



BY-LAW NO. 443-2024

A BY-LAW RESPECTING DRUG INVESTIGATIONS

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. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, with its objectives and priorities determined pursuant to Sections 37 and 38 of the CSPA to require the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into drug related offences other than simple possession;
- 1.5 AND WHEREAS the Board has deemed it appropriate that it establish policies into drug investigations;
- 1.6 AND WHEREAS the Ministry has published a Policing Standards Manual (2000) which provides direction to the Board and Service in respect of certain general operational issues, including policy directions with respect to the investigation of certain criminal offences;
- 1.7 AND WHEREAS Part LE-031 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Board, the Chief and members relative to the investigation of drug 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 matters of drug investigations are serious in nature, and it is therefore the policy of this Board that investigations into such matters 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 establish procedures for undertaking and managing investigations into drug related offences other than simple possession. These procedures shall be in accordance with Appendix A.

4.2 TRAINING

- 4.2.1 The Chief shall ensure that Members investigating drug related offences have the requisite knowledge, skills and abilities.

5 REPORT TO THE BOARD

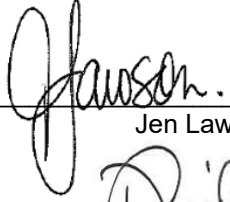
- 5.1 The Chief shall, as part of the budget process, provide the Board with the number of officers assigned to the investigations of drug related crime and the duration of their assignments.
- 5.2 The Chief shall make a written report to the Board in each year. The report shall include:
- (a) a summary of the procedures for the investigations into drug related offences other than simple possession;
 - (b) the status of Service compliance with said procedures; and
 - (c) a summary of Service assistance to other police services in respect of drug investigations.

6. IMPLEMENTATION

- 6.1 By-law No. 223-2000 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.
- 6.3 The Chief shall implement this By-law, where applicable, through General Order.

ENACTED AND PASSED this 28th day of March, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Jen Lawson, Chair



Deb Reid, Executive Director

Attachments (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on the investigation of drug-related offences other than simple possession.

In addition, section 12(1)(e) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into drug-related offences other than simple possession.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to undertaking and managing investigations into drug-related offences other than simple possession 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) ensure that officers investigating drug-related offences other than simple possession have the knowledge, skills and abilities required.

Police Service Guidelines

Procedures

1. Every police service's procedures should:
 - a) require that drug investigations other than simple possession be undertaken and managed in accordance with the police service's criminal investigation management plan;
 - b) address the accountability, control and planning required for drug surveillance, undercover and raid operations;
 - c) require that all officers conducting a planned drug raid be visually identifiable as police officers, except if wearing a visual identifier would put an undercover/plain clothes officer at risk;
 - d) where designated, set out the approval process for reverse undercover drug operations and controlled deliveries, including accountability and control for such operations;
 - e) set out the approval process for illicit drug purchases by officers for the purpose of obtaining evidence in a drug investigation, including the accountability and control over the use of "buy money" in drug investigations;

- f) require that consideration be given to undertaking a proceeds of crime investigation in accordance with the police service's procedures on proceeds of crime;
 - g) require compliance by officers with the police service's procedures on the collection, preservation and control of evidence and property;
 - h) require that the use of paid informants and agents in support of drug investigations is in accordance with the police service's procedures on paid informants and agents;
 - i) set out the circumstances and process for submitting drug exhibits for analysis in accordance with the requirements of Health and Welfare Canada;
 - j) set out the steps to be followed when it is necessary to contact an agency outside Canada for information in connection with a drug investigation;
 - k) set out the criteria and approvals process for participating in joint forces drug operations in accordance with the police service's procedures on joint forces operations; and
 - l) where designated, address the steps to be followed to conform to the provisions of the *Controlled Drugs and Substances Act* regarding the handling of state and street drugs.
2. Every Chief of Police should ensure that officers investigating drug-related offences other than simple possession have the knowledge, skills and abilities required.