



BY-LAW NO. 456-2024

**A BY-LAW RESPECTING
POLICE RESPONSE TO PERSONS IN CRISIS
INCLUDING THOSE WHO APPEAR TO HAVE A MENTAL ILLNESS
OR NEURODEVELOPMENTAL DISABILITY**

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 subsection 39 (1) of the CSPA requires the Board's Strategic Plan include quantitative and qualitative performance objectives and indicators of outcomes relating to, inter alia, interactions with persons who appear to have a mental health condition;
- 1.4 AND WHEREAS subsection 6 (1) 4. viii O. Reg. 392/23: Adequate and Effective Policing (General) requires the Chief of Police to establish written procedures respecting police response to persons who are in crisis, including those persons who appear to have a mental illness or a neurodevelopmental disability,
- 1.5 AND WHEREAS subsection 39 (1) 4 of the CSPA requires that the Strategic Plan of the Police Service Board address, inter alia, police interactions with persons who appear to have a mental illness or a neurodevelopmental disability;
- 1.6 AND WHEREAS Part LE-013 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and the police service relative to police response to persons who are emotionally disturbed or who have a mental illness or a developmental disability.

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 It is the policy of this Board that investigations involving persons who are in crisis, including those persons appear to have a mental illness or a neurodevelopmental disability be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.
- 3.2 The Board is committed to working in partnership with community mental health agencies to provide prompt coordinated service delivery.
- 3.3 The Board is committed to working with community agencies, persons with mental illnesses and their families to reduce the stigma of mental illness and to share the responsibility for improving the quality of life for persons who suffer from mental illnesses and disorders.

4. DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall develop and maintain written procedures that address the police response to persons who are in crisis, including those persons appear to have a mental illness or a neurodevelopmental disability.
- 4.1.2 The procedures referred to in Section 4.1.1 shall be in accordance with Appendix A and subsection 6 (1) 4. viii of O. Reg. O. Reg. 392/23: Adequate and Effective Policing (General).

4.2 COMMUNITY PARTNERSHIP

- 4.2.1 The Chief shall, where possible, work with appropriate community members and agencies, healthcare providers, government agencies, municipal officials, other criminal justice agencies, and the local Crown Attorney to address Service issues relating to persons who are in crisis, including those persons appear to have a mental illness or a neurodevelopmental disability.

4.3 TRAINING

- 4.3.1 The Chief shall ensure that all Members have the requisite knowledge, skills and abilities to deal with persons who are in crisis, including those persons appear to have a mental illness or a neurodevelopmental disability.
- 4.3.2 The Chief shall ensure that the Service’s skills development and learning plan addresses training of Members, on:
- (a) local protocols;
 - (b) conflict resolution and use of force in situations involving persons who are in crisis, including those persons appear to have a mental illness or a neurodevelopmental disability; and
 - (c) the provisions of the Mental Health Act.

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 in respect of police response to persons who are in crisis, including those persons appear to have a mental illness or a neurodevelopmental disability. The report shall include:
- (a) a summary of the written procedures concerning police response to persons who are in crisis, including those persons appear to have a mental illness or a neurodevelopmental disability;
 - (b) the status of Service compliance with the said procedures;
 - (c) a summary of the training given to Members with respect to police response to persons who are in crisis, including those persons appear to have a mental illness or a neurodevelopmental disability;
 - (d) a summary of issues raised and/or discussed with community partners relating to police response to persons who are in crisis, including those persons appear to have a mental illness or a neurodevelopmental disability.

6. IMPLEMENTATION

- 6.1 By-law No. 205-2000, 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.

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 the police response to persons who are emotionally disturbed or have a mental illness or a developmental disability. In addition, section 13(1)(g) requires the Chief of Police to establish procedures and processes in respect of the police response to persons who are emotionally disturbed or have a mental illness or a developmental disability.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to the police response to persons who are emotionally disturbed or have a mental illness or a developmental disability that the Chief of Police will:

- a) work, where possible, with appropriate community members and agencies, health care providers, government agencies, municipal officials, other criminal justice agencies, and the local Crown to address service issues relating to persons who have a mental illness or developmental disability;
- b) establish procedures and processes that address the police response to persons who are emotionally disturbed or have a mental illness or a developmental disability; and
- c) ensure that the police service's skills development and learning plan addresses the training and sharing of information with officers, communications operators /dispatchers and supervisors on:
 - i) local protocols; and
 - ii) conflict resolution and use of force in situations involving persons who may be emotionally disturbed, or may have a mental illness or developmental disability.

Police Service Guidelines

Local Service Coordination

1. Every Chief of Police, or designate, should work, where possible, with appropriate community members and agencies, health care providers, government agencies, municipal officials, other criminal justice agencies, and the local Crown to address service issues relating to persons who have a mental illness or developmental disability in that community.

Protocol

2. Every Chief of Police should work, where possible, with local hospitals and psychiatric facilities, where ones exist, towards developing a protocol that should address:

- a) the admission of a person who is emotionally disturbed or has a mental illness who has been arrested or transported by the police;
- b) criminal offences by a person who is emotionally disturbed or has a mental illness within that facility/hospital; and
- c) unauthorized absences by persons who are emotionally disturbed or have a mental illness from that facility/hospital.

Procedures 3. Every police service's procedures and processes on the police response to persons who may be emotionally disturbed, or may have a mental illness or developmental disability should:

- a) require communications operators/dispatchers to provide information to officers, if known, on:
 - i) any medications being taken by the person or that are prescribed;
 - ii) whether the individual is under the influence of illicit drugs and/or alcohol;
 - iii) whether the individual has a history of violence;
 - iv) whether the individual is presently armed or may have access to a firearm;
 - v) whether the individual is in a public/open area or is barricaded;
 - vi) whether there are any reported injuries;
 - vii) whether the individual is involved with any community agencies or local health care providers; and
 - viii) whether the police have previously attended the same address or had prior contacts with the same individual(s) involved;
- b) address the steps for a police officer, or communications operator/dispatcher to obtain assistance from, or refer a call/situation to, another agency;
- c) set out the circumstances in which more than one officer should be dispatched to a call, where practical, or where containment or tactical support should be provided;
- d) set out the steps to be taken by a police officer when invoking the provisions under the *Mental Health Act*;
- e) require that, where an officer has reasonable grounds to believe that the individual has committed a violent crime, the officer should consider charging the individual and not consider voluntary or involuntary hospitalization as a substitute to laying a charge, absent compelling circumstances;
- f) require that in those circumstances where the suspect is taken to a hospital, the police officer shall advise the hospital as to the circumstances of the occurrence, the background of the person, whether he or she may be suicidal, and other such information as may be provided;
- g) address the transportation of persons who may be emotionally disturbed, or may have a mental illness to a psychiatric facility or hospital; and
- h) set out the procedures for responding to calls for service at a local psychiatric facility, where one exists, or hospital, including where the call relates to an

unauthorized absence of an individual who is emotionally disturbed or has a mental illness from the facility.

Training

4. Every Chief of Police should ensure that the police service's skills development and learning plan addresses the training and sharing of information with officers, communications operators/dispatchers and supervisors on:
 - a) local protocols;
 - b) conflict resolution and use of force in situations involving persons who may be emotionally disturbed, or may have a mental illness or developmental disability;
 - c) the relevant provisions of the *Mental Health Act*, *Substitute Decisions Act* and *Health Care Consent Act*;
 - d) the recognition of common mental illnesses; and
 - e) providing assistance to families of persons who have a mental illness.