



BY-LAW NO. 442-2024

**A BY-LAW RESPECTING
CRIMINAL INVESTIGATION
MANAGEMENT AND PROCEDURES**

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, criminal investigation services;
- 1.4 AND WHEREAS O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.5 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 that it require the police service to have investigative supports including supports in the areas of scenes of crime analysis, forensic identification, canine tracking, physical surveillance, electronic interception, video and photographic surveillance, polygraph and behavioral science;
- 1.6 AND WHEREAS the Board has deemed it appropriate that it require the police service to have one or more criminal investigators who are members of the police service and who have successfully completed the required Ministry accredited training;
- 1.7 AND WHEREAS the Board has deemed it appropriate that it require the Chief of Police to prepare a Criminal Investigation Management Plan;
- 1.8 AND WHEREAS Part LE-006 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and police service relative to criminal investigation management and procedures.

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 purpose of this policy is to require that the Chief ensures that investigations into criminal acts:
- (a) are effectively and efficiently investigated by qualified investigators and investigative supervisors;
 - (b) respect the individual rights of victims, persons of interest, suspects and witnesses alike; and
 - (c) are capable of supporting a successful prosecution of the person(s) for the criminal acts in question.
- 3.2 The Board recognizes that appropriate criminal investigation management and procedure is crucial to policing, and it is therefore the policy of this Board that criminal investigation management and procedures 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 CRIMINAL INVESTIGATION MANAGEMENT PLAN

- 4.1.1 The Chief shall prepare a Criminal Investigation Management Plan that addresses general criminal investigation procedure.
- 4.1.2 The Chief shall ensure that the Criminal Investigation Management Plan meets the investigative needs of the Service, including identifying the types of occurrences which should be investigated through a combined or cooperative service delivery method.
- 4.1.3 The Chief shall ensure that the Criminal Investigation Management Plan makes reference to the existence of additional guidelines dealing with specific type of occurrences that address procedures and processes that are unique to that type of occurrence.
- 4.1.4 The Chief shall ensure that the Criminal Investigation Management Plan is reviewed on an annual basis and amended as required.

4.2 PROCEDURES

- 4.2.1 The Chief shall develop and maintain written procedures on processes for undertaking and managing criminal investigations.
- 4.2.2 The Chief ensure that the police service has one or more members who are criminal investigators.
- 4.2.3 The Chief shall establish a selection process for criminal investigators which shall ensure that Members who provide this service meet the requirements of O. Reg. 392/23: Adequate and Effective Policing (General).

4.3 TRAINING

- 4.3.1 The Chief shall ensure that the procedures developed and maintained in Section 4.2 ensure that Members to whom a supervisor assigns an occurrence have the training, knowledge, skills and abilities to investigate that type of occurrence.

4.4 INVESTIGATIVE SUPPORTS

- 4.4.1 The Chief shall ensure that the Service has investigative supports, including supports in the areas of scenes of crime analysis, forensic identification, canine tracking, physical surveillance, electronic interception, video and photographic surveillance, polygraph and behavioral science.
- 4.4.2 The Chief shall establish written procedures and processes in respect of the investigative supports referred to in section 4.4.1 above.
- 4.4.3 The Chief shall ensure that the procedures in respect of investigative supports include that a person providing investigative supports in the areas of scenes of crime analysis or forensic identification have successfully completed the required Ministry accredited training.
- 4.4.4 The Chief shall ensure that persons who provide any type of investigative supports have the knowledge, skills and abilities to provide that support.

4.5 POLICE SERVICE GUIDELINES

- 4.5.1 The Chief shall ensure that all written procedures referred to above are in accordance with Appendix A and this By-law.

5 REPORT TO THE BOARD


- 5.1 The Chief shall make a written report to the Board each year in respect of the criminal investigation management plan. The report shall include:
 - (a) a summary of the Criminal Investigation Management Plan;
 - (b) the status of Service compliance with the said procedures;
 - (c) confirmation that Members have been trained in accordance with section 4.3; and
 - (d) confirmation of the appropriate use of investigative supports in accordance with section 4.4.

6. IMPLEMENTATION


- 6.1 By-law Nos. 198-2000, 310-2011 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 9 of the Adequacy Standards Regulation requires a police service to have one or more criminal investigators who are members of the police service and who have successfully completed the required Ministry accredited training or acquired the Ministry approved equivalent competencies. Additionally, section 9 permits:

- criminal investigators to perform other duties not related to criminal investigation, including community patrol; and
- a police services board to enter into an agreement with a board of another police service in order to augment the number of criminal investigators available to its police service.

Section 11(1) requires the Chief of Police to prepare a criminal investigation management plan that:

- lists the occurrences for which a police officer is required to contact a supervisor as soon as practicable;
- permits the supervisor, except as provided for in the plan, to assign responsibility for the investigation of an occurrence to any police officer whether or not he or she is a criminal investigator;
- lists the occurrences which shall be assigned to a criminal investigator to undertake or manage the investigation;
- lists the occurrences for which the board has entered into agreements with another police services board(s) that would result in the investigation being undertaken on a combined or regional or cooperative basis or by another police force;
- addresses the monitoring by supervisors of criminal investigations; and
- identifies the specific occurrences, designated by the Solicitor General, for which the police service shall notify another police service, unit or task force designated by the Solicitor General.

Section 11(2) requires the Chief of Police to establish procedures to ensure that the person to whom the supervisor assigns an occurrence listed in the plan, whether or not a criminal investigator, has the knowledge, skills and abilities to investigate that type of occurrence.

In addition, section 11(4) requires the Chief of Police to establish procedures for obtaining the assistance of another police service in relation to undertaking or managing a criminal investigation in circumstances when the police service does not have access to a criminal investigator or police officer with the knowledge, skills and abilities to investigate a specific type of occurrence.

Nothing in sections 9 and 11 precludes any member, who is supervised, from participating in a criminal investigation.

Furthermore, section 12(1) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing general criminal investigations.

Section 29 requires a police services board to have a policy on the criminal investigation management plan that addresses the knowledge, skill and ability requirements needed for the investigation of specific types of occurrences.

Section 11(3) allows a police service, where its service does not have any criminal investigators or police officers with the knowledge, skills and abilities to investigate specific occurrences, to have access to criminal investigators or police officers who have the knowledge, skills and abilities by entering into an agreement with the board of another police service or entering into an agreement with the boards of one or more police services to provide these investigators on a combined, regional or cooperative basis.

Section 5(1)(d) requires a police service to have investigative supports, including supports in the areas of scenes of crime analysis, forensic identification, canine tracking, physical surveillance, electronic interception, video and photographic surveillance, polygraph and behavioral science. Investigative supports may be provided by:

- using the police service's own members;
- entering into agreement with the board of another police service or entering into an agreement with the boards of one or more police services to provide those supports on a combined, regional or cooperative basis; or
- entering into an agreement with one or more persons or organizations other than police services to provide those supports by means of a person or organization that is not a police service, where it's legally permissible.

Section 14(1) requires the Chief of Police to establish procedures and processes in respect of the investigative supports referred to in section 5(1)(d).

If a board obtains investigative supports by entering into an agreement with one or more persons or organizations other than police services to provide those supports by means of a person or organization that is not a police service, where it's legally permissible, the person providing the investigative support shall:

- report directly to, and take direction from, the member of the police service to whom the investigative support is being provided; and

- comply with the procedures and processes of the police service in respect of the investigative support.

Section 14(3) requires the Chief of Police to ensure that a person providing investigative support in the area of scenes of crime analysis or forensic identification has successfully completed the required training accredited by the Ministry or has equivalent qualifications and skills as approved by the Ministry to provide that support.

Furthermore, section 14(4) requires the Chief of Police to ensure that persons who provide another type of investigative support referred to in section 5(1)(d) have the knowledge, skills and abilities to provide that support.

Section 29 requires a police services board to have policies with respect to general criminal investigation and investigative supports.

Finally, police services are also required to adhere to the provisions of the *Violent Crime Linkage Analysis System Reports (ViCLAS) Regulation*.

Note: This guideline addresses the criminal investigation management plan and general criminal investigation procedures. Additional guidelines dealing with specific occurrences will address procedures and processes that are unique to that occurrence. It will be a local police services board's and Chief of Police's decision on whether to integrate these unique elements into the general criminal investigation policy/procedures and processes as sub-headings, or have separate policy, procedures and processes.

Sample Board Policy

The objective of Criminal Investigations Management and Procedures is to ensure that investigations into criminal acts:

- Are effectively and efficiently investigated by qualified investigators and investigative supervisors;
- Respect the individual rights of victims, persons of interest, suspects and witnesses alike; and
- Are capable of supporting a successful prosecution of the person(s) for the criminal acts in question.

Board Policy # _____

To this end, it is the policy of the _____ Police Services Board with respect to general criminal investigation that:

- a) the Chief of Police will:
 - i) periodically review and report back to the board on the occurrences which can be investigated by members of the police service based on their knowledge, skills and abilities, and which occurrences require the services of another police service;
 - ii) prepare a criminal investigation management plan that meets the requirements of the Adequacy Standards Regulation, including identifying the type of occurrences which should be investigated by another police service or through a combined, regional or cooperative service delivery method;
 - iii) develop and maintain procedures on and processes for undertaking and managing criminal investigations;
 - iv) establish a selection process for criminal investigators, including ensuring that members who provide this service meet the requirements of the Adequacy Standards Regulation;
 - v) ensure that the police service has one or more members who are criminal investigators;
 - vi) require supervisors to ensure that the member assigned an occurrence listed in the criminal investigation management plan has the knowledge, skills and abilities to investigate that type of occurrence;
 - vii) ensure that persons providing scenes of crime analysis and forensic identification investigative supports meet the requirements of the Adequacy Standards Regulation; and
 - viii) ensure that persons who provide other investigative supports identified in (d) have the knowledge, skills and abilities to provide that support.
- b) (*optional* – enter into an agreement with one or more Boards/OPP for the investigation of occurrences pursuant to section 11(3) of the Adequacy Standards Regulation (list occurrences and Boards/OPP for which there is an agreement));
- c) (*optional* - this Board will augment the number of criminal investigators available to the police service by (identify service delivery method)); and
- d) scenes of crime analysis, forensic identification, canine tracking, behavioural science, physical surveillance, electronic interception, video and photographic surveillance and polygraph investigative supports will be provided by (identify service delivery method for each investigative support).

Police Service Guidelines

Criminal Investigation Management

1. Every Chief of Police:
 - a) will prepare and maintain a criminal investigation management plan that meets the requirements of the Adequacy Standards Regulation;
 - b) should identify the member who is responsible for the overall management of the criminal investigation function;

- c) should ensure that supervisors are provided with information on the requirements for undertaking and managing general criminal investigations set out in the Adequacy Standards Regulation and the criminal investigation management plan;
- d) should establish a selection process for criminal investigators, including ensuring that members who provide this service meet the requirements of the Adequacy Standards Regulation;
- e) will ensure that the police service has one or more members who are criminal investigators;
- f) establish procedures for obtaining the assistance of another police service pursuant to section 11(4) of the Adequacy Standards Regulation;
- g) will ensure that persons providing scenes of crime analysis and forensic identification investigative supports meet the requirements of the Adequacy Standards Regulation; and
- h) will ensure that persons who provide canine tracking, behavioural science, physical surveillance, electronic interception, video and photographic surveillance and polygraph investigative supports have the knowledge, skills and abilities to provide that support.

- Procedures**
2. Every police service's procedures on undertaking and managing criminal investigations should:
 - a) set out the initial investigative response, including:
 - i) role of the first officer on the scene;
 - ii) protection of the crime scene; and
 - iii) complying with the criminal investigation management plan;
 - b) address the audio/videotaping of statements;
 - c) require the documentation of statements, confessions and admissions;
 - d) require the preparation and retention of investigative notes;
 - e) identify the process for obtaining/delivering the following investigative supports:
 - i) scenes of crime analysis;
 - ii) forensic identification;
 - iii) other expert or specialized resources/assistance;
 - iv) canine tracking;
 - v) behavioural science supports;
 - vi) polygraph services, including documenting and retaining polygraph results;
 - vii) physical surveillance;
 - viii) electronic interception;
 - ix) video and photographic surveillance;
 - x) analytical charting techniques; and
 - xi) investigative resources specializing in pediatric deaths including, but not limited to, the Office of the Chief Coroner's Paediatric Death Review Committee and/or the Deaths Under Five Committee.
 - f) require notification, as soon as practicable, to federal or provincial correctional authorities when it is determined that a suspect is under some form of federal or provincial community-based supervision that has been violated.

3. Every police service should establish a case management system that includes:
 - a) case-screening criteria;
 - b) the identification of records to be maintained in a case file;
 - c) security and retention of records;
 - d) a process for ensuring that the appropriate level of human and financial resources is assigned to a case; and
 - e) a process for supporting a multi-jurisdictional investigation (that is not a major case), including liaising with other law enforcement agencies.
 4. Every police service should establish procedures that address circumstances that may require an independent investigation by another law enforcement agency.
 5. Every police service should establish procedures that address undercover and/or plainclothes operations.
 6. Every police service should establish procedures, in consultation with the Crown, that address:
 - a) preparation of the Crown brief;
 - b) court preparation, including the use of notebooks;
 - c) police responsibility in relation to disclosure;
 - d) the treatment of late-breaking evidence; and
 - e) post-conviction continuing disclosure.
- Review**
7. Every Chief of Police should:
 - a) enter into an agreement with the Crown regarding the process for notifying the Chief or designate of any concerns raised by the Crown or judiciary over the police service's procedures, or the practices of members related to arrest, search of persons/premises, and criminal investigation, including in any case where there is perceived to be false/unreliable testimony; and
 - b) ensure that a review is undertaken in any case where the Chief is notified under 7(a).