



BY-LAW NO. 514-2024

**A BY-LAW TO ESTABLISH POLICY
FOR INTERNAL COMPLAINTS SYSTEM
REGARDING MISCONDUCT OF POLICE OFFICERS**

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 (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 183 (1) of the *CSPA* provides that every Chief of Police shall establish written procedures regarding the disclosure of misconduct that is alleged to have been engaged in by Members of its Police Service, other than by the Chief of Police or Deputy Chief of Police;
- 1.4 AND WHEREAS Part XI of the *CSPA* sets out the rights and duties of Police Service Members, Former Police Service Members, Chiefs of Police and Police Service Boards regarding procedures for disclosure of misconduct, reporting to the Inspector General in certain circumstances and protection from reprisals;
- 1.5 AND WHEREAS Part XII of the *CSPA* addresses procedures regarding work performance, discipline, misconduct, investigations and discipline, including a requirement in Section 194 that every Chief of Police shall establish written procedures for the assessment of work performance of Members and the imposition of discipline, and shall make the procedures available to Service Members and the Police Associations representing Members;
- 1.6 AND WHEREAS Section 195 of Part XII the *CSPA* defines misconduct;
- 1.7 AND WHEREAS O. Reg. 406/23: Discipline requires that a Chief of Police shall establish procedures for the investigation of misconduct, including reports to the Complaints Director of conduct the Chief reasonably suspects constitutes misconduct and the conduct was directed at or otherwise affected a member of the public;
- 1.8 AND WHEREAS O. Reg. 404/23: Adjudication Hearings prescribes procedures for discipline hearings conducted under Sections 201, 202 and 210 of Part XII of the *CSPA*;

1.9 AND WHEREAS the Board deems it expedient to enact this By-law to ensure that the response to internal complaints of misconduct by the Board and the Service adheres to the principles set out in Part XI and XII of the CSPA, O. Reg. 406/23: Discipline, O. Reg. Regulation 404/23 Adjudication Hearings, and this By-law.

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 “Complaints Director” means the person appointed by the Lieutenant Governor in Council under Section 131 of the CSPA as the head of LECA;
- 2.6 “Deputy Chief” means the Deputy Chief of Police of the Niagara Regional Police Service;
- 2.7 “Executive Director” means the Executive Director of the Board;
- 2.8 “Former Member” means a former employee of the Niagara Regional Police Service;
- 2.9 “Inspector General” means the person appointed to that position by the Lieutenant Governor in Council;
- 2.10 “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;
- 2.11 “Member” means a Member of the Niagara Regional Police Service;
- 2.12 “Ministry” means the Ministry of the Solicitor General;
- 2.13 “Misconduct” means misconduct as defined in Section 195 of the CSPA;
- 2.14 “Police Officer” is defined in accordance with the CSPA;
- 2.15 “Professional Standards Unit” means the Unit within the Service designated by the Chief to deal with discipline matters, including Public Complaints, and to liaise with LECA; and
- 2.16 “Service” means the Niagara Regional Police Service.

3. BOARD POLICY

- 3.1 The Board recognizes and adheres to the principle that fair, open, prompt, thorough and efficient response to Internal Complaints is a cornerstone to establishing, maintaining and promoting public trust in the Board and the Service. It is therefore the policy of the Board that such complaints be dealt with in a professional and thorough manner in accordance with Part XI and XII of the CSPA, O. Reg. 406/23: Discipline, O. Reg 404/23 Adjudication Hearings, and procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF – INTERNAL COMPLAINTS

4.1 PROCEDURES:

- 4.1.1 The Chief shall develop and maintain a procedure to ensure that Internal Complaints are processed in accordance with the provisions of Part XI, XII, the Regulations of the CSPA, and this Bylaw and shall provide a copy of the said procedure to the Board.
- 4.1.2 The Chief shall maintain a Professional Standards Unit, adequately staffed and trained to receive, investigate and where appropriate, prosecute or assist in the prosecution of Internal Complaints against Police Officers in accordance with Part XI of the Act and Ontario Regulations 406/23 and 404/23.
- 4.1.3 If a Board Member or the Chief receives a report from a person or body responsible for reviewing complaints about Police Officers in another province about the conduct of an Ontario Police Officer, the Board Member or Chief shall give the report to the Complaints Director in accordance with Section 156 of the CSPA.
- 4.2 The Chief shall ensure that said procedure referred to in Article 4.1 addresses, at a minimum, the following:
- 4.2.1 Reporting of misconduct in accordance with sections 183 of the CSPA;
- 4.2.2 Circumstances requiring disclosure to the Inspector General in accordance with Section 185 of the CSPA;
- 4.2.3 Protection from reprisals in accordance with Sections 190 and 191 of the CSPA;
- 4.2.4 Circumstances requiring disclosure to the Complaints Director in accordance with Section 197 of the CSPA;
- 4.2.5 Investigations in accordance with Sections 198 and 199 of the CSPA;
- 4.2.6 Discipline Measures and Hearings in accordance with Sections 200 to 207 of the CSPA, including limitations on hearings and discipline under Section 208 of the CSPA;
- 4.2.7 Suspension of Police Officers, with or without pay in accordance with Sections 209 to 211 of the CSPA;
- 4.2.8 Recommendations to termination of Probationary Constables in accordance with Section 212 of the CSPA;

4.2.9 That when the Service is accepting a complaint it will ensure that notice of the complaint is not provided to the respondent officer or any other officer until the Complaints Director makes a direction in accordance with its powers under Section 157 (3) of the CSPA.

4.4 That adequate training is provided to all Members of the Service in respect of the complaints procedures of the Service and Parts XI and XII of the CSPA and Ontario Regulations 406/23 and 404/23.

4.5 That all notices to the Complainant, the Police Officer who is the subject of the Complaint, the Complaint Director and the Board be given as required by the CSPA.

5. REPORTING REQUIREMENTS

5.1 CONDUCT COMPLAINTS OF A SERIOUS NATURE

5.1.1 The Chief shall make a confidential written report in respect of any Conduct Complaint which involves allegations of criminal misconduct by a police officer, or which involves allegations of misconduct described in Part XI or XII of the CSPA or Regulation 407/23: Code of Conduct, either of which are of such a serious nature that, if proven, are likely to call into question the reputation or integrity of the Service, or which involve the public interest.

5.1.2 The said reports shall contain information as to the nature of the conduct alleged, the action being taken regarding the complaint, and any other information which the Chief feels is relevant, but shall not include the name of the Police Officer who is the subject of the report.

5.2 BOARD REPORTS

5.2.1 The Chief shall make semi-annual written reports to the Board on the administration of the Internal Complaints process, such report to be provided to the Board June and December of each year.

5.2.2 The Chief shall include the relevant Complaints information in the Annual Report of the Service.

5.2.3 The Board shall publish the reports on the Internet in accordance with the Regulations made by the Minister, if any, and forward the reports to the Complaints Director in accordance with Section 215 of the CSPA.

5.3 The reports shall include the following information in respect of Internal complaints, except for those complaints against the Chief or the Deputy Chief:

5.3.1 the aggregate disciplinary measures the Chief has taken under Part XII of the CSPA in respect of Internal Complaints;

5.3.2 the number of referrals to the Complaint Director, if any;

5.3.3 the number of Internal Complaints determined to be unsubstantiated after investigation;

5.3.4 the number of hearings and findings from the hearings held pursuant to Sections 201 and 202 of the CSPA;

5.3.5 the number of complaints resolved or dealt with on consent of the Member;

5.3.6 a summary of the penalties imposed pursuant to Sections 200, 201 and 202 of the CSPA;

- 5.3.7 comparative data for the same time period in the immediately preceding calendar year; and
- 5.3.8 the time to complete each complaints process from the date the complaint is received to the date it is disposed of.

6. IMPLEMENTATION

- 6.1 Any By-laws, sections of by-laws and policies of the Board inconsistent with the provisions of this By-law are hereby repealed.
- 6.2 This By-law shall come into force on the date of its passage.
- 6.3 The Chief shall implement this By-law, where applicable, through General Order.

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

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Jen Lawson, Chair



Deb Reid, Executive Director