



INTERNAL CORRESPONDENCE

To: Chair and Members

From: Deb Reid

Dept: Niagara Police Service Board

Dept: Executive Director
Niagara Police Service Board

Date: June 24, 2025

Re: Police Service Board By-law – Conduct of Investigations

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 mandates that the Board establish a policy for the conduct of investigations as prescribed for the purpose of clause 38 (1)(g) of the CSPA. To meet these legislative requirements, a draft By-law has been created. This By-law instructs the Chief of Police to comply with Ontario Regulation 395/23 – Investigations, and ensure adherence 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.

Cost of Recommendation:

There will be no additional costs associated with the implementation of the attached By-law. Specific costs resulting from the conduct of investigations 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:

Subsection 38 (1)(g) of the *Community Safety and Policing Act, 2019*, S.O. 2019, c. 1, Sched. 1, ("CSPA") requires the Police Service Board shall establish policies respecting the conduct of investigations. 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.



Deb Reid
Executive Director

Encl.



BY-LAW NO. 533-2025

A BY-LAW TO ESTABLISH POLICY RELATING TO THE CONDUCT OF INVESTIGATIONS

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 subsection 24 of Ontario Regulation 395/23 – Investigations, as amended (O. Reg. 395/23), requires the Board to establish policies respecting the conduct of investigations as prescribed for the purpose of clause 38 (1)(g) of the CSPA;
- 1.5 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 "Member" means a member of the Niagara Regional Police Service;
- 2.5 "Minister" 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 investigations into criminal and other matters are a core function of the Niagara Regional Police Service. Effective investigations not only enhance community safety but also build public trust in law enforcement. Conversely, investigations that result in wrongful accusations can seriously undermine confidence in the police. Accordingly, the Board affirms the importance of maintaining the highest standards of investigative excellence. Upholding these standards is essential to ensuring organizational integrity and fostering enduring trust within the community.

4. DIRECTIONS TO CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall establish and maintain the following procedures as required by Section 20 of the CSPA:

- (i) Procedures regarding notifying supervisors of matters for the purposes of Section 6 of O. Reg. 395/23;
- (ii) Procedures for undertaking investigations in accordance with O. Reg. 395/23;
- (iii) Procedures for the management of information relating to investigations in accordance with O. Reg. 395/23;
- (iv) Procedures for managing informers and agents and ensuring their security in accordance with O. Reg. 395/23.

4.2 STANDARDS FOR INVESTIGATIONS

- 4.2.1 The Chief shall ensure:

- (i) That the Service has a Senior Investigator, a supervisor or a case manager available 24 hours per day, and that every investigation is undertaken by an investigator or senior investigator, as determined by a supervisor, as required by Sections 4 and 5 of O. Reg. 395/23, and that Service Members and supervisors are trained to ensure compliance with Sections 6, 7, 8, and 9 of O. Reg. 395/23.
- (ii) That investigators take all reasonable and necessary steps to ensure the safety of persons relevant to the investigation as required by Section 10 of O. Reg. 395/23;
- (iii) That Members of the Service are adequately trained and deployed as required to undertake or supervise investigations in compliance with Sections 11 to 19 inclusive of O. Reg. 395/23;
- (iv) That extensive co-operation occurs with police in other jurisdictions to maximize investigative effectiveness, if deemed necessary;
- (v) That the Chief deploy Members of the Service required to undertake or supervise investigations, and to consider the following factors when determining the number of Members of the Service that are required to undertake and supervise an investigation as required by Section 23 of O. Reg. 395/23:
 - a. Data on the workload of Members conducting the investigations from the previous five years;
 - b. The crime severity index for areas being policed;
 - c. The Strategic Plan for the Police Service;
 - d. The geographical characteristics of the community;

- e. That Service Members are trained on and comply with Section 20.1 of O. Reg. 395/23 regarding crime guns.

4.3 CONSULTATION WITH CROWN ATTORNEY

- 4.3.1 The Chief shall consult with the Crown Attorney as required in accordance with Section 21 or O. Reg. 395/23 and shall ensure that investigators consult with a Crown Attorney in the circumstances required by Section 17 of O. Reg. 395/23.

5. REPORTING TO THE BOARD

- 5.1 The Chief shall make a written annual report to the Board demonstrating compliance with this By-law. The report shall include:
 - (i) The number of major cases in the preceding year, as defined in Ontario Regulation 395/23, which is to be reported to the Minister by February 28 of the following year; and
 - (ii) The number of ViCLAS Crime Analysis Reports submitted by Members of the Police Service in the preceding year, not including updated reports, which is to be reported to the Minister by February 28 of the following year.

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