



BY-LAW NO. 416-2024

**A BY-LAW TO ESTABLISH POLICY
FOR LEGAL INDEMNIFICATION OF AUXILIARY MEMBERS OF THE 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 Section 2 of the CSPA provides that an Auxiliary member is a member of a police service;
- 1.4 AND WHEREAS subsection 38 (1) (f) of the CSPA requires that the Board shall establish policies for the indemnification of members of the Police Service for legal costs if not already provided in a collective agreement;
- 1.5 AND WHEREAS the Board from time to time appoints Auxiliary members of the Police Service pursuant to Section 91 of the CSPA;
- 1.6 AND WHEREAS Auxiliary members are not members of either the Niagara Region Police Association or the Niagara Regional Police Senior Officers' Association;
- 1.7 AND WHEREAS Auxiliary members are deployed in situations which could result in civil or criminal liability for the Auxiliary member;
- 1.8 AND WHEREAS legal indemnification provisions respecting Uniform and Civilian members of the Service are found in Article 49 (Uniform), Article 34 (Civilian) and Article 32 (Senior Officers) of the Collective Agreements;
- 1.9 AND WHEREAS the Board has deemed it appropriate to provide Auxiliary members with similar legal indemnification afforded to sworn and civilian members.

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 *Auxiliary member*” means a member of the Niagara Regional Auxiliary Police Service;
- 2.3 “*Board*” means the Regional Municipality of Niagara Police Service Board;
- 2.4 “*Service*” means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The provisions of Article 49 of the Uniform Collective Agreement made between the Board and the Niagara Region Police Association apply to Auxiliary members, with the necessary modifications.

4 DIRECTION TO THE CHIEF

- 4.1 The Chief shall establish written procedures and processes with respect to the application for legal indemnification of Auxiliary members of the Service in accordance with this By-law and Board Policy.

5 REPORT TO THE BOARD

- 5.1 The Chief shall make a written confidential report to the Board for any requests or applications of the Auxiliary member for legal indemnification, which includes a brief description of the situation with recommendation.

6 IMPLEMENTATION

- 6.1 By-law Nos. 380-2018 and 383-2019, as amended, 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 on 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 28th day of February, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Jen Lawson, Chair



Deb Reid, Executive Director