



## BY-LAW NO. 434-2024

### A BY-LAW RESPECTING THE ADMINISTRATION OF THE PUBLIC COMPLAINTS SYSTEM REGARDING CONDUCT 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 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 Parts X, XI and XII of the CSPA set out in detail the requirements of the Board, the Chief and the Complaints Director regarding public complaints made against police officers, including Chiefs of Police and Deputy Chiefs of Police, including procedures for addressing those complaints;
- 1.4 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;
- 1.5 AND WHEREAS O. Reg. 404/23: Adjudication Hearings prescribes procedures for discipline hearings conducted under Sections 201, 202 and 210 of the CSPA;
- 1.6 AND WHEREAS the said Board deems it expedient to enact this By-law to ensure that the response to public complaints by the Board and the Service adheres to the principles set out in Parts X, XI and XII of the CSPA, O. Reg. 406/23: Discipline, O. Reg. Regulation 404/23 Adjudication Hearings, directives and guidelines received from the Law Enforcement Complaints Agency (LECA) 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 the Niagara Regional Police Service;

- 2.4 “*Complaints Director*” means the person appointed by the Lieutenant Governor in Council under Section 131 of the CSPA as the head of LECA;
- 2.5 “*Deputy*” means the Deputy Chief of Police of the Niagara Regional Police Service;
- 2.6 “*Executive Director*” means the Executive Director of the Board;
- 2.7 “*LECA*” means the Law Enforcement Complaints Agency established under Section 130 of the CSPA, which has replaced the Office of the Independent Police Review Director;
- 2.8 “*Member*” means a member of the Niagara Regional Police Service;
- 2.9 “*Police Officer*” is defined in accordance with the CSPA;
- 2.10 “*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
- 2.11 “*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 Public Complaints is a cornerstone to establishing and maintaining a positive community-police relationship, and it is therefore the policy of the Board that such complaints be dealt with in a professional and thorough manner in accordance with Parts X, XI and XII of the CSPA, O. Reg. 406/23: Discipline, O. Reg 404/23 Adjudication Hearings, directives and guidelines received from the Law Enforcement Complaints Agency (LECA), and procedures established by the Chief as directed in this By-law.

### **4 DIRECTION TO THE CHIEF – PUBLIC COMPLAINTS**

#### **4.1 PROCEDURES**

- 4.1.1 The Chief shall develop and maintain a procedure to ensure that complaints are processed in accordance with the provisions of Part X, XI and XII of the CSPA, 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 liaise with the LECA, to receive, investigate and where appropriate, prosecute or assist in the prosecution of Public Complaints against police officers in accordance with Part X, XI and XII of the Act and 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 receiving 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 above includes the following provisions:
- 4.2.1 That Public Complaint process information, including Public Complaint forms provided by the LECA, be posted and made available in each District in an area accessible to the public;

- 4.2.2 That Public Complaints received by any member of the Service be forwarded immediately to the Chief to be dealt with in accordance with Part X of the CSPA;
- 4.2.3 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 X, XI and XII of the CSPA and Ontario Regulations 406/23 and 404/23.
- 4.5 That the Chief and the Professional Standards Unit's Inspector or their designee cooperate and follow the direction of the Complaints Director in respect of all Public Complaints, including but not limited to providing the Complaints Director with information to assist in screening or assigning the complaint to investigation, investigating the complaint, reporting on the investigation, and prosecuting or assisting the Complaints Director in the prosecution of the complaint when appropriate;
- 4.6 That the procedures developed by the Chief include a mechanism to provide assistance for Public Complainants who may not be literate, or who may not be fluent in English;
- 4.7 That all notices to the Complainant, the police officer who is the subject of the Complaint, the Compliant Director and the Board be given as required by the CSPA.

## **5 CONDUCT COMPLAINTS AGAINST THE CHIEF OR DEPUTY CHIEF**

- 5.1 Conduct Complaints about the Chief or Deputy Chief shall be referred to the Complaints Director immediately upon receipt by the Board.
- 5.2 The Board shall comply with the provisions of the CSPA and comply with direction given by the Complaints Director.

## **6 REPORTING REQUIREMENTS**

### **6.1 CONDUCT COMPLAINTS OF A SERIOUS NATURE**

- 6.1.1 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 X, 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.
- 6.1.2 The Chief shall not make this confidential written report to the Board without the prior consent of the Complaint Director.
- 6.1.3 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.

6.2 BOARD REPORTS

- 6.2.1 The Chief shall make quarterly written reports to the Board on the administration of the Public Complaints process, such report to be provided to the Board in March, June, September and December of each year.
- 6.2.2 The reports, as provided in 6.2.1 above, shall include comparative data for the same time period in the immediately preceding calendar year.
- 6.2.3 The report shall provide cumulative year-to-date information on Public Complaints as provided in 6.3 below.
- 6.2.4 The Chief shall include the relevant Complaints information in the Annual Report of the Service.

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

- 6.3.1 the total number of conduct complaints made;
- 6.3.2 the number of referrals to the Complaint Director;
- 6.3.3 the number of conduct complaints determined to be unsubstantiated after investigation, or not acted upon pursuant to Section 158 of the CSPA;
- 6.3.4 the number of hearings and findings from the hearings held pursuant to Sections 201 and 202 of the CSPA;
- 6.3.5 the number of complaints dealt with informally pursuant to Section 169 of the CSPA, together with a summary of the nature of the complaints dealt with informally and the informal resolutions achieved;
- 6.3.6 the number of complaints resolved or dealt with pursuant to Section 215;
- 6.3.7 a summary of the penalties imposed pursuant to Sections 200, 201 and 202 of the CSPA;
- 6.3.8 the number of outstanding complaints as at the end of the reporting period; and
- 6.3.9 the time to complete each complaints process from the date the complaint is received to the date it is disposed of.

7. IMPLEMENTATION

- 7.1 By-law Nos. 155-1996, 173-1997, 301-2010 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.
- 7.2 This By-law shall come into force on April 1, 2024.
- 7.3 The Chief shall implement this By-law, where applicable, through General Order.

ENACTED AND PASSED this 28<sup>th</sup> day of March, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

  
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Jen Lawson, Chair

  
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Deb Reid, Executive Director