



BY-LAW NO. 505-2024

A BY-LAW RESPECTING UNDERWATER SEARCH AND RECOVERY UNITS

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: Adequate and Effective Policing (General) ("the Adequacy Regulation") prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS Section 10 of the Adequacy Regulation provides that every Chief of Police shall establish written procedures in relation to the functions of the Underwater Search and Recovery Unit;
- 1.5 AND WHEREAS the Board has deemed it appropriate that it establish a policy with respect to the services of the Underwater Search and Recovery Unit;
- 1.6 AND WHEREAS the *Occupational Health and Safety Act, R.S.O. 1990, c.0.1* as amended, sets out the responsibilities of employers, supervisors and workers for workplace safety, the Board prescribes the Chief of Police shall establish procedures and processes with respect to the services of an Underwater Search and Recovery Unit;
- 1.7 AND WHEREAS the *Occupational Health and Safety Act (OHSA) Diving Operations Regulation 629/94* prescribes further specific definitions and responsibilities that relate to all occupational diving operations;
- 1.8 AND WHEREAS, the Canadian Standards Association (CSA) provides a *Competency Standard for Diving Operations CAN/CSA-Z275.4-02* and an *Occupational Safety Code for Diving Operations CAN/CSA-Z275.2-92*;
- 1.9 AND WHEREAS Part ER-009 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Police Service relative to the services of an Underwater Search and Recovery Unit.

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 an Underwater Search and Recovery Unit is an integral part of policing in Niagara, and it is therefore the policy of this Board to require the Chief to provide policies and procedures with respect to an Underwater Search and Recovery Unit, including policies and procedures regarding the establishment of the unit, deployment, training and equipment.

4 UNDERWATER SEARCH AND RECOVERY UNITS

- 4.1 The Chief shall ensure that the Service provides, within a reasonable response time, the services of the Underwater Search and Recovery Unit.
- 4.2 The Chief shall ensure that the services of Underwater Search and Recovery Units are available 24 hours a day.

5 DIRECTION TO THE CHIEF

5.1 PROCEDURES

- 5.1.1 The Chief shall develop written procedures, in accordance with Appendix A, that set out the circumstances when the services of an Underwater Search and Recovery Unit will be deployed.

5.2 REFERENCE FILE

- 5.2.1 The Chief shall develop and maintain a reference file, in accordance with Appendix A, on all diving hazards that is available to each Member providing this Service.
- 5.2.2 The Chief shall ensure that the reference file referred to in section 5.2.1. is reviewed on an annual basis and amended as required.

5.3 MEMBERSHIP AND TRAINING

5.3.1 The Chief shall ensure that the Skills Development and Learning Plan ensures that Members who provide this service meet the requirements of the Canadian Standards Association (CSA).

5.3.2 The Chief shall ensure that Members who provide the services of Underwater Search and Recovery have the requisite knowledge, skills and receive training on an ongoing basis.

5.4 EQUIPMENT

5.4.1 The Chief shall ensure that appropriate equipment, in accordance with the *Diving Operations Regulation* and the Ministry's designated equipment list, is used/available to Members providing Underwater Search and Recovery services.

6 REPORT TO THE BOARD

6.1 The Chief shall make a written report to the Board in each year in respect of services of Underwater Search and Recovery. The report shall include:

- (a) a summary of the procedures 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 reference file on all diving hazards;
- (d) confirmation of training in accordance with section 5.3; and
- (e) a summary of the circumstances in which Underwater Search and Recovery services have been deployed.

7 IMPLEMENTATION

7.1 By-law No. 273-2005 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

The *Occupational Health and Safety Act* (OHSA), sets out the responsibilities of employers and workers relating to workplace safety.

The OHSA *Diving Operations Regulation* 629/94 provides further specific definitions, and responsibilities that relate to all occupational diving operations.

The Canadian Standards Association (CSA) provides a *Competency Standard for Diving Operations* CAN/CSA-Z275.4-02 and an *Occupational Safety Code for Diving Operations* CAN/CSA-Z275.2-92.

Sample Board Policy

Board Policy # _____

Contracted Delivery

It is the policy of the _____ Police Services Board with respect to the services of an underwater search and recovery unit that:

- a) this Board will contract with _____ Police Services Board/OPP to provide the services of an underwater search and recovery unit decision also required on whether to contract for major incident commanders from the same police service), available 24 hours a day, within a reasonable response time;
- b) this Board will contract with (identify service provider) to provide the services of an underwater search and recovery unit, available 24 hours a day, within a reasonable response time; and
- c) the Chief of Police, in consultation with the service provider, will:
 - i) establish procedures that set out the circumstances in which the underwater search and recovery unit will be deployed, including the process for obtaining the services and the reporting relationships;
 - ii) establish procedures for the deployment of other emergency response services, including receiving assistance from other agencies; and
 - iii) ensure that the police service's major incident commanders receive training (joint, if applicable) in their responsibilities and the capabilities of the underwater search and recovery unit.

Direct, or Combined, Regional or Cooperative Delivery

It is the policy of the _____ Police Services Board with respect to the services of an underwater search and recovery unit that:

- a) the police service will provide the services of an underwater search and recovery unit by (identifying service delivery method using its own members, or by entering into an agreement for a combined, regional or cooperative delivery);
- b) the services will be available 24 hours a day and within a reasonable response time;



c) the Chief of Police will:

- i) establish procedures that set out the circumstances in which the service will be deployed, including the process for obtaining the service and reporting relationships;
- ii) establish procedures for the deployment of other emergency response services, including receiving assistance from other agencies;
- iii) ensure that underwater search and recovery unit members comply with the *OHSA*, and *Diving Operations Regulation* or where amended;
- iv) ensure that underwater search and recovery unit members are qualified to perform their specific tasks in accordance with *Competency Standard for Diving Operations* CAN/CSA-Z275.4-02 or where amended;
- v) ensure that the underwater search and recovery unit members perform their tasks according to the *Occupational Safety Code for Diving Operations* CAN/CSA-Z275.2-92 or where amended;
- vi) develop and maintain a reference file on all diving hazards that is available to each member providing this service;
- vii) establish a selection process for the unit, including ensuring that members who provide this service meet the requirements of local policies and procedures;
- viii) ensure the ongoing and joint if applicable training of members who provide this service;
- ix) ensure that the police service's major incident commanders receive training in their responsibilities and the capabilities of the underwater search and recovery unit; and
- x) ensure that appropriate equipment, in accordance with the Ministry's designated equipment and facilities list, is used/available to the members who provide this service.

Police Service Guidelines

Procedures

1. Every police service's procedures should address:
 - a) the mandate, functions and reporting relationships of the underwater search and recovery unit;
 - b) the circumstances in which the services of an underwater search and recovery unit should be deployed; and
 - c) the process and operational responsibility for authorizing the deployment of an underwater search and recovery unit.
2. Where a police service has established its own underwater search and recovery unit, or has officers who are members of a joint underwater search and recovery unit, procedures should be developed and maintained that address:
 - a) call-out procedures;



- b) communications with members of the underwater search and recovery unit;
- c) operational procedures;
- d) organizational charts for the emergency response function;
- e) the operational linkages between the underwater search and recovery unit, and other emergency response services;
- f) a selection process for members of an underwater search and recovery unit, including that members must meet the minimum requirement as set out in local policies and procedures;
- g) the recording and reporting of incidents involving an underwater search and recovery unit, and
- h) procedures specific to members of an underwater search and recovery unit, including:
 - i) members' responsibilities;
 - ii) command and control;
 - iii) communications with unit members;
 - iv) incident assessment, including the reference file on all diving hazards;
 - v) provision and use of equipment;
 - vi) operational training;
 - vii) reporting relationships within the underwater search and recovery unit;
 - viii) use of personal diving, training, operational, and equipment logs; and
 - ix) debriefing process.

**Reference
File**

3. Where a police service has established its own underwater search and recovery unit, or has officers who are members of a joint underwater search and recovery unit, a reference file on all diving hazards should be developed, maintained and made available to the members providing this service.

Training

4. Where a police service has established its own underwater search and recovery unit, or has officers who are members of a joint underwater search and recovery unit, the Chief of Police should ensure that the police service's skills development and learning plan meets or exceeds the CSA Standards, and includes the following requirements:
- i) initial qualification training;
 - ii) maintenance training;
 - iii) annual participation, wherever possible, in a joint training exercise involving other police underwater search and recovery units, major incident commanders, other police personnel, or outside emergency services deemed appropriate or subject to service delivery agreements;
 - iv) annual re-qualification to maintain compliance with the CSA Standards;
 - v) that the training plan be reviewed annually, and revised when necessary; and
 - vi) in jurisdictions utilizing an alternate service delivery provider, designated officers should be trained to act as liaison officers between the service and the underwater search and recovery unit.

Equipment

4. Where a police service has established its own underwater search and recovery unit, or has officers who are members of joint underwater search and recovery units, the Chief of Police should ensure that the members have, at minimum, the equipment as required under the *Diving Operations Regulation* and as set out in the Ministry's designated equipment and facilities list.



MINISTRY'S DESIGNATED EQUIPMENT LIST

Underwater Search and Recovery Units - Equipment and Facilities List. The equipment listed here is for the use of underwater search and recovery units. All equipment used by underwater search and recovery officers shall be in accordance with the Diving Operations Regulation 629/94.

S.C.U.B.A Self Contained Underwater Breathing Apparatus
• Full face mask with communications capability • Vulcanized rubber variable volume dry-suit with integrated dry hood • Thermal undergarments for use with identified vulcanized dry suit • Dry suit gloves • Buoyancy compensator • Fins • Weight system(s) • Diving harness • Safety line • Knife and secondary cutting tool • Timing device • Depth gauge • Submersible pressure gauge • 80 cubic foot main air supply cylinder with regulator • Bail out air supply with regulator complete with gas switching block.
SURFACE AIR SUPPLY DIVING OPERATION
• Full face mask or helmet with communications capability • Vulcanized rubber variable volume dry-suit with integrated dry hood or mating locking collar • Thermal undergarments for use with identified vulcanized dry suit • Dry suit gloves • Weight system(s) • Diving harness • Safety line • Timing device • Pneumofathometer hose and gauge • Bail-out air supply complete with gas switching block



- 2 diver air delivery panel
- Adequate primary air supply to air delivery panel
- Adequate redundant secondary air supply to air delivery panel

COMMUNICATIONS

- 2 way communication with police dispatch with spare batteries/charging system
- Cellular and/or Satellite telephone with charging equipment or vehicle power source, or both
- 2 way wireless/hard wire surface to diver and diver to diver voice communications system
- Diver Recall Device

ILLUMINATION EQUIPMENT

- Waterproof personal white strobe light
- Waterproof personal illumination devices

SAFETY EQUIPMENT

- First aid kit
- Adequate oxygen supply
- Decompression tables
- Biohazard kit
- HAZMAT information kit
- Bolt cutters
- Personal floatation devices
- "POLICE LINE" Tape
- Dive Flags

OTHER EQUIPMENT

- Personal equipment bag
- Line-tending gloves suitable for the environment
- Lines
- Carabiners
- Outerwear suitable for environment
- Field maintenance tool kit
- Underwater forensics kit
- Climate controlled shelter
- Appropriate storage/maintenance facilities
- Binoculars
- Firearm storage/securing device

