



BY-LAW NO. 469-2024

**A BY-LAW RESPECTING
COLLECTION, PRESERVATION AND CONTROL
OF EVIDENCE AND PROPERTY**

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 O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS subsection 6 (1) 4 (xv) of O. Reg. 392/23: Adequacy and Effective Policing (General) requires the Chief of Police to establish written procedures in respect of property and evidence control;
- 1.5 AND WHEREAS Section 13 of O. Reg. 395/23: Investigations prescribes requirements respecting the collection and control of evidence in the course of investigations;
- 1.6 AND WHEREAS the Board deems it appropriate to require the Chief of Police to establish procedures and processes in respect of the collection, handling, preservation, documentation and analysis of physical evidence;
- 1.7 AND whereas Part LE-020 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and police service relative to collection, preservation and control of evidence and property.

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 “*Manual*” means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.5 “*Member*” means a member of the Niagara Regional Police Service;
- 2.6 “*Ministry*” means the Ministry of the Solicitor General;
- 2.7 “*Property*” means articles or personal property of all kinds that come into possession of the police pursuant to the CSPA and regulations made thereunder, but not including:
- a. licit and illicit drugs; and
 - b. motor vehicles;
- 2.8 “*Service*” means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that the collection, preservation and control of evidence and property are important parts of both investigative policing and the prosecution of criminal offences, and it is therefore the policy of this Board that issues relating to collection, preservation and control of evidence and property be dealt with in a professional and thorough manner, and in accordance with procedures established by the Chief as directed in this By-law.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURE FOR DEALING WITH COLLECTION, PRESERVATION AND CONTROL OF PROPERTY

- 4.1.1 The Chief shall establish a procedure for the secure collection, preservation and control of Property.
- 4.1.2 The Chief shall ensure that the procedure outlined in section 4.1.1 above complies with Section 258 of the CSPA, Appendix A, O. Reg. 392/23: Adequacy and Effective Policing (General), and Section 13 of O. Reg. 395/23: Investigations.
- 4.1.3 The Chief shall ensure that an annual audit of Property held by the Police Service is conducted by Member(s) not routinely or directly connected with the Property.

4.2 EVIDENCE

- 4.2.1 The Chief shall establish procedures for the secure collection, preservation and control of evidence that comply with Appendix A O. Reg. 392/23: Adequacy and Effective Policing (General), and Section 13 of O. Reg. 395/23: Investigations.
- 4.2.2 The Chief shall ensure that an annual audit of evidence held by the Police Service is conducted by Member(s) not routinely or directly connected with the evidence control function.

4.3 MONITORING OF EVIDENCE AND PROPERTY

- 4.3.1 The Chief shall, where a Member who has responsibility for a Property or evidence storage area is transferred or replaced, ensure that an inventory is taken of the Property or evidence in that area.

4.4 The procedures established above shall be in accordance with Appendix A.

5 REPORT TO THE BOARD

5.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of the collection, preservation and control of property and evidence. The report shall include:

- (a) a summary of the written procedures concerning the collection, preservation and control of Property and evidence;
- (b) confirmation that the written procedures comply with Appendix A and Section 258 of the CSPA;
- (c) the status of Service compliance with the said procedures; and
- (d) the result of the annual audit of the Property and evidence held by the Police Service.

6. IMPLEMENTATION

6.1 By-law No. 212-2000 and 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.

6.2 This By-law shall come into force on April 1, 2024.

6.3 The Chief shall implement this By-law, where applicable, through General Order.

ENACTED AND PASSED this ____ day of _____ 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachments (1)

Legislative/Regulatory Requirements

Sections 132, 133 and 134 of the *Police Services Act* address the effective management, storage and disposition of personal property, money and firearms, which come into the possession of the police service.

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy with respect to property and evidence control and the collection, handling, preservation, documentation and analysis of physical evidence.

In addition, section 13(1)(n) requires the Chief of Police to establish procedures and processes in respect of property and evidence control. Furthermore, section 14(1)(b) requires the Chief of Police to establish procedures and processes in respect of the collection, handling, preservation, documentation and analysis of physical evidence.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to property and evidence control and the collection, preservation, documentation and analysis of physical evidence that the Chief of Police will:

- a) ensure and report back on compliance by members of the police service with sections 132, 133 and 134 of the *Police Services Act*;
- b) establish procedures, consistent with the advice from the Centre of Forensic Sciences and its current version of the *Laboratory Guide for the Investigator*, for the safe and secure collection, preservation, control, handling and packaging of evidence;
- c) establish procedures for the secure collection, preservation and control of property;
- d) ensure that an annual audit of the property/evidence held by the police service is conducted by a member(s) not routinely or directly connected with the property/evidence control function, and report the results to the Board; and
- e) where a member who has responsibility for a property/evidence storage area is transferred or replaced, ensure that an inventory is taken of the property/evidence in that area.

Police Service Guidelines

- Procedures on Evidence Control*
1. Every police service's procedures should:
 - a) set out the procedures, consistent with the advice from the Centre of Forensic Sciences and its current version of the *Laboratory Guide for the Investigator*, for the safe and secure collection, preservation, control, handling and packaging of evidence;
 - b) require that in all cases a secure continuity of evidence be maintained and documented;
 - c) require that complete records be kept of the seizing, finding, retaining, storing, returning, disposing of, or destruction of, all evidence coming into the possession of the police service consistent with legal requirements;
 - d) require the establishment of designated secure areas for the storage of evidence, and ensure access by members is controlled and recorded; and
 - e) where an investigation falls within the definition of a major case, require officers to comply with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*.
- Local Protocol*
2. Every police service should enter into a local protocol with the Crown on the retention and release of evidence.
- Body Site Searches*
3. Every police service should establish and maintain procedures relating to body site and other major crime searches that address, where practicable, the use of:
 - a) a grid search;
 - b) methods to preserve the scene against inclement weather;
 - c) adequate lighting;
 - d) procedures for documenting any found evidence, including the precise locations and continuity of evidence;
 - e) photography and videotaping, where available, of the scene and any found evidence;
 - f) a method for indexing exhibits and photographs;
 - g) decontamination suits, where appropriate;
 - h) aerial and topographic mapping information, where available; and
 - i) resources to avoid cross-contamination of different sites, where appropriate.
- Procedures on Property Control*
4. Every police service's procedures for receiving, tracking and disposing of all property that comes into the police service's possession should:
 - a) address compliance by members with sections 132, 133 and 134 of the *Police Services Act*;
 - b) require that all property be logged into the police service's records, as soon as practicable;



- c) require that all property be placed under the control of personnel responsible for this function before the member obtaining the property reports off-duty, unless otherwise authorized by a supervisor;
 - d) require that a report be completed providing details regarding the circumstances by which the property came into the possession of the police service and a description of each item of property obtained;
 - e) address procedures for the packaging and labeling of all property prior to storage;
 - f) require members to make reasonable effort to identify and notify the owner of stolen or found property;
 - g) require the establishment of designated secure areas for the storage of property, with limited access by members;
 - h) set out procedures for the temporary and final release or disposition of all property; and
 - i) ensure that secure facilities are designated for the temporary storage of property when the property area is closed.
5. Every Chief of Police should ensure that an annual audit of the property/evidence control function is conducted by a member(s) not routinely or directly connected with the property/evidence control function, and report the results to the Board.
 6. Where a member who has responsibility for a property/evidence storage area is transferred or replaced, every Chief of Police should ensure that an inventory is taken of the property/evidence in that area. The inventory should be jointly conducted by the newly appointed member responsible and a designee of the Chief of Police, in order to ensure that all records relating to the stored property/evidence are accurate.

