



INTERNAL CORRESPONDENCE

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

Date: April 7, 2025

**Re: Police Service Board By-laws
Board and Chief Communications, Critical Points, and Delegation of Authority**

Purpose:

The purpose of this report is to provide the Board with draft by-laws as required for compliance with the Community Safety and Policing Act, 2019 (CSPA), and its Regulations.

Background Information and Discussion:

On April 1, 2024, the Community Safety and Policing Act, 2019 (CSPA) and its Regulations came into force. The CSPA is an opportunity to modernize policing and enhance community safety in Ontario. All Police Service Boards and Police Services are required to comply with the CSPA and its associated Regulations. The CSPA provides that the Board establish policies respecting matters related to the Police Service or the provision of policing.

To meet these legislative requirements, draft By-laws have been created. These By-laws also instruct the Chief of Police to ensure the administration of the Service adheres to the CSPA, its Regulations, and all relevant Board By-laws and policies. The Chief of Police regularly provides the Board with reports to monitor compliance, which also support the budget process, strategic planning, and ongoing assessment of the Service's needs.

The By-law on Board and Chief of Police Communications recognizes the importance of communication which is essential to Board governance. It outlines the communication policies and practices for standard communication channels, matters of operational significance, Board Member communication and information sharing and Board Member contact with Members of the Police Service. Additionally, the CSPA provides that Board Members comply with the Code of Conduct Regulation for Police Service Board Members. This By-law was developed in consultation with the Inspectorate of Policing, Police Services Advisor.

With respect to the Critical Points By-law, the Inspector General of Policing has issued an Advisory Bulletin recommending Boards develop a "Critical Points" policy to support the Board's statutory governance role to provide clarity on information sharing, discussion and reporting on events that reach the "Critical Points" threshold. This By-law was developed at the direction of the Inspector General and in consultation with the Police Services Advisor.

With respect to the Delegation of Authority By-law, Section 42(1) of the Community Safety and Policing Act permits the Niagara Police Service Board to delegate the powers assigned to it under the CSPA to a committee or to an employee of the Board who is not a member of the police service or to the Chief of Police. This By-law provides the Board and Chief with greater clarity on approvals and signing authorities, as well as streamlining administrative responsibilities in an efficient and timely manner.

The provisions in the By-laws are a mandated responsibility of Police Service Boards. These By-laws ensures compliance with the CSPA and its Regulations. The Board Solicitor, Woody McKaig; Service Legal Counsel, Vita Gauley; and Chief of Police Bill Fordy; have reviewed and endorsed these By-laws and they are now presented to the Board for final approval.

Cost of Recommendation:

There will be no additional costs associated with the implementation of the attached By-laws. Specific costs resulting from the administration and governance of the Police Service are dealt with by the Chief of Police 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. These By-laws as presented comply with the CSPA and its Regulations and Inspectorate of Policing, Ministry of the Solicitor General guidelines and there are no realistic alternatives.

Recommendation:

That the Board adopt the draft by-laws as appended to this report;

And further, that the Board Chair and Executive Director be authorized to make any supplementary administrative amendments to these 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. (3)

By-law 525-2025: Delegation of Authority
By-law 526-2025: Board and Chief of Police Communications
By-law 527-2025: Critical Points



BY-LAW NO. 525-2025

**A BY-LAW RESPECTING
THE NIAGARA REGIONAL POLICE SERVICE BOARD
DELEGATION OF AUTHORITY**

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 42 (1) of the CSPA permits that a Police Service Board to delegate the powers assigned to it under the CSPA to a committee or to an employee of the Board who is not a Member of the Police Service or to the Chief of Police;
- 1.4 AND WHEREAS the Board deems it expedient to enact this By-law to delegate certain authorities for efficient administration and operations.

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 "*Chair*" means the Chair of the Board;
- 2.4 "*Chief*" means the Chief of the Niagara Regional Police Service;
- 2.5 "*Designate*" means, for the purposes of this By-law, the person provided with written authority to act on behalf of a Signing Officer;
- 2.6 "*Document*" means any written instrument in paper or electronic form which, when duly executed, will have or is intended to have the effect of binding the Board but does not include any cheques, bank drafts, debentures, or other financial instruments;
- 2.7 "*Executive Director*" means the Executive Director appointed by the Board;

- 2.8 “*Member*” means a member of the Niagara Regional Police Service;
- 2.9 “*Region*” means the Regional Municipality of Niagara;
- 2.10 “*Service*” means the Niagara Regional Police Service;
- 2.11 “*Signing Officer*” means a person appointed pursuant to this By-law to execute any document on behalf of the Board;
- 2.12 “*Vice-Chair*” means the Vice-Chair of the Board.

3 BOARD POLICY

- 3.1 The Board recognizes the need to ensure accountability and support effective governance in carrying out its statutory and administrative responsibilities. The Board also appreciates the need to advance its work and that of the Niagara Regional Police Service in an efficient and timely manner. These are the guiding principles under which the Board delegates signing authority in accordance with its statutory authorities and the provisions and restrictions in this By-law.

4 DELEGATED AUTHORITY

- 4.1 The Board hereby delegates its authority to the Chair for:
- (a) Special Fund disbursements, consistent with Board policy;
 - (b) Purchase of goods and services for the Police Service Board over \$50,000 and up to \$100,000, as recommended by the Executive Director or Board Solicitor;
 - (c) After approved and authorized by the Board, execution of contracts, agreements, protocols, and collective agreements;
 - (d) Federal and Provincial Government grant applications and letters of commitment directed to the Police Service Board for police funding;
 - (e) After Board approval, employment contracts for Board staff and excluded positions under s.220 of the CSPA;
 - (f) Appointments of Police Officers, Special Constables, Auxiliary Members, on the recommendation of the Chief;
 - (g) Appointment of Chief and Deputy Chiefs of Police after such appointments are approved and authorized by the Board;
 - (h) Appointment of the Executive Director after such appointment is approved and authorized by the Board;
 - (i) Approval of expenses incurred by the Chief and Executive Director.
- 4.2 In the Chair’s absence, the Vice-Chair shall have the same delegated authorities.
- 4.3 The Board hereby delegates its authority to the Chief for:
- (a) Secondment agreements with other police services;
 - (b) Grant applications, funding agreements and ancillary documents;
 - (c) Requests for temporary assistance under s.19 of the CSPA;
 - (d) Special Fund disbursements, consistent with Board policy;
 - (e) Operational agreements, waivers, and releases up to \$250,000 provided these are included in the annual budget approved by the Board;

- (f) Contracts and procurement up to the limits of the Chief of Police in the Board's By-law to Regulate Financial Reporting, Control and Procurement of Goods and Services in the Niagara Regional Police Service;
- (g) Federal and Provincial Government grant applications directed to the Police Service for police funding;
- (h) After Board approval, Minutes of Settlement regarding matters settled within the financial authority of the Chief as detailed in this By-law;
- (i) Employment offer letters provided to Service Members but not including employment offer letters or employment contracts for Chief, Deputy Chiefs or excluded positions under s.220 of the CSPA, or collective agreements.;
- (j) Appoint employees of the Board who are under the direction of the Chief as police cadets, to undergo training, under s.90(1) of the CSPA;
- (k) Applications for Appointments as Police Officers, Special Constables, and Auxiliary Members;
- (l) Grievance/human rights settlements, legal indemnification, and legal indemnification legal fees up to a total, including costs and disbursements, of \$35,000;
- (m) "After Board approval, real estate property leases/licenses up to the limits of the Chief of Police in the Board's By-law to Regulate Financial Reporting, Control and Procurement of Goods and Services in the Niagara Regional Police Service;
- (n) Short-term facility licenses/rentals for police use.

4.4 The Acting Chief shall have the same delegated authorities when Acting.

4.5 The Board delegates its authority to the Executive Director for:

- (a) Approval of Board Members' and staff expenses;
- (b) Approval of legal accounts from the Board Solicitor up to \$50,000;
- (c) Purchase of goods and services up to \$50,000;
- (d) Short-term facility licenses/rentals for Board use.

4.6 For Board office procurements within the Board's By-law to Regulate Financial Reporting, Control and Procurement of Goods and Services, the Executive Director may execute contracts.

4.7 For Police Service procurements within the Board's By-law to Regulate Financial Reporting, Control and Procurement of Goods and Services in the Niagara Regional Police Service, not involving Regional assets, the Chief may execute contracts.

4.8 For exempt Police Service procurements not involving Regional assets, the Chief may execute contracts.

4.9 Contracts involving Regional assets shall be executed by the Region per its by-laws.

4.10 This By-law shall be interpreted in accordance with the CSPA and its Regulations.

4.11 Any delegation under this By-law shall be subject to Board policies and financial approvals.

5 LIMITATIONS

5.1 Despite any provision of this By-law, a signing officer or designate shall not approve any matter or execute any document unless the transaction or activity to which the matter or document relates has been approved by the Board. For greater clarity, a transaction or activity shall be deemed to be approved by the Board where such transaction or activity:

- (a) is included in the annual budget adopted by the Board;

- (b) is included in a program, project or activity, which has been approved by the Board;
or
- (c) is reasonably incidental to the authority given to the Chief of Police or their designate to carry out their duties and responsibilities on behalf of the Board.

6. REPORTING REQUIREMENTS

6.1 At least one original of each executed document, including but not limited to grievance and HRTO settlement documents, shall be retained by the Police Service Board Office, and electronic copies of the executed documents will be retained on the electronic contractual documentation management system administered by the Police Service Board Office and the Office of the Deputy Chief of Police.

6.2 Reporting requirements will be in accordance with By-Law 421-2024: A By-law to Establish Policy for Protocols, Shared Service Agreements and Other Contracts with Police Services and Other Organizations, that requires the Chief of Police to make an annual report regarding the details of all protocols, agreements, and contracts with police services and other organizations.

7 IMPLEMENTATION

7.1 Any By-laws, sections of by-laws and policies of the Board inconsistent with the provisions of this By-law are hereby repealed.

7.2 This By-law shall come into force on the date of its passage.

ENACTED AND PASSED this _____ day of _____, 2025.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Pat Chiochio, Chair

Deb Reid, Executive Director

Attachments (1)

SCHEDULE A

	DELEGATED AUTHORITY	DELEGATE	CONDITIONS/ RESTRICTIONS	BY-LAW
APPOINTMENTS, PROMOTIONS, RECLASSIFICATIONS				
1.	Appoint employees of the Board who are under the direction of the Chief as police cadets, to undergo training	Chief of Police		CSPA, 2019, s. 90(1)
2.	Certificate of Appointment as a Police Officer for Members of the NRPS	Chair		CSPA, 2019, s. 83(4)
3.	Application for Appointment as Special Constable NRPS	Chief of Police	Submitted to Board for Approval of Appointment	456-2024
4.	Application for Appointment as Special Constable Niagara Parks Commission	Chief of Police	Submitted to Board for Approval of Appointment	466-2024
5.	Application for Appointment as Special Constable Brock University Campus Safety Services	Chief of Police	Submitted to Board for Approval of Appointment	466-2024
6.	Approval and Certificate of Appointment as Special Constable for NRPS	Chair		456-2024
7.	Approval and Certificate of Appointment as Special Constable for Niagara Parks Commission	Chair		466-2024
8.	Approval and Certificate of Appointment as Special Constable for Brock University Campus Safety Services	Chair		466-2024
9.	Approval of Appointment as Auxiliary Member of the NRPS	Chair		426-2024
10.	Promotions and Reclassifications of Members of the NRPS.	Chief of Police	Excludes Senior Officer Ranks	Collective Agreements
11.	Acceptance of resignations and/or retirements on behalf of the Board.	Chair Chief of Police	Non-association positions, i.e., Board Staff and Chief, Deputy Chief, and positions under s.220 of the CSPA. Uniform and Civilian Service Members	CSPA, 2019, and related Police Service Board By-laws and Collective Agreements.

BOARD ADMINISTRATION				
12.	Purchase of goods and services, consistent with Board policy.	Executive Director Chair	To a maximum of \$50,000 Over \$50,000 Board approval required for amounts over \$100,000.	412-2024
13.	Contracts, agreements and protocols that have been authorized by the Board.	Chair		412-2024
14.	Contracts, agreements and protocols related to the supervision of staff and administration of the Board Office and Board day-to-day operations.	Executive Director		412-2024
15.	Travel and other expenses incurred as part of the official duties and responsibilities of the Chief of Police and Executive Director.	Chair		Niagara Region Corporate Policy
16.	Travel and other expenses incurred as part of the official duties and responsibilities of the Board Members and staff.	Executive Director		Niagara Region Corporate Policy
17.	Legal accounts from the Board Solicitor approved within the Board budget.	Executive Director		412-2024
18.	Payment of eligible legal indemnification up to \$35,000.	Chief of Police	Board approval required for costs above \$35,000.	
19.	Civil Actions - Settlement instructions for civil actions filed against the police.	Chair or Chief of Police Board	To a maximum of \$35,000, with a settlement report to the Board. Board approval of any claim exceeding \$35,000.	418-2024
20.	Annual Leave requests of the Chief.	Chair		Employment Agreement
POLICE OPERATIONAL MATTERS				
21.	Joint operation agreements with enforcement agencies, including other municipal police services, OPP, RCMP, CBSA, etc.	Chief of Police	Submitted to Board for review and approval	452-2024
22.	Secondments with other Municipal, Provincial or Federal enforcement agencies.	Chief of Police	Submitted to Board for review and approval	
23.	Shared service agreements with other policing agencies made under s.14 of the CSPA.	Chair or Chief of Police	Submitted to Board for Approval	CSPA

24.	Requests for Temporary Assistance made under s.19 of the CSPA.	Chief of Police	Copy submitted to Board for records	CSPA
25.	Agreements with institutions and community partners under a Board approved program.	Chief of Police	Copy submitted to Board for records	
26.	Waivers, releases and grants of indemnification not related to a purchase.	Chief of Police		
27.	Agreements with Federal or Provincial governments, municipalities or agencies for Board undertakings, program delivery and administration.	Chair or Chief of Police	Copy submitted to Board for records	
28.	Requests for unpaid leave of absence.	Chief of Police		
29.	Non-disclosure and confidentiality agreements.	Chief of Police		
FINANCE				
30.	Purchase of goods and services, consistent with Board policy.	Chief of Police	To a maximum of \$250,000 Board approval required for amounts over \$250,000.	412-2024
31.	Applications for funding or subsidy on behalf of the Board.	Chair or Chief of Police		403-2024
32.	Agreements with Federal or Provincial governments or agencies or any other entity for program or project specific funding.	Chief of Police		
33.	Documents required in support of funding applications or as a condition of receipt of funds, including reporting requirements.	Chief of Police		
34.	Special Fund disbursements consistent with Board policy.	Chair or Chief of Police	To a maximum of \$10,000 Board approval required for amounts over \$10,000	403-2024
35.	Cost reimbursement agreements.	Chief of Police		
36.	Procurement and payment of goods and services approved with the budget.	Chief of Police	Board approval required for purchases above \$250,000.	412-2024
37.	Settlement of grievance matters and human rights complaints.	Chief of Police Board	To a maximum of \$35,000 Over \$35,000 Subject to review by NRPS General Counsel and Board Solicitor	

PROPERTY				
Board and Service Occupied Facilities and Land				
38.	Agreements granting access to utilities, telecommunications and other maintenance services required to maintain NRPS use of Regional lands and facilities.	Chief of Police		
39.	Agreements permitting third party use of NRPS community rooms and facilities	Chief of Police		
40.	Rental agreements for training or operational purposes.	Chief of Police		
41.	Agreements for NRPS use of lands and facilities.	Chief of Police		
External Facilities and Land				
42.	Low value rental agreements for training or operational purposes, provided that the value does not exceed \$100,000	Chief of Police		
43.	Agreements for NRPS use of lands and facilities for administrative, program or training purposes, including public meetings, staff training, workshops and conferences	Chief of Police	Excludes leases and land or property acquisition	
COPYRIGHT, TRADEMARKS, & USE OF NAME				
44.	Use of NRPS name, logos, trademarks and copyrights	Chief of Police		
45.	Use of the Board's name, logos, trademarks and copyrights	Chair or Executive Director		
46.	Applications for Copyright, Trademark or Patent of Board intellectual property including logos and symbols	Chair	Subject to review by the Board Solicitor or designate	
47.	Applications for Copyright, Trademark or Patent of NRPS intellectual property including logos and symbols	Chief of Police	Subject to review by NRPS General Counsel or designate	



BY-LAW NO. 526-2025

A BY-LAW TO ESTABLISH POLICY RELATING TO BOARD AND CHIEF OF POLICE COMMUNICATIONS

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 said CSPA provides that Board members will comply with the O. Reg. 408/23: Code of Conduct for Police Service Board Members;
- 1.4 AND WHEREAS the Board deems it expedient to enact this By-law to ensure accountability and support effective governance in carrying out its statutory and administrative responsibilities and acknowledges that Board and Chief of Police communication is essential to Board governance.

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 "*Board Member*" means a Member of the Regional Municipality of Niagara Police Service Board;
- 2.4 "*Chair*" means the Chair of the Board;
- 2.5 "*Chief*" means the Chief of the Niagara Regional Police Service;
- 2.6 "*Executive Director*" means the Executive Director appointed by the Board;
- 2.7 "*Member*" means a member of the Niagara Regional Police Service;
- 2.8 "*Service*" means the Niagara Regional Police Service;

3 BOARD POLICY

3.1 The Board recognizes the need to ensure accountability and support effective governance in carrying out its statutory and administrative responsibilities and acknowledges that communication is essential to Board governance. The Board also appreciates the need to advance its work and that of the Niagara Regional Police Service in an efficient and timely manner. The Board relies on information from the Chief of Police to make informed decisions that are relevant, timely, clear, and compelling. The Board also supplements the information provided by the Chief of Police with independent advice when and where appropriate.

3.2 These are the guiding principles under which the Board and Chief of Police shall address effective communication policies for the following:

- (i) Standard communication channels;
- (ii) Matters of operational significance;
- (iii) Matters relating to critical points;
- (iv) Board Member communication and information sharing; and
- (v) Board Member contact with Members of the Police Service.

4 STANDARD COMMUNICATION CHANNELS

4.1 All information reported and advice provided to the Board from the Service shall be routed through the Board's Executive Director in written report format for placement on the Board's electronic meeting management system portal and the appropriate meeting/workshop agenda folder in accordance with the Board's Procedural By-law. This includes all general and/or educational information. The only exceptions are:

- (i) Information or advice that is relevant to the specific delegated authority of the Chair, Executive Director, Committee Chair, Chief of Police or Board Solicitor;
- (ii) Information or advice that is a matter of operational significance; and
- (iii) Matters relating to critical points.

5 MATTERS OF OPERATIONAL SIGNIFICANCE

5.1 A matter of operational significance includes, but is not limited to:

- (i) Incidents and calls for service that result in serious police enforcement action or investigations into occurrences, which are shared with the Board for situational awareness in advance of any media coverage, where practicable;
- (ii) Incidents where the SIU has invoked their mandate in response to a death or life-threatening injuries;
- (iii) Any incidents involving, directly or indirectly, police officers or civilian and senior Service members, Board members, or public figures that are likely to draw significant media attention; and
- (iv) Any incident that warrants a special media conference involving the Chief of Police.

5.2 The timely and accurate receipt of such information positions the Board to respond to the public, the Inspectorate of Policing, and/or media inquiries or demands, and helps to inform the Board's assessment of the matter of operational significance, as well as any Board decisions that flow from that assessment.

5.3 Notification Requirements for Matters of Operational Significance

- 5.3.1 When a matter of operational significance arises, the Chief or his/her designate, shall notify the Board Chair and Executive Director of the pertinent information by electronic notification at the earliest possible time and provide updates as available and necessary, where practicable.
- 5.3.2 The information shall be in the form of a Confidential Briefing Note, that includes the subject matter/issue, current status, background information, strategic considerations, strategic communications, and action required.
- 5.3.3 Upon receipt of notification of a matter of operational significance from the Chief or designate, the Board Chair or Executive Director shall inform the other Board Members of the incident and any updates received.
- 5.3.4 For clarification purposes, any and all information that does not constitute a matter of operational significance or is not a matter specifically for the Board Chair or Executive Director, shall be provided to the Board Chair and/or Executive Director for review and to determine the appropriate action. This includes notifications related to situations involving the Police Service's response to certain calls for service, and the monitoring of emerging issues.

5.4 Inquiries from the Media

- 5.4.1 Any media requests received by the Police Service's Corporate Communication Office related to the Board's mandate, policies, or decisions, shall be forwarded to the Board's Executive Director. The Board's Executive Director shall immediately notify the Chair of the request, including any media requests directly received at the Board Office.
- 5.4.2 Unless otherwise specified, the Chair is the official spokesperson for matters within jurisdiction of the Board. Should the Chair be unavailable, the Vice-Chair shall be the spokesperson. In response to an inquiry regarding Board governance, policy or administration, the Executive Director may act as a spokesperson on behalf of the Board.
- 5.4.3 In the event individual Board members are contacted directly by members of the media, they shall adhere to their responsibilities in the Code of Conduct for Police Service Board Members and Board By-laws, and redirect the request to the Board Chair and/or Executive Director as appropriate.
- 5.4.4 The Board spokesperson shall only comment on matters within the jurisdiction and mandate of the Board, and shall avoid speaking on matters within the legislated authority of the Chief of Police. Similarly, the Chief of Police shall refrain from commenting or speculating, officially or otherwise, on matters within the Board's domain. Prior to responding to media requests for interviews or comments, the Board's spokesperson shall consult, as appropriate, with the Chief or his/her designate to ensure the appropriate coordination.
- 5.4.5 Most media inquiries received regarding the Niagara Regional Police Service are operational in nature and properly within the domain of the Chief and/or designated Service Member. However, where operational matters may spark significant public interest or debate, the Chief shall inform the Board Chair and/or Executive Director before a public statement is made. The purpose of informing Chair and/or Executive Director is as a courtesy, to ensure that the Board Members are aware of major occurrences.
- 5.4.6 When the Chair or the Board are of the opinion that a response from the Board is required, the Board spokesperson and the Chief of Police shall consult, as needed, to ensure the proper coordination, timing, and dissemination of information to address the issue. Prior to the release of any response from the Board, the Chair or spokesperson shall provide the Board with a copy of the media release and any applicable background information.

5.4.7 The Executive Director shall monitor various media outlets for emerging matters of strategic significance which may generate media or public interest, and apprise the Board accordingly.

6 MATTERS RELATING TO CRITICAL POINTS

6.1 Critical Points: A matter of strategic significance that is time-sensitive and which rapidly elevates the Board's operational, financial, reputational, or other enterprise risk, and therefore, calls for the Board's immediate attention and/or preparedness to take action. These include but are not limited to:

- (i) Large scale operations or events for which advance planning and approval by the Service's Command is required;
- (ii) Events or operations that are likely to have a material impact on the Service's relationship with, and service to, marginalized and vulnerable communities;
- (iii) Events or operations that raise significant questions of public policy; or
- (iv) Credible external or internal complaints, including complaints regarding workplace discrimination or harassment, against individual officers and the Service, and findings by other tribunals related to discrimination, where such complaints or findings raise significant systemic issues.

6.2 With respect to matters which meet the definition of Critical Points, the Board and Chief shall follow the provisions of Board By-law 527-2025 - Critical Points.

7 BOARD MEMBERS COMMUNICATION AND INFORMATION-SHARING

7.1 A Member of a Police Service Board shall not purport to speak on behalf of the Board unless authorized by the Board to do so.

7.2 Board Members receive information from the Chief of Police through a variety of mechanisms, including through formal reports at Board meetings. However, a substantial amount of communication occurs between individual Board Members and the Chief or other members of the Police Service Command Team through several informal methods, including impromptu meetings or discussions, ad hoc oral briefings at Board meetings, memoranda, telephone calls, or emails.

7.3 It is critical that any material information obtained by one Board Member that, in their judgment, is pertinent to the Board's consideration of matters before it, or likely to come before it, or that is related to a prior Board decision, or that is of public interest, is shared with the entire Board at the next available opportunity, so that the entire Board can discharge its governance and oversight responsibilities based on the same information.

7.4 It is, therefore, the policy of the Niagara Police Service Board that:

7.4.1 A Board Member will share, at the earliest opportunity, material information that they receive through informal communication with the Chief or other members of the Command, that, in his or her judgment, is pertinent to the Board's consideration of matters before it, or likely to come before it, or that is related to a prior Board decision, or that is of public interest;

7.4.2 Such communication and information-sharing will be in the form of a formal Board report or briefing at the Board meeting following the receipt of such information;

- 7.4.3 Where the information received is, in the Board Member's judgment, related to an item of an urgent nature and should be considered before the date of the next regularly scheduled Board meeting, the Board Member in receipt of the information will consult with the Board Chair and/or Executive Director to determine whether a Special Board meeting should be called or the information can be provided to the full Board by some other means; and
- 7.4.4 When a Board Member becomes aware that, in exercising their judgment, a Board Member did not communicate information that ought to have been provided to the full Board, the Board Chair and/or Executive Director will determine what the appropriate course of action should be, pursuant to Ontario Regulation 408/2023, Code of Conduct for Police Service Board Members.

8 BOARD MEMBERS CONTACT WITH MEMBERS OF THE POLICE SERVICE

- 8.1 The Code of Conduct for Police Service Board Members (O. Reg. 408/23 s.4) states "A member of a police service board shall comply with the Act and the regulations made under it." The Community Safety and Policing Act Section (CSPA), 2019, Section 40 (1), (2), (3), and (4), states:

40 (1) "The police service board may give directions to the chief of police."

40 (2) "For greater certainty, the police service board shall not direct members of the police service other than the chief of police, unless that direction is specifically authorized under Part XII (Discipline and Termination)."

40 (3) "No individual member of a police service board shall direct the chief of police or, for greater certainty, any other member of the police service."

40 (4) "The police service board shall not direct the chief of police with respect to specific investigations, the conduct of specific operations, the discipline of specific police officers, the day-to-day operation of the police service or other prescribed matters."

- 8.2 In keeping with legislation, it is therefore the policy of the Board, that Members of the Niagara Police Service Board shall:

- 8.2.1 Seek general information through the Chair and/or Executive Director or the Chief of Police with notice to the Executive Director as it relates to either an issue before the Board or one to be considered at an upcoming Board meeting;

- 8.2.2 Seek information concerning specific investigations or occurrences only from the Chair and/or Executive Director, the Chief of Police, or a designate as specified by the Chief of Police, or within the context of a Board meeting; and

- 8.2.3 Avoid any suggestion of direction to the Chief of Police or any member of the police service as it relates to a specific investigation or a specific operational issue.

9. REPORTING REQUIREMENTS

- 9.1 The Chief of Police, Chair, and/or the Executive Director shall report to the Board on an exception basis. For further clarity, this applies to those circumstances where a breach of this policy has resulted in an 'exceptional' circumstance, which may be detrimental to the police service and/or may result in significant issues of potential liability to the Board and the police service.

10 IMPLEMENTATION

10.1 Any By-laws, sections of by-laws and policies of the Board inconsistent with the provisions of this By-law are hereby repealed.

10.2 This By-law shall come into force on the date of its passage.

ENACTED AND PASSED this _____ day of _____, 2025.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Pat Chiochio, Chair

Deb Reid, Executive Director



BY-LAW NO. 527-2025

A BY-LAW TO ESTABLISH POLICY RELATING TO CRITICAL POINTS

1. PREAMBLE

- 1.1 WHEREAS subsection 37 (1)(a) 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 37 (1)(f) of the CSPA provides that a Board shall monitor the Chief of Police's performance;
- 1.3 AND WHEREAS subsection 38 (1)(a) of the CSPA provides that a Board shall establish policies respecting the administration of the police service;
- 1.4 AND WHEREAS subsection 38 (1)(b) of the CSPA provides that the Board shall establish policies respecting the provision of adequate and effective policing in accordance with the needs of the population of the area for which it has policing responsibility;
- 1.5 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;
- 1.6 AND WHEREAS the Board deems it expedient to enact this By-law to facilitate effective oversight by ensuring clear and timely information sharing between the Board and Service during periods of elevated organizational risk, thereby supporting the Board's statutory governance and oversight responsibilities.

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 "*Board Member*" means a Member of the Regional Municipality of Niagara Police Service Board;
- 2.4 "*Chair*" means the Chair of the Board;

- 2.5 “*Chief*” means the Chief of the Niagara Regional Police Service;
- 2.6 “*Executive Director*” means the Executive Director appointed by the Board;
- 2.7 “*Member*” means a member of the Niagara Regional Police Service; and
- 2.8 “*Service*” means the Niagara Regional Police Service.

3 GUIDING PRINCIPLES

- 3.1 The Board recognizes that Information sharing between the Service and the Board is foundational to the Board’s effective execution of its oversight responsibilities. In particular, information sharing is crucial during times of elevated organizational risk, such as when facing large-scale events.
- 3.2 This By-law defines such Critical Points and sets out a process to guide the Chief of Police and the Board in identifying them, and ensuring the flow of relevant information from the Service to the Board, so that the Board can most effectively carry out its oversight and governance role, including creating and amending Board policies, setting priorities, asking questions, and providing non-binding advice in relation to operational matters.
- 3.3 The Board acknowledges there are limits to the direction that the Board may give to the Chief of Police, and the importance of respecting those limits. The Board is prohibited by law from directing the Chief of Police with respect to specific investigations, or the conduct of specific operations. Therefore, while the Board may set objectives and priorities for the policing of a Critical Point, the Chief of Police has the authority to determine the methods by which the objective, priority, or outcome will be achieved.
- 3.4 This By-law will not prevent or restrict the Service from exercising its policing powers and authorities, in emergent circumstances, to protect community safety.

4. BOARD POLICY

- 4.1 The purpose of this By-law is to:
- (i) Define the term Critical Point and provide clear and consistent assessment criteria for use in identifying Critical Points as they arise;
 - (ii) Describe the type of information the Board requires from the Chief in order to assess potential Critical Points;
 - (iii) Describe the information sharing process between the Board and the Service when a Critical Point has been identified/confirmed;
 - (iv) Strengthen oversight of the Service, consistent with the Board’s legislative responsibilities;
 - (v) Ensure accountability of the Service to the Board; and
 - (vi) Ensure that the Chief of Police can discharge their duties according to law.

5. CRITICAL POINTS

- 5.1 A matter of strategic significance that is time-sensitive and which rapidly elevates the Board’s operational, financial, reputational or other enterprise risk, and, therefore, calls for the Board’s immediate attention and/or preparedness to take action. These include but are not limited to:

- (i) Large scale operations or events for which advance planning and approval by the Service's Command is required;
- (ii) Events or operations that are likely to have a material impact on the Service's relationship with, and service to, marginalized and vulnerable communities;
- (iii) Events or operations that raise significant questions of public policy; or
- (iv) Credible external or internal complaints, including complaints regarding workplace discrimination or harassment, against individual officers and the Service, and findings by other tribunals related to discrimination, where such complaints or findings raise significant systemic issues.

6. REPORTING TO THE BOARD ON CRITICAL POINTS

- 6.1 The Chief of Police will inform the Chair and Executive Director of any situation in which the Chief of Police believes a Critical Point has emerged or is likely to emerge and provide the Chair, in writing, with further information regarding the Critical Point, including, as appropriate:
- (i) The general nature of the Critical Point;
 - (ii) The elevated risk(s) posed by the Critical Point;
 - (iii) Relevant operational and other information necessary for the Board to understand the details of the Critical Point, including an outline of the operational plan, and continuity of Service plans;
 - (iv) Any plans to involve other organizations, including requests to the Chief of Police for temporary assistance pursuant to Section 19 of the Community Safety and Policing Act;
 - (v) An estimate of the financial impact;
 - (vi) Relevant legislation and other legal requirements that may apply including the need for additional authorities; and
 - (vii) Any ongoing considerations, including resources needed, or policy impacts.
- 6.2 The Chair and/or Executive Director will share the information provided by the Chief of Police with Board Members, all of which will be held in the strictest of confidence.
- 6.3 The Chair, in consultation with the Board Members, and in accordance with the Board's Procedural Bylaw, will determine whether there is a need to obtain additional information, create or amend Board policies, and/or provide direction to the Chief in accordance with the Board's policies, duties and responsibilities, including setting objectives and priorities, and if so, whether to call a Special Meeting of the Board, or to include the Critical Point as an item on the Agenda of the Board's next regularly scheduled meeting.
- 6.4 The Chief will continue to update the Board, through the Chair and Executive Director, on any significant developments, including once the Chief of Police determines that the Critical Point has concluded. In consultation with the Board Members, the Chair may call a Special Meeting of the Board at any time or include an item on the agenda of a regularly scheduled Board Meeting, to discuss the Critical Point.
- 6.5 Identification of Critical Points by the Board
- 6.5.1 When the Chair believes, or is advised by a Board Member(s) that they believe, that a planned or anticipated event may constitute a Critical Point, the Chair shall request the Chief of Police to consider whether, in their view, the event may meet the definition of Critical Point, and either report to the Board in accordance with this By-law, or, alternatively, provide to the Chair reasons that the event in question does not meet the definition of a Critical Point.

6.6 Chief's Autonomy

- 6.6.1 Once the Board has been given the opportunity to set objectives, ask questions, and provide non-binding advice in relation to operational matters, where applicable the Chief will maintain the autonomy to finalize and execute the plans.
- 6.6.2 If, during the duration of a Critical Point, the Board concludes that, in its view, the Board's objectives are not being achieved, the Board will inform the Chief of Police of its conclusion. The Chief will respond by informing the Board on corrective measures or the operational necessity of deviating from the Board's objectives. However, the Chief of Police will remain autonomous in determining the appropriate execution of the plans in order to achieve the mission, objectives and priorities.

7 BOARD AND SERVICE TRAINING

- 7.1 The Chief will provide training to ensure that all Command and Service Members from the rank of Inspector and above are trained to recognize the circumstances that may lead to a Critical Point, and to inform the Chief of Police and Command when a potential Critical Point is identified.
- 7.2 The Board will ensure that all new Board Members receive training to understand the definition of a Critical Point, and effectively understand their responsibilities with regards to the consideration of Critical Points.

8 PUBLIC REPORTING REQUIREMENTS

- 8.1 Subject to operational considerations and the advice of the Chief of Police, the Board will publicly disclose, where it is possible to do so without risking the effectiveness of the operation or any other operations, the safety of Service Members or members of the public, or any other operational considerations raised by the Chief:
 - (i) The nature of the operational matter related to a Critical Point; and
 - (ii) Any directions given to the Chief of Police related to a Critical Point.

9 IMPLEMENTATION

- 9.1 Any By-laws, sections of by-laws and policies of the Board inconsistent with the provisions of this By-law are hereby repealed.
- 9.2 This By-law shall come into force on the date of its passage.

ENACTED AND PASSED this _____ day of _____, 2025.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Pat Chiocchio, Chair

Deb Reid, Executive Director