



BY-LAW NO. 492-2024

A BY-LAW RESPECTING PRELIMINARY PERIMETER CONTROL AND CONTAINMENT

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) (“the Adequacy Regulation”) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS subsection 10 (1) (3) of the Adequacy Regulation requires the Chief of Police to establish procedures on preliminary perimeter control and containment;
- 1.5 AND WHEREAS subsection 10 (1) (2) of the Adequacy Regulation requires the Chief of Police to establish procedures that set out circumstances in which a containment team will be deployed;
- 1.6 AND WHEREAS Part ER-001 of the Policing Standards Manual (2000), a copy of which is attached as Appendix A, contains guidelines directing the Chief and the police service relative to preliminary control and containment.

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 “*Ministry*” means the Ministry of the Solicitor General; and

2.7 “*Service*” means the Niagara Regional Police Service.

3 BOARD POLICY

3.1 The Board recognizes that issues relating to preliminary perimeter control and containment form an important part of policing, and it is therefore the policy of this Board that such matters be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

4 PROVISION OF PRELIMINARY AND SUBSEQUENT PERIMETER CONTROL AND CONTAINMENT

4.1 The Chief shall ensure that preliminary perimeter control and containment will be provided by front-line patrol officers, and that all subsequent perimeter containment will be provided by the Emergency Task Unit, comprised of Service Members and/or support from parties to the Shared Resources Agreement.

5 DIRECTION TO THE CHIEF

5.1 PROCEDURES

5.1.1 The Chief shall establish procedures on providing preliminary perimeter control and containment in accordance with Appendix A and subsection 10 (1) 3 of the Adequacy Regulation that address:

- (a) the circumstances in which preliminary perimeter control and containment will be deployed;
- (b) operational responsibility for the establishment of preliminary perimeter control and containment in accordance with subsection 10 (1) 3 of the Adequacy Regulation; and
- (c) the duties of an officer involved in the establishment of preliminary perimeter control and containment until the arrival of a Tactical Unit or Containment Team.

5.2 MANUAL

5.2.1 The Chief shall develop and maintain a manual, in accordance with Appendix A and the said subsection 10 (1) 3 of the Adequacy Regulation respecting preliminary perimeter control and containment, that addresses the subsequent perimeter control and containment services provided by the Emergency Task Unit. This Manual will be made available to each member who provides preliminary perimeter control and containment service, and to the Emergency Task Unit and Tactical Support Group who provide subsequent perimeter control and containment services.

5.2.2 The Chief shall ensure that the Manual referred to in section 5.2.1 is reviewed on an annual basis and amended as required.

5.3 MEMBERSHIP

- 5.3.1 The Chief shall establish a selection process for members of the preliminary perimeter control and containment team ensuring that Members who provide this service meet the requirements of subsection 10 (1) 3 of the Adequacy Regulation.
- 5.3.2 The Chief shall ensure that Members who provide services of crisis negotiation have the requisite knowledge, skills and abilities and receive training on an ongoing basis.

5.4 TRAINING

- 5.4.1 The Chief shall ensure that all Members involved in preliminary perimeter control and containment have the requisite knowledge, skills and abilities and receive training on an ongoing basis.
- 5.4.2 The Chief shall ensure that no person is a member of the Emergency Task Unit or provides perimeter control and containment as a member of the Tactical Support Group unless the person has successfully received the required Ministry accredited training.

5.5 EQUIPMENT

- 5.5.1 The Chief shall ensure the appropriate equipment, in accordance with the Ministry's designated equipment and facilities list, is used/available to Members who provide preliminary perimeter control and containment services.

6 REPORT TO THE BOARD

- 6.1 The Chief shall make a written report to the Board in each year in respect preliminary perimeter control and containment. The report shall include:
 - (a) summary of the procedures relating to preliminary perimeter control and containment as required by this By-law;
 - (b) the status of Service compliance with the said procedures;
 - (c) confirmation of the development and maintenance of the Manual addressing perimeter control and containment provided by the Emergency Task Unit and Members of the Tactical Support Group; and
 - (d) confirmation that Members have been trained in accordance with section 5.4.

7. IMPLEMENTATION

- 7.1 By-law Nos. 241-2000, 345-2014, 355-2014, 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.
- 7.2 This By-law shall come into force on April 1, 2024.
- 7.3 The Chief shall implement this By-law, where applicable, through General Order.

ENACTED AND PASSED this 25th day of April, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Jen Lawson, Chair



Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on preliminary perimeter control and containment. In addition, section 22(1) requires the Chief of Police to establish procedures on preliminary perimeter control and containment. If a police service maintains its own containment team, section 22(2) requires the Chief of Police to develop procedures for it.

Section 22(3) requires that police officers who are not members of a tactical unit and who are deployed in a containment function, including members of a containment team, shall not, prior to the arrival of a tactical response, employ offensive tactics unless the officers believe, on reasonable grounds, that to do so is necessary to protect against the loss of life or serious bodily harm.

Section 24(2) requires the Chief of Police to ensure that no person is to be a member of a containment team unless that person has successfully completed the required Ministry accredited training or acquired the Ministry approved equivalent competencies. Section 29 requires a police services board to have a policy in respect of required accredited training and equivalent competencies for members of a containment team.

Furthermore, section 29 requires a board to have a policy concerning the deployment of a containment team. Also, section 25(2)(a) requires the Chief of Police to establish procedures that set out the circumstances in which the containment team will be deployed.

Finally, section 29 requires a board to have a policy requiring that all members of a containment team have access to a procedures manual. Section 25(3) requires the Chief of Police to ensure that the police service's procedures for containment are contained in a manual that is available to each member providing that service.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to preliminary perimeter control and containment that:

- a) containment will be provided by (identify service delivery methods - the police service's patrol officers, a containment team (using its own members, entering into a contract, or by entering into an agreement for a combined, regional or cooperative delivery) or a tactical unit);
- b) the Chief of Police will establish procedures that address:



- i) the circumstances in which preliminary perimeter control and containment will be established;
 - ii) operational responsibility for an incident where preliminary perimeter control and containment is being established;
 - iii) the deployment of other emergency response services, including receiving assistance from other agencies;
 - iv) the duties of an officer involved in the establishment of preliminary perimeter control and containment, including compliance with the requirement of section 22(3) of the Adequacy Standards Regulation, pending the deployment of a tactical unit; and
 - v) the training of officers in preliminary perimeter control and containment; and
- c) the Chief of Police will, if the police service establishes its own containment team, or has officers who are members of a joint containment team, develop and maintain a manual on containment team services that addresses:
- i) the selection process for members of the team, including ensuring that members who provide this service meet the requirements of the Adequacy Standards Regulation;
 - ii) the equipment to be used/available to the members of the team in accordance with the Ministry's designated equipment and facilities list; and
 - iii) the ongoing (and joint if applicable) training of members of the team.

Police Service Guidelines

- Procedures**
1. Every police service's procedures should:
 - a) identify the circumstances in which preliminary perimeter control and containment will be established;
 - b) indicate who has operational responsibility for an incident when preliminary perimeter control and containment is being established;
 - c) address the deployment of other emergency response services, including receiving assistance from other agencies; and
 - d) set out the duties of an officer involved in the establishment of preliminary perimeter control and containment, including compliance with the requirement of section 22(3) of the Adequacy Standards Regulation, pending the deployment of a tactical unit.
- Manual**
2. Where a police service has established its own containment team, or has officers participate in a joint containment team, a manual shall be developed, maintained and made available to the members of the team that addresses:
 - a) general procedures for the containment team, including:
 - i) the containment team's mandate, functions and reporting relationships;
 - ii) call-out and operational procedures;
 - iii) communications with the containment team;



- iv) organizational charts for the emergency response function;
- v) the operational linkages between the containment team and other emergency response and public order unit services;
- vi) a selection process for the containment team, including that officers must meet the requirements set out in the Adequacy Standards Regulation; and
- vii) the recording and reporting of incidents involving the containment team; and
- b) procedures specific to members of the containment team, including:
 - i) members' responsibilities;
 - ii) command and control;
 - iii) operational training;
 - iv) communications with team members;
 - v) incident assessment;
 - vi) provision and use of equipment;
 - vii) reporting relationships within the containment team;
 - viii) hand-off/relief of teams;
 - ix) use of training, operational and equipment logs; and
 - x) debriefing process.

Training

3. Where a police service has established its own containment team, or has officers participate in a joint containment team, the Chief of Police should ensure that the police service's skills development and learning plan includes the following:
 - a) at least two days maintenance training occurring on average every six months;
 - b) annual participation, wherever possible, in a joint training exercise involving crisis negotiators, major incident commanders, public order units, tactical units, other police personnel and outside emergency services deemed appropriate or subject of service delivery agreements; and
 - c) annual re-qualification to a task-specific fitness standard.

Equipment

4. Where a police service has established its own containment team, or has officers who participate in a joint containment team, the Chief of Police should ensure that members are provided, at minimum, with the equipment and facilities set out in the Ministry's designated equipment and facilities list.



MINISTRY'S DESIGNATED EQUIPMENT LIST

Containment Teams – Equipment and Facilities List

The equipment listed here is for use by containment teams. All equipment used by members of a containment team shall be approved by the Canadian Standards Council (CSA), where appropriate. The following list is the minimum kit with which members of containment teams shall have available in order to respond to a containment situation:

BALLISTIC PROTECTION
Body Armour (<i>personal issue</i>) • minimum threat level IIA (NIJ) • subdued colour (situationally and environmentally appropriate) • “police” identification markers on front and rear
CLOTHING
Containment Uniform (<i>personal issue</i>) • two-piece fatigues in heavy-duty material • situationally and environmentally appropriate • police affiliation shoulder flashes
Foot Wear (<i>personal issue</i>) • rain, moisture and cold weather protection, which is situationally and environmentally appropriate
Gloves and Headgear (<i>personal issue</i>) • situationally and environmentally appropriate • will not impair use of weapons or safety equipment
OTHER SAFETY EQUIPMENT
Goggles (<i>personal issue</i>) • effective eye protection against fragmentation • designed not to impair peripheral vision • clear, anti-fogging lenses
First Aid • large, multi-purpose kit with wide assortment of bandages, disinfectant, etc.
Arrest or Restraint Devices • handcuffs • specifically designed disposable temporary hand and foot restraints



OPTICS INTENSIFICATION
• binoculars
RADIO EQUIPMENT
Portable Radios • with ear-pieces or similar devices • one per member
Monitoring Radio Equipment • equipment capable of monitoring containment and other police communications • recording equipment
Power Sources • extra batteries
OTHER COMMUNICATIONS
Loud Hailing System • portable
LETHAL
Semi-automatic Rifle and 12 Gauge Shotgun • one per member of either type of weapon • spare available • rifles with minimum of 5.56 mm calibre and a minimum magazine capacity of 20 rounds • shotguns with minimum magazine capacity of four rounds
LESS LETHAL
Impact Weapons • collapsible baton (personal issue) • OC spray
Conducted Energy Weapons (December 2003 - Optional) • TASER
RANGES
Firearms • must have reasonable access to small & long arms range (indoor or outdoor)
ADMINISTRATION
Records • administrative area for storing training and operational records

