



BY-LAW NO. 486-2024

**A BY-LAW RESPECTING
OFFICER NOTE TAKING**

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 the duties of a Constable are detailed in Section 82 of the CSPA and include laying charges, participating in prosecutions and complying with the prescribed code of conduct;
- 1.4 AND WHEREAS Section 20 of O. Reg. 407/23: Code of Conduct for Police Officers provides that a police officer shall take notes in accordance with the duties of a Constable and the procedures established by their Chief of Police;
- 1.5 AND WHEREAS subsection 14.3 of O. Reg. 395/23: Investigations requires that an investigating officer's notes be entered into the Police Service's record management system;
- 1.6 AND WHEREAS the Board has deemed it appropriate that it establish a policy on the effective note-taking by Members of the Police Service;
- 1.7 AND WHEREAS the Ministry has published a Policing Standards Manual (2000) which provides direction to the Board and Service in respect of officer note-taking;
- 1.8 AND WHEREAS Part LE-022 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 officer note-taking.

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.

3 BOARD POLICY

- 3.1 The Board recognizes that proper note-taking by officers is crucial to the prosecution of criminal offences, and it is therefore the policy of this Board that such note-taking be done in a consistent, professional and thorough manner, and 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 establish procedures relating to officer note-taking in accordance with Appendix A.

4.2 STORAGE

- 4.2.1 The Chief shall establish procedures relating to secure storage and retention of officer notes in accordance with Appendix A and subsection 14.3 of O. Reg. 395/23: Investigations.

5 REPORT TO THE BOARD

- 5.1 The Chief shall make a written report to the Board on or before August 30 of each year. The report shall include a summary of the written procedures regarding officer note-taking.

6 IMPLEMENTATION

- 6.1 By-law No. 214-2000 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 31(1)(c) of the *Police Services Act (PSA)* requires a police services board, in providing adequate and effective police services, to establish policies for the effective management of the police service.

In addition, section 41(1)(a) requires the Chief of Police to administer the police service and oversee its operations in accordance with the objectives, priorities and policies established by the board.

Furthermore, consistent with these provisions of the *PSA*, and demonstrated through jurisprudence and public inquiries/inquests, a police services board should establish a policy on, and the Chief of Police should establish procedures for, the effective note taking by members of the police service.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board that the Chief of Police will establish procedures relating to officer note taking, including the secure storage and retention of police officer notes.

Police Service Guidelines

- Procedures*
1. Every police service's procedures on officer note taking should:
 - a) require that note taking practices be in accordance with procedures taught to police officers attending the Ontario Police College;
 - b) require that notebooks be bound with consecutively numbered and ruled pages;
 - c) require officers to use only one notebook at a time, except as otherwise provided for in the police service's procedures;
 - d) require officers to complete, before reporting off-duty, their notes pertaining to that shift;
 - e) require references in the notebook to any other notes or reports pertaining to events recorded in the notebook;
 - f) require the regular review by supervisors of police officer's notebooks, and their monitoring of the completeness and accuracy of officer's notes;
 - g) require the secure storage of police notebooks;
 - h) require that officer notebooks be retained for a period of at least fifteen years from the last date of entry in the books, or longer if the notebook relates to an unsolved threshold major case;

- i) set out the circumstances in which a police officer is exempt from the normal requirements of note taking;
- j) provide that notes taken by an officer are the property of the police service and shall be surrendered upon request or separation from the police service;
- k) address compliance in major cases with the procedures on hard copy file management set out in the Ministry's designated *Ontario Major Case Management Manual*; and
- l) address the relevant provisions of the *SIU Regulation*.

Alternative Media 2. Every police service that uses alternative media for officer note taking should develop procedures with comparable requirements to those set out in section 1.