



BY-LAW NO. 457-2024

**A BY-LAW RESPECTING
PROPERTY OFFENCES (including Break and Enter)**

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, property offences;
- 1.4 AND WHEREAS O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.5 AND WHEREAS subsection 1 (1) of the CSPA provides, inter alia, that policing shall be provided throughout Ontario in accordance with the principle of the need to ensure the safety and security of all persons and property in Ontario, including on First Nations Reserves;
- 1.6 AND WHEREAS the Board deems it appropriate that the Chief of Police develops and maintains procedures on and processes for undertaking and managing investigations into property offences;
- 1.7 AND WHEREAS Part LE-030 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 investigations into property offences.

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 property offences are serious in nature, and it is therefore the policy of this Board that investigations into property offences be conducted professionally and thoroughly, 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 develop and maintain procedures that require investigations into property offences be undertaken and managed in accordance with the Service’s criminal investigation management plan and in accordance with Appendix A.

4.2 CRIME PREVENTION INITIATIVES

- 4.2.1 The Chief shall identify the need for the implementation of crime prevention initiatives for property crime based on crime, call and public disorder analysis, criminal intelligence and community needs.

4.3 TRAINING

- 4.3.1 The Chief shall ensure that Members investigating property offence occurrences have the requisite knowledge, skills and abilities.

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 investigations into property offences. The report shall include:
- (a) a summary of the written procedures concerning property offence investigations;
 - (b) the status of Service compliance with the said procedures; and
 - (c) a summary of crime prevention initiatives for property crime.

6. IMPLEMENTATION

- 6.1 By-law No. 222-2000 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 investigation of property offences, including break and enter.

In addition, section 12(1)(p) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into property offences, including break and enter.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to property offences, including break and enter that the Chief of Police will:

- a) develop and maintain procedures that require that investigations be undertaken and managed in accordance with the police service's criminal investigation management plan; and
- b) identify the need for the implementation of crime prevention initiatives for property crime based on crime, call and public disorder analysis, criminal intelligence and community needs.

Police Service Guidelines

Crime Prevention

1. Every Chief of Police should identify the need for the implementation of crime prevention initiatives for property crime based on crime, call and public disorder analysis, criminal intelligence and community needs, including the implementation of bicycle registration and property identification programs.

Procedures

2. Every police service's procedures on property offences should:
 - a) require that investigations be undertaken and managed in accordance with the police service's criminal investigation management plan;
 - b) require the retention and disposition of property relating to on-going investigations and prosecutions in accordance with the police service's procedures on the collection, preservation and control of evidence and property;
 - c) address the identification, tracing and seizing of stolen property;
 - d) provide for the processing and evaluation of reports received pursuant to the *Pawnbrokers Act* and any municipal by-laws governing the sale of second-hand goods;
 - e) address police interaction with pawnbrokers and second-hand dealers;



- f) address the investigative procedures for different classifications of property offences, including the criteria for the use of investigative supports when investigating property offences;
- g) address the investigative procedures for arson investigations;
- h) require that appropriate information be shared with patrol officers on break and enter and serious property occurrences, including any descriptions of suspects; and
- i) address the sharing of information with other police services and relevant organizations on serial break and enters, and other offences.