



BY-LAW NO. 402-2023

**A BY-LAW TO ESTABLISH POLICY
RESPECTING A POLICE FOUNDATION PROGRAM
TO SUPPORT CRIME PREVENTION AND COMMUNITY PROGRAMS
THAT BUILD SAFER COMMUNITIES IN THE NIAGARA REGION**

1. PREAMBLE

- 1.1 WHEREAS subsection 31(1) of the *Police Services Act* provides that a Board is responsible for the provision of police services and for law enforcement and crime prevention in the municipality and shall:
- b. generally determine after consultation with the Chief of Police, objectives and priorities with respect to police service in the municipality;
 - c. establish priorities for the effective management of the police service, and
 - e. direct the Chief of Police and monitor his or her performance;
- 1.2 AND whereas subsection 31(6) of the *Police Services Act* provides that the Board may, by by-law, make rules for the effective management of the police service;
- 1.3 AND whereas the Board has deemed it appropriate and consistent with the objectives and priorities determined pursuant to section 31(1) that a Police Foundation Program to support crime prevention and community programs that build safer communities in the Niagara Region be established;
- 1.4 AND whereas it is the responsibility of the Chief of Police of the Niagara Regional Police Service, in accordance with section 41(1)(a) of Act, to administer the policing services of the Regional Municipality of Niagara in accordance with the policies, priorities and objectives established by the Niagara Police Services Board;
- 1.5 AND whereas it is the responsibility of the Chief of Police to develop the necessary procedures to ensure compliance with Board policies and effective operations of the police service.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD ENACTS AS FOLLOWS:

2 DEFINITIONS

For the purpose of this By-law, the following definitions apply:

- 2.1 “Act” means the *Police Services Act*, R.S.O. 1990, c.P.15, and amendments thereto.
- 2.2 “Board” means the Regional Municipality of Niagara Police Services Board.

- 2.3 *“Board of Directors”* means the Directors of the Foundation appointed pursuant to the process detailed in this By-law, and *“Director”* has a corresponding meaning.
- 2.4 *“Chief of Police”* or *“Chief”* means the Chief of the Niagara Regional Police Service.
- 2.5 *“Donor”* means a private individual, or a corporation, partnership, club or other organization, whether for profit or not, which contributes money, goods or services to the Police Foundation.
- 2.6 *“Foundation”* means the Police Foundation established pursuant to this By-law.
- 2.7 *“Member”* means a member of the Niagara Regional Police Service as defined by the Act.
- 2.8 *“Qualified Donor”* means a donor meeting the approval criteria set out in this By-law.
- 2.9 *“Service”* means the Niagara Regional Police Service.
- 2.10 *“Sponsor”* means a private individual, or a corporation, partnership or organization, whether for profit or not, which contributes money, goods or services to the Service pursuant to a Sponsorship arrangement.
- 2.11 *“Sponsorship”* means a contribution of money, goods or services to a Qualified Donor by a private individual, or a corporation, partnership or organization, whether for profit or not, in exchange for the right to be associated with the Service, either for advertising or promotional purposes, or for a community service purpose.

3 BOARD POLICY

- 3.1 It is the policy of the Board to support the establishment of a Police Foundation Program to support crime prevention and community programs that build safer communities in the Niagara Region that is independent of the Board and Service, and in conjunction with that Foundation, to provide citizens, community agencies and corporations with the opportunity to support the Foundation by making public donations or sponsorships that will further the Foundation’s goals and objectives.
- 3.2 The Foundation shall be committed to ensuring that such donations and sponsorships are used solely for the purpose of furthering the goals and principles of the Foundation and that the receipt of donations or sponsorships does not undermine the integrity, impartiality and reputation of the Board or Service.

4 GUIDING PRINCIPLES

- 4.1 The public donations and sponsorships received by the Foundation shall support and be consistent with the Foundation’s goals and principles as described in this By-law, and as may be more fully described in the Foundation’s policies when developed by its Board of Directors.
- 4.2 There shall be no binding conditions related directly or indirectly to policing attached to the public donations or sponsorships, which shall only be used for the purposes approved by the Foundation’s Board of Directors.
- 4.3 The acceptance of any public donation or sponsorship shall not commit the Service to additional, unbudgeted resources, unless approved by the Board, in consultation with the Chief of Police.

- 4.4 All offers of public donations and sponsorships must be made in writing to the Foundation's Board of Directors.
- 4.5 No public donation or sponsorship shall be accepted from an anonymous source or donors.
- 4.6 No public donations or sponsorships shall be accepted from a person whose background, including criminal record, lifestyle or association, would cause or have the potential to cause embarrassment to the Foundation, the Board or the Service.
- 4.7 Expenses incurred for Foundation administration should not exceed twenty (20) per cent of the costs associated to providing the programs to the community.
- 4.8 Where possible, the Board and Service will provide in-kind services to the Foundation for the sole purpose of reducing the administrative cost burden on the Foundation expense. The in-kind services provided shall not impact the Service or Board operating budgets or give rise to requests for additional budget funds.
- 4.9 The Foundation shall not:
 - 4.9.1 Interfere with or give the perception of interfering with the delivery of policing services in the Region.
 - 4.9.2 Interfere with or give the perception of influencing or interfering with the Board respecting any of its powers and duties as outlined in section 31 of the Act.
 - 4.9.3 Interfere with or give the perception of influencing or interfering with the Chief respecting any of his/her powers and duties as outlined in section 41 of the Act.
 - 4.9.4 Provide funding that would have the effect of reducing or increasing the Board or Service budget.
 - 4.9.5 Provide funding for any matter that would reasonably fall within the meaning of adequate and effective policing.
 - 4.9.6 Request any funding from the Board or Service to offset any deficit incurred by the Foundation.

5 FOUNDATION BOARD OF DIRECTORS

- 5.1 The Board, in consultation with the Chief, shall develop and implement a selection process for the Foundation's inaugural Board of Directors.
- 5.2 The Foundation's Board of Directors shall develop and implement a selection process for subsequent Board of Director appointments.
- 5.3 The selection process shall be open and transparent through public advertisement and shall provide equal opportunity to any members of the public who wish to serve.
- 5.4 Directors appointed to the Board of Directors shall be appointed to staggered two and three year terms, which can be renewed as part of subsequent selection processes.
- 5.5 The Foundation Board shall consist of seven Directors, with no more than one representative from the Board, Chief of Police as a non-voting ex-officio Director, and one from the Service.

- 5.6 Directors appointed to the Board of Directors should not have any direct or indirect association with goods sold or services provided to the Board or Service.
- 5.7 Once the Board of Director appointments are made, the Directors shall develop a policy governing the procedures of the Board.
- 5.8 Once the Board of Director appointments are made, the Directors shall develop criteria governing donations and sponsorships which shall be consistent with the following:
 - 5.8.1 With respect to programs:
 - 5.8.1.1 All programs must be consistent with the Foundation's mission, values and beliefs;
 - 5.8.1.2 Programs must not, in the opinion of the Board of Directors, form part of adequate and effective policing, which the Board is obligated to provide pursuant to the Act.
 - 5.8.2 With respect to donors and sponsors:
 - 5.8.2.1 The proposed donor or sponsor shall meet the requirements of Article 5.8.2.7 through 5.8.2.12.
 - 5.8.2.2 Marketing methods must not compromise the integrity, objectivity or impartiality of the Board, the Service or its community partners.
 - 5.8.2.3 Promotional materials must be compatible with the Service's community policing messages.
 - 5.8.2.4 The public image in the marketplace must be favourable.
 - 5.8.2.5 Past and present activities must not be in conflict with those of the Board or the Service.
 - 5.8.2.6 Products and services should not have a negative impact on the environment.
 - 5.8.2.7 Must be a good corporate citizen.
 - 5.8.2.8 Must be of good standing in the community.
 - 5.8.2.9 Must have values consistent with the Foundation's mission, values and beliefs.
 - 5.8.2.10 Must have a reputation of integrity and ethical standing.
 - 5.8.2.11 The Board of Directors shall consider whether or not the donor or sponsor is involved in the production, sale or distribution of cannabis, tobacco or liquor, the nature of that involvement, and whether or not the nature of such involvement offends any aspect of the above approval criteria.
 - 5.8.2.12 Must not have a criminal record for an indictable offence.
 - 5.8.3 With respect to solicitations for sponsorships:
 - 5.8.3.1 The solicitation must be approved by the Board of Directors.

- 5.8.3.2 The solicitation must be in good taste in the opinion of the Board of Directors.
- 5.8.3.3 There must be no general solicitation to the public-at-large.
- 5.8.3.4 Solicitations must be made to potential sponsors who meet the requirements of Article 5.8.
- 5.8.3.5 The solicitation must relate to a specific program(s) which meet the requirements of Article 5.8.
- 5.8.3.6 The solicitation must not involve an operational policing program.
- 5.8.3.7 The solicitation must not compromise, or appear to compromise, the integrity or impartiality of the Foundation, the Board or the Service.
- 5.8.4 In soliciting and accepting donations and sponsorships, the Foundation shall state clearly to potential donors and sponsors that it is an independent entity from both the Board and the Service.

6 REPORT TO THE BOARD

6.1 ANNUAL REPORTING REQUIREMENTS

- 6.1.1 On or before March 31st of each year, the Board of Directors shall make a public written report to the Board containing the following information:
 - (a) The number of programs funded through public donations and sponsorships, together with a brief description of the programs;
 - (b) An explanation of the status of the program funded by the public donation or sponsorships;
 - (c) A statement of budgeted and actual program receipts and expenditures in respect of each public donation and sponsorship, including the amount received from donors or sponsors in respect of each program;
 - (d) The Foundation's expenses for the year;
 - (e) The names of the Foundation's Board of Directors;
 - (f) The external audited financial statements for the Police Foundation Program;
 - (g) All regulatory tax filings required for a registered charity.

6.2 EXCEPTION BASED REPORTING

- 6.2.1 The Foundation shall report on those circumstances where a public donation or sponsorship has resulted in an "exceptional" circumstance, or a circumstance which may be detrimental to the police service; and/or has significant issues of potential liability to the Board and the Service.

7. LEGAL INDEMNIFICATION

- 7.1 The Foundation through its Board of Directors shall provide the Board with an indemnity agreement in the form and content provided by the Board pursuant to which the Foundation will indemnify and hold harmless the Board, the Police Service all members and employees, agents and servants of each from and against any and all liabilities that may arise out of the operation of the Foundation, and further the Foundation shall secure a Comprehensive Third Party Liability policy adding the Board as a named insured in the amount of \$2,000,000.

8. CHARITABLE AND CORPORATE STATUS

- 8.1 The Board of Directors shall take all reasonable steps to incorporate the Foundation, and once incorporated, to apply for Charitable Status.
- 8.2 The Police Services Board will pay reasonable legal costs in relation to those steps.

9. IMPLEMENTATION

- 9.1 This By-law shall come into force upon the date of its passage.
- 9.2 The Foundation's Board of Directors shall implement this By-law, where applicable, through its governing policy and procedures.

ENACTED AND PASSED this 23rd day of November, 2023.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Signed Original on File

Jen Lawson, Chair

Signed Original on File

Deb Reid, Executive Director