



BY-LAW NO. 421-2024

**A BY-LAW TO ESTABLISH POLICY FOR PROTOCOLS,
SHARED SERVICE AGREEMENTS AND OTHER CONTRACTS
WITH POLICE SERVICES AND OTHER ORGANIZATIONS**

1 PREAMBLE

- 1.1 WHEREAS subsection 37 (1) of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1* 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 *Act*;
- 1.2 AND WHEREAS subsection 38 (1) of the said *Act* provides that the Board shall establish policies respecting the administration of the police service;
- 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 2 of O. Reg. 398/23: *Alternate Provision of Policing Functions* authorizes a Police Service Board to provide the policing services prescribed in Section 2 using members of another police service;
- 1.5 AND WHEREAS subsection 79 (3) of the said *Act* provides that the Chief of Police shall administer the police service and oversee its operation in accordance with the Board's policies and official plan;
- 1.6 AND WHEREAS subsection 79 (4) of the said *Act* provides that the Chief of Police shall develop written procedures regarding the administration of the police service;
- 1.7 AND WHEREAS the Board considers it expedient to enact this By-law and deal with issues involved in the negotiation and execution of Protocols to provide for such alternative provision of policing functions.

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 "*Adequacy Regulation*" means O. Reg. 392/23: *Adequate and Effective Policing (General)*, and amendments thereto;

- 2.3 "Article" means an Article or Subarticle of this By-law;
- 2.4 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.5 "Chief" or "Chief of Police" means the Chief of Police of the Niagara Regional Police Service;
- 2.6 "Member" means a Member of the Niagara Regional Police Service as defined by the Act;
- 2.7 "Policing Services" means any function performed by a police service or its members in accordance with the Act or the Regulations, and includes services provided by the Video Unit of the Service;
- 2.8 "Protocol" means any verbal or written contract, agreement or understanding relating to the provision of ongoing Policing Services by one board for another, or by the Board for another organization, or for the ongoing sharing of resources in respect of any Policing Services and, for greater certainty, "Protocol" does not include,
- 2.8.1 normal day-to-day co-operation between police services or other organizations,
and
- 2.8.2 unforeseen operational emergencies.
- 2.9 "Service" means the Niagara Regional Police Service.

3 RESTRICTIONS

- 3.1 The Chief shall ensure that no Service Member enters into any Protocol except in accordance with the provisions of this By-law.
- 3.2 The Chief shall not execute any Protocol on behalf of the Board or Service unless such Protocol, and its execution by the Chief, has been approved in form and content by the Board.

4. CURRENT PROTOCOLS

- 4.1 This Article applies to any Protocol in effect as of April 1, 2024.
- 4.2 The Board directs the Chief to review each Protocol and advise the Board of amendments made necessary by the enactment of the CSPA and its Regulations, and to follow Board direction to negotiate such amendments with the other Board or Service which is party to the Protocol.
- 4.3 The Chief shall provide the Board with a written report concerning all current Protocols to which the Board or the Service is a party on or before September 30, 2024 and the report shall contain the following information with respect to each Protocol:
- 4.3.1 a list of all Protocols in effect as of April 1, 2024,
- 4.3.2 the parties to each Protocol,
- 4.3.3 the date and duration of each Protocol,
- 4.3.4 the subject matter of each Protocol, including which Policing Services are being provided, by whom and for whose benefit,

- 4.3.5 the cost consequences of each Protocol, including those generating revenue for the Service and those costing the Service money, including personnel costs,
- 4.3.6 the date of Board approval, if any, of the Protocol,
- 4.3.7 confirmation that necessary amendments have been made to the Protocols as contemplated by 4.2 above.

5. PROPOSED PROTOCOLS

- 5.1 This Article applies to any Protocol which is proposed after April 1, 2024.
- 5.2 At the time a Protocol is proposed, the Chief shall make a written report to the Board containing the following information:
 - 5.2.1 the parties to the Protocol,
 - 5.2.2 the proposed duration of the Protocol,
 - 5.2.3 the subject matter of the Protocol, including which Policing Services are to be provided, by whom and for whose benefit,
 - 5.2.4 the cost consequences of the Protocol, including those which will generate revenue for the Service and those which will cost the Service money, including personnel costs,
 - 5.2.5 if available, a copy of the Protocol for Board approval, and
 - 5.2.6 confirmation that the proposed protocol complies with Section 2 of O. Reg. 398/23: Alternate Provision of Policing Functions.
- 5.3 Upon receipt of the report set out in 5.2 above and in deciding whether to approve such Protocol, the Board shall consider:
 - 5.3.1 whether such Protocol is in the public interest,
 - 5.3.2 the best interests of the Service,
 - 5.3.3 O. Reg. 392/23: Adequate and Effective Policing (General),
 - 5.3.4 O. Reg. 398/23: Alternate Provision of Policing Functions,
 - 5.3.5 the CSPA and Regulations.
- 5.4 The Board may direct the Chief as to any terms or conditions to be included in the Protocol as the Board thinks appropriate.

6. ANNUAL REPORT TO THE BOARD

- 6.1 The Chief shall make an annual written report to the Board on or before June 30th of each year containing the following information:
 - 6.1.1 a list of all Protocols in effect,
 - 6.1.2 the parties to each Protocol,


- 6.1.3 the date and duration of each Protocol,
- 6.1.4 a brief description of the subject matter of each Protocol, including what Policing Services are being provided, by whom and for whose benefit,
- 6.1.5 the cost consequences of each Protocol including those generating revenue for the Service and those costing the Service money, including personnel costs,
- 6.1.6 the date of Board approval, if any, of the Protocol,
- 6.1.7 a recommendation as to whether or not the Protocol should be continued on the same or amended terms, or discontinued at the termination of the Protocol.

7 IMPLEMENTATION


- 7.1 By-law No. 182-1999 and all other By-laws, sections of By-laws and 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 28th day of February, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Jen Lawson, Chair



Deb Reid, Executive Director