



BY-LAW NO. 444-2024

**A BY-LAW RESPECTING
ELDER AND VULNERABLE ADULT ABUSE**

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 Section 15 of O. Reg. 395/23: Investigations requires that at least one member of a team primarily responsible for investigating elder abuse complete prescribed training;
- 1.5 AND WHEREAS the Board deems it appropriate that the Chief of Police develop and maintain procedures on and processes for undertaking and managing investigations into elder abuse and vulnerable adult abuse;
- 1.6 AND WHEREAS Part LE-021 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and the police service relative to investigations of elder abuse and vulnerable adult abuse.

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 elder and vulnerable adult abuse 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 shall develop and maintain written procedures for undertaking and managing investigations into elder and vulnerable adult abuse.

4.2 MONITORING

4.2.1 The Chief shall develop and implement a written procedure to monitor all responses to complaints of elder and vulnerable adult abuse to ensure compliance with the said procedures by Members.

4.3 COMMUNITY PARTNERSHIP

4.3.1 The Chief shall, where possible, work in partnership with the local Crown Attorney, municipalities, community and social service agencies and other local organizations to develop programs for preventing and responding to complaints of elder and vulnerable adult abuse.

4.4 TRAINING

4.4.1 The Chief shall ensure that Members involved in the investigation of elder abuse and vulnerable adult abuse occurrences have the requisite knowledge, skills and abilities.

4.5 The procedures referred to above shall be in accordance with Appendix A.

5. REPORT TO THE BOARD

5.1 The Chief shall make a written report to the Board each year in respect of the investigation of elder and vulnerable adult abuse occurrences. This report will contain:

- (a) a summary of the written procedures concerning elder and vulnerable adult abuse investigations;
- (b) the status of Service compliance with the said procedures;
- (c) a summary of training given to Members regarding elder and vulnerable adult abuse;
- (d) a summary of the steps taken by the Service to monitor and evaluate responses to elder and vulnerable adult abuse; and
- (e) a summary of issues raised and/or discussed with community partners relating to elder and vulnerable adult abuse.


6. IMPLEMENTATION

6.1 By-law No. 213-2000 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.

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 elder abuse and vulnerable adult abuse. In addition, section 12(1)(f) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into elder abuse and vulnerable adult abuse.

For the purposes of this guideline police services may wish to consider the following definition of elder abuse that is being used by the Ontario Seniors' Secretariat:

“Any act that harms or threatens to harm the health or well-being of an older adult. Forms of abuse include psychological, financial and physical abuse, as well as neglect and sexual assault.”

Police services may also wish to apply this definition of abuse for vulnerable adults. For the purposes of this guideline, vulnerable adult means:

“A person who depends on others to meet every day needs because he/she has a mental illness or developmental disability, or requires long term or indefinite care due to age or medical condition.”

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to elder and vulnerable adult abuse that the Chief of Police will:

- a) where possible, work in partnership with the local Crown, municipalities, community and social service agencies/providers, businesses, seniors' and other local organizations to develop programs for preventing and responding to complaints of elder and vulnerable adult abuse, including fraud awareness and prevention; and
- b) develop and maintain procedures that require that investigations into elder or vulnerable adult abuse be undertaken and managed in accordance with the police service's criminal investigation management plan.

Police Service Guidelines*Multi-
disciplinary
Coordination*

1. Every Chief of Police should, where possible, work in partnership with the local Crown, municipalities, community and social service agencies/providers, businesses, seniors' and other local organizations to develop programs for preventing and responding to complaints of elder and vulnerable adult abuse, including fraud awareness and prevention.

Procedures

2. Every police service's procedures on elder and vulnerable adult abuse should:
 - a) require that an investigation be undertaken or managed in accordance with the police service's criminal investigation management plan;
 - b) require that officers responding to an occurrence or undertaking an investigation should:
 - i) ensure the safety of the victim;
 - ii) assess the needs of the victim such as emergency shelter, finances, food, clothing and legal advice; and
 - iii) refer the victim to access community and government resources for assistance when necessary;
 - c) set out the steps to be followed to respond to and investigate the abuse of elder and vulnerable adults in residential care facilities and institutional settings, including liaising with the Chief Coroner's Office, where appropriate;
 - d) require liaison and information sharing with other police services and government agencies on issues relating to elder and vulnerable adult abuse, including fraud; and
 - e) address the dissemination of information to the public on fraud against seniors, and other types of serial crime against seniors in the community.