpouring of cranial or visceral contents; or
 - vi) grossly charred body;
- e) address the responsibilities of:
 - i) members receiving information on the location of a suspected deceased person;
 - ii) communications/dispatch personnel; and
 - iii) supervisory and investigative personnel;
- f) address the responsibilities of a first officer(s) at a scene, including:
 - i) considering the scene as a possible homicide scene and taking appropriate actions;
 - ii) providing assistance to preserve life to any victims; and
 - iii) notifying a supervisor;
- g) require officers to consider the need to secure the scene, in cases of sudden death, apparent suicides and found human remains, until after an autopsy is performed to ascertain the cause of death;
- h) ensure all sudden death and suspected suicide scenes be treated as homicide scenes until determined otherwise;
- i) outline the procedures to be followed in an investigation of a sudden death of a child;
- j) set out the procedures to be followed, including notifying next-of-kin and providing assistance to survivors present at the scene, when the death under investigation occurred from:
 - i) natural causes; or
 - ii) accidental causes;
- k) require the notification of a coroner pursuant to the *Coroners Act*;
- l) require that appropriate members comply with the protocols and guidelines set out in Chief Coroner's Memoranda; and
- m) require that any found skeletal remains not be excavated before the arrival of a Coroner, and, if required, a forensic anthropologist.

- Information**
2. Every Chief of Police should ensure that appropriate members are kept informed of new guidelines and procedures, as they become available through the Chief Coroner.
 3. Every Chief of Police should ensure that officers investigating sudden or unexplained death and found human remains occurrences have the knowledge, skills and abilities required.



BY-LAW NO. 502-2024

**A BY-LAW RESPECTING
SUPERVISION**

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) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS Section 17 of the Adequacy Regulation requires the Chief of Police to:
- (a) ensure that there is supervision available to members of the police force 24 hours a day; and
 - (b) establish procedures and processes on supervision, including setting out circumstances where a supervisor must be contacted and when a supervisor must be present at an incident;
- 1.5 AND WHEREAS Part LE-025 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the police service relative to supervision.

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 proper supervision is required in order that Members carry out their duties, and it is therefore the policy of this Board that appropriate supervision be mandated 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 in compliance with Section 17 of the Adequacy Regulation and in accordance with Appendix A.
- 4.1.2 The procedure referred to above shall include direction to Members relative to span of control as approved by the Board in the organizational chart.
- 4.1.3 The Chief shall ensure that the Police Service's supervisors have the knowledge, skills and abilities to supervise.

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 supervision. The report shall include:
- (a) a summary of the written procedures concerning supervision; and
 - (b) the status of Service compliance with the said procedures.

6. IMPLEMENTATION

- 6.1 By-law No. 217-2000 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 supervision.

In addition, section 10 requires the Chief of Police to:

- ensure that there is 24 hour supervision available to members of the police service;
- establish procedures and processes on supervision, including setting out the circumstances where a supervisor must be contacted and when a supervisor must be present at an incident; and
- ensure that the police service's supervisors have the knowledge, skills and abilities to supervise.

Sample Board Policy

Board Policy # _____

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

- a) ensure that there is 24 hour supervision available to members of the police service;
- b) establish procedures on supervision that set out the circumstances where a supervisor must be contacted and when a supervisor must be present at an incident, including for all major case incidents; and
- c) establish a selection process to ensure that members appointed permanently to supervisory positions have the knowledge, skills and abilities required for the supervisory positions.

Police Service Guidelines

- Procedures**
- I. Every police service's procedures on supervision should:
 - a) set out how supervision will be available to members 24 hours a day;
 - b) set out the circumstances where a supervisor must be contacted and when a supervisor must be present at an incident, including for all major case incidents; and
 - c) require that supervisors monitor and ensure compliance by members with the *Police Services Act*, its regulations and local policies and procedures.

2. Every Chief of Police should establish a selection process to ensure that members appointed permanently to supervisory positions have the knowledge, skills and abilities required for the supervisory positions.





BY-LAW NO. 503-2024

**A BY-LAW RESPECTING
TACTICAL UNITS**

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 Section 10 (6) of the CSPA provides that a Board or the Commissioner shall provide policing in respect of all navigable bodies and courses of water in the area for which the Board or the Commissioner has policing responsibility;
- 1.4 AND WHEREAS O. Reg. 392/23: Adequate and Effective Policing (General) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.5 AND WHEREAS Section 9 of the Adequacy Regulation prescribes, inter alia, the functions and capacity of Tactical Units;
- 1.6 AND WHEREAS subsection 2 (5) 1 of O. Reg. 398/23: Alternative Provision of Policing Functions and Section 14 of the CSPA permit a Police Service to deliver the services of a Tactical Unit by contracting with another Police Service;
- 1.7 AND WHEREAS Section 10 of the Adequacy Regulation provides that every Chief of Police shall establish written procedures in relation to the functions of Tactical Units and Hostage Rescue Teams, authorizing the Tactical Supervisor or Incident Commander to determine deployment needs at an incident;
- 1.8 AND WHEREAS the Board has deemed it appropriate that it establish a policy regarding Tactical Units;
- 1.9 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA and with its objectives and priorities determined pursuant to Sections 37 and 38 of the CSPA to require the Chief of Police to establish procedures and processes regarding selection, training, equipping and deployment of the Tactical Unit;
- 1.10 AND WHEREAS Part ER-002 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Police Service relative to Tactical Units.

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; and
- 2.7 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that Tactical Units are an important part of policing, and it is therefore the policy of this Board that the deployment of Tactical Units be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law and in accordance with any protocol in force between the Service and an outside police service.

4 PROVISION OF A TACTICAL UNIT

- 4.1 The Service will provide, within a reasonable response time, access to the services of a Tactical Unit.
- 4.2 The services of the Tactical Unit will be available 24 hours a day.
- 4.3 The Tactical Unit will consist of a minimum of 12 full-time tactical officers, including a supervisor, who are dedicated to the Tactical Unit but who, when not training or undertaking tactical activities, may undertake community patrol.

5 DIRECTION TO THE CHIEF

5.1 PROCEDURES

- 5.1.1 The Chief shall establish procedures in accordance with the Adequacy Regulation and Appendix A that set out the circumstances in which a Tactical Unit will be deployed, including the process for obtaining the service of the Tactical Unit and reporting relationships.

5.2 MANUAL

- 5.2.1 The Chief shall develop and maintain a manual, in accordance with the Adequacy Regulation and Appendix A, on Tactical Unit services that is available to each Member providing the service.

- 5.2.2 The Chief shall ensure that the Manual referred to in section 5.2.1 above is reviewed on an annual basis and amended as required.

5.3 MEMBERSHIP AND TRAINING

- 5.3.1 The Chief shall establish a selection process for Members of the Unit, ensuring that Members who provide the service meet the requirements of the Adequacy Regulation.
- 5.3.2 The Chief shall ensure that no person becomes a Member of a Tactical Unit unless that person has successfully completed the required Ministry accredited training or acquired the Ministry approved equivalent competencies.
- 5.3.3 The Chief shall ensure that Members who provide services of Tactical Units have the requisite knowledge, skills and abilities and receive training on an ongoing basis.

5.4 EQUIPMENT

- 5.4.1 The Chief shall ensure that appropriate equipment and resources, in accordance with Section 4 of Schedule 1 to the Adequacy Regulation and the Ministry's designated equipment and facilities list, is used/available to Members who provide tactical services.

6 REPORT TO THE BOARD

- 6.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of the Tactical Unit. The report shall include:
- (a) a summary of the procedures as required by this By-law;
 - (b) the status of Service compliance with the said procedures;
 - (c) confirmation of the development and maintenance of the Manual on Tactical Unit services;
 - (d) a summary of the circumstances in which the Tactical Unit has been deployed; and
 - (e) confirmation that Members have been trained in accordance with Section 5.3.

7. IMPLEMENTATION

- 7.1 By-law No. 242-2000 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.
- 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

Attachments (1)

Legislative/Regulatory Requirements

Section 21 of the Adequacy Standards Regulation requires a police service to provide, within a reasonable response time, the services of a tactical unit.

Additionally, Section 21 of the regulation permits a police service to deliver the services of a tactical unit by contracting with another police service, or entering into arrangements to provide this service on a combined, regional or cooperative basis.

Section 23 requires every tactical unit to consist of a minimum of twelve full-time tactical officers, including the tactical supervisor and that a tactical unit shall be able to perform the following functions:

- containment;
- apprehension of an armed barricaded person; and
- may be able to perform explosive forced entry if it utilizes the services of a police explosive forced entry technician.

Section 24(1) requires, when a board has entered into an agreement to provide a tactical unit or entered into arrangements to provide this service on a combined, regional or cooperative basis, the police service to:

- enter into agreement with the same police service to obtain the services of its major incident commanders and crisis negotiators who have trained with that tactical unit; or
- require the Chief of Police to ensure that at least one of the police service's major incident commanders and crisis negotiators train with the other police service's tactical unit.

Section 24(2) requires the Chief of Police to ensure that no person is to be a member of a tactical unit unless that person has successfully completed the required Ministry accredited training or acquired the Ministry approved equivalent competencies. Section 29 requires a police services board to have a policy in respect of required accredited training and equivalent competencies for members of a tactical unit.

Section 29 requires a board to have a policy regarding the deployment of a tactical unit. Furthermore, section 25(2)(a) requires the Chief of Police to establish procedures that set out the circumstances in which a tactical unit will be deployed.

Section 29 requires a board to have a policy concerning the delegation of responsibility to the tactical supervisor or major incident commander for determining how many tactical

officers are required to be deployed to an incident. Section 25(2)(b) requires the Chief of Police to establish procedures that delegates to the tactical supervisor or major incident commander the responsibility for determining how many tactical officers are required to be deployed to an incident.

Finally, section 29 requires a board to have a policy requiring that all members of a tactical unit have access to a procedures manual. Section 25(3) requires the Chief of Police to ensure that the police service's procedures for tactical units are contained in a manual that is available to each member providing that service.

Sample Board Policy

Board Policy # _____

Contracted Delivery It is the policy of the _____ Police Services Board with respect to the services of a tactical unit that:

- a) this Board will contract with _____ Police Services Board/OPP to provide the services of a tactical unit (*decision also required on whether to contract for major incident commanders and crisis negotiators from the same police service*) that is available 24 hours a day and within a reasonable response time; and
- b) the Chief of Police, in consultation with the police service providing the service, will:
 - i) establish procedures that set out the circumstances in which the service will be deployed, including the steps for obtaining the services and the reporting relationships; and
 - ii) ensure that the police service's major incident commanders and crisis negotiators train with the other police service's tactical unit.

Direct, or Combined, Regional or Cooperative Delivery It is the policy of the _____ Police Services Board with respect to the services of a tactical unit that:

- a) the police service will provide the services of a tactical unit by (*identify service delivery method - using its own members, or by entering into an agreement for a combined, regional or cooperative delivery*);
- b) the services will be available 24 hours a day and within a reasonable response time;
- c) the unit will consist of a minimum of 12 full-time tactical officers, including the supervisor, who are dedicated to the tactical unit but who, when not training or undertaking tactical activities, may undertake community patrol; and
- d) the Chief of Police will:



- i) establish procedures that set out the circumstances in which the service will be deployed, including the process for obtaining the service and reporting relationships;
- ii) ensure that the tactical unit can undertake containment, the apprehension of an armed barricaded person, and explosive forced entry if it uses the services of a police explosive forced entry technician;
- iii) develop and maintain a manual on tactical unit services that is available to each member providing this service;
- iv) establish a selection process for members of the unit, including ensuring that members who provide this service meet the requirements of the Adequacy Standards Regulation;
- v) ensure the ongoing (and joint if applicable) training of members who provide this service; and
- vi) ensure that appropriate equipment, in accordance with the Ministry's designated equipment and facilities list, is used/available to the members who provide this service.

Police Service Guidelines

- Procedures** 1. Every police service's procedures should address:
- a) the mandate, functions and reporting relationships of the tactical unit;
 - b) the circumstances in which the services of a tactical unit should be deployed; and
 - c) the process and operational responsibility for authorizing the deployment of a tactical unit.
- Manual** 2. Where a police service has established its own tactical unit, or has officers who are members of joint tactical unit, a manual shall be developed, maintained and made available to the members of the unit that addresses:
- a) general procedures for the tactical unit, including:
 - i) the tactical unit's mandate, functions, and reporting relationships;
 - ii) call-out procedures;
 - iii) communications with members of the tactical unit;
 - iv) operational procedures, including tactical and negotiating procedures;
 - v) organizational charts for the emergency response function;
 - vi) the operational linkages between the tactical unit, and other emergency response and public order unit services;
 - vii) a selection process for members of a tactical unit, including that officers must meet the minimum requirements set out in the Adequacy Standards Regulation;
 - viii) reporting relationship regarding the tactical unit; and
 - ix) the recording and reporting of incidents involving a tactical unit; and
 - b) procedures specific to members of a tactical unit, including:
 - i) members' responsibilities;

- ii) command and control;
- iii) communications with unit members;
- iv) incident assessment;
- v) provision and use of equipment;
- vi) operational training;
- vii) reporting relationships within the tactical unit;
- viii) hand-off/relief of teams within the tactical unit;
- ix) use of training, operational and equipment logs; and
- x) debriefing process.

Training 3. Where a police service has established its own tactical unit, or has officers who are members of joint tactical unit, the Chief of Police should ensure that the police service's skills development and learning plan includes the following requirements:

- a) maintenance tactical training occurring on average 1 day/week;
- b) maintenance training for forced entry techniques occurring on average 1 day/month, if the tactical unit performs forced entry functions;
- c) maintenance general tactical team training, 5 consecutive days, twice a year (or in lieu thereof 80 hours);
- d) annual participation, wherever possible, in a joint training exercise involving crisis negotiators, major incident commanders, public order units, tactical units, hostage rescue teams, other police personnel, or outside emergency services deemed appropriate or subject of service delivery agreements;
- e) annual re-qualification to an approved task-specific fitness standard, including reasonable assistance in facilitating members' compliance with the standard;
- f) rappel master training and in addition to regular team training requirements, 8 hours of equipment maintenance training per month;
- g) sharpshooter observer training and re-qualification on a quarterly basis in the specialty firearm(s) used for those members designated;
- h) for those tactical units that use medical personnel as part of their immediate emergency medical support, that the medical personnel attend regular team training;
- i) that the training plan be reviewed annually, and revised when necessary; and
- j) in jurisdictions utilizing the tactical services of another agency, designated officers may be trained to act as liaison officers between the service and the tactical unit.

Equipment 4. Where a police service has established its own tactical unit, or has officers who are members of joint tactical unit, the Chief of Police should ensure that the members are provided, at minimum, with the equipment and facilities set out in the Ministry's designated equipment and facilities list.

MINISTRY'S DESIGNATED EQUIPMENT LIST

Tactical Units/Hostage Rescue Teams - Equipment and Facilities List

The equipment listed here is for the exclusive use of tactical units / hostage rescue teams. All equipment used by tactical/hostage rescue officers shall be approved by the Canadian Standards Council (CSA), where appropriate. The following list is the minimum kit with which a tactical/hostage rescue officer or unit/team shall have available in order to respond to a tactical or hostage rescue situation:

BALLISTIC PROTECTION	
Heavy Body Armour (<i>personal issue</i>)	
<ul style="list-style-type: none"> • threat level IIIA (National Institute of Justice Standard (NIJ)) • situationally and environmentally appropriate • "police" identification markers on front and rear 	
Helmets (<i>personal issue</i>)	
<ul style="list-style-type: none"> • threat level II (NIJ) • subdued colour • impact protection • designed not to impair peripheral vision and quick movement 	
Body Shields	
<ul style="list-style-type: none"> • threat level IIIA (NIJ) • require 2 per tactical team 	
Fragmentation Shields (<i>for explosive entry or hostage rescue purposes only</i>)	
<ul style="list-style-type: none"> • fragmentation shields designed specifically for explosive entry and hostage rescue • require 2 per tactical unit 	
FOREIGN AGENT PROTECTION (<i>personal issue</i>)	
Chemical Masks	
<ul style="list-style-type: none"> • CS chemical agent protection • filter system for ambidextrous shoulder-firing of weapon 	



DISTRACTION DEVICE PROTECTION
<p>Hearing Protection</p> <ul style="list-style-type: none"> • does not inhibit radio and voice communications input • designed to be worn in conjunction with ballistic helmet • sufficient quantity to supply unit members at the scene
COMBUSTION PROTECTION
<p>Flame Resistance Protection</p> <ul style="list-style-type: none"> • flame resistant hood/balaclava and gloves
<p>Fire Extinguishers</p> <ul style="list-style-type: none"> • portable
CLOTHING (<i>personal issue</i>)
<p>Tactical Uniforms</p> <ul style="list-style-type: none"> • two-piece fatigues in heavy-duty material • situationally and environmentally appropriate • police affiliation shoulder flashes
<p>Foot Wear</p> <ul style="list-style-type: none"> • situationally and environmentally appropriate
<p>Gloves and Headgear</p> <ul style="list-style-type: none"> • shall not impair use of weapons or safety equipment • situationally and environmentally appropriate
<p>Elbow and Knee Pads</p> <ul style="list-style-type: none"> • adjustable with tear resistant covering
OTHER SAFETY EQUIPMENT (<i>personal issue</i>)
<p>Holsters</p> <ul style="list-style-type: none"> • ease of weapon removal when heavy body armour worn or when rappelling
<p>Goggles</p> <ul style="list-style-type: none"> • effective eye protection against fragmentation • designed not to impair peripheral vision • clear, anti-fogging lenses



OTHER SAFETY EQUIPMENT	
First Aid	
<ul style="list-style-type: none"> multi-purpose kit with wide assortment of bandages, disinfectant, etc. 	
Chemical Munitions Decontamination	
<ul style="list-style-type: none"> water eyewash gear for OC decontamination water and specifically-prepared neutralizing solution for CS agent relief 	
Multi-purpose Provisional Tools (<i>personal issue</i>)	
<ul style="list-style-type: none"> capable of being carried easily used to cut ropes and other utility uses 	
Arrest or Restraint Devices (<i>personal issue</i>)	
<ul style="list-style-type: none"> handcuffs specifically designed, disposable temporary hand and foot restraints 	
Tire Deflation Devices	
<ul style="list-style-type: none"> specifically designed to deflate pneumatic tires on moving or stationary vehicles 	
OPTICS INTENSIFICATION	
<ul style="list-style-type: none"> binoculars spotting scopes 	
ILLUMINATION	
<ul style="list-style-type: none"> flashlight with coloured lens capabilities light sticks, spotlights or equivalent remote lighting equipment weapon-mounted flashlights tritium sights or equivalent aiming system night vision – minimum two per team 	
RADIO EQUIPMENT	
Portable Radios	
<ul style="list-style-type: none"> dedicated tactical channel capability (or access to OPC common tactical channel) with ear-pieces or similar devices to eliminate noise capable of use with chemical or OC agent 	
Monitoring Radio Equipment	
<ul style="list-style-type: none"> equipment capable of monitoring tactical and other police communications recording equipment 	

Power Sources
<ul style="list-style-type: none"> extra batteries
OTHER COMMUNICATIONS
<ul style="list-style-type: none"> Cellular Telephones with charging equipment or vehicle power source, or both
Loud Hailing System
<ul style="list-style-type: none"> portable
TRANSPORTING
Central Tactical Vehicle
<ul style="list-style-type: none"> dedicated to the tactical team capable of transporting team members efficiently to incident locations marked police van or truck capacity to house tactical operations centre housing communications equipment if storing chemical agents, heated vehicle storage storing other tactical equipment
Operational Vehicles
<ul style="list-style-type: none"> unmarked vehicles capable of securely housing officers' personal tactical gear and weapons
ENTRY: DIRECT (<i>use the best available equipment</i>)
Entry Rams
<ul style="list-style-type: none"> allow for multiple entry tactics capable of being used by one or more officers
Pry Bars
<ul style="list-style-type: none"> allow for multiple entry tactics long handles for maximum leverage
Break-Rake Tools
<ul style="list-style-type: none"> allow for multiple entry tactics devices designed to quickly breach windows and remove glass from frames
Sledge Hammers
<ul style="list-style-type: none"> allow for multiple entry tactics
Bolt Cutters
<ul style="list-style-type: none"> allow for multiple entry tactics



SUPPORT
<p>Ladders</p> <ul style="list-style-type: none"> • matte black finish • capable of multi-officer use • padded for silent deployment
<p>Mirrors</p> <ul style="list-style-type: none"> • light enough to be easily carried and used with one hand (e.g., mirror stick/pole)
RAPPEL <i>(use the best available equipment)</i>
<ul style="list-style-type: none"> • sufficient rappel equipment for training and operational use
FIREARMS
<p>Semi-automatic Rifle and 12 Gauge Shotgun</p> <ul style="list-style-type: none"> • one per member immediately available of either type of weapon • spare available • rifles of 5.56 mm caliber (minimum specification) and a magazine capacity of 20 rounds • shotguns with magazine capacity of four rounds (minimum specification)
<p>Submachine Guns</p> <ul style="list-style-type: none"> • magazine capacity of 25 rounds (minimum specification) • four ammunition magazines per weapon • weapon mounted flashlight • immediately available to each entry team member, as per operational requirements
<p>Marksman/Observer Rifles</p> <ul style="list-style-type: none"> • 7.62 mm calibre (minimum specification) • high quality magnifying optical sight with night vision capability - a minimum of 2 night vision devices per unit • personal issue to a marksman/observer
LESS LETHAL WEAPONS
<p>Chemical Agent and OC and their Delivery Systems</p> <ul style="list-style-type: none"> • canister system designed to be launched or hand delivered, containing CS and OC minimum available • projectile or muzzle-blast delivery system



<p style="text-align: center;">Distraction Devices</p> <ul style="list-style-type: none"> • flash-bang canisters • smoke canisters
<p style="text-align: center;">Impact Weapons</p> <ul style="list-style-type: none"> • collapsible baton (personal issue) • extended range impact weapons
<p style="text-align: center;">Conducted Energy Weapons (July 2002 - Optional)</p> <ul style="list-style-type: none"> • TASER
<p style="text-align: center;">RANGES</p>
<p style="text-align: center;">Firearms</p> <ul style="list-style-type: none"> • must have reasonable access to small & long arms range (indoor or outdoor) • access to a CQB range for hostage rescue qualified members
<p style="text-align: center;">Chemical Munitions</p> <ul style="list-style-type: none"> • access to area for training with chemical agents
<p style="text-align: center;">Impact Weapons</p> <ul style="list-style-type: none"> • access to area for training with impact weapons
<p style="text-align: center;">ADMINISTRATION</p>
<p style="text-align: center;">Records</p> <ul style="list-style-type: none"> • administrative area for storing training and operational records





BY-LAW NO. 504-2024

**A BY-LAW RESPECTING
TRAFFIC MANAGEMENT, ENFORCEMENT AND ROAD SAFETY**

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 39 (1) of the CSPA requires the Board's Strategic Plan include quantitative and qualitative performance objectives and indicators of outcomes relating to, inter alia, road safety;
- 1.4 AND WHEREAS O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.5 AND WHEREAS the Board has deemed it appropriate that it establish a policy on technical collision, investigation, reconstruction and breath analysis investigative support;
- 1.6 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 Section 37 and 38 of the CSPA to require the Chief of Police to establish procedures and processes in respect of technical collision investigation, reconstruction and breath analysis investigative support;
- 1.7 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 ensure that persons who provide technical collision investigation, reconstruction and breath analysis investigative support have the knowledge, skills and abilities to provide that support;
- 1.8 AND WHEREAS the Board has deemed it appropriate that it establish a policy on traffic management, traffic law enforcement and road safety;
- 1.9 AND WHEREAS Part LE-017 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the police service relative to technical collision investigation, reconstruction and breath analysis investigative support.

**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 traffic management enforcement and road safety form an important part of investigative and preventative policing, and it is therefore the policy of this Board that such traffic and road safety issues shall 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 SERVICE DELIVERY METHOD

- 4.1.1 The Chief shall ensure that technical collision investigation, reconstruction and breath analysis investigative supports will be provided by members of the Niagara Regional Police Service.

4.2 TRAFFIC MANAGEMENT PLAN

- 4.2.1 The Chief shall develop and implement a Traffic Management Plan in accordance with Appendix A. This Plan will include each member of the Service working in co-operation with both Traffic Services and the Special Enforcement Unit.

4.3 TRAFFIC LAW ENFORCEMENT AND ROAD SAFETY PLAN

- 4.3.1 The Chief shall develop and implement a Traffic Law Enforcement and Road Safety Plan in accordance with Appendix A.
- 4.3.2 The Traffic Law Enforcement and Road Safety Plan shall include procedures to address road closures and minimizing the interference of traffic.

4.4 TRAINING

- 4.4.1 The Chief shall ensure that persons who provide technical collision investigation, reconstruction and breath analysis investigative support as part of the Traffic Law Enforcement and Road Safety Plan have the knowledge, skills and abilities to provide that support.

5 REPORT TO THE BOARD

- 5.1 The Chief shall, as part of the budget process, report to the Board on the cost of administering the Traffic Management Plan, Traffic Law Enforcement and the Road Safety Plan.
- 5.2 The Chief shall make a written report to the Board on or before August 30th of each year in respect of the Traffic Management Plan and Traffic Law Enforcement and the Road Safety Plan. This report will contain:
- (a) a summary of the Traffic Management Plan;
 - (b) a summary of Traffic Law Enforcement and the Road Safety Plan;
 - (c) the status of Service compliance with (a) and (b).

6. IMPLEMENTATION

- 6.1 By-law No. 209-2000 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 traffic management, traffic law enforcement and road safety. In addition, section 8 requires the Chief of Police to establish procedures on traffic management, traffic law enforcement and road safety.

In addition, section 5(1)(d) requires that police services have technical collision investigation, reconstruction and breath analysis investigative supports. These 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 technical collision investigation, reconstruction and breath analysis investigative supports.

If a board obtains those 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 its 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.

Furthermore, section 14(4) requires the Chief of Police to ensure that persons who provide technical collision investigation, reconstruction and breath analysis investigative supports have the knowledge, skills and abilities to provide that support.

Finally, section 29 requires a police services board to have a policy with respect to general technical collision investigation, reconstruction and breath analysis investigative supports.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to traffic management, traffic law enforcement and road safety that:

- a) technical collision investigation, reconstruction and breath analysis investigative supports will be provided by (identify service delivery method for each investigative support);
- b) the Chief of Police will:
 - i) develop and implement a traffic management, traffic law enforcement and road safety plan;
 - ii) establish procedures on traffic management, traffic law enforcement and road safety, including procedures to address road closures and minimizing the interference of traffic; and
 - iii) ensure that persons who provide technical collision investigation, reconstruction and breath analysis investigative supports have the knowledge, skills and abilities to provide that support.

Police Service Guidelines

- Plan** 1. Every Chief of Police should develop and implement a traffic management, traffic law enforcement and road safety plan.

- Procedures** 2. Every police service's procedures should address:
- a) the investigation of traffic related occurrences, including occurrences involving:
 - i) death or injury;
 - ii) failure to remain/stop and failure to report;
 - iii) driving while suspended/disqualified;
 - iv) impairment due to alcohol or drugs;
 - v) hazardous materials;
 - vi) police vehicles;
 - vii) unsafe vehicles or equipment violations; and
 - viii) public vehicle/commercial vehicle violations;
 - b) the process for obtaining/delivering technical collision investigation, reconstruction and breath analysis investigative supports;
 - c) the control of property and motor vehicles involved in a traffic collision or offence;
 - d) the disposition and recording of impounded vehicles;
 - e) road closures and minimizing interference with the flow of traffic; and
 - f) the acquisition, use and maintenance of speed measuring/timing devices, and approved screening devices and instruments for alcohol related investigation.



- Programs** 3. Every police service should implement an impaired driving countermeasures program in accordance with local needs.
- Training** 4. Every Chief of Police should ensure that persons who provide technical collision, reconstruction and breath analysis investigative supports have the knowledge, skills and abilities to provide that support.
5. Every Chief of Police should ensure that police officers who use, maintain or calibrate any speed measuring/timing devices and approved screening devices and instruments for alcohol related investigations that are used by the police service have the knowledge, skills and abilities required to perform those particular functions.





BY-LAW NO. 505-2024

**A BY-LAW RESPECTING
UNDERWATER SEARCH AND RECOVERY UNITS**

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) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS Section 10 of the Adequacy Regulation provides that every Chief of Police shall establish written procedures in relation to the functions of the Underwater Search and Recovery Unit;
- 1.5 AND WHEREAS the Board has deemed it appropriate that it establish a policy with respect to the services of the Underwater Search and Recovery Unit;
- 1.6 AND WHEREAS the *Occupational Health and Safety Act*, R.S.O. 1990, c.0.1 as amended, sets out the responsibilities of employers, supervisors and workers for workplace safety, the Board prescribes the Chief of Police shall establish procedures and processes with respect to the services of an Underwater Search and Recovery Unit;
- 1.7 AND WHEREAS the *Occupational Health and Safety Act (OHSA)* Diving Operations Regulation 629/94 prescribes further specific definitions and responsibilities that relate to all occupational diving operations;
- 1.8 AND WHEREAS, the Canadian Standards Association (CSA) provides a *Competency Standard for Diving Operations CAN/CSA-Z275.4-02* and an *Occupational Safety Code for Diving Operations CAN/CSA-Z275.2-92*;
- 1.9 AND WHEREAS Part ER-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 the services of an Underwater Search and Recovery Unit.

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; and
- 2.7 “Service” means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that an Underwater Search and Recovery Unit is an integral part of policing in Niagara, and it is therefore the policy of this Board to require the Chief to provide policies and procedures with respect to an Underwater Search and Recovery Unit, including policies and procedures regarding the establishment of the unit, deployment, training and equipment.

4 UNDERWATER SEARCH AND RECOVERY UNITS

- 4.1 The Chief shall ensure that the Service provides, within a reasonable response time, the services of the Underwater Search and Recovery Unit.
- 4.2 The Chief shall ensure that the services of Underwater Search and Recovery Units are available 24 hours a day.

5 DIRECTION TO THE CHIEF

5.1 PROCEDURES

- 5.1.1 The Chief shall develop written procedures, in accordance with Appendix A, that set out the circumstances when the services of an Underwater Search and Recovery Unit will be deployed.

5.2 REFERENCE FILE

- 5.2.1 The Chief shall develop and maintain a reference file, in accordance with Appendix A, on all diving hazards that is available to each Member providing this Service.
- 5.2.2 The Chief shall ensure that the reference file referred to in section 5.2.1. is reviewed on an annual basis and amended as required.

5.3 MEMBERSHIP AND TRAINING

5.3.1 The Chief shall ensure that the Skills Development and Learning Plan ensures that Members who provide this service meet the requirements of the Canadian Standards Association (CSA).

5.3.2 The Chief shall ensure that Members who provide the services of Underwater Search and Recovery have the requisite knowledge, skills and receive training on an ongoing basis.

5.4 EQUIPMENT

5.4.1 The Chief shall ensure that appropriate equipment, in accordance with the *Diving Operations Regulation* and the Ministry's designated equipment list, is used/available to Members providing Underwater Search and Recovery services.

6 REPORT TO THE BOARD

6.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of services of Underwater Search and Recovery. The report shall include:

- (a) a summary of the procedures as required by this By-law;
- (b) the status of Service compliance with the said procedures;
- (c) confirmation of the development and maintenance of the reference file on all diving hazards;
- (d) confirmation of training in accordance with section 5.3; and
- (e) a summary of the circumstances in which Underwater Search and Recovery services have been deployed.

7 IMPLEMENTATION

7.1 By-law No. 273-2005 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

Attachments (1)

Legislative/Regulatory Requirements

The *Occupational Health and Safety Act* (OHSA), sets out the responsibilities of employers and workers relating to workplace safety.

The OHSA *Diving Operations Regulation* 629/94 provides further specific definitions, and responsibilities that relate to all occupational diving operations.

The Canadian Standards Association (CSA) provides a *Competency Standard for Diving Operations* CAN/CSA-Z275.4-02 and an *Occupational Safety Code for Diving Operations* CAN/CSA-Z275.2-92.

Sample Board Policy

Board Policy # _____

Contracted Delivery

It is the policy of the _____ Police Services Board with respect to the services of an underwater search and recovery unit that:

- a) this Board will contract with _____ Police Services Board/OPP to provide the services of an underwater search and recovery unit decision also required on whether to contract for major incident commanders from the same police service), available 24 hours a day, within a reasonable response time;
- b) this Board will contract with (identify service provider) to provide the services of an underwater search and recovery unit, available 24 hours a day, within a reasonable response time; and
- c) the Chief of Police, in consultation with the service provider, will:
 - i) establish procedures that set out the circumstances in which the underwater search and recovery unit will be deployed, including the process for obtaining the services and the reporting relationships;
 - ii) establish procedures for the deployment of other emergency response services, including receiving assistance from other agencies; and
 - iii) ensure that the police service's major incident commanders receive training (joint, if applicable) in their responsibilities and the capabilities of the underwater search and recovery unit.

Direct, or Combined, Regional or Cooperative Delivery

It is the policy of the _____ Police Services Board with respect to the services of an underwater search and recovery unit that:

- a) the police service will provide the services of an underwater search and recovery unit by (identifying service delivery method using its own members, or by entering into an agreement for a combined, regional or cooperative delivery);
- b) the services will be available 24 hours a day and within a reasonable response time;



- c) the Chief of Police will:
- i) establish procedures that set out the circumstances in which the service will be deployed, including the process for obtaining the service and reporting relationships;
 - ii) establish procedures for the deployment of other emergency response services, including receiving assistance from other agencies;
 - iii) ensure that underwater search and recovery unit members comply with the *OHSA*, and *Diving Operations Regulation* or where amended;
 - iv) ensure that underwater search and recovery unit members are qualified to perform their specific tasks in accordance with *Competency Standard for Diving Operations* CAN/CSA-Z275.4-02 or where amended;
 - v) ensure that the underwater search and recovery unit members perform their tasks according to the *Occupational Safety Code for Diving Operations* CAN/CSA-Z275.2-92 or where amended;
 - vi) develop and maintain a reference file on all diving hazards that is available to each member providing this service;
 - vii) establish a selection process for the unit, including ensuring that members who provide this service meet the requirements of local policies and procedures;
 - viii) ensure the ongoing and joint if applicable training of members who provide this service;
 - ix) ensure that the police service's major incident commanders receive training in their responsibilities and the capabilities of the underwater search and recovery unit; and
 - x) ensure that appropriate equipment, in accordance with the Ministry's designated equipment and facilities list, is used/available to the members who provide this service.

Police Service Guidelines

- Procedures**
1. Every police service's procedures should address:
 - a) the mandate, functions and reporting relationships of the underwater search and recovery unit;
 - b) the circumstances in which the services of an underwater search and recovery unit should be deployed; and
 - c) the process and operational responsibility for authorizing the deployment of an underwater search and recovery unit.
 2. Where a police service has established its own underwater search and recovery unit, or has officers who are members of a joint underwater search and recovery unit, procedures should be developed and maintained that address:
 - a) call-out procedures;



- b) communications with members of the underwater search and recovery unit;
- c) operational procedures;
- d) organizational charts for the emergency response function;
- e) the operational linkages between the underwater search and recovery unit, and other emergency response services;
- f) a selection process for members of an underwater search and recovery unit, including that members must meet the minimum requirement as set out in local policies and procedures;
- g) the recording and reporting of incidents involving an underwater search and recovery unit, and
- h) procedures specific to members of an underwater search and recovery unit, including:
 - i) members' responsibilities;
 - ii) command and control;
 - iii) communications with unit members;
 - iv) incident assessment, including the reference file on all diving hazards;
 - v) provision and use of equipment;
 - vi) operational training;
 - vii) reporting relationships within the underwater search and recovery unit;
 - viii) use of personal diving, training, operational, and equipment logs; and
 - ix) debriefing process.

**Reference
File**

3. Where a police service has established its own underwater search and recovery unit, or has officers who are members of a joint underwater search and recovery unit, a reference file on all diving hazards should be developed, maintained and made available to the members providing this service.

Training

4. Where a police service has established its own underwater search and recovery unit, or has officers who are members of a joint underwater search and recovery unit, the Chief of Police should ensure that the police service's skills development and learning plan meets or exceeds the CSA Standards, and includes the following requirements:
- i) initial qualification training;
 - ii) maintenance training;
 - iii) annual participation, wherever possible, in a joint training exercise involving other police underwater search and recovery units, major incident commanders, other police personnel, or outside emergency services deemed appropriate or subject to service delivery agreements;
 - iv) annual re-qualification to maintain compliance with the CSA Standards;
 - v) that the training plan be reviewed annually, and revised when necessary; and
 - vi) in jurisdictions utilizing an alternate service delivery provider, designated officers should be trained to act as liaison officers between the service and the underwater search and recovery unit.

Equipment

4. Where a police service has established its own underwater search and recovery unit, or has officers who are members of joint underwater search and recovery units, the Chief of Police should ensure that the members have, at minimum, the equipment as required under the *Diving Operations Regulation* and as set out in the Ministry's designated equipment and facilities list.



MINISTRY'S DESIGNATED EQUIPMENT LIST

Underwater Search and Recovery Units - Equipment and Facilities List. The equipment listed here is for the use of underwater search and recovery units. All equipment used by underwater search and recovery officers shall be in accordance with the Diving Operations Regulation 629/94.

<p style="text-align: center;">S.C.U.B.A</p> <p style="text-align: center;">Self Contained Underwater Breathing Apparatus</p>
<ul style="list-style-type: none"> • Full face mask with communications capability • Vulcanized rubber variable volume dry-suit with integrated dry hood • Thermal undergarments for use with identified vulcanized dry suit • Dry suit gloves • Buoyancy compensator • Fins • Weight system(s) • Diving harness • Safety line • Knife and secondary cutting tool • Timing device • Depth gauge • Submersible pressure gauge • 80 cubic foot main air supply cylinder with regulator • Bail out air supply with regulator complete with gas switching block.
<p style="text-align: center;">SURFACE AIR SUPPLY DIVING OPERATION</p>
<ul style="list-style-type: none"> • Full face mask or helmet with communications capability • Vulcanized rubber variable volume dry-suit with integrated dry hood or mating locking collar • Thermal undergarments for use with identified vulcanized dry suit • Dry suit gloves • Weight system(s) • Diving harness • Safety line • Timing device • Pneumofathometer hose and gauge • Bail-out air supply complete with gas switching block



- 2 diver air delivery panel
- Adequate primary air supply to air delivery panel
- Adequate redundant secondary air supply to air delivery panel

COMMUNICATIONS

- 2 way communication with police dispatch with spare batteries/charging system
- Cellular and/or Satellite telephone with charging equipment or vehicle power source, or both
- 2 way wireless/hard wire surface to diver and diver to diver voice communications system
- Diver Recall Device

ILLUMINATION EQUIPMENT

- Waterproof personal white strobe light
- Waterproof personal illumination devices

SAFETY EQUIPMENT

- First aid kit
- Adequate oxygen supply
- Decompression tables
- Biohazard kit
- HAZMAT information kit
- Bolt cutters
- Personal floatation devices
- "POLICE LINE" Tape
- Dive Flags

OTHER EQUIPMENT

- Personal equipment bag
- Line-tending gloves suitable for the environment
- Lines
- Carabiners
- Outerwear suitable for environment
- Field maintenance tool kit
- Underwater forensics kit
- Climate controlled shelter
- Appropriate storage/maintenance facilities
- Binoculars
- Firearm storage/securing device



BY-LAW NO. 506-2024

**A BY-LAW RESPECTING
USE OF FORCE**

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 *Criminal Code of Canada*, other legislation and case law address the use of force by police and other authorized persons;
- 1.4 AND WHEREAS O. Reg. 391/23: Use of Force and Weapons under the CSPA prescribes requirements in relation to the use of force, including use of approved weapons, training, the use/technical specifications for handguns and reporting;
- 1.5 AND WHEREAS O. Reg. 87/24: Training prescribes use of force training and requalification requirements, including weapons training;
- 1.6 AND WHEREAS Part AI-012 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 use of force.

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 "Member" means a member of the Niagara Regional Police Service;
- 2.5 "Ministry" means the Ministry of the Solicitor General; and
- 2.6 "Service" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that issues involving the use of force are an important part of policing, and it is therefore the policy of this Board that issues involving use of force be dealt with in a professional and thorough manner in accordance with the procedures established by the Chief as directed in this By-law.

4 DIRECTION TO THE CHIEF

4.1 USE OF FORCE OPTIONS

- 4.1.1 The Chief of Police shall ensure that Members use approved use of force options as set out in the O. Reg. 391/23: Use of Force and Weapons, the O. Reg. 87/24: Training, the Ministry of the Solicitor General Guidelines, the Ontario Use of Force Model and Appendix A, as amended from time to time.
- 4.1.2 The Chief shall establish written procedures on use of force that address the reasonable use of weapons of opportunity by police officers when none of the approved options are available or appropriate to defend themselves or members of the public.
- 4.1.3 The Chief shall ensure the ongoing review and evaluation of local use of force procedures, training and reporting.

4.2 DOCUMENTARY PROCEDURES

- 4.2.1 The Chief shall establish written procedures to ensure compliance with O. Reg. 391/23: Use of Force and Weapons under the CSPA.
- 4.2.2 The written procedures referenced above shall be in accordance with the use of force reporting guidelines described in Appendix A and the said O. Reg. 391/23.

4.3 MEMBERSHIP AND TRAINING

- 4.3.1 The Chief shall ensure that all Members receive at a minimum, prescribed adequate training, refresher training and re-qualification training in accordance with Appendix A and O. Reg. 87/24: Training, in respect of the use of force and related equipment provided by the Board including but not limited to officer safety, communication, physical control, handcuffing, impact weapons, aerosol weapons, conducted energy weapons and firearms.
- 4.3.2 The Chief shall maintain training records on the use of force and the use of firearms in respect of each Member, which records shall be maintained in each Member's personnel file and shall contain at least the following information:
- (a) the date, nature and success of required training undertaken by the Member;
 - (b) the date or dates before which Members are to complete required training;
 - (c) a copy of written notification given to Members who have failed to complete any aspect of required training within the required time; and
 - (d) where requalification is required, a document signed by the qualified trainer that the officer has demonstrated safety and proficiency required to continue to use the specific use of force option which is the subject of the training.

4.4

FIREARMS

- 4.4.1 The Chief shall ensure that all reports on investigations of death or injury resulting from the discharge of a firearm made pursuant to Section 9 of O. Reg. 391/23: Use of Force and Weapons are submitted to the Board within thirty (30) days of such incident occurring.
- 4.4.2 The Chief shall immediately cause an investigation and file a report to the Board where a member, by the discharge of a firearm in the performance of his or her duty, kills or injures another person.
- 4.4.3 The Chief shall ensure that all instances of the Chief's discharge of a firearm in the course of their duties shall be reported back to the Board pursuant to Section 9 (5) of O. Reg. 391/23: Use of Force and Weapons within thirty (30) days of such incident occurring.
- 4.4.4 The Board, upon receiving a report on the investigation into an injury or death caused by the discharge of a Member's firearm, will:
 - (a) review the report and make further inquiries as necessary; and
 - (b) file a copy with the Solicitor General, including any additional inquiries of the Board.
- 4.4.5 The Board, upon being notified that the Chief of Police has discharged a firearm in the performance of their duty, will cause an investigation into the circumstances and file a report on the investigation with the Solicitor General.

4.5

SPECIAL INVESTIGATIONS UNIT

- 4.5.1 The Chief shall develop and maintain a policy to ensure that incidents of serious injury or death are reported as required to the Special Investigations Unit, which procedure shall include:
 - (a) The appointment of a Member from time to time to act as liaison between the Service and the Special Investigations Unit; and
 - (b) Service requirements for making reports to the Special Investigations Unit, including the time for making the report, the contents of the report and procedures for regular follow-up, if applicable.

4.6

CRITICAL INCIDENT TRAUMA AFTERCARE

- 4.6.1 The Chief shall ensure that, whenever possible and necessary, a response strategy/protocol be developed in cooperation with emergency medical service personnel to address post-deployment medical attention for individuals subjected to use of force options, including activation of a conducted energy weapon and discharge of a firearm.
- 4.6.2 The Chief shall ensure that satisfactory critical incident trauma aftercare arrangements are made for Members, including medical and counseling services.

4.7

EQUIPMENT

- 4.7.1 The Chief shall ensure that Members do not use a weapon other than a firearm, with the exception of those used on another Member in the course of a training exercise in accordance with procedures, unless:

- (a) that type of weapon has been approved for use by the Solicitor General;
 - (b) the weapon conforms to technical standards established by the Solicitor General; and
 - (c) the weapon is used in accordance with standards established by the Solicitor General.
- 4.7.2 The Chief shall ensure that every police officer is issued and carries a handgun that meets the technical specifications set out in O. Reg. 391/23: Use of Force and Weapons.
- 4.7.3 The Chief shall be authorized to issue a conducted energy weapon to police officers who are:
- (a) front-line officers and supervisors;
 - (b) Members of Tactical/Hostage Rescue Teams;
 - (c) Members of Preliminary Perimeter Control and Containment Teams; and
 - (d) other classes of officers as deemed appropriate.
- 4.7.4 The Chief shall ensure that every police officer is issued oleoresin capsicum aerosol spray and a baton.
- 4.7.5 The Chief shall report to the Board annually on or before August 30th of each year, confirming that all old equipment was turned in to the Service, and on the disposition of such equipment.
- 4.7.6 The Chief shall ensure,
- (a) that accurate records are maintained disclosing all equipment issued to each Member;
 - (b) that old equipment is relinquished to the Service when no longer used by the Member; and
 - (c) that a written procedure is implemented for the disposition of old equipment no longer used by the Members.

5 REPORT TO THE BOARD

5.1 REPORTING REQUIREMENTS - EXCEPTION BASED REPORTING

- 5.1.1 The Chief shall make written reports to the Board immediately following any incidents involving the discharge of a firearm:
- (a) when a Member of the police service, unintentionally discharges a firearm during the ordinary firearm maintenance in accordance with the rules of the Police Service;
 - (b) there has been property damage;
 - (c) there has been a personal injury or death;
 - (d) the procedures with respect to firearms safety were not followed;
 - (e) in any other circumstance where, in the opinion of the Chief, there is significant issue or potential liability to the Board or the Service.

5.2 REPORTING REQUIREMENTS

- 5.2.1 The Chief shall make written reports to the Board as required by Sections 8 through 17 of O. Reg. 391/23: Use of Force and Weapons.

5.2.2 The said reports shall include but are not limited to an Annual Report on the use of force/training issues, which report shall disclose the following information and be made available to the community:

- (a) use of force trends, and the Service response to such trends, as disclosed by the procedures referred to in 4.2.1 above, and in accordance with Appendix A;
- (b) all matters which in Part B of the Use of Force report that were retained for more than the required timeframes outlined in Section 17(1), (2) and (3) of O. Reg. 391/23: Use of Force and Weapons made under the CSPA;
- (c) all matters which in Part B of the Use of Force report was retained for more than thirty (30) days, the reasons therefore, and the action taken in respect of Members in connection with the retained report;
- (d) in respect of training, whether Use of Force training meets or exceeds Ministry standards, as amended from time to time;
- (e) in respect of training, the number of Members who did not successfully complete the required training, the reasons for not so doing and the remedial action taken;
- (f) a summary of all reports made pursuant to 4.4.1 and 4.4.2 above regarding the discharge of firearms;
- (g) the nature of critical incident trauma aftercare available pursuant to 4.6 above and the number of Members using the aftercare arrangements;
- (i) Service compliance with equipment standards of the Ministry as amended from time to time;
- (j) a summary of Service policy regarding disposition of old equipment, and comment on Service compliance with that policy;
- (k) anticipated changes in the cost of any of the above matters to be considered in the budget for the ensuing year, which information shall also be included in the training program budget submitted to the Board.

6. IMPLEMENTATION

6.1 By-law No. 346-2014 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

The *Criminal Code*, other legislation and case law address the use of force by police and other authorized persons.

The *Equipment and Use of Force Regulation* (R.R.O. 1990, Reg. 926), under the *Police Services Act*, sets out requirements in relation to the use of force including use of approved weapons, training and reporting, as well as use/technical specifications for handguns.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to use of force that:

- a) this Board, upon receiving a report on the investigation into an injury or death caused by the discharge of a member's firearm, will:
 - i) review the report and make further inquiries as necessary; and
 - ii) file a copy with the Solicitor General, including any additional inquiries of the Board;
- b) this Board, upon being notified that the Chief of Police has discharged a firearm in the performance of his/her duty, will cause an investigation into the circumstances and file a report on the investigation with the Solicitor General;
- c) the Chief of Police will:
 - i) ensure that members do not use a weapon other than a firearm, with the exception of those used on another member in the course of a training exercise in accordance with procedures, unless:
 - that type of weapon has been approved for use by the Solicitor General;
 - the weapon conforms to technical standards established by the Solicitor General; and
 - the weapon is used in accordance with standards established by the Solicitor General;
 - ii) ensure that, at minimum, police officers are:
 - issued a handgun that meets the technical specifications set out in the *Equipment and Use of Force Regulation*;
 - issued oleoresin capsicum aerosol spray;
 - issued a baton; and
 - trained in officer safety, communication, handcuffing and physical control techniques;
 - iii) be authorized to issue a conducted energy weapon to police officers who are:
 - front line supervisors;
 - members of tactical/hostage rescue teams;
 - members of preliminary perimeter control and containment teams; and
 - _____ (other classes of officers deemed appropriate, in consultation with the Chief of Police)

- iv) ensure that members do not:
 - use force on another person unless they have successfully completed a training course on the use of force;
 - carry a firearm unless they have successfully completed a training course on the use of firearms, and are competent in the use of the firearm;
- v) ensure that, subject to section 14.3 (2) of the *Equipment and Use of Force Regulation*, at least once every 12 months, members:
 - who may be required to use force on other persons receive a training course on the use of force; and
 - authorized to carry a firearm, receive a training course on the use of firearms;
- vi) permit the use of reasonable weapons of opportunity by police officers, when none of the approved options is available or appropriate to defend themselves or members of the public;
- v) establish procedures consistent with the requirements of the *Equipment and Use of Force Regulation*;
- vi) immediately cause an investigation to be made where a member unintentionally or intentionally discharges his or her firearm, except on a target range or in the course of weapon maintenance;
- vii) immediately cause an investigation and file a report to this Board where a member, by the discharge of a firearm in the performance of his or her duty, kills or injures another person;
- viii) where the Chief discharges a firearm in the performance of the Chief's duties, promptly report the matter to this Board;
- ix) ensure that a written record is maintained of the training courses taken by the members of the police service on the use of force and the use of firearms;
- x) ensure the reporting of the use of force by members in accordance with the *Equipment and Use of Force Regulation*;
- xi) ensure the ongoing review and evaluation of local use of force procedures, training and reporting; and
- xii) provide a copy of the police service's annual use of force study to this Board for review, and ensure the availability of the study to the community.

Police Service Guidelines

General

1. Every Chief of Police shall ensure that members do not use a weapon other than a firearm, with the exception of those used on another member in the course of a training exercise in accordance with procedures, unless:
 - a) that type of weapon has been approved for use by the Solicitor General;
 - b) the weapon conforms to technical standards established by the Solicitor General; and
 - c) the weapon is used in accordance with standards established by the Solicitor General.
2. Every Chief of Police should ensure that, at minimum, police officers are:
 - a) issued a handgun;
 - b) issued oleoresin capsicum aerosol spray;

- c) issued a baton; and
 - d) trained in officer safety, communication and physical control techniques.
3. Every Chief of Police shall ensure that members do not:
- a) use force on another person unless the member has successfully completed a training course on the use of force, including training on the following matters:
 - i) legal requirements;
 - ii) the exercise of judgement;
 - iii) safety;
 - iv) theories relating to the use of force; and
 - v) practical proficiencies; and
 - b) carry a firearm unless, during the 12 previous months, they have successfully completed a training course on the use of firearms and are competent in the use of the firearm, subject to section 14.2 (3) of the *Equipment and Use of Force Regulation*.
4. Every Chief of Police shall ensure that, subject to section 14.3 (2) of the *Equipment and Use of Force Regulation*, at least once every 12 months, members:
- a) who may be required to use force on other persons receive a training course on the use of force; and
 - b) authorized to carry a firearm, receive a training course on the use of firearms.
5. Every Chief of Police should ensure that training on the use of force is:
- a) in the context of the Use of Force Model currently used in Ontario;
 - b) consistent with the Ministry's approved Use of Force options that include:
 - i) officer presence;
 - ii) communication;
 - iii) physical control:
 - empty hand techniques;
 - iv) intermediate weapons:
 - impact weapons;
 - conducted energy weapons, as applicable;
 - aerosol weapons; and
 - v) lethal force:
 - firearms; and
 - c) conducted by a Use of Force Trainer, certified by the Ministry.
6. Every police service's procedures on use of force:
- a) shall address the reasonable use of weapons of opportunity by police officers, when none of the approved options is available or appropriate to defend themselves or members of the public;
 - b) shall address the issuance of a firearm to an auxiliary member as set out in the *Equipment and Use of Force Regulation*;
 - c) should set out Special Investigations Unit (SIU) liaison policies and practices;

- d) should require that any potential use of force situation where a subject appears to be in a state of “excited delirium” be treated as a medical emergency;
- e) should require, if possible, a response strategy be developed in cooperation with emergency medical service personnel to address situations in 6 d); and
- f) should require that if an injury to a member of the public is claimed or observed, the injury be documented;
- g) should ensure arrangements for critical incident trauma aftercare for members.

**Officer
Safety**

7. Every Chief of Police should ensure that annual refresher* training on officer safety:
- a) is integrated into other appropriate use of force options; and
 - b) covers a review of the topics set out in Appendix A: *Ontario Police College Guideline* section 2 (c).

- Communication** 8. Every Chief of Police should ensure that annual refresher* training on communication covers a review of the topics set out in Appendix A: *Ontario Police College Guideline* section 3(b).

- Physical Control** 9. Every Chief of Police should ensure that annual refresher* training on empty hand techniques includes a minimum of 2 hours of training and covers a review of the topics set out in Appendix A: *Ontario Police College Guideline* section 4.

**Intermediate
Weapons**

10. Every police service’s procedures on impact weapons should require that:
- a) batons are the only impact weapon permitted for use when dealing directly with the public;
 - b) officers are not issued with, or trained in the use of, impact devices commonly known as ‘saps’ or ‘blackjacks’; and
 - c) batons have the following features:
 - i) the capability of being used defensively;
 - ii) they must be rigid at all times, including when expanded;
 - iii) they must be straight, handled, or expandable design; and
 - iv) minimum length (when expanded) of 16 inches.
11. Every Chief of Police should ensure that the annual re-qualification** training on the use of a baton includes a minimum of 1 hour of training and requires officers to demonstrate competency in the following skills and knowledge to the satisfaction of the Use of Force Trainer certified by the Ministry:
- a) use context;
 - b) stances;
 - c) control techniques;
 - d) blocks/strikes; and
 - e) baton retention techniques.

**Aerosol
Weapons**

12. Every police service’s procedures on aerosol weapons shall require that:
- a) aerosol weapons are not used if the active ingredient is a gas or chemical; and

- b) the use of a substance commonly known as tear gas is not applied intentionally in a concentrated form directly to a person.
13. Every police service's procedures on aerosol weapons should:
- a) address the use of aerosol weapons as a legitimate force option, only when alternatives reasonably present a risk of injury to a subject or police officers;
 - b) require that canisters for aerosol weapons:
 - i) be issued to individual officers who are responsible for the canister;
 - ii) be identified by an individual serial number either engraved or stamped on the can, or through numbered adhesives;
 - iii) carried by uniformed officers, be in a secure holder that can be securely fastened to the duty belt to prevent accidental loss; and
 - iv) be equipped with a safety device, which may be part of the canister or may be integrated into the design of the holster, to prevent unintentional discharge;
 - c) require that the active ingredient of aerosol weapons is oleoresin capsicum (5%-10%);
 - d) require that aerosol weapons, where the active ingredient is oleoresin capsicum products blended with tear gas (CS-CN), not be permitted for use;
 - e) require that the propellant for aerosol weapons:
 - i) be provided by the manufacturer;
 - ii) be non-flammable; and
 - iii) not be chlorofluorocarbon (CFCs), such as Freon 113, as prohibited by the *Montreal Protocol on Substances that Deplete the Ozone Layer*;
 - f) require that the shelf life of aerosol weapons is as recommended by the manufacturer, but no longer than 2 years;
 - g) require that aerosol weapons be replaced as recommended by the manufacturer, but no less than every 2 years; and
 - h) require that all reasonable efforts be taken to decontaminate sprayed individuals at the earliest safe or practicable opportunity, including the consideration of aerosol water mist decontamination devices.
14. Every Chief of Police should ensure that the annual refresher* on aerosol weapons includes a minimum of 1 hour of training that:
- a) covers a review of the following issues:
 - i) technical data on the product, including active ingredients and propellant;
 - ii) the effects of being sprayed;
 - iii) use of force legislation including the *Criminal Code*, *Police Services Act*, *Provincial Offences Act*, and case law; and
 - iv) local police service policies and procedures and case studies of recent use; and
 - b) ensures competence is demonstrated in:
 - i) proper application of spray; and
 - ii) decontamination procedures.

**Conducted
Energy
Weapons**

15. Every Chief of Police should ensure that:
 - a) all training on conducted energy weapons is conducted by a ministry-certified Use of Force Trainer who has successfully completed the Conducted Energy Weapon Trainers course; and
 - b) conducted energy weapon trainer, user, user re-qualification, trainer re-certification and familiarization training is consistent with ministry training standards as per the appendices to this guideline.
16. Every Chief of Police should ensure that police officers are issued conducted energy weapons in accordance with the policy of the Police Services Board.
17. A Chief of Police may permit an officer to use a conducted energy weapon subject to the following:
 - a. the conducted energy weapon must be the TASER X26, TASER X26P, TASER X2, or TASER 7;
 - b. the conducted energy weapons must conform to the technical standards contained in Appendix H;
 - c. the officer believes a subject is threatening or displaying assaultive behavior or, taking into account the totality of the circumstances, the officer believes there is an imminent need for control of a subject; and
 - d. the officer believes it is reasonably necessary to use a conducted energy weapon, which may involve consideration of the following factors:
 - i. whether efforts to de-escalate the situation have been effective;
 - ii. whether verbal commands are not practical or are not being followed;
 - iii. the risk of secondary injury (e.g., as a result of a fall); and
 - iv. the conducted energy weapon's capabilities in relation to the context and environment.
18. Every police service's procedures on conducted energy weapons should include the following:
 - a) at the commencement of each shift during which a conducted energy weapon is to be carried:
 - i) a function test should be conducted before use to ensure proper functioning;
 - ii) the results of the function test should be recorded in the officer's notebook or the appropriate log book; and
 - iii) if the weapon is not personally issued, the serial number of the conducted energy weapon being used should be recorded in the officer's notebook or the appropriate log book;
 - b) in an incident in which a conducted energy weapon is used, one or more additional officers should be present to provide support when possible and restraint of a subject should be attempted when appropriate during the conducted energy weapon activation cycle;
 - c) when appropriate, an announcement should be made to other officers on the scene that a conducted energy weapon is going to be activated;

- d) conducted energy weapon use should be avoided in the presence of flammable or explosive substances (e.g., alcohol, gas vapours, natural gas, propane) especially in interventions in clandestine labs;
- e) as with any use of force option, a conducted energy weapon should only be used as necessary to gain physical control of a subject;
- f) conducted energy weapon use should be avoided:
 - i) on a handcuffed subject;
 - ii) on a pregnant woman, elderly person, young child or visibly frail person;
 - iii) on sensitive areas of the body (i.e., head, neck, genitals); and
 - iv) on a subject in control of a moving vehicle, bicycle or other conveyance;
- g) the subject should be informed that a conducted energy weapon has been used and the effects are of short duration;
- h) once the subject is controlled, he or she should be placed in a position for care and observation by officers (e.g., sitting or recovery position);
- i) a medical assessment should be obtained in the following circumstances:
 - i) when a conducted energy weapon is used on a subject who is pregnant, elderly, young, or visibly frail;
 - ii) when a CEW is used on a sensitive area of the body (see section 18 f) iii));
 - iii) when both probes are deployed on the chest near the heart;
 - iv) if a subject loses consciousness or strikes his/her head during a fall; or
 - v) when the CEW is used multiple times or for an extended period of time.
- j) embedded probes should be removed by medical personnel or an officer who has received specific training in doing so
- k) the officer removing the probes should seek medical assistance if he/she has concerns regarding the potential for injury resulting from removal of the probes;
- l) officers should request medical personnel remove probes embedded in sensitive areas;
- m) probes that have penetrated the subject's body should be handled with the same precautions as other biohazards;
- n) following CEW use, data should be downloaded for audit and analysis by designated personnel as soon as practicable;
- o) secure storage requirements for CEWs.

19. Every Chief of Police should ensure a response strategy/protocol be developed in cooperation with emergency medical service personnel to address post-deployment medical attention for individuals subjected to activation of a CEW.

20. Every Chief of Police shall ensure that every police officer is issued and carries a handgun that meets the technical specifications set out in the *Equipment and Use of Force Regulation*.

21. Every police service's procedures on firearms should provide that the authority to use firearms is an exceptional responsibility and must be exercised with the highest concern for human life.

Firearms

22. Every police service's procedures on firearms shall require that a member of a police force shall not draw a handgun, point a firearm at a person, or discharge a firearm unless he or she believes, on reasonable grounds, that to do so is necessary to protect against loss of life or serious bodily harm; or unless
- a) they are engaged in a training exercise, target practice or ordinary weapon maintenance in accordance with the rules of the police force;
 - b) the discharge of a handgun or other firearm is to call for assistance in a critical situation, if there is no reasonable alternative; or
 - c) the discharge of a handgun or other firearm is to destroy an animal that is potentially dangerous or is so badly injured that humanity dictates that its suffering be ended.
23. Every police service's procedures on firearms shall:
- a) address the authorization of members by the Chief of Police to carry firearms (except revolvers) of a type other than that permitted by section 3(1) of the *Equipment and Use of Force Regulation*, including:
 - i) whether or not the Chief of Police has designated another police officer to give authorization; and
 - ii) the special purpose for which the firearms will be carried;
 - b) prohibit members from altering or modifying their issued handguns;
 - c) require that members who are issued a handgun:
 - i) are issued a minimum of three full magazines; and
 - ii) one of the issued full magazines is loaded in the handgun while the member is on duty;
 - d) require that ammunition issued for handguns, other than those authorized for a special purpose, meet the specifications set out in subsection 3(3) of the *Equipment and Use of Force Regulation*; and
 - e) provide that procedures addressing subsections 23 (a)-(d) do not apply to members when engaged in a training exercise, target practice or ordinary weapon maintenance in accordance with procedures governing these activities.
24. Every police service's procedures shall require that members not discharge their firearm for the sole purpose of attempting to stop a fleeing motor vehicle.
25. Every Chief of Police should ensure that the annual re-qualification** on service handguns:
- a) includes an inspection of service handguns and related equipment by a qualified armorer and an exchange of duty ammunition for new ammunition; and
 - b) is divided into the following three areas:
 - i) a minimum of 1 hour of in-class academic training that provides a review of the following topics:
 - use of force legislation, including the *Criminal Code*, *Provincial Offences Act*, *Police Services Act* and case law;
 - reporting requirements;
 - principles of firearms safety; and
 - safe storage and security practices;

- ii) a minimum of 1½ hours of proficiency training that:
 - requires the firing of a minimum of 100 rounds of live service velocity ammunition of which at least 50 rounds will be a test on the Ministry's approved Course of Fire under daylight conditions;
 - may provide police officers the opportunity to shoot more, including, if practicable, under low light and outdoor conditions; and
 - reinforces handgun training received at the basic qualification level; and
- iii) a minimum of 1½ hours of judgement development training that:
 - is designed to develop decision-making skills in stressful conditions;
 - may be delivered in several different ways, including role-playing, live or simulated fire and/or branching/interactive simulator systems;
 - allows sufficient time for a Use of Force Trainer, certified by the Ministry, to determine the police officer's competency in using good judgement;
 - ensures that officers are debriefed on powers of arrest, threat perceptions, communication skills, tactics used, less than-lethal force options, justification for force used, weapons discipline, reaction time and accuracy, following the completion of training; and
 - requires that an officer will not be considered qualified to carry a firearm unless a Use of Force Trainer, certified by the Ministry, determines that the officer has the judgement skills, regardless of the officers performance in other components of handgun training.

- Accountability** 26. Every Chief of Police shall immediately cause an investigation to be made consistent with sections 12 and 13 of the *Equipment and Use of Force Regulation*:
- a) where a member unintentionally or intentionally discharges his or her firearm, except on a target range or in the course of weapon maintenance; or
 - b) where a member, by the discharge of a firearm in the performance of his or her duty, kills or injures another person.
27. Every Chief of Police shall ensure that a written record is maintained of the training courses taken by the members of the police service on the use of force and the use of firearms.
28. Every police service's procedures should address remedial training and administrative steps to be taken when a police officer does not qualify in a specific use of force area.

- Use of Force Reporting** 29. Every police service's procedures on use of force reporting shall require that:
- a) a report be submitted by a member to the Chief of Police whenever the member:
 - i) draws a handgun in the presence of a member of the public, excluding a member of the police service while on duty;
 - ii) points a firearm at a person;
 - iii) discharges a firearm;
 - iv) uses a weapon other than a firearm on another person, including a conducted energy weapon in cartridge/probe mode, three-point contact, and drive/push stun mode; or

- v) uses physical force on another person that results in an injury requiring medical attention;
- b) the report be in Form 1 as set out in the *Equipment and Use of Force Regulation*;
- c) the retention period on Part B of a use of force report is consistent with section 14.5 of the *Equipment and Use of Force Regulation*;
- d) Section 29 a) does not apply when:
 - i) a handgun is drawn, a firearm is pointed at another person, or a firearm is discharged, in the course of a training exercise, target practice or ordinary firearm maintenance, in accordance with the procedures of the police force;
 - ii) a weapon other than a firearm is used on another member of a police service in the course of a training exercise in accordance with the procedures of the police force; or
 - iii) physical force is used on another member of a police service in the course of a training exercise; in accordance with the procedures of the police force;
- e) use of force reports not be admitted in evidence at any hearing under Part V of *The Police Services Act*, other than a hearing to determine whether the police officer has contravened section 14.5 of the *Equipment and Use of Force Regulation* and local procedures on use of force reporting;
- f) the Chief of Police deliver or make available to the Solicitor General a copy of a report, upon the request of the Solicitor General; and
- g) a regular review is conducted on the police service's procedures, training and reporting on the use of force based on information obtained from the reports.

30. Every police service's procedures on use of force reporting should:

- a) require that a use of force report be submitted by a member to the Chief of Police whenever the member uses a CEW as demonstrated force presence (i.e., overt display of the CEW with the intent to achieve compliance);
- b) require use of force reports to be collected and used only to identify individual and group training requirements, or organizational use of force policy and procedure requirements;
- c) require use of force reports and associated occurrence reports to be completed and submitted to the front-line supervisor as soon as possible after the relevant incident;
- d) where a member is incapacitated, allow for the completion of the report by the member's immediate supervisor;
- e) allow for the completion of team reports by leaders of specialist teams (e.g., tactical units);
- f) require front-line supervisors to:
 - i) report, in conjunction with associated occurrence reports, to identify individual training requirements;
 - ii) indicate on the use of force report whether additional training is required by the officer; and
 - iii) forward the use of force report to the training analyst;
- g) set out the supervisory levels, if any, beyond the front-line supervisors, who will review the use of force reports, prior to review by the training analyst;

- h) require that use of force reports not be introduced, quoted from, or in any way referred to, during considerations of promotion or job assignment without the consent of the reporting officer;
- i) require that information from a use of force report not be contained in an officer's personnel file;
- j) require the appointment of a training analyst responsible for:
 - i) reviewing use of force reports to identify individual and group training requirements;
 - ii) maintaining a database (electronic or manual) of use of force data from Part A of all use of force reports; and
 - iii) at least once every calendar year, producing a study, including an analysis of use of force trends for the entire police service, which does not contain data that identifies reporting police officers;
- k) require review by the Chief of Police and the police services board of the annual use of force study; and
- l) require the availability of the annual use of force study to the community.

Ministry's Approved Course of Fire

Stage	Distance	Minimum Rounds	Time Allowed	
			Drawing / Firing from Secure Holster	Firing from Ready Position
One	0-10 ft / 0-3.04 m	12	2 sec. for one round 3 sec. for two rounds 4 sec. for three rounds	1 sec. for one round 2 sec. for two rounds 3 sec. for three rounds
Two	11-39 ft / 3.35-11.88 m	12	3 sec. for one round 3 sec. for two rounds 4 sec. for three rounds	2 sec. for one round 3 sec. for two rounds 4 sec. for three rounds
Three	over 40 ft / 12.19 m	6	maximum of 5 seconds per round (after the police officer has drawn the handgun and adopted a firing position behind cover)	Maximum of 5 seconds per round

Approved Targets

Targets for the qualification will be of a life-sized silhouette type. The designated scoring area will be incorporated within the upper center mass of the torso, and be approximately 12" wide x 18" (30.5 cm x 45.7 cm) in height.

Scoring

Only hits to the designated scoring area will be counted. Hits outside the designated scoring area, but on the silhouette do not count. Shots fired in a "no shoot" situation will result in failure.

The minimum passing score on this Course of Fire for police officers using a semi-automatic pistol will be 90% or 45 hits out of 50 rounds in the designated scoring area.

Duty Attire:

All officers will qualify wearing their regular attire, with their issued handgun, carried in the manner in which it is carried on duty.

Handgun:

Police officers must successfully complete the course of fire with their issued service handgun.

Teaching Points for Ministry Approved Course of Fire:

- It may not be possible to include all teaching points in each individual stage in the Course of Fire. However, when all three stages are combined, the following training points should be covered:
 - ✓ cover / concealment, including:
 - the importance of gaining cover is stressed throughout handgun training, refresher and re-qualification training; and
 - concealment only hides the police officer's position;
 - ✓ tactical / emergency reload, including the importance of being able to perform tactical or emergency reloads under stressful conditions;
 - ✓ shooting with one hand, including the ability to discharge handgun at close quarters with strong hand and support hand;
 - ✓ draw and fire, including the ability to draw and fire from a secure holster under stressful conditions;
 - ✓ handgun at ready position, including the ability to fire from the previously unholstered position;
 - ✓ move with the handgun unholstered, including the ability to move safely from position to position with the handgun unholstered;
 - ✓ Scan target, follow through, including reminding police officers of the need to continually conduct a threat evaluation. Police officers will be required to evaluate the threat before reholstering;
 - ✓ use of sights, including the importance of using the sights at intermediate and long distances;
 - ✓ various positions, including teaching police officers to draw and discharge from various positions, including standing and kneeling;
 - ✓ Ontario Adopted Police Challenge - "POLICE – DON'T MOVE" where applicable;
 - ✓ don't shoot situations - designed to develop decision-making skills in stressful situations;
 - ✓ stress, including the issue of physical or psychological stress inducements to simulate stressful conditions; and
 - ✓ stoppages and immediate Action Drills, including the method used to clear stoppages from the handgun.

*Refresher training is training which does not involve a pass/fail test.

**Re-qualification training is training with pass/fail evaluation of an individual's skills or knowledge.

APPENDIX A

Ontario Police College Guidelines

General

1. The Ontario Police College should ensure that recruit training on the use of force is:
 - a) in the context of the Ministry's approved Use of Force Model (attached);
 - b) consistent with the Ministry's approved Use of Force options that include:
 - i) officer presence;
 - ii) communication;
 - iii) physical control;
 - iv) empty hand techniques;
 - v) intermediate weapons;
 - vi) impact weapons;
 - vii) aerosol weapons;
 - viii) lethal force; and
 - ix) firearms;
 - c) from approved course training standards; and
 - d) conducted by a Use of Force Trainer certified by the Ministry.

Officer Safety

2. The Ontario Police College shall ensure that all recruits receive officer safety training that:
 - a) is integrated into other appropriate use of force options, and is not an independent instructional component;
 - b) incorporates role playing exercises and case study discussions; and
 - c) ensures competence is demonstrated in;
 - i) tactical considerations, including;
 - containment principles;
 - vehicle approaches, including unknown and known risks;
 - suspect approaches, including unknown and known risks;
 - the role and purpose of emergency response teams (perimeter control containment teams, tactical teams, hostage rescue teams);
 - cover and concealment;
 - building search;
 - situational planning; and
 - edged weapon awareness training;
 - ii) personnel searches and handcuffing;
 - iii) handgun retention; and
 - iv) the use of the Ontario Adopted Police Challenge ("POLICE – DON'T MOVE"), when appropriate.
3. The Ontario Police College shall ensure all recruits receive training on communication that:
 - a) is practiced and reinforced in all appropriate recruit training; and



- b) ensures competence is demonstrated in;
 - i) basic communication skills, including:
 - subject rapport development;
 - voice control;
 - receiver/sender issues; and
 - active listening;
 - ii) race relations and cross-cultural communication skills;
 - iii) mental illness/communication awareness;
 - iv) mediation skills;
 - v) diagnosing verbal encounters;
 - vi) creating voluntary compliance;
 - vii) defusing aggressive behaviour;
 - viii) use policy; and
 - ix) role-playing exercises.

Physical Control 4. The Ontario Police College shall ensure that all recruits receive training on empty hand techniques that ensures competence is demonstrated in;

- a) soft hand - controlling techniques, which includes:
 - i) restraining techniques;
 - ii) joint locks;
 - iii) compliance techniques; and
 - iv) defensive blocking; and
- b) hard strikes, including punches, elbow strikes and open hand strikes;
 - i) leg strikes, including kicks and knee strikes;
 - ii) alternative strikes; and
 - iii) grounding techniques.

Intermediate Weapons 5. The Ontario Police College shall ensure that all recruits receive training and meet the Ministry approved standard on impact weapons that:

- a) is based on the fundamental principles that:
 - i) batons are the only impact weapon permitted for use when dealing directly with the public;
 - ii) a baton is an impact weapon used to control resistive or assaultive behaviour of a subject; and
 - iii) a baton strike to the head is potentially lethal;
- b) ensures competence is demonstrated in:
 - i) use context;
 - ii) parallel communication;
 - iii) nomenclature;
 - iv) carriage;
 - v) draws;
 - vi) target areas;
 - vii) gripping;
 - viii) soft techniques, including:



- control techniques such as baton retention; and
 - ix) hard techniques, including:
 - blocking; and
 - striking; and
 - c) involves the use of training batons and protective equipment.
- 6. The Ontario Police College shall ensure all recruits receive training on aerosol weapons that:
 - a) is based on the principle that aerosol weapons do not preclude the use of lethal force;
 - b) covers the following topics:
 - i) a brief history of aerosol weapons;
 - ii) technical data on the product, including the active ingredient and propellant;
 - iii) effects of being sprayed, including:
 - the varying degrees of its effectiveness; and
 - the possibility of an intense physical shock reaction;
 - iv) use of force legislation, (i.e., *Criminal Code* and *Police Services Act*);
 - v) training exercises with inert canisters; and
 - vi) evaluation and testing;
 - c) ensures competence is demonstrated in;
 - i) proper application of spray;
 - ii) decontamination procedures; and
 - iii) weapon retention;
 - d) includes a written examination prior to recruits being issued with an aerosol weapon;
 - e) requires officers to view others being sprayed;
 - f) allows officers the opportunity to voluntarily experience the effects of capsicum weapons, in light of their own health and physical conditioning; and
 - g) highlights the benefits of being sprayed, including:
 - i) for court purposes, an officer can indicate that he/she used no more force than he/she has experienced in the past;
 - ii) to develop a better understanding of the physical effects of this weapon;
 - iii) to prevent possible misuse of this weapon; and
 - iv) to prepare the police officer to deal with a suspect who has been sprayed with this weapon especially in the area of cross contamination.

Firearms

- 7. The Ontario Police College shall ensure all recruits receive service handgun qualification training that:
 - a) includes theoretical training that may be conducted in conjunction with proficiency training, and that covers the following topics:
 - i) safety, including:
 - storage (home & police facility);
 - transportation; and
 - rules and regulations under the *Firearms Act*;



- ii) handgun nomenclature;
 - iii) holsters/equipment placement
 - iv) soft body armor;
 - v) equipment maintenance;
 - vi) function, including:
 - fire;
 - extract;
 - eject; and
 - feed;
 - vii) ballistics, including:
 - specifications; and
 - performance;
 - viii) loading/unloading, including:
 - administrative (round rotation);
 - tactical; and
 - emergency (speed);
 - ix) fundamentals;
 - x) stoppages and immediate action drills;
 - xi) low light shooting and flashlight techniques;
 - xii) multiple targets;
 - xiii) unusual shooting positions (e.g., sitting (as in a car or chair), prone);
 - xiv) strong and support hand shooting;
 - xv) firearms identification and awareness;
 - xvi) mental conditioning, including:
 - rules of survival;
 - xvii) critical incident stress (e.g., tachy-psyche, incident debriefing);
 - xviii) tactics (having a “plan B”);
 - xix) limitation of weapons and myths; and
 - xx) knowledge of relevant laws;
- b) includes proficiency training to prescribed standards that requires the firing of a minimum of 1000 rounds, and is divided into the following:
- c) fundamentals that involve the slow firing of live ammunition in exercises specifically designed to develop skills and ensures the recruit can demonstrate competency in shooting fundamentals and accuracy, including:
- i) grip/stance;
 - ii) trigger control;
 - iii) sight picture/sight alignment;
 - iv) follow-through (guard/cover position); and
 - v) tactical/emergency reloading;
- d) includes stoppages and immediate action drills that involves the firing of live ammunition and the use of dummy rounds in exercises specifically designed to develop skills and ensures the recruit can demonstrate competency in immediate action skills, or skills to quickly clear any pistol stoppage;



- e) includes tactical shooting skills that involve the timed firing of live ammunition in exercises specifically designed to develop skills and ensures the recruit can demonstrate competency in tactical shooting skills, including:
 - i) draw and fire drills/pistol presentation;
 - ii) time to fire rounds gradually restricted;
 - iii) firing from standing, kneeling, sitting and prone positions;
 - iv) gradually increasing target distances;
 - v) firing under varied lighting conditions;
 - vi) firing from the ready (gun drawn) position;
 - vii) firing from behind cover;
 - viii) reloading drills (tactical, emergency);
 - ix) vertical tracking drills; and
 - x) the use of the Ontario Adopted Police Challenge (“POLICE – DON’T MOVE”) where applicable;
- f) includes close quarter skills that involve the firing of live ammunition in exercises specifically designed to develop skills and ensures the recruits can demonstrate competency in close quarter skills, including:
 - i) time to fire rounds severely restricted;
 - ii) target distances reduced to under 12 feet (3.65 meters);
 - iii) firing under varied lighting conditions;
 - iv) introduction to reactive shooting techniques; and
 - v) introduction of one hand shooting movement, multiple and reactive targets;
- g) includes the successful completion of a qualification test, consistent with the Ministry’s approved Course of Fire, using a minimum of 50 rounds of service velocity ammunition;
- h) includes judgment development training that:
 - i) is undertaken following the completion of the proficiency segment of firearms training;
 - ii) provides practical experience in making use of force option choices under realistic circumstances;
 - iii) for purpose of handgun training, emphasizes “shoot-don’t-shoot” decision-making in stressful, realistic, scenarios in which various options might be exercised;
 - iv) is given through live or simulated fire, and/or branching/interactive simulator systems that incorporate training scenarios sensitive to race relations confidence and restraint;
 - v) ensures that recruits are debriefed on powers of arrest, threat perceptions, communication skills, tactics used, less than-lethal force options, justification for force used, weapons discipline, reaction time and accuracy, following the completion of training; and
 - vi) includes a requirement that a recruit meets a standard in judgement training in order to be deemed qualified to carry a firearm.



APPENDIX B

TRAINING STANDARD FOR CONDUCTED ENERGY WEAPON USERS

COURSE DESCRIPTION	<p>This course provides training to members of police services authorized to use a conducted energy weapon (CEW).</p> <p>CEWs were first authorized for use in 2002 by trained members of tactical units and hostage rescue teams in accordance with Section 14 of the Equipment and Use of Force Regulation 926/90.</p> <p>In 2004, authorization was extended to trained members of preliminary perimeter control and containment teams as well as front-line supervisors or their designates.</p> <p>In 2013, police services were given the authority to determine their own CEW deployment models.</p> <p>This course will be taught by a Use of Force Trainer, certified by the Ministry, who has completed the ministry-approved CEW Trainer's course.</p>
PREREQUISITES	Learners must be authorized to carry a CEW by their police service.
DURATION	The recommended duration of this course is 12 hours with 4 hours dedicated to judgment training in accordance with the Ontario CEW Trainer's Manual.
STANDARDS	<p>Learners will:</p> <ol style="list-style-type: none"> 1. meet the requirements of all User assessments as in accordance with the Ontario CEW Trainer's Manual.
SUBJECTS	<ol style="list-style-type: none"> 1. Legislative and Regulatory Framework for CEWs 2. Structure and Function of the CEW 3. Effects of CEWs 4. Operating the CEW 5. Practical Assessments
DRESS	Dress of the day or per police service policy
OTHER DRESS OR EQUIPMENT REQUIRED	<ul style="list-style-type: none"> ▪ approved security holster and belt ▪ body armour ▪ eye protection ▪ duty flashlight ▪ handcuffs and key

BIBLIOGRAPHY	LEGISLATION <u>Police Services Act</u> O. Reg. 926 Equipment and Use of Force Criminal Code sections 25, 26, 27, 34, 37
	CASE LAW R. v. Hannibal R. v. St. Amand R. v. Galloway R. v. Shott R. v. Cameron New case law as applicable Updated material on Ontario Police College Virtual Academy (OPCVA)
	SECONDARY MATERIALS Policing Standards Manual, Use of Force Guideline (AI-012) including Appendix A All Chiefs Memoranda (02-0045, 04-0002, 05-0007, 05-0014, 05-0050, 08-0001, 08-0011, 09-0060, 09-0076, 10-0034, 12-0011, 13-0020, 13-0073, 13-0075, 14-0069, 20-0152) Local policy and procedures Office of the Chief Coroner, Memorandum #10-06 (April 28, 2010)

SUBJECT	LEGISLATIVE AND REGULATORY FRAMEWORK
RATIONALE	CEW Users must understand and comply with the legislative and regulatory environment that governs their use of the CEW.
LEARNING OBJECTIVES AND ASSESSMENT STANDARDS	<p>The learner will:</p> <ol style="list-style-type: none">1. describe/explain the legislative and regulatory issues related to the CEW taking into account:<ol style="list-style-type: none">a) Criminal Code;b) <u>Police Services Act</u>;c) O. Reg. 926 Equipment and Use of Force;d) Local policy;e) Jurisprudence;f) Ontario Use of Force Model;g) Use of Force Guideline (AI-012) <p>to the extent that he/she achieves 75% on the written examination and demonstrates judgment and proficiency with the CEW in drills and practical assessments, as evaluated by the Trainer, in compliance with the Ontario CEW Trainer's Manual.</p>

SUBJECT	STRUCTURE AND FUNCTION OF THE CEW
RATIONALE	CEW Users must understand the structure and function of the unit.
LEARNING OBJECTIVES AND ASSESSMENT STANDARDS	<p>The learner will:</p> <ol style="list-style-type: none"> 1. describe/explain <ol style="list-style-type: none"> a) the history/development of the public context regarding police use of CEWs; b) civilian models; c) other CEWs available; d) how the CEW works; e) safe handling/operation of the CEW; f) the structure of the unit, taking into account: <ol style="list-style-type: none"> i) nomenclature; ii) basic electrical information; iii) cartridge functionality; iv) projectile characteristics; v) LED lighting; vi) laser sight(s); vii) holster and retention features; g) reporting and accountability procedures, taking into account: <ol style="list-style-type: none"> i) device data storage; ii) data downloading process; iii) evidence collection; iv) unit testing and calibration; 2. conduct a function test. <p>to the extent that he/she achieves 75% on the written examination and demonstrates judgement and proficiency with the CEW in drills and practical assessments, as evaluated by the Trainer, in compliance with the Ontario CEW Trainer's Manual.</p>

SUBJECT	EFFECTS OF CONDUCTED ENERGY WEAPONS
RATIONALE	CEW Users must understand the effects of the CEW on the human body.
LEARNING OBJECTIVES AND ASSESSMENT STANDARDS	<p>The learner will:</p> <ol style="list-style-type: none"> 1. describe/explain the common effects and side effects of a CEW on the human body, taking into account: <ol style="list-style-type: none"> a) persons subjected to a CEW discharge may experience: <ol style="list-style-type: none"> i) falling to ground; ii) involuntary/strong muscle contractions; iii) yelling/shouting; iv) freezing in place with legs locked; v) eye injury if probe strikes eye; vi) minor burns; vii) major burns if flammable liquids or gases are ignited; viii) secondary injury from falling; ix) feeling dazed for several seconds/minutes; x) tingling sensations; xi) critical stress amnesia; xii) vertigo; xiii) minor scarring; 2. describe/explain that the CEW is not likely to cause: <ol style="list-style-type: none"> a) damage to nerve tissue; b) defecation or urination; c) harm to fetus (apart from that which may occur as a result of the mother falling); d) death; 3. describe/explain that the CEW does not cause: <ol style="list-style-type: none"> a) electrocution in a wet environment; b) harmful pacemaker effects; 4. observe the effects of a CEW on humans which may be achieved through video recordings, etc.; 5. describe/explain the need to obtain immediate medical attention when the signs and symptoms of “excited delirium” are being displayed by the subject, which may include: <ol style="list-style-type: none"> a) pain tolerance; b) tachypnea (abnormally fast breathing);

	<ul style="list-style-type: none">c) sweating;d) agitation;e) tactile hyperthermia;f) police non-compliance;g) lack of tiring;h) unusual strength;i) inappropriately clothed;j) mirror/glass attraction; <p>6. describe/explain the effect of the CEW on aggressive animals to the extent that he/she achieves 75% on the written examination and demonstrates judgment and proficiency with the CEW in drills and practical assessments, as evaluated by the Trainer, in compliance with the Ontario CEW Trainer's Manual.</p>
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

SUBJECT	OPERATING THE CEW
RATIONALE	CEW Users must operate the CEW safely and proficiently.
LEARNING OBJECTIVES AND ASSESSMENT STANDARDS	<p>The learner will:</p> <ol style="list-style-type: none"> 1. describe/explain use of the weapon, taking into account: <ol style="list-style-type: none"> a) legal and regulatory issues related to use of force; b) impact factors as per the Use of Force Model; c) function testing; d) modes of use; e) probe spread; f) optimal deployment distance; g) tactical considerations; h) malfunctions; i) multiple and/or extended cycles and associated risks; j) control of the subject while CEW is activated; 2. smoothly draw and holster CEW; 3. load the CEW, taking into account: <ol style="list-style-type: none"> a) safety issues regarding loading cartridges; b) damage/injuries that can be sustained from improper loading; 4. transition to and from CEW and other use of force options taking into account tactical considerations; 5. reload cartridge multiple times using expended/inert cartridges; 6. respond to malfunctions; 7. fire the CEW with expended/inert cartridge, in probe mode, taking into account: <ol style="list-style-type: none"> a) the 5 second cycle deployment; b) multiple and extended cycles; c) reloading; d) malfunctions; e) laser sight(s); f) fixed sights; g) control of the subject while CEW is activated; 8. fire the CEW in drive stun mode, taking into account: <ol style="list-style-type: none"> a) effective areas on which to use drive stun mode; b) drive stun with cartridge (drill); c) close range probe deployment with drive stun follow up (drill);

	<p>d) drive stun without cartridge (drill);</p> <p>9. fire the CEW at:</p> <p>a) a single target:</p> <ul style="list-style-type: none"> i) at 2.5 metres; ii) using fixed sights; iii) hitting with both probes; <p>b) multiple targets, one at 2.5 metres and one at 4 metres, or with TASER 7: two “stand off” cartridges between 3.4 metres (11 feet) and 6.7 metres (22 feet), and two “close quarter” cartridges between 1.2 metres (4 feet) and 3.4 metres (11 feet), with one being fired in stealth mode:</p> <ul style="list-style-type: none"> i) using laser sight(s); ii) hitting with both probes; <ul style="list-style-type: none"> taking into account: <ul style="list-style-type: none"> ▪ target area (equivalent to TASER Mylar target or a human silhouette/ mannequin, with legs) ▪ preferred target zones; ▪ unintentional targets; ▪ throat/head hits are off-target; ▪ the safety switch; ▪ giving verbal commands; ▪ safety considerations; ▪ equipment considerations <p>10. for the TASER 7, engage the tilt select feature (if enabled), and observe the cartridge bay and laser adjustments;</p> <p>11. explain post-deployment procedures, taking into account:</p> <ul style="list-style-type: none"> a) probe removal; b) probe storage/disposal; c) evidence collection; d) data downloads; e) subject after-care; f) documentation and reporting requirements including the Use of Force Report <p>to the extent that he/she achieves 75% on the written examination and demonstrates judgment and proficiency with the CEW in drills and practical assessments, as evaluated by the Trainer, in compliance with the Ontario CEW Trainer’s Manual.</p> <p>Proficiency assessments may be attempted three times in one course.</p>
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Before advancing to the judgment/practical assessments, the User must:

- a) meet standard on the written test;
- b) demonstrate proficiency on the use of the CEW in drills; and
- c) demonstrate proficiency on the use of the CEW per section 9 a) and b) of “Operating the CEW”.

SUBJECT	PRACTICAL ASSESSMENTS
RATIONALE	The User must demonstrate judgement and proficiency with the CEW in practical assessments.
LEARNING OBJECTIVES AND ASSESSMENT STANDARDS	<p>Preamble:</p> <p>In selecting a use of force option, officers use their judgement to make ongoing threat assessments taking into account the totality of the situation, the behaviour of the subject(s), and tactical considerations. It is recognized that, in practice, situations are fluid, dynamic and may change rapidly. As with any use of force option, a CEW should only be used as necessary to gain physical control of a subject.</p> <p>Trainers will explain that the scenarios are presented in such a way to allow learners to build competence in situations that, for the purposes of training, conform closely to subject behaviours identified in the Ontario Use of Force Model. Scenarios may NOT require use of CEW or any other use of force method.</p> <p>Judgement scenario assessments should include dynamic scenarios.</p> <p>Scenario content should be consistent with the Scenario Planning and Design Guide in the CEW Trainers Manual.</p> <p>Learners will be assessed in compliance with the Trainer’s Manual and the User Assessment Form.</p>

CEW USER ASSESSMENT FORM

Date	Training Location
Student	Police Service
Trainer	

Knowledge Assessment

- ☐ The officer has achieved 75% on written test of factual and procedural knowledge about the CEW and its use on a written examination consisting of no fewer than 25 questions from the accredited question bank.

Proficiency Assessment

- ☐ Proficiency on the use of the CEW has been demonstrated in drills as detailed in the Course Training Standard.

Practical Assessment

- ☐ Judgement and proficiency in the use of the CEW has been assessed in scenarios.

The officer met standard as he/she:

- ☐ independently completed all tasks and procedures proficiently and safely
- ☐ made ongoing threat assessments taking into account the totality of the situation, the behaviour of the subject(s), and tactical considerations
- ☐ developed/alterd a plan of action and acted accordingly
- ☐ demonstrated confidence, competence, judgment and restraint
- ☐ demonstrated coordinated movements
- ☐ demonstrated smooth transition between use of force options
- ☐ demonstrated CEW deployment mode(s) as required by the totality of the situation
- ☐ communicated with subject and others taking into account tone, volume and cadence
- ☐ communicated with other officers
- ☐ effected arrest as required
- ☐ articulated rationale for lawful use of force
- ☐ critiqued his/her own practice and identified ways to improve

The officer did not meet standard as he/she:

- ☐ was unable to assess the totality of the situation and determine the appropriate response
- ☐ did not reasonably identify level of threat
- ☐ failed to respond to the threat
- ☐ over-reacted to the threat
- ☐ was unable to transition between use of force options
- ☐ was unable to demonstrate proficiency with the CEW (speed, accuracy, confidence)
- ☐ compromised safety of self or others
- ☐ was unable to articulate his/her rationale for lawful use of force
- ☐ was unable to critique his/her own practice and identify ways to improve.

Comments: (Use additional pages if necessary)

Trainer Signature: _____

APPENDIX C

TRAINING STANDARD FOR CONDUCTED ENERGY WEAPON TRAINERS

COURSE DESCRIPTION	This course prepares Use of Force Trainers to provide training and assessment for members of police services who are authorized to use conducted energy weapons (CEWs). This course encompasses the standards of the CEW User Course.
PREREQUISITES	Learners must be Use of Force Trainers certified by the Ministry (as per PSM AI-012 Appendix A).
DURATION	The recommended duration of this course is 16 hours.
STANDARDS	Learners will: <ol style="list-style-type: none"> 1. meet the requirements of all Trainer proficiency assessments; and 2. facilitate training in accordance with the Ontario CEW Trainer's Manual.
CERTIFICATION MAINTENANCE	CEW Trainers will complete ministry accredited re-certification every two years.
	<ol style="list-style-type: none"> 1. Introduction/Obligations of a CEW Trainer 2. Legislative and Regulatory Framework for CEWs 3. Effects of CEWs 4. Structure and Function of the CEW 5. Operating the CEW 6. Practical Assessments 7. Conducting Assessments
DRESS	Dress of the day or per police service policy
OTHER DRESS OR EQUIPMENT REQUIRED	<ul style="list-style-type: none"> ▪ approved security holster and belt ▪ body armour ▪ eye protection ▪ duty flashlight ▪ handcuffs and key ▪ protective cup ▪ whistle
BIBLIOGRAPHY	LEGISLATION <u>Police Services Act</u> O. Reg. 926 Equipment and Use of Force Criminal Code sections 25, 26, 27, 34, 37

	CASE LAW R. v. Hannibal R. v. St. Amand R. v. Galloway R. v. Shott R. v. Cameron New case law as applicable through the Ontario Police College Virtual Training Academy (OPVTA)
	SECONDARY MATERIALS CEW Course Training Standard for Users Policing Standards Manual Use of Force Guideline (AI-012) including Appendix A All Chiefs Memoranda (02-0045, 04-0002, 05-0007, 05-0014, 05-0050, 08-0001, 08-0011, 09-0060, 09-0076, 10-0034, 12-0011, 13-0020, 13-0073, 13-0075, 14-0069, 20-0152) Local policy and procedures TASER International Training Materials Facilitating and Assessing Police Learning (FAPL) Course Training Standard Use of Force Trainers Course Training Standard

SUBJECT	INTRODUCTION TO CEW TRAINING
RATIONALE	CEW Trainers must provide training to new and experienced Users of CEWs.
LEARNING OBJECTIVES and ASSESSMENT STANDARDS	<p>The learner will:</p> <ol style="list-style-type: none">1. comply with CEW trainer obligations by maintaining:<ol style="list-style-type: none">a) certification as an Ontario Use of Force Trainer;b) certification as an Ontario CEW trainer;2. facilitate training, taking into account:<ol style="list-style-type: none">a) communicating verbally and non-verbally;b) monitoring learners for safety and performance;c) allocating time efficiently;d) motivating learners and sustaining their interest;e) modeling professional/ethical behavior;3. assess learners taking into account:<ol style="list-style-type: none">a) identifying learner errors and provide correction;b) complying with documentation requirements; and4. maintain a safe training environment <p>in compliance with the Ontario CEW Trainer's Manual.</p>

SUBJECT	LEGISLATIVE AND REGULATORY FRAMEWORK
RATIONALE	CEW Trainers provide training to Users on the legislative and regulatory environment that governs the use of the CEW.
LEARNING OBJECTIVES and ASSESSMENT STANDARDS	<p>The learner will:</p> <ol style="list-style-type: none">1. describe/explain the legislative and regulatory issues related to the CEW <p>to the extent that he/she achieves 75% on the written examinations and demonstrates judgment and proficiency as a Trainer in drills and practical assessments, in compliance with the Ontario CEW Trainer's Manual.</p>

SUBJECT	STRUCTURE AND FUNCTION OF THE CEW
RATIONALE	CEW Trainers must provide training to Users on the structure and function of the CEW.
LEARNING OBJECTIVES AND ASSESSMENT STANDARDS	<p>The learner will:</p> <ol style="list-style-type: none">1. describe/explain<ol style="list-style-type: none">a) the history/development of the public context regarding police use of CEWs;b) how the CEW works;c) safe handling/operation of the CEW;d) the structure of the unit;e) reporting and accountability procedures; and2. conduct a function test <p>to the extent that he/she achieves 75% on the written examination and demonstrates judgment and proficiency with the CEW in drills and practical assessments, in compliance with the Ontario CEW Trainer's Manual.</p>

SUBJECT	EFFECTS OF CONDUCTED ENERGY WEAPONS
RATIONALE	CEW Trainers must train CEW Users on how a CEW works and its effects on the human body.
LEARNING OBJECTIVES and ASSESSMENT STANDARDS	<p>The learner will:</p> <ol style="list-style-type: none">1. describe/explain:<ol style="list-style-type: none">a) common effects and side effects of a CEW on the human body;b) effects the CEW is not likely to cause;c) effects the CEW does not cause;2. debrief videos on the effects of a CEW on humans;3. describe/explain how to safely conduct voluntary exposures;4. describe/explain warning signs indicating the need to consider immediate medical attention; and5. describe/explain the effect of the CEW on aggressive animals to the extent that he/she achieves 75% on the written examination and demonstrates judgment and proficiency with the CEW in drills and practical assessments, in compliance with the Ontario CEW Trainer's Manual.

SUBJECT	OPERATING THE CEW
RATIONALE	CEW Trainers must train Users to operate the unit in a safe and proficient manner.
LEARNING OBJECTIVES and ASSESSMENT STANDARDS	<p>The learner will:</p> <ol style="list-style-type: none">1. describe/explain:<ol style="list-style-type: none">a) use of CEW;b) post-deployment procedures;2. demonstrate proficiency in User drills as per the User Course Training Standard;3. conduct drills in compliance with the Users Course Training Standard and the Trainer's Manual4. when using the TASER 7 platform, fire three "stand off" cartridges between 3.4 metres (11 feet) and 6.7 metres (22 feet) and three "close quarter" cartridges between 1.2 metres (4 feet) and 3.4 metres (11 feet), with one of the shots in stealth mode <p>to the extent that he/she achieves 75% on the written examination and demonstrates judgment and proficiency with the CEW in drills and practical assessments, in compliance with the Ontario CEW Trainer's Manual.</p>

Before advancing to the judgment/practical assessment, the Trainer must:

- a) meet standard on the written test;
- b) demonstrate proficiency on the use of the CEW in drills per the Training Standard for CEW Users (AI-012B); and
- c) demonstrate proficiency on the use of the CEW per the Training Standard for CEW Users (AI-012B).

SUBJECT	PRACTICAL ASSESSMENTS
RATIONALE	The Trainer must demonstrate judgment and proficiency with the CEW in practical scenarios.
LEARNING OBJECTIVES AND ASSESSMENT STANDARDS	<p>Trainers will demonstrate judgment and proficiency with the CEW in practical scenarios. As with any use of force option, a CEW should only be used as necessary to gain physical control of a subject.</p> <p>In selecting a use of force option, officers use their judgment to make ongoing threat assessments taking into account the totality of the situation, the behavior of the subject(s), and tactical considerations. It is recognized that, in practice, situations are fluid, dynamic and may change rapidly.</p> <p>Scenarios may NOT require use of a CEW or any other use of force method.</p> <p>Trainers will be assessed in practical scenarios in compliance with the Trainer's Manual and the User Assessment Form.</p>

SUBJECT	CONDUCTING ASSESSMENTS
RATIONALE	CEW Trainers must ensure Users demonstrate judgment and proficiency with the CEW in practical exercises.
LEARNING OBJECTIVES and ASSESSMENT STANDARDS	<p>The learner will:</p> <ol style="list-style-type: none">1. acknowledge the requirements for conducting the knowledge test in compliance with the Trainer's Manual;2. conduct:<ol style="list-style-type: none">a) proficiency drills;b) judgment scenarios;3. assess learners in compliance with assessment standards; and4. comply with documentation requirements in compliance with the Trainer's Manual.

CEW TRAINER ASSESSMENT FORM

Date	Training Location
Student	Police Service
Trainer	

Knowledge Assessment

- ☐ The officer has achieved 75% on written test of factual and procedural knowledge about the CEW and its use on a written examination consisting of no fewer than 50 questions from the accredited question bank.

Proficiency Assessment

- ☐ Demonstrated proficiency on the use of the CEW in drills as detailed in the Trainer's Manual (equivalent to User proficiency standard).
- ☐ Conducted proficiency drills in compliance with the Trainer's Manual.

Judgment / Practical Assessments

- ☐ Demonstrated judgment and proficiency in the use of the CEW in scenarios in compliance with the Trainer's Manual to the User standards.
- ☐ Conducted scenario-based practical testing and assessed Users in compliance with the Trainer's Manual.

Trainer Proficiency Criteria

- ☐ Monitors and maintains safety
- ☐ Allocates time in accordance with the Trainer's Manual
- ☐ Demonstrates skills
- ☐ Communicates verbally
- ☐ Communicates non-verbally
- ☐ Identifies student errors
- ☐ Provides correction
- ☐ Motivates learners, sustains interest
- ☐ Conducts assessments in compliance with standards
- ☐ Complies with documentation requirements

To meet standard the officer will:

- ☐ independently complete all tasks and procedures proficiently and safely
- ☐ make ongoing threat assessments taking into account the totality of the situation, the behaviour of the subject(s), and tactical considerations
- ☐ develop/alter a plan of action and act accordingly
- ☐ demonstrate confidence, competence, judgment and restraint
- ☐ demonstrate smooth transition between use of force options
- ☐ demonstrate CEW deployment mode(s) as required by the totality of the situation
- ☐ communicate with subject and others taking into account tone, volume and cadence
- ☐ communicate with other officers
- ☐ effect arrest as required
- ☐ articulate rationale for lawful use of force
- ☐ critique his/her own practice and identify ways to improve

The officer will not meet standard if he/she:

- ☐ is unable to assess the totality of the situation and determine the appropriate response
- ☐ does not reasonably identify level of threat
- ☐ fails to respond to the threat
- ☐ over-reacts to the threat
- ☐ is unable to transition between use of force options
- ☐ is unable to demonstrate proficiency with the CEW (speed, accuracy, confidence)
- ☐ compromises safety of self or others
- ☐ is unable to articulate his/her rationale for lawful use of force
- ☐ is unable to critique his/her own practice and identify ways to improve.

Comments: (Use additional pages if necessary)

Student Signature : _____ Trainer Signature : _____

APPENDIX D
TRAINING STANDARD FOR CONDUCTED ENERGY WEAPON
RE-QUALIFICATION TRAINING

COURSE DESCRIPTION	<p>This course provides training to members of police services authorized to use a conducted energy weapon (CEW).</p> <p>As per section 14.3 of the Equipment and Use of Force Regulation, at least once every twelve months, members who may be required to use force on other persons shall take a training course on the use of force.</p> <p>This course will be taught by a Use of Force Trainer, certified by the Ministry, who has completed the ministry-approved CEW Trainer's course.</p>
PREREQUISITES	Learners must be authorized to carry a CEW by their police service.
DURATION	The recommended duration of this course is 4 hours.
STANDARDS	<p>Learners will:</p> <ol style="list-style-type: none"> 1. meet the requirements of all User proficiency assessments as in accordance with the Ontario CEW Trainer's Manual.
SUBJECTS	<ol style="list-style-type: none"> 1. Structure and Function of the CEW 2. Effects of CEWs 3. Operating the CEW 4. Legislative and Regulatory Framework for CEWs 5. Practical Assessments
DRESS	Dress of the day or per police service policy
OTHER DRESS OR EQUIPMENT REQUIRED	<ul style="list-style-type: none"> ▪ approved security holster and complete duty belt ▪ body armour ▪ eye protection ▪ duty flashlight ▪ handcuffs and key
BIBLIOGRAPHY	<p>LEGISLATION</p> <p><u>Police Services Act</u></p> <p>O. Reg. 926 Equipment and Use of Force</p> <p>Criminal Code sections 25, 26, 27, 34, 37</p>
	<p>CASE LAW</p> <p>R. v. Hannibal, 2003 BCPC 504</p> <p>R. v. St. Amand, 2006 BCPC 508</p>

	<p>R. v. Galloway, 2007 NSSC 71 R. v. Shott, 2006 ABPC 265 R. v. Cameron, 2008 BCPC 231 New case law as applicable from Ontario Police College Virtual Academy (OPCVA)</p>
	<p>SECONDARY MATERIALS Policing Standards Manual, Use of Force Guideline (AI-012) including Appendix A All Chiefs Memoranda (02-0045, 04-0002, 05-0007, 05-0014, 05-0050, 08-0001, 08-0011, 09-0060, 09-0076, 10-0034, 12-0011, 13-0020, 13-0073, 13-0075, 14-0069, 20-0152) Office of the Chief Coroner, Memorandum #10-106 (April 28, 2010) Local policy and procedures</p>

SUBJECT	STRUCTURE AND FUNCTION OF THE CEW
RATIONALE	CEW Users must understand the structure and function of the unit.
LEARNING OBJECTIVES AND ASSESSMENT STANDARDS	<p>The learner will:</p> <ol style="list-style-type: none">1. describe/explain<ol style="list-style-type: none">a) how the CEW works;b) safe handling/operation of the CEW;c) the structure of the unit, taking into account:<ol style="list-style-type: none">i) nomenclature;ii) basic electrical information;iii) cartridge functionality;iv) projectile characteristics;v) LED lighting;vi) laser sight(s);vii) holster and retention features;2. conduct a function test <p>to the extent he/she demonstrates judgement and proficiency with the CEW in drills and practical assessments, as evaluated by the Trainer, in compliance with the Ontario CEW Trainer's Manual.</p>

SUBJECT	EFFECTS OF CONDUCTED ENERGY WEAPONS
RATIONALE	CEW Users must understand the effects of the CEW on the human body.
LEARNING OBJECTIVES AND ASSESSMENT STANDARDS	<p>The learner will:</p> <ol style="list-style-type: none"> 1. describe/explain the common effects and side effects of a CEW on the human body, taking into account: <ol style="list-style-type: none"> a) persons subjected to a CEW discharge may experience: <ol style="list-style-type: none"> i) falling to ground; ii) involuntary/strong muscle contractions; iii) yelling/shouting; iv) freezing in place with legs locked; v) eye injury if probe strikes eye; vi) minor burns; vii) major burns if flammable liquids or gases are ignited; viii) secondary injury from falling; ix) feeling dazed for several seconds/minutes; x) tingling sensations; xi) critical stress amnesia; xii) vertigo; xiii) minor scarring; 2. describe/explain that the CEW is not likely to cause: <ol style="list-style-type: none"> a) damage to nerve tissue; b) defecation or urination; c) harm to foetus (apart from that which may occur as a result of the mother falling); d) death; 3. describe/explain that the CEW does not cause: <ol style="list-style-type: none"> a) electrocution in a wet environment; b) harmful pacemaker effects; 4. describe/explain the need to obtain immediate medical attention when the signs and symptoms of “excited delirium” are being displayed by the subject, which may include: <ol style="list-style-type: none"> a) pain tolerance; b) tachypnea (abnormally fast breathing); c) sweating; d) agitation;

	<ul style="list-style-type: none">e) tactile hyperthermia;f) police non-compliance;g) lack of tiring;h) unusual strength;i) inappropriately clothed;j) mirror/glass attraction <p>5. describe/explain the effect of the CEW on aggressive animals</p> <p>to the extent he/she demonstrates judgment and proficiency with the CEW in drills and practical assessments, as evaluated by the Trainer, in compliance with the Ontario CEW Trainer's Manual.</p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

SUBJECT	OPERATING THE CEW
RATIONALE	CEW Users must operate the CEW safely and proficiently.
LEARNING OBJECTIVES AND ASSESSMENT STANDARDS	<p>The learner will:</p> <ol style="list-style-type: none"> 1. describe/explain use of the weapon, taking into account: <ol style="list-style-type: none"> a) legal and regulatory issues related to use of force; b) impact factors as per the Ontario Use of Force Model; c) function testing; d) modes of use; e) probe spread; f) optimal deployment distance; g) tactical considerations; h) malfunctions; i) multiple and/or extended cycles and associated risks; j) control of the subject while the CEW is activated; 2. smoothly draw and holster the CEW; 3. load the CEW, taking into account: <ol style="list-style-type: none"> a) safety issues regarding loading cartridges; b) damage/injuries that can be sustained from improper loading; 4. transition to and from the CEW and other use of force options taking into account tactical considerations; 5. reload cartridges multiple times using expended/inert cartridges; 6. respond to malfunctions; 7. fire the CEW with expended/inert cartridge, in probe mode, taking into account: <ol style="list-style-type: none"> a) the 5 second cycle deployment; b) multiple and extended cycles; c) reloading; d) malfunctions; e) laser sight(s); f) fixed sights; g) control of the subject while CEW is activated; 8. fire the CEW in drive stun mode, taking into account: <ol style="list-style-type: none"> a) effective areas on which to use drive stun mode; b) drive stun with cartridge (drill); c) close range probe deployment with drive stun follow up (drill);

	<p>d) drive stun without cartridge (drill);</p> <p>9. fire the CEW at a target at 2.5 metres:</p> <p>a) using fixed sights;</p> <p>b) hitting with both probes; and</p> <p>c) taking into account the following factors:</p> <ul style="list-style-type: none"> ▪ target area (equivalent to TASER mylar target or human silhouette/ mannequin, with legs) ▪ preferred target zones ▪ unintentional targets ▪ throat/head hits are off-target ▪ the safety switch ▪ giving verbal commands ▪ safety considerations ▪ equipment considerations <p>10. fire an expended/inert cartridge at a target at 2.5 metres using the laser sight(s);</p> <p>11. fire the CEW at a target at 4 metres:</p> <p>a) using the laser sight(s);</p> <p>b) hitting with both probes; and</p> <p>c) taking into account the factors listed in 9 c);</p> <p>12. when using the TASER 7 platform, fire two “stand off” cartridges between 3.4 metres (11 feet) and 6.7 metres (22 feet), and two “close quarter” cartridges between 1.2 metres (4 feet) and 3.4 metres (11 feet), with one being fired in stealth mode, taking into account the factors listed in 9 c);</p> <p>13. for the TASER 7, engage the tilt select feature (if enabled), and observe the cartridge bay and laser adjustments;</p> <p>14. explain post-deployment procedures, taking into account:</p> <p>a) probe removal;</p> <p>b) probe storage/disposal;</p> <p>c) evidence collection;</p> <p>d) subject after-care;</p> <p>e) documentation and reporting requirements including the Use of Force Report</p> <p>to the extent he/she demonstrates judgment and proficiency with the CEW in drills and practical assessments as evaluated by the Trainer, in compliance with the Ontario CEW Trainer’s Manual.</p>
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

SUBJECT	LEGISLATIVE AND REGULATORY FRAMEWORK
RATIONALE	CEW Users must understand and comply with the legislative and regulatory environment that governs their use of the CEW.
LEARNING OBJECTIVES AND ASSESSMENT STANDARDS	<p>The learner will:</p> <ol style="list-style-type: none">1. describe/explain the legislative and regulatory issues related to the CEW taking into account:<ol style="list-style-type: none">a) Criminal Code;b) <u>Police Services Act</u>;c) O. Reg. 926 Equipment and Use of Force;d) Local policy;e) Jurisprudence;f) Ontario Use of Force Model;g) Use of Force Guideline (AI-012) <p>to the extent he/she demonstrates judgment and proficiency with the CEW in drills and practical assessments, as evaluated by the Trainer, in compliance with the Ontario CEW Trainer's Manual.</p>

Before advancing to the judgment/practical assessments, the User must:

- a) demonstrate proficiency on the use of the CEW in drills; and
- b) demonstrate proficiency on the use of the CEW per section 9, 10 and 11 of “Operating the CEW”.

SUBJECT	PRACTICAL ASSESSMENTS
RATIONALE	The User must demonstrate judgement and proficiency with the CEW in practical scenarios.
LEARNING OBJECTIVES AND ASSESSMENT STANDARDS	<p>Preamble:</p> <p>In selecting a use of force option, officers use their judgement to make ongoing threat assessments taking into account the totality of the situation, the behaviour of the subject(s), and tactical considerations. It is recognized that, in practice, situations are fluid, dynamic and may change rapidly. As with any use of force option, a CEW should only be used as necessary to gain physical control of a subject.</p> <p>Trainers will explain that the scenarios are presented in such a way to allow learners to build competence in situations that, for the purposes of training, conform closely to subject behaviours identified in the Ontario Use of Force Model.</p> <p>Scenarios may NOT require use of a CEW or any other use of force method.</p> <p>In addition to practical scenarios, judgement may also be assessed using case studies, table-top discussions, etc.</p> <p>Learners will be assessed in compliance with the Ontario CEW Trainer’s Manual.</p>

APPENDIX E
TRAINING STANDARD FOR CONDUCTED ENERGY WEAPON
FAMILIARIZATION

COURSE DESCRIPTION	<p>This course provides familiarization training to front-line members of police services who are not authorized to use a conducted energy weapon (CEW).</p> <p>The course should be delivered on an as-needed basis, as determined by the Chief of Police.</p>
SUBJECTS	<p>The following subject areas should be addressed:</p> <ol style="list-style-type: none">1. CEW model(s) in use within the police service;2. Members within the police service who are authorized to carry a CEW;3. Basic structure and function of the CEW;4. Spark test;5. Deployment modes (probe, drive stun, 3-point contact);6. Use of demonstrated force presence;7. Circumstances for use as per section 17 of Use of Force Guideline AI-012;8. Verbal warnings;9. Arrest team movement and “controlling under power”;10. Tactical considerations (e.g., fragile wires);11. Excited delirium;12. Multiple and extended cycles;13. Transition between force options;14. Lethal back-up.

ATTACHMENT 1
TRAINING STANDARD FOR RE-CERTIFICATION OF CONDUCTED ENERGY
WEAPON TRAINERS

COURSE DESCRIPTION	<p>CEW Trainers will re-certify every two years by completing the CEW Trainers course in compliance with the Ontario CEW Trainers Manual.</p> <p>Re-certification assessments must be conducted by Ministry certified CEW Instructor Trainers.</p>
PRE-REQUISITES	Ministry certified CEW Trainer
STANDARDS	The learner will complete the CEW Trainers course in compliance with the Ontario CEW Trainers Manual.
SUBJECTS	<ol style="list-style-type: none"> 1. Introduction/Obligations of a CEW Trainer 2. Legislative and Regulatory Framework for CEWs 3. Effects of CEWs 4. Structure and Function of the CEW 5. Operating the CEW <ol style="list-style-type: none"> a) describe/explain: <ol style="list-style-type: none"> i. use of CEW; ii. post-deployment procedures; b) demonstrate proficiency in User drills as per the User Course Training Standard; and c) conduct drills in compliance with the Users Course Training Standard and the Trainer's Manual 6. Practical Assessments 7. Conducting Assessments <p>Candidates for re-certification may be assessed for #5 b) and c), #6 and #7 during the Trainers course or in a live teaching environment prior to re-certification. Candidates must meet standard on the written test as per the Course Training Standard for Trainers.</p>
DRESS	Dress of the day or per police service policy
OTHER DRESS OR EQUIPMENT REQUIRED	<ul style="list-style-type: none"> ▪ duty belt, including holster ▪ body armour ▪ eye protection ▪ duty flashlight ▪ handcuffs and key
REFERENCES	N/A

ATTACHMENT 2
TRAINING STANDARD FOR CONDUCTED ENERGY WEAPON
INSTRUCTOR-TRAINERS

COURSE DESCRIPTION	This course prepares CEW Trainers to train new CEW Trainers and conduct re-certification training for CEW Trainers.
PRE-REQUISITES	Candidates must be a Ministry-certified CEW Trainer. Candidates must have delivered a minimum of five CEW User courses as a Trainer.
STANDARDS	<p>Candidates will:</p> <ol style="list-style-type: none"> 1. achieve a minimum grade of 90% on the Entrance Examination; 2. teach a short session from the Users Course in compliance with the assessment rubric; 3. meet standard on the provincial proficiency standard as set out in the Training Standard for CEW Users; <i>(Failure to meet standard on any of the first three elements will result in immediate dismissal from the course.)</i> 4. present a solution to a training issue (assigned) in compliance with assessment rubrics, and submit a brief written report on their recommended solution; 5. participate in classroom discussions and exercises; and 6. be in full attendance.
RE-CERTIFICATION REQUIREMENTS	<p>Instructor Trainers will participate in annual professional development activities coordinated by OPC.</p> <p>Subject matter will vary from year to year. Emphasis will be placed on new research, jurisprudence and lessons learned from practice and training.</p>
SUBJECTS	<ol style="list-style-type: none"> 1. Entrance assessments: <ol style="list-style-type: none"> a. Examination b. Teach-backs c. CEW proficiency 2. Responsibilities of an Instructor-Trainer: <ol style="list-style-type: none"> a. Updates to trainer resources b. Preparation of evidence/expert testimony c. Technical analysis d. Voluntary exposure safety protocols, if permitted by the

	<p>candidate's police service</p> <ul style="list-style-type: none">e. Removal of probesf. Use of force/CEW tactics: lessons learnedg. Problem solving <p>3. Conducting trainer re-certification</p>
DRESS	Dress of the day or per police service policy
OTHER DRESS OR EQUIPMENT REQUIRED	N/A
REFERENCES	N/A

APPENDIX H
TECHNICAL SPECIFICATIONS FOR APPROVED CONDUCTED ENERGY WEAPONS

TASER X26	TASER X26P	TASER X2	TASER 7
Output Characteristics			
Main phase charge: 80 to 125 μ C (microcoulombs) Pulse duration: 105 to 155 μ s (microseconds) Pulse rate: 19 +1/-2.5 pulses per second Peak loaded voltage: 1,400 to 2,520 V (volts)	Into 600-ohm load: <ul style="list-style-type: none"> Pulse duration: 50–125μs Peak loaded voltage: 840–1,440 V Into 250–1,000 ohm loads: <ul style="list-style-type: none"> Pulse rate: 19 \pm 1 pulses per second Full pulse charge: 63 \pm 9 μC Current: 1.2 milliamperes (mA) typical 	Into 600-ohm load: <ul style="list-style-type: none"> Pulse duration: 50–125μs Peak loaded voltage: 840–1,440 V Into 250–1,000 ohm loads: <ul style="list-style-type: none"> Pulse rate: 19 \pm 1 pulses per second Full pulse charge: 63 \pm 9 μC Current: 1.2 mA typical 	Into 600-ohm load: <ul style="list-style-type: none"> Pulse duration: 35 – 55 μs Peak loaded voltage: 1500-2600 V Into 250-1000 ohm loads: <ul style="list-style-type: none"> Pulse rate single bay: 21 - 23 pulses per second Pulse rate two bays: 43-45 pulses per second Pulse charge: 59-67 μC 22 Pulses per Second into 600-ohm: <ul style="list-style-type: none"> Aggregate current: .0013-.0015 amperes Total discharge time: .00077 - .0012 seconds Into 500-ohm: <ul style="list-style-type: none"> Energy per pulse: .063-.104 joules

TASER X26	TASER X26P	TASER X2	TASER 7
Other Features			
<p>The trigger activates a five second cycle. The cycle can be stopped and the discharge can be continued beyond five seconds.</p> <p>An illumination source is present.</p> <p>Redundant targeting systems (i.e., fixed sights and laser) are present.</p> <p>Capable of drive-stun with or without cartridge installed.</p> <p>Electrical charge can penetrate up to 2 inches [5.08 cm] cumulative of clothing, or one inch [2.54 cm] per probe.</p> <p>Information Display includes battery life percentage, countdown, warranty expiration, unit temperature, illumination status, and current time and date.</p> <p>Ambidextrous safety levers are present.</p> <p>Unit stores time, date, burst duration,</p>	<p>The trigger activates a single cycle (approximately 5 seconds) which can be stopped or continued beyond five seconds (except when used with battery with automatic shutoff feature).</p> <p>An illumination source is present.</p> <p>Redundant targeting systems (i.e., fixed sights and laser) are present.</p> <p>Information Display displays data such as calculated remaining energy, burst time, and notifications.</p> <p>Information is recorded into three data logs: Event log, Pulse log, and Engineering log.</p> <p>Data can be downloaded.</p> <p>Real-time clock with back-up battery.</p> <p>Onboard self-diagnostic and system status monitoring and reporting.</p> <p>Ambidextrous safety switch.</p>	<p>The trigger activates a single cycle (approximately 5 seconds) which can be stopped or continued beyond five seconds.</p> <p>An illumination source is present.</p> <p>Redundant targeting systems (i.e., fixed sights and dual lasers) are present.</p> <p>Capable of a drive stun with or without a cartridge installed.</p> <p>Information Display displays remaining energy, burst time, operating mode, and user menu to change settings.</p> <p>Information is recorded into three data logs: Event log, Pulse log, and Engineering log.</p> <p>Data can be downloaded.</p> <p>Real-time clock with back-up battery.</p> <p>Onboard self-diagnostic and system status monitoring and reporting.</p> <p>Ambidextrous safety switch.</p>	<p>The trigger activates a single cycle (approximately 5 seconds) which can be stopped or continued beyond five seconds.</p> <p>An illumination source is present.</p> <p>Redundant targeting systems (i.e., fixed sights and single/dual lasers) are present.</p> <p>Capable of a drive stun with or without a cartridge installed.</p> <p>Information Display displays remaining energy, burst time, operating mode, and user menu to change settings.</p> <p>Information is recorded into three data logs: Event log, Pulse log, and Engineering log.</p> <p>Data can be downloaded.</p> <p>Real-time clock with back-up battery.</p> <p>Onboard self-diagnostic and system status monitoring and reporting.</p> <p>Ambidextrous safety switch.</p>

unit temperature, and remaining battery life percentage for a minimum of 1,000 firings. Data can be downloaded.		Optional automatic shut-off, if enabled	Tilt Select feature allows for toggling between cartridge bays Optional automatic shut-off, if enabled Body-worn camera activation, if enabled
Cartridges			
TASER X26	TASER X26P	TASER X2	TASER 7
<p>21-foot and 15-foot interchangeable cartridges:</p> <ul style="list-style-type: none"> • use nitrogen gas propellant @ 1800 psi; and • contain Standard Probe: 0.375" (9.53mm) <p>25-foot interchangeable cartridge (7.62m):</p> <ul style="list-style-type: none"> • uses nitrogen gas propellant @2200 psi; and • contains XP Probe: 0.525 (13.33 mm) 	<p>25-foot (7.6m) and 15- foot (4.6m) TASER Smart™ cartridges:</p> <ul style="list-style-type: none"> • use compressed nitrogen gas propellant; and • contain probes of 0.53" (13.3mm length) 		<p>Close Quarters Cartridge (12°) and Stand-Off Cartridge (3.5°):</p> <ul style="list-style-type: none"> • use compressed nitrogen gas as propellant • maximum range 25' (7.6 m) • probe length 0.45" (11.5mm) • muzzle velocity 175'/second (53 m/second)