



## BY-LAW NO. 509-2024

### A BY-LAW RESPECTING THE ADMINISTRATION OF THE PUBLIC COMPLAINTS SYSTEM REGARDING CONDUCT OF SPECIAL CONSTABLES EMPLOYED BY THE BOARD

#### 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 O. Reg. 411/23: Complaints About Special Constables prescribes processes for reporting, receiving, investigating and, where appropriate, imposing discipline in respect of Public Complaints against Special Constables;
- 1.4 AND WHEREAS the said Board deems it expedient to enact this By-law to ensure that the response to public complaints by the Board and the Service adheres to the principles set out in the said O. Reg. 411/23, the CSPA 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 the Niagara Regional Police Service;
- 2.4 "*Deputy*" means the Deputy Chief of Police of the Niagara Regional Police Service;
- 2.5 "*Executive Director*" means the Executive Director of the Board;
- 2.6 "*Member*" means a member of the Niagara Regional Police Service;
- 2.7 "*Misconduct*" means misconduct as defined in Section 195 of the CSPA;
- 2.8 "*Police Officer*" is defined in accordance with the CSPA;

- 2.9 “*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;
- 2.10 “*Service*” means the Niagara Regional Police Service; and
- 2.11 “*Special Constable*” means a person appointed as a Special Constable under Section 92 of the CSPA.

### **3 BOARD POLICY**

- 3.1 The Board recognizes and adheres to the principle that fair, open, prompt, thorough and efficient response to Public Complaints, including Public Complaints against Special Constables, is a cornerstone to establishing and maintaining a positive community-police relationship, and it is therefore the policy of the Board that such complaints be dealt with in a professional and thorough manner in accordance with O. Reg. 411/23: Complaints About Special Constables, the CSPA and the procedures established by the Chief as directed in this By-law.

### **4 DIRECTION TO THE CHIEF – PUBLIC COMPLAINTS**

#### **4.1 PROCEDURES**

- 4.1.1 The Chief shall develop and maintain a procedure to ensure that complaints are processed in accordance with the provisions of O. Reg. 411/23: Complaints About Special Constables 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 and where appropriate, prosecute or assist in the prosecution of Public Complaints against Special Constables in accordance with O. Reg. 411/23: Complaints About Special Constables.

- 4.2 The Chief shall ensure that said procedure referred to in Article 4.1 above complies with the provisions of Sections 4 and 5 of the said O. Reg. 411/23, including, at a minimum the following provisions:

- 4.2.1 If the Chief of Police receives a complaint made in accordance with Ontario Regulation 411/23 about a Special Constable employed by a Special Constable Employer, the Chief of Police shall forward the complaint to the Special Constable Employer and will notify the complainant that the complaint has been forwarded to the Special Constable Employer;
- 4.2.2 If the Chief of Police receives a complaint made in accordance with Ontario Regulation 411/23 about a Special Constable employed by the Board, the Chief of Police shall provide the complainant with written acknowledgment that the complaint has been received and shall:
- (a) ensure that the complaint is investigated to determine whether the Special Constable’s conduct constitutes misconduct, contravened the terms and conditions of the Special Constable’s Certificate of Appointment or contravened any provision of the Act or the Regulations;
  - (b) ensure that any allegations in the complaint of conduct that may constitute criminal conduct are investigated by a Member of the Police Service or of another police service;

- (c) advise the complainant, in writing, of the outcome of the investigation of the complaint and report on the outcome of the investigation to the Board;
- (d) endeavour to complete any investigation of a Special Constable under this Section within 120 days after receiving the complaint, not including any period during which the investigation is postponed or suspended;
- (e) if the timing requirements above are not met in respect of an investigation, the Chief of Police shall give notice of the status of the investigation to the complainant and to the person being investigated every 30 days until the investigation is concluded unless, in the opinion of the Chief of Police, doing so might prejudice the investigation; and
- (f) if the Special Constable is found to have engaged in conduct that constitutes misconduct, contravened the terms and conditions of their Certificate of Appointment or contravened any provision of this Act or the Regulations, the Chief of Police shall take appropriate action to remedy the contravention.

4.3 Notice to the public about how to make a complaint against a Special Constable shall be published on the Board's web site and the Service's web site.

4.4 That Public Complaints received by any Member of the Service be forwarded immediately to the Chief to be dealt with in accordance with the said Ontario Regulation 411/23.

4.5 That when the Service is accepting a complaint it will ensure that notice of the complaint is not provided to the respondent Special Constable or any other Member until the Chief so directs.

4.6 That adequate training is provided to all Members of the Service in respect of the complaints procedures of the Service and the said O. Reg. 411/23: Complaints About Special Constables.

4.7 That the procedures developed by the Chief include a mechanism to provide assistance for Public Complainants who may not be literate, or who may not be fluent in English.

4.8 That all notices to the Complainant, the Special Constable who is the subject of the Complaint, the Compliant Director and the Board be given as required by O. Reg. 411/23 and the CSPA.

## **5 REPORTING REQUIREMENTS**

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

5.1.1 The Chief shall make a confidential written report in respect of any Conduct Complaint 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

In all other matters of Public Complaints regarding Special Constables, the Chief shall report to the Board as follows:

- 5.2.1 The Chief shall make annual written reports to the Board on the administration of the Public Complaints process, such report to be provided to the Board in January of each year.
- 5.2.2 The reports shall include comparative data for the immediately preceding calendar year.
- 5.2.3 The Chief shall include the relevant Complaints information in the Annual Report of the Service.

5.3 The reports shall include the following information in respect of conduct complaints regarding Special Constables:

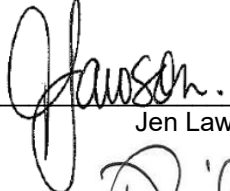
- 5.3.1 the total number of conduct complaints regarding Special Constables made;
- 5.3.2 the number of conduct complaints determined to be unsubstantiated after investigation;
- 5.3.3 the number of conduct complaints determined to be substantiated, and the action or remedy taken by the Chief in each;
- 5.3.4 the number of outstanding complaints as at the end of the reporting period; and
- 5.3.5 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