



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

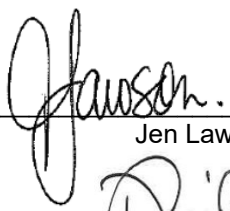
- 6.1 The Chief shall make an annual report in February of each year including the following information:
 - 6.1.1 The number of Special Constables employed as Members of the Service;
 - 6.1.2 The number of Special Constables hired/appointed during preceding calendar year;
 - 6.1.3 The units/duties to 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 25th day of April, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Jen Lawson, Chair



Deb Reid, Executive Director