



BY-LAW NO. 228 - 2000

**A BY-LAW RESPECTING
CHILD PORNOGRAPHY
(LE-036)**

1. PREAMBLE

- 1.1 WHEREAS subsection 31(1) of the *Police Services Act* provides that a Board is responsible for the provision of police services and for law enforcement and crime prevention in the municipality and shall:
- b. generally determine after consultation with the Chief of Police, objectives and priorities with respect to police service in the municipality;
 - c. establish priorities for the effective management of the police service, and
 - e. direct the Chief of Police and monitor his or her performance;
- 1.2 AND whereas subsection 31(6) of the *Police Services Act* provides that the Board may, by by-law, make rules for the effective management of the police service;
- 1.3 AND whereas O. Reg. 3/99 prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND whereas subsection 12(1)(b) of O. Reg. 3/99 requires the Chief of Police to maintain procedures on and processes for undertaking and managing investigations into child pornography;
- 1.5 AND whereas section 29 of O. Reg. 3/99 requires a police services board to have a policy on investigations into child pornography;
- 1.6 AND whereas Part LE-036 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the police service relative to investigations into child pornography.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD ENACTS AS FOLLOWS:

2 **DEFINITIONS**

- 2.1 *"Act"* means *Police Services Act*, R.S.O. 1990, c.P.15, as amended;
- 2.2 *"Board"* means the Regional Municipality of Niagara Police Services 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 matters involving child pornography are serious in nature, and it is therefore the policy of this Board that investigations into such matters be conducted professionally and thoroughly, and 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 develop and maintain procedures relating to investigations into child pornography. These procedures shall be in accordance with Appendix A.
- 4.1.2 The procedure referred to in section 4.1 above shall require that the Ontario Provincial Police Child Pornography Unit be immediately notified in all cases of suspected child pornography.

4.2 **TRAINING**

- 4.2.1 The Chief shall ensure that Members involved in investigations into child pornography offences have the requisite knowledge, skills and abilities.

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 investigation of child pornography. The report shall include:
- a. a summary of the written procedures concerning child pornography investigations, including changes since the date of the last report;
 - b. the status of Service compliance with the said procedures; and
 - c. a summary of the steps taken by the Service to monitor and evaluate response to child pornography occurrences.

6 IMPLEMENTATION

- 6.1 This By-law shall come into force upon the date of its passage.
- 6.2 The Chief shall implement this By-law, where applicable, through general order.

ENACTED AND PASSED this 30th day of November, 2000.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Chairperson



Vice Chairperson



Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into child pornography.

In addition, section 12 (1)(b) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into child pornography.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to child pornography investigations that the Chief of Police will:

- a) develop and maintain procedures that require that investigations be undertaken in accordance with the police service's criminal investigation management plan; and
- b) require that the Ontario Provincial Police *Child Pornography Unit* be immediately notified in all cases of suspected child pornography.

Police Service Guidelines

- Procedures**
1. Every police service's procedures on the investigation of child pornography should:
 - a) require that investigations be undertaken in accordance with the police service's criminal investigation management plan, including immediately notifying the Ontario Provincial Police *Child Pornography Unit* in all cases of suspected child pornography in order to ensure that parallel investigations are not undertaken, as well as to ensure linkages are made in multi-jurisdictional occurrences;
 - b) set out the different procedures to be followed depending on the jurisdiction where it is suspected that the child pornography is being produced (e.g., locally, Ontario, Canada or internationally);
 - c) provide that if the police service does not have the resources to undertake an investigation into child pornography it should make arrangements to transfer responsibility for the investigation to another law enforcement agency;
 - d) where the child pornography is also a major case, require compliance with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*;
 - e) require officers to follow the police service's procedures on child abuse and neglect, including local protocols with the Children's Aid Societies, where it is believed that the child pornography is locally produced; and

- f) set out the steps to be followed when it is necessary to contact an agency outside Canada for information in connection with a child pornography investigation.