



## BY-LAW NO. 526-2025

### A BY-LAW TO ESTABLISH POLICY RELATING TO BOARD AND CHIEF OF POLICE COMMUNICATIONS

#### 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 the said CSPA provides that Board members will comply with the O. Reg. 408/23: Code of Conduct for Police Service Board Members;
- 1.4 AND WHEREAS the Board deems it expedient to enact this By-law to ensure accountability and support effective governance in carrying out its statutory and administrative responsibilities and acknowledges that Board and Chief of Police communication is essential to Board governance.

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 “Board Member” means a Member of the Regional Municipality of Niagara Police Service Board;
- 2.4 “Chair” means the Chair of the Board;
- 2.5 “Chief” means the Chief of the Niagara Regional Police Service;
- 2.6 “Executive Director” means the Executive Director appointed by the Board;
- 2.7 “Member” means a member of the Niagara Regional Police Service;
- 2.8 “Service” means the Niagara Regional Police Service;

### **3 BOARD POLICY**

- 3.1 The Board recognizes the need to ensure accountability and support effective governance in carrying out its statutory and administrative responsibilities and acknowledges that communication is essential to Board governance. The Board also appreciates the need to advance its work and that of the Niagara Regional Police Service in an efficient and timely manner. The Board relies on information from the Chief of Police to make informed decisions that are relevant, timely, clear, and compelling. The Board also supplements the information provided by the Chief of Police with independent advice when and where appropriate.
- 3.2 These are the guiding principles under which the Board and Chief of Police shall address effective communication policies for the following:
- (i) Standard communication channels;
  - (ii) Matters of operational significance;
  - (iii) Matters relating to critical points;
  - (iv) Board Member communication and information sharing; and
  - (v) Board Member contact with Members of the Police Service.

### **4 STANDARD COMMUNICATION CHANNELS**

- 4.1 All information reported and advice provided to the Board from the Service shall be routed through the Board's Executive Director in written report format for placement on the Board's electronic meeting management system portal and the appropriate meeting/workshop agenda folder in accordance with the Board's Procedural By-law. This includes all general and/or educational information. The only exceptions are:
- (i) Information or advice that is relevant to the specific delegated authority of the Chair, Executive Director, Committee Chair, Chief of Police or Board Solicitor;
  - (ii) Information or advice that is a matter of operational significance; and
  - (iii) Matters relating to critical points.

### **5 MATTERS OF OPERATIONAL SIGNIFICANCE**

- 5.1 A matter of operational significance includes, but is not limited to:
- (i) Incidents and calls for service that result in serious police enforcement action or investigations into occurrences, which are shared with the Board for situational awareness in advance of any media coverage, where practicable;
  - (ii) Incidents where the SIU has invoked their mandate in response to a death or life-threatening injuries;
  - (iii) Any incidents involving, directly or indirectly, police officers or civilian and senior Service members, Board members, or public figures that are likely to draw significant media attention; and
  - (iv) Any incident that warrants a special media conference involving the Chief of Police.
- 5.2 The timely and accurate receipt of such information positions the Board to respond to the public, the Inspectorate of Policing, and/or media inquiries or demands, and helps to inform the Board's assessment of the matter of operational significance, as well as any Board decisions that flow from that assessment.

### 5.3 Notification Requirements for Matters of Operational Significance

- 5.3.1 When a matter of operational significance arises, the Chief or his/her designate, shall notify the Board Chair and Executive Director of the pertinent information by electronic notification at the earliest possible time and provide updates as available and necessary, where practicable.
- 5.3.2 The information shall be in the form of a Confidential Briefing Note, that includes the subject matter/issue, current status, background information, strategic considerations, strategic communications, and action required.
- 5.3.3 Upon receipt of notification of a matter of operational significance from the Chief or designate, the Board Chair or Executive Director shall inform the other Board Members of the incident and any updates received.
- 5.3.4 For clarification purposes, any and all information that does not constitute a matter of operational significance or is not a matter specifically for the Board Chair or Executive Director, shall be provided to the Board Chair and/or Executive Director for review and to determine the appropriate action. This includes notifications related to situations involving the Police Service's response to certain calls for service, and the monitoring of emerging issues.

### 5.4 Inquiries from the Media

- 5.4.1 Any media requests received by the Police Service's Corporate Communication Office related to the Board's mandate, policies, or decisions, shall be forwarded to the Board's Executive Director. The Board's Executive Director shall immediately notify the Chair of the request, including any media requests directly received at the Board Office.
- 5.4.2 Unless otherwise specified, the Chair is the official spokesperson for matters within jurisdiction of the Board. Should the Chair be unavailable, the Vice-Chair shall be the spokesperson. In response to an inquiry regarding Board governance, policy or administration, the Executive Director may act as a spokesperson on behalf of the Board.
- 5.4.3 In the event individual Board members are contacted directly by members of the media, they shall adhere to their responsibilities in the Code of Conduct for Police Service Board Members and Board By-laws, and redirect the request to the Board Chair and/or Executive Director as appropriate.
- 5.4.4 The Board spokesperson shall only comment on matters within the jurisdiction and mandate of the Board, and shall avoid speaking on matters within the legislated authority of the Chief of Police. Similarly, the Chief of Police shall refrain from commenting or speculating, officially or otherwise, on matters within the Board's domain. Prior to responding to media requests for interviews or comments, the Board's spokesperson shall consult, as appropriate, with the Chief or his/her designate to ensure the appropriate coordination.
- 5.4.5 Most media inquiries received regarding the Niagara Regional Police Service are operational in nature and properly within the domain of the Chief and/or designated Service Member. However, where operational matters may spark significant public interest or debate, the Chief shall inform the Board Chair and/or Executive Director before a public statement is made. The purpose of informing Chair and/or Executive Director is as a courtesy, to ensure that the Board Members are aware of major occurrences.
- 5.4.6 When the Chair or the Board are of the opinion that a response from the Board is required, the Board spokesperson and the Chief of Police shall consult, as needed, to ensure the proper coordination, timing, and dissemination of information to address the issue. Prior to the release of any response from the Board, the Chair or spokesperson shall provide the Board with a copy of the media release and any applicable background information.

- 5.4.7 The Executive Director shall monitor various media outlets for emerging matters of strategic significance which may generate media or public interest, and apprise the Board accordingly.

## **6 MATTERS RELATING TO CRITICAL POINTS**

- 6.1 Critical Points: A matter of strategic significance that is time-sensitive and which rapidly elevates the Board's operational, financial, reputational, or other enterprise risk, and therefore, calls for the Board's immediate attention and/or preparedness to take action. These include but are not limited to:
- (i) Large scale operations or events for which advance planning and approval by the Service's Command is required;
  - (ii) Events or operations that are likely to have a material impact on the Service's relationship with, and service to, marginalized and vulnerable communities;
  - (iii) Events or operations that raise significant questions of public policy; or
  - (iv) Credible external or internal complaints, including complaints regarding workplace discrimination or harassment, against individual officers and the Service, and findings by other tribunals related to discrimination, where such complaints or findings raise significant systemic issues.
- 6.2 With respect to matters which meet the definition of Critical Points, the Board and Chief shall follow the provisions of Board By-law 527-2025 - Critical Points.

## **7 BOARD MEMBERS COMMUNICATION AND INFORMATION-SHARING**

- 7.1 A Member of a Police Service Board shall not purport to speak on behalf of the Board unless authorized by the Board to do so.
- 7.2 Board Members receive information from the Chief of Police through a variety of mechanisms, including through formal reports at Board meetings. However, a substantial amount of communication occurs between individual Board Members and the Chief or other members of the Police Service Command Team through several informal methods, including impromptu meetings or discussions, ad hoc oral briefings at Board meetings, memoranda, telephone calls, or emails.
- 7.3 It is critical that any material information obtained by one Board Member that, in their judgment, is pertinent to the Board's consideration of matters before it, or likely to come before it, or that is related to a prior Board decision, or that is of public interest, is shared with the entire Board at the next available opportunity, so that the entire Board can discharge its governance and oversight responsibilities based on the same information.
- 7.4 It is, therefore, the policy of the Niagara Police Service Board that:
- 7.4.1 A Board Member will share, at the earliest opportunity, material information that they receive through informal communication with the Chief or other members of the Command, that, in his or her judgment, is pertinent to the Board's consideration of matters before it, or likely to come before it, or that is related to a prior Board decision, or that is of public interest;
  - 7.4.2 Such communication and information-sharing will be in the form of a formal Board report or briefing at the Board meeting following the receipt of such information;

- 7.4.3 Where the information received is, in the Board Member's judgment, related to an item of an urgent nature and should be considered before the date of the next regularly scheduled Board meeting, the Board Member in receipt of the information will consult with the Board Chair and/or Executive Director to determine whether a Special Board meeting should be called or the information can be provided to the full Board by some other means; and
- 7.4.4 When a Board Member becomes aware that, in exercising their judgment, a Board Member did not communicate information that ought to have been provided to the full Board, the Board Chair and/or Executive Director will determine what the appropriate course of action should be, pursuant to Ontario Regulation 408/2023, Code of Conduct for Police Service Board Members.

## **8 BOARD MEMBERS CONTACT WITH MEMBERS OF THE POLICE SERVICE**

- 8.1 The Code of Conduct for Police Service Board Members (O. Reg. 408/23 s.4) states "A member of a police service board shall comply with the Act and the regulations made under it." The Community Safety and Policing Act Section (CSPA), 2019, Section 40 (1), (2), (3), and (4), states:

40 (1) "The police service board may give directions to the chief of police."

40 (2) "For greater certainty, the police service board shall not direct members of the police service other than the chief of police, unless that direction is specifically authorized under Part XII (Discipline and Termination)."

40 (3) "No individual member of a police service board shall direct the chief of police or, for greater certainty, any other member of the police service."

40 (4) "The police service board shall not direct the chief of police with respect to specific investigations, the conduct of specific operations, the discipline of specific police officers, the day-to-day operation of the police service or other prescribed matters."

- 8.2 In keeping with legislation, it is therefore the policy of the Board, that Members of the Niagara Police Service Board shall:

- 8.2.1 Seek general information through the Chair and/or Executive Director or the Chief of Police with notice to the Executive Director as it relates to either an issue before the Board or one to be considered at an upcoming Board meeting;

- 8.2.2 Seek information concerning specific investigations or occurrences only from the Chair and/or Executive Director, the Chief of Police, or a designate as specified by the Chief of Police, or within the context of a Board meeting; and

- 8.2.3 Avoid any suggestion of direction to the Chief of Police or any member of the police service as it relates to a specific investigation or a specific operational issue.

## **9. REPORTING REQUIREMENTS**

- 9.1 The Chief of Police, Chair, and/or the Executive Director shall report to the Board on an exception basis. For further clarity, this applies to those circumstances where a breach of this policy has resulted in an 'exceptional' circumstance, which may be detrimental to the police service and/or may result in significant issues of potential liability to the Board and the police service.

**10 IMPLEMENTATION**

- 10.1 Any By-laws, sections of by-laws and policies of the Board inconsistent with the provisions of this By-law are hereby repealed.
- 10.2 This By-law shall come into force on the date of its passage.

ENACTED AND PASSED this 24<sup>th</sup> day of April, 2025.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

A handwritten signature in black ink, appearing to read "Pat Chiochio", written over a horizontal line.

Pat Chiochio, Chair

A handwritten signature in black ink, appearing to read "Deb Reid", written over a horizontal line.

Deb Reid, Executive Director