



BY-LAW NO. 182 - 99

A BY-LAW RESPECTING PROTOCOLS, SHARED SERVICE AGREEMENTS AND OTHER CONTRACTS WITH POLICE SERVICES AND OTHER ORGANIZATIONS

1 PREAMBLE

- 1.1 Whereas Section 7 of the Act provides that Boards may agree to provide certain Policing Services for one another;
- 1.2 And whereas the Adequacy Regulation contemplates Protocols to be entered into between Boards in respect of certain Policing Services;
- 1.3 And whereas the Board considers it expedient to enact this by-law to deal with issues involved in the negotiation and execution of such Protocols.

2 DEFINITIONS

- 2.1 “Act” means the *Police Services Act*, R.S.O. 1990, c.P.15 and amendments thereto.
- 2.2 “Adequacy Regulation” means the Police Adequacy and Effectiveness Standards Regulation filed as O.Reg. 3/99 on January 8th, 1999, and amendments thereto.
- 2.3 “Article” means an Article or Subarticle of this by-law.
- 2.4 “Board” means the Niagara Police Services Board.
- 2.5 “Chief” 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 Audio/Visual 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 May 1st, 1999.

4.2 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 30th, 1999, and the report shall contain the following information with respect to each Protocol:

4.2.1 a list of all Protocols in effect as of May 1st, 1999

4.2.2 the parties to each Protocol,

4.2.3 the date and duration of each Protocol,

4.2.4 the subject matter of each Protocol, including which Policing Services are being provided, by whom and for whose benefit,

4.2.5 the cost consequences of each Protocol, including those generating revenue for the Service and those costing the Service money, including personnel costs,

4.2.6 the date of Board approval, if any, of the Protocol.

5. PROPOSED PROTOCOLS

5.1 This Article applies to any Protocol which is proposed after May 1st, 1999.

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, and
- 5.2.5 if available, a copy of the Protocol for Board approval.
- 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 the Adequacy Regulation,
 - 5.3.4 the Act 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 REPORTING

- 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 ENACTMENT

- 7.1 This by-law shall come into force upon the date of its passage by the Board.
- 7.2 The Chief shall implement this by-law, where applicable, through General Order and shall ensure that all present and future Members of the Service are instructed as to the requirements of this by-law and of the General Order.

ENACTED AND PASSED this 12th day of August, 1999

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

CHAIRPERSON original signed by Shirley Cordiner

ADMINISTRATOR Original signed by Wendy Southall