



BY-LAW NO. 527-2025

A BY-LAW TO ESTABLISH POLICY RELATING TO CRITICAL POINTS

1. PREAMBLE

- 1.1 WHEREAS subsection 37 (1)(a) 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 37 (1)(f) of the CSPA provides that a Board shall monitor the Chief of Police's performance;
- 1.3 AND WHEREAS subsection 38 (1)(a) of the CSPA provides that a Board shall establish policies respecting the administration of the police service;
- 1.4 AND WHEREAS subsection 38 (1)(b) of the CSPA provides that the Board shall establish policies respecting the provision of adequate and effective policing in accordance with the needs of the population of the area for which it has policing responsibility;
- 1.5 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;
- 1.6 AND WHEREAS the Board deems it expedient to enact this By-law to facilitate effective oversight by ensuring clear and timely information sharing between the Board and Service during periods of elevated organizational risk, thereby supporting the Board's statutory governance and oversight responsibilities.

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; and
- 2.8 “Service” means the Niagara Regional Police Service.

3 GUIDING PRINCIPLES

- 3.1 The Board recognizes that Information sharing between the Service and the Board is foundational to the Board’s effective execution of its oversight responsibilities. In particular, information sharing is crucial during times of elevated organizational risk, such as when facing large-scale events.
- 3.2 This By-law defines such Critical Points and sets out a process to guide the Chief of Police and the Board in identifying them, and ensuring the flow of relevant information from the Service to the Board, so that the Board can most effectively carry out its oversight and governance role, including creating and amending Board policies, setting priorities, asking questions, and providing non-binding advice in relation to operational matters.
- 3.3 The Board acknowledges there are limits to the direction that the Board may give to the Chief of Police, and the importance of respecting those limits. The Board is prohibited by law from directing the Chief of Police with respect to specific investigations, or the conduct of specific operations. Therefore, while the Board may set objectives and priorities for the policing of a Critical Point, the Chief of Police has the authority to determine the methods by which the objective, priority, or outcome will be achieved.
- 3.4 This By-law will not prevent or restrict the Service from exercising its policing powers and authorities, in emergent circumstances, to protect community safety.

4. BOARD POLICY

- 4.1 The purpose of this By-law is to:
- (i) Define the term Critical Point and provide clear and consistent assessment criteria for use in identifying Critical Points as they arise;
 - (ii) Describe the type of information the Board requires from the Chief in order to assess potential Critical Points;
 - (iii) Describe the information sharing process between the Board and the Service when a Critical Point has been identified/confirmed;
 - (iv) Strengthen oversight of the Service, consistent with the Board’s legislative responsibilities;
 - (v) Ensure accountability of the Service to the Board; and
 - (vi) Ensure that the Chief of Police can discharge their duties according to law.

5. CRITICAL POINTS

- 5.1 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. REPORTING TO THE BOARD ON CRITICAL POINTS

- 6.1 The Chief of Police will inform the Chair and Executive Director of any situation in which the Chief of Police believes a Critical Point has emerged or is likely to emerge and provide the Chair, in writing, with further information regarding the Critical Point, including, as appropriate:
 - (i) The general nature of the Critical Point;
 - (ii) The elevated risk(s) posed by the Critical Point;
 - (iii) Relevant operational and other information necessary for the Board to understand the details of the Critical Point, including an outline of the operational plan, and continuity of Service plans;
 - (iv) Any plans to involve other organizations, including requests to the Chief of Police for temporary assistance pursuant to Section 19 of the Community Safety and Policing Act;
 - (v) An estimate of the financial impact;
 - (vi) Relevant legislation and other legal requirements that may apply including the need for additional authorities; and
 - (vii) Any ongoing considerations, including resources needed, or policy impacts.
- 6.2 The Chair and/or Executive Director will share the information provided by the Chief of Police with Board Members, all of which will be held in the strictest of confidence.
- 6.3 The Chair, in consultation with the Board Members, and in accordance with the Board's Procedural Bylaw, will determine whether there is a need to obtain additional information, create or amend Board policies, and/or provide direction to the Chief in accordance with the Board's policies, duties and responsibilities, including setting objectives and priorities, and if so, whether to call a Special Meeting of the Board, or to include the Critical Point as an item on the Agenda of the Board's next regularly scheduled meeting.
- 6.4 The Chief will continue to update the Board, through the Chair and Executive Director, on any significant developments, including once the Chief of Police determines that the Critical Point has concluded. In consultation with the Board Members, the Chair may call a Special Meeting of the Board at any time or include an item on the agenda of a regularly scheduled Board Meeting, to discuss the Critical Point.
- 6.5 Identification of Critical Points by the Board
 - 6.5.1 When the Chair believes, or is advised by a Board Member(s) that they believe, that a planned or anticipated event may constitute a Critical Point, the Chair shall request the Chief of Police to consider whether, in their view, the event may meet the definition of Critical Point, and either report to the Board in accordance with this By-law, or, alternatively, provide to the Chair reasons that the event in question does not meet the definition of a Critical Point.

6.6 Chief's Autonomy

- 6.6.1 Once the Board has been given the opportunity to set objectives, ask questions, and provide non-binding advice in relation to operational matters, where applicable the Chief will maintain the autonomy to finalize and execute the plans.
- 6.6.2 If, during the duration of a Critical Point, the Board concludes that, in its view, the Board's objectives are not being achieved, the Board will inform the Chief of Police of its conclusion. The Chief will respond by informing the Board on corrective measures or the operational necessity of deviating from the Board's objectives. However, the Chief of Police will remain autonomous in determining the appropriate execution of the plans in order to achieve the mission, objectives and priorities.

7 BOARD AND SERVICE TRAINING

- 7.1 The Chief will provide training to ensure that all Command and Service Members from the rank of Inspector and above are trained to recognize the circumstances that may lead to a Critical Point, and to inform the Chief of Police and Command when a potential Critical Point is identified.
- 7.2 The Board will ensure that all new Board Members receive training to understand the definition of a Critical Point, and effectively understand their responsibilities with regards to the consideration of Critical Points.

8 PUBLIC REPORTING REQUIREMENTS

- 8.1 Subject to operational considerations and the advice of the Chief of Police, the Board will publicly disclose, where it is possible to do so without risking the effectiveness of the operation or any other operations, the safety of Service Members or members of the public, or any other operational considerations raised by the Chief:
 - (i) The nature of the operational matter related to a Critical Point; and
 - (ii) Any directions given to the Chief of Police related to a Critical Point.

9 IMPLEMENTATION

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

ENACTED AND PASSED this 24th day of April, 2025.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Pat Chiocchio, Chair



Deb Reid, Executive Director