



BY-LAW NO. 497-2024

**A BY-LAW RESPECTING
SAFE STORAGE OF POLICE SERVICE FIREARMS**

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 117 of the *Firearms Act, S.C. 1995, c.39* sets out the requirements relating to the safe storage and transfer of firearms for both individual owners and public agents, including police officers;
- 1.4 AND WHEREAS Section 3 (1) of the *Public Agents Firearms Regulations* requires that a public agent shall store firearms when not in use in a container, receptacle, vault, safe or room that is kept securely locked and that is constructed so that it cannot be easily broken open or into;
- 1.5 AND WHEREAS O. Reg. 392/23: Adequate and Effective Policing (General) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.6 AND WHEREAS O. Reg. 391/23: Use of Force and Weapons prescribes requirements for firearms training;
- 1.7 AND WHEREAS the Board has deemed it appropriate that it establish a policy with respect to the safe storage of police service firearms;
- 1.8 AND WHEREAS Part AI-009 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 the safe storage of police service firearms.

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 “Member” means a member of the Niagara Regional Police Service;
- 2.5 “Ministry” means the Ministry of the Solicitor General; and
- 2.6 “Service” means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes the importance of the safe storage of police service firearms, and it is therefore the policy of this Board that such storage of firearms be established and maintained 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 procedures and processes relating to the safe storage of police service firearms in accordance with Section 117 of the *Firearms Act*, Section 3 (1) of the *Public Agents Firearms Regulations* and Appendix A.

4.2 TRAINING

- 4.2.1 The Chief shall ensure that Members receive the appropriate training in relation to firearms safety as required by the Adequacy Regulation, Section 117 of the *Firearms Act*, Section 3(1) of the *Public Agents Firearms Regulations* and Appendix A, and that Members have the requisite knowledge, skills and abilities to perform this function.

5 REPORT TO THE BOARD

5.1 REPORTING REQUIREMENTS – EXCEPTION BASED REPORTING

- 5.1.1 The Chief shall make a written report to the Board immediately following any incidents involving the discharge of a firearm:
- (a) when a member of the police service, accidentally discharges a firearm during the ordinary firearm maintenance in accordance with the rules of the police service;
 - (b) there has been property damage;
 - (c) there has been a personal injury or death;
 - (d) the procedures with respect to firearms safety were not followed; and
 - (e) in any other circumstance where, in the opinion of the Chief, there is significant issue or potential liability to the Board or the Service.

5.2 ANNUAL REPORTING REQUIREMENTS

- 5.2.1 The Chief shall make a written report to the Board on or before August 30th of each year with respect to the safe storage of police service firearms. The report shall contain:

- (a) a summary of the written procedures relating to the safe storage of police service firearms;
- (b) the status of Service compliance with the said procedures; and
- (c) confirmation that Members have been trained in accordance with Section 4.2.

6 IMPLEMENTATION

6.1 By-law No. 258-2000 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 25th day of April, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Jen Lawson, Chair



Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 117 of the *Firearms Act* provides the legislative authority for the regulations made under the *Firearms Act*. These regulations set out stringent requirements relating to the safe storage and transfer of firearms for both individual owners and public agents, including police officers.

Section 3 (1) of the *Public Agents Firearms Regulations* requires that a public agent shall store firearms when not in use in a container, receptacle, vault, safe or room that is kept securely locked and that is constructed so that it cannot easily be broken open or into.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to the safe storage of police service firearms that the Chief of Police will establish procedures that are consistent with the requirements of the *Firearms Act* and the *Public Agents Firearms Regulations*.

Police Service Guidelines

- Procedures*
1. Every police service's procedures on the safe storage of firearms should:
 - a) require that unloading stations be available in police facilities;
 - b) require that the security measures for police firearms are consistent with the requirements set out in the *Firearms Act* and the *Public Agents Firearms Regulations*;
 - c) require that police officers do not store their service firearms in their private residence, or location other than a police facility, except where permitted by written policy of the police service, or specific written order of the Chief of Police or designate; and
 - d) require that when a police officer's service firearm is stored in a dwelling house it be stored in accordance with the requirements of the *Storage, Display, Transportation and Handling of Firearms by Individuals Regulations*, including the following:
 - i) the firearm be unloaded;
 - ii) the firearm be:
 - rendered inoperable by means of a secure locking device; and
 - the firearm be stored in a container, receptacle or room that is kept securely locked and that is constructed so that it cannot readily be broken open or into; and

- iii) the stored firearm not be readily accessible to ammunition, unless the ammunition is stored, together with or separately from the firearm, in a container or receptacle that is kept securely locked and that is constructed so that it cannot readily be broken open or into.