



INTERNAL CORRESPONDENCE

To: Chair and Members

From: Deb Reid

Dept: Niagara Police Service Board

Dept: Executive Director
Niagara Police Service Board

Date: June 27, 2025

Re: Police Service Board By-law – Investigations by the Special Investigations Unit

Purpose:

The purpose of this report is to provide the Board with a draft by-law 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 and its Regulation mandates that the Board establish a policy for investigations by the Special Investigations Unit. To meet this legislative requirement, a draft By-law has been created. This By-law also instructs the Chief of Police with respect to reporting on SIU investigations that adhere to the to the CSPA, its Regulations, and all relevant Board By-laws and policies. Under the CSPA, 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.

Cost of Recommendation:

There will be no additional costs associated with the implementation of the attached By-law. Specific costs resulting from the SIU investigation of Service Members 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. The By-law presented complies with the CSPA and its Regulations and Ministry of the Solicitor General guidelines and there are no realistic alternatives.

Reasons for Recommendation:

Section 81 of the CSPA provides for the Special Investigation Unit (SIU) investigation of a Member of the Police Service, and subsection 8 of Ontario Regulation 90/24 – General Matters Under the Authority of the Minister, as amended (O. Reg. 90/24), requires the Board to establish policy on reports regarding Special Investigation Unit investigations under Section 81 of the CSPA. This provision is a mandated responsibility of Police Service Boards. This By-law ensures compliance with the CSPA and its Regulations. The Board Solicitor, Woody McKaig, and NRPS Legal Counsel Vita Gauley, have reviewed and endorsed this By-law and it is now presented to the Board for final approval.

Recommendation:

That the Board adopt the draft by-law as appended to this report,

And further, that the Board Chair and Executive Director be authorized to make any supplementary administrative amendments to the by-law, 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.

A handwritten signature in black ink, appearing to read "Reid", with a stylized, cursive script.

Deb Reid
Executive Director

Encl.



BY-LAW NO. 534-2025

A BY-LAW TO ESTABLISH POLICY RELATING TO INVESTIGATIONS BY THE SPECIAL INVESTIGATIONS UNIT

1. PREAMBLE

- 1.1 WHEREAS subsection 37 (1)(a) of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, as amended* ("CSPA") provides that a Board shall provide adequate and effective policing in the area for which it has policing responsibility as required by Section 10 of the CSPA;
- 1.2 AND WHEREAS subsection 38 (1)(g) of the CSPA provides that the Board shall establish policies any other prescribed matters;
- 1.3 AND WHEREAS subsection 38 (2) of the CSPA provides that a Police Service Board may establish policies respecting matters related to the Police Service or the provision of policing;
- 1.4 AND WHEREAS Section 81 of the CSPA provides for the Special Investigation Unit (SIU) investigation of a Member of the Police Service;
- 1.5 AND WHEREAS subsection 8(1) of Ontario Regulation 90/24 – General Matters Under the Authority of the Minister, as amended (O. Reg. 90/24), requires the Board to establish policy on reports regarding Special Investigation Unit investigations under Section 81 of the CSPA;
- 1.6 AND WHEREAS the Board deems it expedient to enact this By-law to establish a policy relating to the conduct of 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 "Deputy Chief" means a Deputy Chief of the Niagara Regional Police Service;
- 2.5 "Member" means a member of the Niagara Regional Police Service;

- 2.6 “Minister” means the Ministry of the Solicitor General;
- 2.7 “SIU” means the Special Investigations Unit; and
- 2.8 “Service” means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board respects the role of the Special Investigations Unit (SIU) to conduct rigorous and independent investigations into police officers and select special constables and peace officers for incidents involving serious injury, death, and allegations of sexual assault or discharge of a firearm at a person. This critical form of civilian oversight supports accountability and consequently enhances the community’s trust in policing institutions. Reports from the SIU are an important mechanism for the police to consider and implement organizational improvement.

4. DIRECTIONS TO CHIEF

4.1 PROCEDURES

- 4.1.1 Subject to rights provided to Members under the Charter of Rights and Freedoms, the Chief shall direct all Service Members to cooperate in the SIU investigation under Section 15 of the *Special Investigations Unit Act, 2019* involving a Member of the Niagara Regional Police Service, including but not limited to the provisions of subsection 31 of the said Act.
- 4.1.2 If the SIU Director causes an incident to be investigated under Section 15 of the *Special Investigations Unit Act, 2019* involving a member of the Niagara Regional Police Service, other than a Deputy Chief, the Chief shall investigate:
- (i) the Member’s conduct in relation to the incident;
 - (ii) the policing provided by the Member in relation to the incident; and
 - (iii) the procedures established by the Chief of Police as they related to the incident.
- 4.1.3 The investigation shall occur promptly, subject to the following:
- (i) the investigation shall not occur until the SIU investigation is complete;
 - (ii) if the matter that is the subject of an investigation becomes the subject of a prosecution of an offence under a law of Canada, a province or a territory:
 - a. the Chief shall consult a Crown Attorney or prosecutor and, if advised by a Crown Attorney or prosecutor to do so, postpone the commencement of the investigation under this section, or suspend it, for as long as is necessary in the Crown Attorney’s or prosecutor’s opinion to avoid interfering with the prosecution;
 - b. Whether or not postponement or suspension is required under subparagraph a., the Chief may postpone the commencement of the investigation under this section, or suspend it, for as long as is necessary to avoid interfering with the prosecution, in the opinion of the Chief.

- 4.1.4 The Chief may request that a person who is not a Member of a Police Service investigate a member of the Niagara Regional Police Service for the purposes set out in paragraph 4.1.1 and report back on their findings, if the Chief determines that it is necessary to have such a person conduct the investigation, including if it is necessary to obtain special expertise or to ensure public confidence in the investigation.
- 4.1.5 If the incident being investigated involves the Chief or a Deputy Chief, the Board shall investigate the matter as described in paragraph 4.1.1.

5. REPORTING TO THE BOARD

- 5.1 The Chief shall submit reports to the Board in accordance with subsection 8(1) of O. Reg. 90/24, including the following:
- (i) If an investigation under Section 15 of the *Special Investigations Unit Act, 2019* does not result in charges being laid against a member of the Durham Regional Police Service in respect of the incident, the report shall be given:
 - a. within 90 days after the SIU Director publishes a report in respect of the incident under subsection 34 (1) of that Act or decides under subsection 34 (6) of that Act to not publish the report, or
 - b. if it is not possible to give the report within the time specified above, as soon as possible after that time.
 - (ii) If an investigation under Section 15 of the *Special Investigations Unit Act, 2019* results in charges being laid against a member of the Niagara Regional Police Service in respect of the incident, the report shall be given:
 - a. within 90 days after the final disposition of the charges, or
 - b. if it is not possible to give the report within the time specified above, as soon as possible after that time.

6 IMPLEMENTATION

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

ENACTED AND PASSED this 24th day of July, 2025.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Pat Chiocchio, Chair

Deb Reid, Executive Director