



**BY-LAW NO. 515-2024**

**A BY-LAW TO ESTABLISH POLICY  
FOR INTERNAL COMPLAINTS SYSTEM  
REGARDING MISCONDUCT OF SPECIAL CONSTABLES**

**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 the Board deems it expedient to enact this By-law to ensure that the response to internal complaints of Special Constable misconduct by the Board and the Service adheres to the principles set out in Part XI and XII of the *CSPA*, accepted human resource principles 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. 410/23: Code of Conduct for Special Constables;
- 2.5 “Collective Agreement” means the collective agreement made between the Board and the Police Association, as amended from time to time;
- 2.6 “Complaints Director” means the person appointed by the Lieutenant Governor in Council under Section 131 of the CSPA as the head of LECA;
- 2.7 “Deputy Chief” means the Deputy Chief of Police of the Niagara Regional Police Service;
- 2.8 “Executive Director” means the Executive Director of the Board;
- 2.9 “Former Member” means a former employee of the Niagara Regional Police Service;
- 2.10 “Inspector General” means the person appointed to that position by the Lieutenant Governor in Council;
- 2.11 “Internal Complaint” means a complaint about the conduct of a Special Constable 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;
- 2.12 “Member” means a Member of the Niagara Regional Police Service;
- 2.13 “Ministry” means the Ministry of the Solicitor General;
- 2.14 “Misconduct” means misconduct as defined in Section 195 of the CSPA;
- 2.15 “Police Association” means the Niagara Region Police Association;
- 2.16 “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
- 2.17 “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 made against Special Constables 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 Parts XI and XII of the CSPA, and procedures established by the Chief as directed in this By-law and the CSPA.

#### **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 regarding Special Constables are processed in accordance with the provisions of Parts XI, XII and 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 such Internal Complaints, or alternatively, shall ensure that at least one other Member of the Service is adequately trained to investigate such Internal Complaints.

4.2 The Chief shall ensure that said procedure referred to in Article 4.1 addresses, at a minimum, the following:

4.2.1 Disclosure of misconduct in accordance with Section 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 Adherence to relevant Collective Agreement provisions;

4.2.5 Investigations in accordance with generally accepted human resources principles;

4.2.6 Discipline Measures and Hearings in accordance with relevant Collective Agreement provisions and generally accepted human resources principles;

4.2.7 That when the Service is accepting an Internal Complaint regarding a Special Constable it will ensure that notice of the complaint is not provided to the Special Constable who is the subject of the Complaint until the Chief directs that such notice can be given.

4.3 That adequate training is provided to all Members of the Service in respect of the complaints procedures of the Service regarding Special Constables.

#### **5. REPORTING REQUIREMENTS**

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

5.1.1 The Chief shall make a confidential written report to the Board in respect of any Conduct Complaint regarding a Special Constable which involves allegations of criminal misconduct by a Special Constable, or which involves allegations of misconduct 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 Special Constable who is the subject of the report.

5.2 BOARD REPORTS

- 5.2.1 The Chief shall make an annual written report to the Board on the administration of the Internal Complaints process regarding Special Constables, such report to be provided to the Board in January 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 Board's website.

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 in respect of Internal Complaints regarding Special Constables;
- 5.3.2 the number of Internal Complaints determined to be unsubstantiated after investigation;
- 5.3.3 the number of grievance hearings and findings from the hearings held pursuant to the relevant Collective Agreement provisions;
- 5.3.4 a summary of the penalties imposed;
- 5.3.5 comparative data for the same time period in the immediately preceding calendar year; and
- 5.3.6 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 23<sup>rd</sup> day of May, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

  
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Jen Lawson, Chair

  
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Deb Reid, Executive Director