



BY-LAW NO. 435-2024

**A BY-LAW RESPECTING
ARREST**

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 and requires in subsection 6 (1) 4. xi that a Chief of Police shall establish written procedures on arrest;
- 1.4 AND WHEREAS the Board deems it appropriate that it enact a policy on arrest;
- 1.5 AND whereas Part LE-005 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Board, the Chief and members relative to arrest.

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 "*Service*" means the Niagara Regional Police Service.

3. BOARD POLICY

3.1 The Board recognizes that issues involving arrest of criminal suspects form an important part of investigative and preventative policing and are crucial to the prosecution of criminal offences, and it is therefore the policy of this Board that issues involving arrest be dealt with in a professional and thorough manner in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 PROCEDURES

4.1.1 The Chief shall establish procedures on arrest that require the compliance by Members with legal, constitutional and caselaw requirements relating to arrest and detention.

4.1.2 The Chief shall ensure that the procedures on arrest include a procedure for search and seizure incidental to arrest.

4.2 TRAINING

4.2.1 The Chief shall ensure that police officers and Members, as considered appropriate, are kept informed of changes in the law relating to arrest and detention.

4.3 The procedures referred to 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 investigations into arrests. The report shall include:

- (a) a summary of the written procedures regarding arrest and detention; and
- (b) confirmation of compliance with the procedures regarding arrest and detention.


6. IMPLEMENTATION

6.1 By-law No. 197-2000 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.

ENACTED AND PASSED this 28th day of March, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Jen Lawson, Chair



Deb Reid, Executive Director

Attachment (1)