



BY-LAW NO. 513-2024

**A BY-LAW TO ESTABLISH POLICY
FOR INTERNAL COMPLAINTS AGAINST THE CHIEF OF POLICE
OR DEPUTY CHIEF OF POLICE**

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 in the area for which it has policing responsibility as required by Section 10 of the *CSPA*;
- 1.2 AND WHEREAS subsection 38 (1) (a) of the *CSPA* provides that a Police Service Board shall establish policies respecting, inter alia, the administration of the police service;
- 1.3 AND WHEREAS Section 183 (2) of the said *CSPA* provides that every Police Service Board shall establish written procedures regarding the disclosure of misconduct that is alleged to have been engaged in by the Chief of Police or Deputy Chief of Police of the Police Service;
- 1.4 AND WHEREAS the said *CSPA* provides that all Police Officers, including a Chief of Police and Deputy Chiefs of Police, will comply with the O. Reg. 407/23: Code of Conduct for Police Officers;
- 1.5 AND WHEREAS the Board deems it expedient to enact this By-law to ensure that the response to internal complaints against the Chief of Police or Deputy Chief of Police adheres to the principles set out in the said Act, the Regulations and the Code of Conduct.

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 Police of the Niagara Regional Police Service;
- 2.4 "Code of Conduct" means O. Reg. 407/23: Code of Conduct for Police Officers;

- 2.5 *"Deputy Chief"* means the Deputy Chief of Police of the Niagara Regional Police Service;
- 2.6 *"Former Member"* means a former employee of the Niagara Regional Police Service;
- 2.7 *"Inspector General"* means the person appointed to that position by the Lieutenant Governor in Council;
- 2.8 *"Internal Complaint"* means a complaint about the conduct of a police officer that is not directed at or otherwise directly affects a member of the public and that, if proven, constitutes misconduct as defined in Section 195 of the CSPA;
- 2.9 *"Member"* means a Member of the Niagara Regional Police Service;
- 2.10 *"Ministry"* means the Ministry of the Solicitor General;
- 2.11 *"Misconduct"* means misconduct as defined in Section 195 of the CSPA.

3. BOARD POLICY

- 3.1 The Board recognizes the critical importance of addressing complaints against Niagara Regional Police Service's senior leaders with utmost fairness and consistency.
- 3.2 The Board commits itself to ensuring the presence of thorough, confidential, and respectful processes to handle allegations of misconduct concerning a Chief of Police or Deputy Chief of Police, and it is therefore the policy of the Board that such internal complaints be dealt with in a professional and thorough manner in accordance with Act, the Code of Conduct, and as directed in this By-law.
- 3.2 This By-law outlines the procedures to be followed in the event that a Member or Former Member of the Service wishes to disclose alleged misconduct by the Chief of Police or a Deputy Chief of Police. It is imperative to note that any form of reprisal stemming from making such a disclosure or seeking advice on the process will not be tolerated and will be met with severe repercussions.

4. INTERNAL COMPLAINTS PROCESS FOR CHIEF OR DEPUTY CHIEF

- 4.1 It is the policy of the Board that:
- 4.2 A Member or Former Member of the Service may make a disclosure of alleged misconduct by the Chief of Police or a Deputy Chief of Police. The identity of persons involved in the disclosure will be protected unless to do so would be contrary to the interests of fairness.
- 4.3 The Member or Former Member shall report allegations of misconduct against the Chief of Police or a Deputy Chief of Police to the Board.
- 4.4 The complaint shall be in writing, addressed to the Board Chair, and submitted to the Board office. The complaint should include as much detail as possible, including dates, witness names, and any relevant supporting documents.

- 4.5 The Board Chair shall review the complaint and consider whether the Board must address the matter urgently. The Chair shall ensure that legal counsel is consulted in determining how to address the alleged misconduct, including whether the interests of fairness require the disclosure of the identity of those involved in the complaint, and whether the Board should conduct an investigation or refer it to a person who is not a Member of the Service in accordance with subsection 198 (7) of the CSPA.
- 4.6 Alternatively, the Member or Former Member may disclose misconduct to the Inspector General if,
- (a) the Member or Former Member has reason to believe that it would not be appropriate to disclose the misconduct in accordance with this policy; or
 - (b) the Member or Former Member has already disclosed the misconduct in accordance with this policy and has concerns that the matter is not being dealt with appropriately.
- 4.7 The Board Chair, Board Members and Board employees shall take all necessary steps to protect the identity of persons involved in the complaint process. If it is necessary to disclose the identity of any individual involved in the process to ensure fairness, the disclosure will only be made after consultation with the individuals whose identities would be disclosed and only to the extent necessary to achieve fairness.
- 4.8 Any correspondence, including electronic correspondence, concerning the alleged misconduct shall be clearly labelled “confidential”.
- 4.9 No person shall take a reprisal against a Member because they have:
- (a) sought advice about making a disclosure about misconduct in accordance with this By-law or under Part XI of the CSPA;
 - (b) made a disclosure about misconduct in accordance with this By-law or under Part XI of the CSPA;
 - (c) co-operated in an investigation or other process related to a disclosure of misconduct made in accordance with this By-law or under Part XI of the CSPA;
 - (d) sought enforcement of this By-law or Part XI of the CSPA.
- 4.10 For the purpose of this By-law, a reprisal is any measure taken against a member of a Police Service that adversely affects their employment or appointment and includes but is not limited to:
- (a) terminating or threatening to terminate the person’s employment or appointment;
 - (b) disciplining or suspending or threatening to discipline or suspend the person;
 - (c) imposing or threatening to impose a penalty related to the employment or appointment of the person; or
 - (d) intimidating or coercing the person in relation to his or her employment or appointment.

5. IMPLEMENTATION

- 5.1 Any By-laws, sections of by-laws and policies of the Board inconsistent with the provisions of this By-law are hereby repealed.
- 5.2 This By-law shall come into force on the date of its passage.

ENACTED AND PASSED this 23rd day of May, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Jen Lawson, Chair



Deb Reid, Executive Director