



BY-LAW NO. 448 – 2024

**A BY-LAW RESPECTING
ILLEGAL GAMING**

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 O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS the Board deems it appropriate that the Chief of Police develops and maintains procedures and processes in respect of investigations into illegal gaming;
- 1.5 AND WHEREAS Part LE-032 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the police service relative to investigations into illegal gaming.

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 “Manual” means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.5 “Member” means a member of the Niagara Regional Police Service;
- 2.6 “Service” means the Niagara Regional Police Service.

2 BOARD POLICY

2.1 The Board recognizes that matters of illegal gaming are serious in nature, and it is therefore the policy of this Board that investigations into such matters be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

3 DIRECTION TO THE CHIEF

3.1 PROCEDURES

3.1.1 The Chief shall develop specific procedures to be followed during investigations into illegal gaming. These procedures shall be in accordance with Appendix A.

3.2 TRAINING

3.2.1 The Chief shall ensure that Members receive the appropriate training in gaming and licencing requirements.

4 REPORTING REQUIREMENTS

4.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of investigations into illegal gaming. The report shall include:

- (a) a summary of the written procedures concerning investigations into illegal gaming; and
- (b) the status of Service compliance with the said procedures.

5. IMPLEMENTATION

5.1 By-law No. 224-2000 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.

5.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this 28th day of March, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Jen Lawson, Chair



Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into illegal gaming.

In addition, section 12(1)(k) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into illegal gaming.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to illegal gaming that the Chief of Police will develop and maintain procedures that require that:

- a) investigations be undertaken and managed in accordance with the police service's criminal investigation management plan; and
- b) information on illegal gaming shall be shared with the *Ontario Illegal Gaming Enforcement Unit (OIGEU)*.

Police Service Guidelines

- Procedures*
1. Every police service's procedures on illegal gaming should:
 - a) require that investigations be undertaken and managed in accordance with the police service's criminal investigation management plan, including notifying the *Ontario Illegal Gaming Enforcement Unit (OIGEU)* upon discovery of illegal gaming activities for the appropriate assistance or investigative procedure to follow; and
 - b) require that information on illegal gaming shall be shared with OIGEU on:
 - i) the type of gaming offence;
 - ii) date and location of offence;
 - iii) key principals or organization running the illegal activity;
 - iv) name and phone number of the investigating officer(s);
 - v) approximate value of the illegal gaming equipment and/or money seized, where applicable; and
 - vi) number of illegal gaming devices seized, where applicable.