



BY-LAW NO. 520-2024

A BY-LAW RESPECTING VEHICLE PURSUITS

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 Section 3 of O. Reg. 397/23: Vehicle Pursuits requires a Police Services Board to have a policy on vehicle pursuits that is consistent with the Regulation;
- 1.4 AND WHEREAS Sections 4 and 5 of O. Reg. 397/23 requires the Chief of Police to establish procedures on the tactics, management and control of vehicle pursuits;
- 1.5 AND WHEREAS the Board deems it appropriate that the Chief of Police develops and maintains procedures on and processes for the management and control of vehicle pursuits;
- 1.6 AND WHEREAS Part LE-045 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the police service relative to vehicle pursuits.

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 “*Ministry*” means the Ministry of the Solicitor General;
- 2.7 “*Service*” means the Niagara Regional Police Service;
- 2.8 “*Vehicle Pursuit*” means a pursuit that occurs when a police officer pursues, in a motor vehicle, another motor vehicle that the officer or Constable had attempted to stop but that failed to stop and remain in place;
- 2.9 “*Vehicle Pursuit Procedures*” means the procedures established by the Chief of Police pursuant to Sections 4 and 5 of Ontario Regulation 397/23.

3 BOARD POLICY

- 3.1 The Board recognizes that vehicle pursuits are serious in nature, and that ensuring the safety of the citizens of Niagara Region and the safety of the Service Members are paramount in all aspects of police decision-making, including with respect to vehicle pursuits. It is therefore the policy of the Board that such pursuits be conducted only in accordance with the procedure set out by the Chief of Police as established in accordance with Sections 4 and 5 of Ontario Regulation 397/23: Vehicle Pursuits and this By-law.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief of Police establish written procedures on vehicle pursuits that are consistent with Ontario Regulation 397/23: Vehicle Pursuits, as amended.
- 4.1.2 The procedures referred to above shall:
- (a) address the management and control of Vehicle Pursuits; and
 - (b) set out tactics that may be used as an alternative to Vehicle Pursuits and tactics that may be used for following or stopping a fleeing motor vehicle;
 - (c) describe the responsibilities of police officers, dispatchers, communications supervisors and road supervisors; and
 - (d) describe the equipment available to the Service for implementing alternative tactics.

4.2 PROTOCOL

- 4.2.1 The Chief shall ensure that a multi-jurisdictional protocol is developed with other police agencies dealing with issues relating to Vehicle Pursuits.

4.3 TRAINING

- 4.3.1 The Chief shall ensure that Members involved with Vehicle Pursuits have the requisite knowledge, skills, and abilities to perform this function, and in particular, are trained in accordance with the requirements of O. Reg. 397/23: Vehicle Pursuits.
- 4.3.2 The Chief shall ensure Members receive training about the intentional contact between vehicles consistent with the requirements of Section 11 of the said O. Reg. 397/23.
- 4.3.3 The Chief shall ensure Members have successfully completed the required Ministry accredited training.

4.4 EQUIPMENT

- 4.4.1 The Chief shall ensure that Members involved with Vehicle Pursuits have available and use appropriate tools and equipment in performing this function.
- 4.4.2 The Chief shall ensure that an appropriate number of police vehicles are equipped with tire deflation devices and that officers are trained on their use.
- 4.4.3 The procedures established above shall be in accordance with Appendix A.

4.5 RECORDS

- 4.5.1 The Chief shall ensure that the particulars of each Vehicle Pursuit are recorded on a form and in a manner approved by the Ministry.
- 4.5.2 Appointing officials or local commanders who have appointed an officer under the *Interprovincial Policing Act, 2009*, shall ensure that particulars of each Vehicle Pursuit engaged by an officer appointed under that Act are recorded on a form and in a manner approved by the Ministry.

5 REPORT TO THE BOARD

5.1 REPORTING REQUIREMENTS – EXCEPTION BASED REPORTING

- 5.1.1 The Chief shall make a written report to the Board within 30 days immediately following any Vehicle Pursuit in which:
 - (a) there has been property damage;
 - (b) there has been a personal injury or death;
 - (c) the procedures with respect to Vehicle Pursuits were not followed;
 - (d) in any other circumstance where, in the opinion of the Chief, there is a significant issue or potential liability to the Board or the Service.
- 5.1.2 The said report shall disclose whether the Vehicle Pursuit incident was reported to the Special Investigations Unit.

5.2 ANNUAL REPORTING REQUIREMENTS

- 5.2.1 The Chief shall make a written report to the Board on or before August 30th of each year. The report shall include:
 - (a) a summary of the written procedures regarding Vehicle Pursuits;
 - (b) confirmation of compliance with the procedures regarding Vehicle Pursuits; and
 - (c) the total number of Vehicle Pursuits undertaken in the previous 12 month period ending July 31 of that year, and a summary of each.

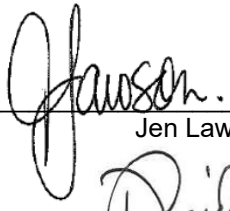
6. IMPLEMENTATION

- 6.1 By-law Nos. 237-2000, 339-2013 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.
- 6.2 This By-law shall come into force upon the date of its enactment.


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

Attachment (1)

Legislative/Regulatory Requirements

Section 5 of the *Suspect Apprehension Pursuits Regulation* requires a police services board to have a policy on suspect apprehension pursuits that is consistent with the regulation.

Section 6 requires every police force to establish written procedures on suspect apprehension pursuits that are consistent with the regulation. In addition, the regulation requires every police force to establish procedures that:

- set out the tactics that may be used:
 - as an alternative to suspect apprehension pursuit; and
 - for following or stopping a fleeing motor vehicle;
- address the management and control of suspect apprehension pursuits;
- describe the responsibilities of police officers, dispatchers, communications supervisors and road supervisors; and
- describe the equipment that is available for implementing alternative tactics.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to suspect apprehension pursuits that the Chief of Police will:

- a) establish procedures consistent with the requirements of the *Suspect Apprehension Pursuits Regulation*;
- b) ensure that police officers, dispatchers, communications supervisors and road supervisors receive training accredited by the Solicitor General on suspect apprehension pursuits;
- c) ensure that police officers receive training about the intentional contact between vehicles consistent with the requirements of the *Suspect Apprehension Pursuits Regulation*;
- d) address the use of tire deflation devices and officer training;
- e) ensure that the particulars of each suspect apprehension pursuit are recorded on a form and in a manner approved by the Solicitor General; and
- f) enter into agreements with neighboring police services to determine under what circumstances decision-making responsibility for a pursuit will be, and will not be, transferred from one jurisdiction to another.

Police Service Guidelines

1. Every police service's procedures shall address the:
 - a) requirements set out in the *Suspect Apprehension Pursuits Regulation*;
 - b) tactics that may be used:
 - i) as an alternative to suspect apprehension pursuit; and
 - ii) for following or stopping a fleeing motor vehicle;
 - c) management and control of suspect apprehension pursuits;
 - d) responsibilities of police officers, dispatchers, communications supervisors and road supervisors; and
 - e) equipment that is available for implementing alternative tactics.
2. Every police service's procedures should address:
 - a) the number and type of police vehicles that may directly pursue a vehicle;
 - b) the use of emergency lighting and siren, whenever practical;
 - c) the pursuit of fleeing motorcycles and all terrain vehicles;
 - d) the responsibilities of police officers, including:
 - i) complying with any directions of a communications or road supervisor; and
 - ii) providing the dispatcher with information on the nature and seriousness of the offence, the area traveled, the presence of pedestrians or other traffic, road and weather conditions, and the manner in which the fleeing motor vehicle is being operated at the time of initiating the suspect apprehension pursuit;
 - e) the responsibilities of dispatchers, including:
 - i) advising other units of the suspect apprehension pursuit;
 - ii) notifying the appropriate supervisor when the pursuit is initiated and discontinued;
 - iii) providing the pursuing police officers, and appropriate supervisors, with any information on dangerous circumstances or conditions that are known to the dispatcher;
 - iv) controlling radio communications during the pursuit;
 - v) informing other police services in the vicinity that a pursuit is in progress in order to ensure maximum co-ordination and co-operation; and
 - vi) notifying the appropriate supervisor when the pursuit is terminated; and
 - f) the responsibilities of communications and road supervisors, including:
 - i) assuming control of the pursuit, if initiated;
 - ii) ordering additional units to assist, if necessary;
 - iii) ordering unnecessary units to resume patrol;
 - iv) monitoring the progress of the pursuit to ensure compliance with the regulation and local policy and procedures;
 - v) ordering and coordinating alternative tactics to a suspect apprehension pursuit, where the time and circumstances permit;
 - vi) determining and directing what tactics should be used to stop a fleeing motor vehicle, if any are available, and in doing so shall consider public and police officer safety;

- vii) considering the effect of the pursuit on public safety and ordering discontinuation of the pursuit when he or she believes that the risk to public safety that may result from the pursuit outweighs the risk to public safety that may result if an individual in the fleeing motor vehicle is not immediately apprehended; and
 - viii) conducting a follow-up review of the pursuit.
3. Every police service's procedures should also provide that a pursuit is discontinued:
- a) if the police vehicle exceeding the speed limit, slows down to within the speed limit;
 - b) the driving officer shuts off all emergency equipment;
 - c) brings the police vehicle to a safe stop, if practical; and
 - d) informs communications/dispatch that the above have taken place.
4. Nothing in section 3 precludes an officer, after the pursuit has been discontinued, from continuing along, in a safe manner and at the normal speed for general patrol, the route taken by the fleeing motor vehicle in order to determine whether any incident has occurred subsequent to the pursuit being discontinued.

Training

5. In addition to the requirements set out in the *Suspect Apprehension Pursuits Regulation*, every Chief of Police should also ensure that patrol officers, dispatchers and communications and road supervisors receive training that addresses:
- a) the circumstances in which a suspect apprehension pursuit can be initiated and continued;
 - b) the factors to be considered in assessing public safety during a suspect apprehension pursuit, including:
 - i) the nature and seriousness of the offence(s) involving a suspect in the vehicle;
 - ii) information on the suspects in the vehicle, if known, including whether they are armed, are suspects in a violent crime or there is reason to believe are about to commit a violent crime;
 - iii) the nature of the area traveled (highway, rural, residential);
 - iv) the presence of pedestrians or other traffic;
 - v) the time of day;
 - vi) the apparent age of the driver;
 - vii) road and weather conditions;
 - viii) the manner in which the fleeing vehicle is being operated;
 - ix) the presence in the fleeing vehicle of passengers who are not suspects;
 - x) the length of time or distance involved in the pursuit;
 - xi) the type (motorcycle, car, truck) of vehicle involved in the pursuit;
 - xii) the presence in the police vehicle of non-police passengers; and
 - xiii) the limits on the police officer's ability to operate his or her vehicle at the speeds reached during the pursuit;
 - c) alternatives to suspect apprehension pursuits; and

d) tactics for stopping a motor vehicle that is fleeing from the police.

Equipment 6. Every Chief of Police should ensure that an appropriate number of police vehicles are equipped with tire deflation devices and that officers are trained on their use.

Records 7. Where a suspect apprehension pursuit has covered more than one jurisdiction the police service in the jurisdiction where the suspect apprehension pursuit began shall ensure coordination of a joint report.

8. Ensure that the particulars of each suspect apprehension pursuit are recorded on a form and in a manner approved by the Minister. Appointing officials or local commanders who have appointed an officer under the *Interprovincial Policing Act, 2009*, shall ensure that particulars of each suspect apprehension pursuit engaged by an officer appointed under that Act are recorded on a form and in a manner approved by the Minister.

**Local
Protocols** 9. Every Chief of Police should enter into agreements with neighboring police services to determine under what circumstances decision-making responsibility for a pursuit will be, and will not be, transferred from one jurisdiction to another.