



BY-LAW NO. 461-2024

**A BY-LAW RESPECTING
VICTIMS' ASSISTANCE**

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 subsection 39 (1) of the CSPA requires the Board's Strategic Plan include quantitative and qualitative performance objectives and indicators of outcomes relating to, inter alia, police assistance to victims of crime and re-victimization rates;
- 1.4 AND WHEREAS subsection 1. 4 of the CSPA provides for the importance of respect for victims of crime and understanding of their needs;
- 1.5 AND WHEREAS subsection 82 (1) (c) of the CSPA provides that police officers have a duty to assist victims of crime;
- 1.6 AND WHEREAS subsection 11 (1) 5 of the CSPA provides that adequate and effective policing includes, inter alia, providing assistance to victims of crime;
- 1.7 AND WHEREAS subsection 13 (1) and (2) of O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequate and effective policing respecting assistance to victims of crime;
- 1.8 AND WHEREAS the Board deems it appropriate that the Chief of Police establish procedures on providing assistance to victims that reflect the principles of the *Victims' Bill of Rights, 1995* and sets out the role and responsibilities of Members providing victims' assistance;
- 1.9 AND WHEREAS the Board deems it appropriate to have a policy on victims' assistance;
- 1.10 AND WHEREAS Part VA-001 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 victims' assistance.

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 issues relating to victims’ assistance form an important part of policing, and it is therefore the policy of this Board that victims’ assistance issues be dealt with in a professional and thorough manner, 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 shall establish procedures on providing assistance to victims in accordance with Appendix A, and the Community and Safety Well-Being Plan developed by the Region of Niagara in accordance with Part XVI of the CSPA.

4.2 COMMUNITY PARTNERSHIP

- 4.2.1 The Chief shall work in partnership with the Ministry of the Attorney General’s Victim/Witness Assistance Program (VWAP) and agencies that deliver the Victim Crisis and Referral Service (VCARS) program, where available, and municipalities, community and social service agencies and other local organizations, to promote the development of an integrated service delivery framework for providing assistance to victims, including safety planning.

4.3 TRAINING

- 4.3.1 The Chief shall ensure that Members are aware of victims’ service providers or a victim referral service available in the area.
- 4.3.2 The Chief shall ensure that in each instance where there is police service contact with one or more victims of crime involving physical and/or psychological injury that such victims are referred to the appropriate community service available in their area.
- 4.3.3 The Chief shall ensure that Members are aware of the provisions of the *Victims Bill of Rights, 1995*, and are kept informed of changes in the law relating to victims’ assistance.

5. REPORT TO THE BOARD

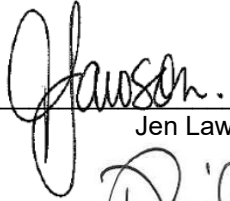
- 5.1 The Chief shall make a written report to the Board in each year in respect of victims' assistance. The report shall include:
- (a) a summary of the written procedures concerning victims' assistance;
 - (b) quantitative and qualitative performance objectives and indicators of outcomes relating to police assistance to victims of crime and re-victimization rates in accordance with subsection 39 (1) 3. vii of the CSPA; and
 - (c) the status of Service compliance with the said procedures.

6. IMPLEMENTATION

- 6.1 By-law Nos. 312-2011 and 322-2012, 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

Attachment (1)

Legislative/Regulatory Requirements

Section 42(1)(c) of the *Police Services Act* provides that police officers have a duty to assist victims of crime.

Section 29 of the Adequacy and Effectiveness of Police Services Regulation requires a police services board have a policy on victims' assistance.

In addition, section 17 of the Regulation requires the Chief of Police establish procedures on providing assistance to victims that:

- reflect the principles of the *Victims' Bill of Rights, 1995*; and
- set out the roles and responsibilities of members for providing victims' assistance.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to providing assistance to victims that the Chief of Police will:

- a) working in partnership with the Ministry of the Attorney General's Victim/Witness Assistance Program (V/WAP) and agencies that deliver the Victim Crisis and Referral Service (VCARS) program, where available, municipalities, community and social service agencies and other local organizations, promote the development of an integrated service delivery framework for providing assistance to victims, including safety planning;
- b) ensure that members of the police service are aware of victim service providers or a victim referral service available in the area;
- c) establish procedures on providing assistance to victims; and
- d) ensure that in each instance where there is police service contact with one or more victims of crime involving physical and/or psychological injury, that such victims are referred to the appropriate community service available in their area.

Police Service Guidelines

*Integrated
Service
Delivery*

1. Every Chief of Police should, working in partnership with the V/WAP and VCARS program, where available, municipalities, community and social service agencies and other local organizations, promote the development of an integrated service delivery framework for providing assistance to victims, including safety planning.

Procedures

2. Every police service's procedures on providing assistance to victims should:
- a) reflect the principles of the *Victims' Bill of Rights, 1995 (Act Respecting Victims of Crime)*;
 - b) set out the roles and responsibilities of members for providing victims' assistance;
 - c) require confidentiality to the extent consistent with applicable law;
 - d) require that a victim's property be promptly returned, where the property is no longer needed for the purposes of the justice system;
 - e) set out the procedures for notifying next-of-kin of deceased, seriously injured or seriously ill persons;
 - f) address direct services to victims, including:
 - i) providing victims, in accordance with local protocols, with the following information, where applicable:
 - arrests and charges laid with respect to the crime, and, if no charges are laid, the reasons why no charges are laid;
 - the progress of investigations that relate to the crime;
 - the protection available to victims to prevent unlawful intimidation;
 - interim release of the accused and any conditions;
 - prior to leaving the scene, officers' names and badge numbers; and
 - at the request of the victim, the date of all court appearances of the accused;
 - ii) providing information to the victim on available community services;
 - iii) upon notice to the victim, providing the following victim related information, on a timely basis, to an appropriate community agency (such as a VCARS agency), unless the victim specifically declines this assistance:
 - Victim's name,
 - Victim's telephone number,
 - Victim's address,
 - Spoken language (so the service can arrange for an interpreter if required),
 - Accommodation needs (if victim requires a disability accommodation),
 - The *Criminal Code* offence for which charges have been laid, and
 - The release status of the accused, if deemed necessary.
 - iv) providing the victim with information on safety planning, or on the availability of safety planning information and assistance within the community;
 - v) in cases involving domestic violence occurrences, providing assistance to victims in accordance with the police service's procedures on domestic violence occurrences;
 - vi) requiring officers to remain at a scene until satisfied that there is no imminent threat to the victim and issues related to the victim's safety have been addressed;

- vii) arranging transportation of a victim to a shelter or place of safety, if necessary, the location of which shall remain confidential to third parties;
 - viii) when a victim has a disability, contacting appropriate community resources or services to provide assistance, including suitable transportation, care and shelter, if necessary;
 - ix) if immigration status is an issue, advising the victim to seek independent legal advice;
 - x) if language is a barrier, making reasonable effort to obtain the services of an interpreter;
 - xi) requiring that victims of sexual assault, when resources and circumstances permit, should:
 - be interviewed during the investigation by members of the gender of their choice, upon request;
 - be interviewed in a private and victim appropriate environment that provides for the safety and security of the victim.
 - be advised regarding appropriate protective measures, which may be taken to enhance the victim's safety and/or reduce the accessibility of the victim to the suspect;
- (g) require that procedures be developed with the local Crown and VWAP (justice partners), where available, to provide timely victim related information to V/WAP and the Crown as part of the Early Victim Contact in Domestic Violence Cases Initiative and for other core cases where V/WAP provides services to victims, and to ensure the general provision of information to victims, including on:
- i) relevant provisions of the *Victims' Bill of Rights, 1995 (Act Respecting Victims of Crime)* and the *Compensation for Victims of Crime Act*;
 - ii) victims' role in the prosecution;
 - iii) court procedures that relate to prosecutions;
 - iv) interim release and, in the event of conviction, the sentencing of an accused;
 - v) dispositions made under sections 672.54 or 672.58 of the *Criminal Code* in respect of an accused who is found unfit to stand trial, or who is found not criminally responsible on account of a mental disorder;
 - vi) provisions of the *Criminal Code* that allow for the protection of the victim's identity; and
 - vii) rights of victims under the *Criminal Code* to make representation to the court by way of a victim impact statement, including the option of filing the statement in an alternate format; and
- (h) for major cases, require officers to also comply with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*.
- (i) devise a policy to ensure that officers have:
- provided victims with information about victim assistance available through the police and through community agencies.

- provided victims with notice about sharing their contact information with community service providers for the purpose of victim assistance;
- shared victim contact information with the appropriate service providers, unless a victim has specifically declined this assistance; and
- indicated in writing, e.g. in their notebook, that the above notice has been given to victim.

Information 3) Every Chief of Police should ensure that members of the police service are aware of victim service providers or a victim referral service available in the area.