



BY-LAW NO. 541-2026

**A BY-LAW RESPECTING
ALTERNATIVE PROVISION POLICING AGREEMENTS
AND TEMPORARY 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 13 (1) of the CSPA states that a Police Service Board must use Members of the Police Service maintained by the Police Service Board, or persons who are assisting those members while acting under their direction, to provide policing functions;
- 1.4 AND WHEREAS the CSPA creates three exceptions allowing a Police Service Board to use personnel from another police service to provide policing functions in its area of jurisdiction:
- i. Section 14 allows Police Service Boards to enter into alternative provision agreements to set out that certain policing functions may be provided by another Board or Service, subject to Ontario Regulation 398/23: Alternative Provision of Policing Functions;
 - ii. Section 19 (1) allows a Chief of Police to request temporary assistance from another Board or Police Service;
 - iii. Section 13 (1) provides that a Police Service Board must use members of the police service maintained by the Police Service Board, or persons who are assisting those members while acting under their direction, to provide policing functions;
- 1.5 AND WHEREAS O. Reg. 392/23: Adequacy and Effective Policing (General) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.6 AND WHEREAS the Board deems it expedient to enact this By-law to ensure that the delivery of policing services by the Niagara Regional Police Service complies with the said CSPA, and its Regulations.

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 “Alternative Provision Policing Agreement” means an agreement as described in Section 14 of the CSPA, where a police service may receive or provide certain policing functions in whole or in part to Another Service;
- 2.3 “Another Service” means the Chief of Police of another police service, the Commissioner of the Ontario Provincial Police (OPP), or an entity that employs First Nations Officers;
- 2.4 “Board” means the Regional Municipality of Niagara Police Service Board;
- 2.5 “Chief” means the Chief of the Niagara Regional Police Service;
- 2.6 “Commissioner” means the Commissioner of the Ontario Provincial Police (OPP);
- 2.7 “Critical Points” means a matter of immediate strategic significance that rapidly elevates the Board’s operational, financial, reputational or other enterprise risk, and, therefore, calls for the Board’s immediate attention and/or preparedness to take action prior to the next regularly scheduled meeting (as further defined in By-law 527-2025);
- 2.8 “Inspector General (IG)” means the Inspector General of Policing, responsible for oversight and monitoring under the CSPA;
- 2.9 “Member” means a member of the Niagara Regional Police Service;
- 2.10 “Ministry” means the Ministry of the Solicitor General;
- 2.11 “Municipality” means the Regional Municipality of Niagara;
- 2.12 “Policing Function” means a policing function as defined by Section 11 of the CSPA, and Ontario Regulations 392/23 and 398/23;
- 2.13 “Prescribed Functions” means the policing functions listed in Section 2 of Ontario Regulation 398/23;
- 2.14 “Temporary Assistance Request” means a request made under s.19 of the CSPA by which a Chief requests assistance from another police service, the OPP Commissioner, or an entity employing First Nation Officers; and
- 2.15 “Service” means the Niagara Regional Police Service.

3. BOARD POLICY

- 3.1 The Board is dedicated to upholding a standard of excellence in the delivery of policing services by Niagara Regional Police Service. Through the implementation of robust processes for adherence, review and continuous improvement, the Board aims to achieve enhanced policing outcomes and foster a safe community.

The Board is committed to ensuring full compliance with the CSPA, Ontario Regulation 392/93: Adequate and Effective Policing (General), and Advisory Bulletins issued by the Inspector General of Policing that promote accountability, strengthen public confidence, support superior policing, and address the evolving needs of the community.

The purpose of this By-law is to:

- (i) Ensure the Board fulfills its statutory mandate to provide adequate and effective policing, while respecting the operational independence of the Chief of Police;
- (ii) Establish clear governance guidelines for Alternative Provision of Policing Agreements entered into under Section 14 of the CSPA;
- (iii) Establish clear governance guidelines for Temporary Assistance Requests made under Section 19 of the CSPA;
- (iv) Provide the Board with the necessary information to make informed decisions regarding assistance in the provision of policing;
- (v) Enhance accountability with respect to the use of external assistance; and
- (vi) Support the Inspector General of Policing's monitoring mission.

4. DIRECTION TO THE CHIEF

4.1 COMPLIANCE

4.1.1 The Chief of Police shall ensure that the Service complies with all provisions of the CSPA, Ontario Regulation 392/23: Adequate and Effective Policing (General), Ontario Regulation 398/23: Alternative Provision of Policing Functions; and policing agreements entered into under Section 14 of the CSPA, and temporary assistance requests under Section 19 of the CSPA.

4.1.2 For greater clarity regarding the application of Sections 14 and 19 of the CSPA, a flowchart outlining the process is attached as Appendix 1 to this By-law.

5. ALTERNATIVE PROVISION POLICING AGREEMENTS – SECTION 14 CSPA

5.1 AGREEMENTS

5.1.1 Subject to Section 14 of the CSPA, and related regulations, the Board may, in consultation with the Chief, enter into Alternative Provision Policing Agreements to provide specific policing functions with the assistance of another Police Service Board, the Commissioner, an entity that employs First Nation Officers, or a prescribed entity.

5.1.2 Every Alternate Policing Agreement to which the Board is a party shall:

- (i) Identify the policing functions that will be provided under the Agreement;
- (ii) Specify whether payment is required for the performance of the policing functions;
- (iii) Require the entity to provide information to the Police Service Board so that the Board will be able to fulfil their legal duties to provide reports under this or any other Act;
- (iv) In the case of an Agreement under Subsection 14(2), contain an acknowledgement by the entity that it is subject to inspection by the Inspector General; and
- (v) Address any other prescribed matters.

5.2 PURPOSES OF AGREEMENTS

5.2.1 An Alternative Provision Policing Agreement may stipulate that a specified policing function:

- (i) Is to be provided on a regular basis;
- (ii) Is to be provided on an ad-hoc basis;
- (iii) Will be provided because the Service does not have the capacity to provide that function for itself; or
- (iv) Will be provided from time to time by members of another police service, but is a policing function that the Service generally has the capacity to provide.

5.3 PRESCRIBED FUNCTIONS

5.3.1 Policing functions other than prescribed functions shall not be provided under an Alternative Provision Policing Agreement.

5.4 COPY OF AGREEMENT

5.4.1 If the Board enters into an Alternative Provision Policing Agreement, it shall provide the Inspector General with a copy of such Agreement.

5.5 NOTICE OF UTILIZATION

5.5.1 If the Chief makes or receives an assistance request under an Alternative Provision Policing Agreement, they shall provide written notice of the request to the Board within 24 hours if, in the Chief's view, the request involves a Critical Point(s).

5.6 CONTENTS OF NOTICE OF UTILIZATION

5.6.1 The notice shall include the following information:

- (i) A summary of the circumstances surrounding the need for assistance;
- (ii) The policing function(s) and assistance to be provided;
- (iii) Timeframe for the provision of assistance;
- (iv) Size and scope of the assistance required (i.e. localized, widespread, multi-jurisdictional);
- (v) Whether payment is required for any of those functions; and
- (vi) Address any other matters prescribed under the CSPA or its regulations.

5.7 ASSESSMENT AND FINDINGS

5.7.1 Where an Alternative Provision of Policing Agreement is recommended to the Board by the Chief, the Chief shall include a needs assessment with findings that support the recommendation. This may include the following:

- (i) Review of past policing operations to identify instances where additional resources were necessary;
- (ii) Assessment of the effectiveness of past assistance from other police services;
- (iii) Identification of patterns and common circumstances under which requests for Temporary Assistance are made;
- (iv) Evaluation of the occurrence and scale of any major events that have historically required additional policing resources;

- (v) Impact of major events on the overall resource allocation and operational capacity of the Service; and
- (vi) Effects of responses to major events on the Service's ability to provide adequate and effective policing to the community.

5.8 CONSULTATIONS

5.8.1 The Board may direct the Chief to initiate consultations with another police service to explore potential Alternative Provision Policing Agreements or to assist the Board with the negotiation of such Agreements.

6. REQUESTS FOR TEMPORARY ASSISTANCE – SECTION 19 CSPA

6.1 AUTHORITY

6.1.1 The Chief may request Temporary Assistance in providing adequate and effective policing from another Chief of Police, the OPP Commissioner, or an entity that employs First Nations Officers.

6.2 RISK BASED DECISION MAKING

6.2.1 Temporary Assistance decisions shall be informed by a risk-based approach. The Chief shall identify and assess potential risks associated with any request for Temporary Assistance they make.

6.3 NOTICE OF REQUEST

6.3.1 When the Chief makes a request for Temporary Assistance, they shall, within 24 hours, submit to the Inspector General and the Board, a written notice containing the following information:

- (i) A summary of circumstances surrounding the need for Temporary Assistance;
- (ii) The policing function(s) and assistance to be provided;
- (iii) Where the policing function(s) are already covered by an Alternative Policing Provision Agreement, provide justification for requesting temporary assistance under Section 19 of the CSPA instead of utilizing an existing Alternative Policing Provision Agreement;
- (iv) Whether the other service that received the request has agreed to provide the assistance, in whole or in part;
- (v) Timeframe for the provision of assistance;
- (vi) Size and scope of the assistance required (i.e. localized, widespread, multi-jurisdictional);
- (vii) Capacity to respond to the public safety need, using both local resources and those of the assisting service; and
- (viii) Address any other matters prescribed under the CSPA or its regulations.

6.4 NOTICE OF CHANGE

6.4.1 If a change occurs in any of the matters listed under Section 6.3 above after the notice of Temporary Assistance has been provided, the Chief shall provide the Inspector General and the Board with notice of the change within 24 hours.

6.5 ASSESSMENT UPON RECEIVING REQUEST FOR TEMPORARY ASSISTANCE

6.5.1 Upon receiving notice of a request for Temporary Assistance, the Chief shall prepare and deliver to the Board Chair a preliminary assessment, including recommendations regarding whether the request involves a Critical Point, indicates a recurring need, or requires an Alternative Policing Provision Agreement. The Board Chair shall determine whether to convene a special meeting of the Board if either the Chief or the Chair identifies the matter as a Critical Point or if a written request is submitted by the majority of the Members of the Board. In all other cases, the Board shall assess the request at its next regular meeting.

6.6 NOTICE AFTER ASSISTANCE BY CHIEF HAS STOPPED

6.6.1 Where the Chief has provided temporary assistance to another service pursuant to Section 19, including temporary assistance provided by an entity that employs First Nations Officers, they shall, after the assistance has stopped, provide written notice to the Inspector General and the Board containing the following information:

- (i) The Chief's decision to provide Temporary Assistance;
- (ii) Whether the request for Temporary Assistance was fulfilled in whole or in part;
- (iii) The financial implications of providing Temporary Assistance, including recommendations as to whether cost recovery should be sought; and
- (iv) Any other matters prescribed under the CSPA or its regulations.

7. ANNUAL REPORTING REQUIREMENTS

7.1 The Chief shall submit a report on Alternative Policing Provision Agreements and Temporary Assistance Requests to the Board on an annual basis that includes statistical information and an analysis of trends, and addresses the following:

- (i) Analysis of the frequency, nature, and substance of incoming and outgoing requests for Temporary Assistance, requests under Alternative Policing Provision Agreements, and emergency assistance requests;
- (ii) Policing functions provided with external assistance and functions of policing involved in incoming assistance in the provision of policing;
- (iii) Incidents and risks that have materialized;
- (iv) Challenges encountered;
- (v) Recovered and unrecovered costs;
- (vi) Whether any trends reveal gaps in the Service's capacity or adverse effects on its ability to provide adequate and effective policing; and
- (vii) Recommendations to address gaps in capacity whether through additional or revised Alternative Policing Provision Agreements or an increase in internal capacity.

8. IMPLEMENTATION

8.1 Any By-laws, sections of by-laws and policies of the Board inconsistent with the provisions of this By-law are hereby repealed.

8.2 This By-law shall come into force on the date of its passage.

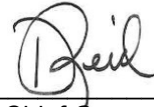
8.3 The Chief shall implement this By-law, where applicable, through General Order.

ENACTED AND PASSED this 28th day of May, 2026.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Nyarayi Kapisavanhu, Chair



Deb Reid, Chief Governance Officer

Attachment (1)
Appendix 1 - Flowchart: CSPA Sections 14 and 19

CSPA Sections 14 & 19 Police Service Board Flowchart

NRPS Request for Assistance

Other Service Request for Assistance

