



BY-LAW NO. 435-2024

**A BY-LAW RESPECTING
ARREST**

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 and requires in subsection 6 (1) 4. xi that a Chief of Police shall establish written procedures on arrest;
- 1.4 AND WHEREAS the Board deems it appropriate that it enact a policy on arrest;
- 1.5 AND whereas Part LE-005 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 arrest.

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 involving arrest of criminal suspects form an important part of investigative and preventative policing and are crucial to the prosecution of criminal offences, and it is therefore the policy of this Board that issues involving arrest be dealt with in a professional and thorough manner 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 arrest that require the compliance by Members with legal, constitutional and caselaw requirements relating to arrest and detention.

4.1.2 The Chief shall ensure that the procedures on arrest include a procedure for search and seizure incidental to arrest.

4.2 TRAINING

4.2.1 The Chief shall ensure that police officers and Members, as considered appropriate, are kept informed of changes in the law relating to arrest and detention.

4.3 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 arrests. The report shall include:

- (a) a summary of the written procedures regarding arrest and detention; and
- (b) confirmation of compliance with the procedures regarding arrest and detention.

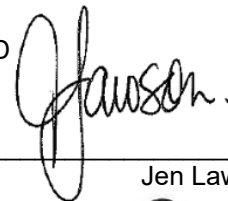
6. IMPLEMENTATION

6.1 By-law No. 197-2000 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

Attachment (1)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on arrest. In addition, section 13(1)(j) requires the Chief of Police to establish procedures and processes in respect of arrest.

Sample Board Policy

Board Policy # _____

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

- a) establish procedures on arrest that require the compliance by members of the police service with the legal, constitutional and case law requirements relating to arrest; and
- b) ensure that officers, and other members as appropriate, are kept informed of changes in the law relating to arrest.

Police Service Guidelines

- Procedures*
1. Every police service's procedures on arrest should:
 - a) require an officer, when making an arrest, to comply with legal, constitutional and case law requirements;
 - b) require that, except under extraordinary circumstances that must be fully documented, any person under arrest that requires medical aid shall be provided access to appropriate medical attention prior to processing;
 - c) require that in all cases of arrest, the officer shall ensure that appropriate documentation and record checks are completed, including completing and submitting a record of arrest that:
 - i) outlines the details of the arrest;
 - ii) provides information on the arrested person, including if detained:
 - any injuries;
 - medication required and/or administered;
 - property seized;
 - telephone calls;
 - potential for suicide;
 - potential for violence;
 - risk to escape;
 - emotional disturbance, any mental illness or developmental disability;

- whether the prisoner is on bail, probation/parole or serving a conditional sentence; and
 - any other information which would assist custodial personnel to adequately care and control the prisoner;
- d) require that a record of arrest be kept current, including making changes required under the police service's procedures on prisoner care and control;
 - e) address the circumstances and process for fingerprinting and photographing the arrested person;
 - f) require that, when an arrested person has the care, charge or custody of another person who, because of age, physical or medical condition, is unable to care for themselves, the officer shall make every effort to secure proper care for that person;
 - g) require that, when a person is released following an arrest, every effort shall be made to ensure the safety of that person and any others who may be affected by the release given the time and location of release; and
 - h) require officers to comply with the police service's procedures for bail.

- Information* 2. Every Chief of Police should ensure that their police officers are:
- a) kept informed of changes in the law with respect to arrest, and other matters as appropriate; and
 - b) provided with a current card that includes the rights and cautions for persons being arrested.