



BY-LAW NO. 477-2024

**A BY-LAW RESPECTING
EQUIPMENT – BODY ARMOUR**

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 O. Reg. 405/23: Police Uniforms and Equipment of the CSPA sets out requirements that the Board shall provide to all Members of a Police Service maintained by the Board all articles of uniform and equipment necessary for the performance of duty;
- 1.5 AND WHEREAS Schedule 1 to the Adequacy Regulation prescribes, inter alia, standards for body armour issued to the prescribed units;
- 1.6 AND WHEREAS the Board has deemed it appropriate that it establish a policy with respect to equipment – body armour for the purposes of workplace safety;
- 1.7 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 equipment – body armour;
- 1.8 AND WHEREAS Part AI-015 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 equipment – body armour.

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 “Member” means a member of the Niagara Regional Police Service;
- 2.5 “Ministry” means the Ministry of the Solicitor General; and
- 2.6 “Service” means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes the importance of workplace and public safety, including safety with respect to body armour, and therefore it is the policy of this Board to require the Chief to set out procedures as directed in this by-law with respect to the provision, use and function of body armour equipment.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall develop and maintain written procedures in accordance with Schedule 1 to the Adequacy Regulation and Appendix A that govern the provision, use and function of body armour equipment.
- 4.1.2 The Chief shall consult with designated employee representatives regarding the acquisition of body armour.

4.2 MEMBERSHIP AND TRAINING

- 4.2.1 The Chief shall ensure that the procedures developed and maintained in Section 4.1 above require that Members receive the appropriate training in relation to body armour.

5 REPORT TO THE BOARD

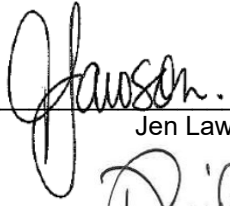
- 5.1 The Chief shall make a written report to the Board each year with respect to body armour equipment. The report shall contain:
- (a) a summary of the written procedures relating to body armour equipment;
 - (b) the status of Service compliance with the said procedures; and
 - (c) confirmation that Members have been trained in accordance with section 4.2.

6 IMPLEMENTATION

- 6.1 By-law No. 311-2012 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 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, supervisors and workers for workplace safety.

Section 7 of O. Reg. 268/10 (“General”), made under the *Police Services Act* (PSA), requires that all articles of uniform and equipment necessary for the performance of duty shall be provided by the municipality, but, where a uniform or equipment is damaged or lost through the fault of the member of a police force, the member shall bear the cost of replacement.

Section 135 of the *Police Services Act* allows for the making of regulations regarding the use of any equipment and the use of force by a police force or any of its members. “Regulation 926” (“Equipment and Use of Force”), under the *Police Services Act*, sets out requirements in relation to the use of force, including use of approved weapons, training, reporting and use/technical specifications for handguns.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to equipment-body armour that:

1. The Chief of Police will:
 - a) ensure the provision of body armour equipment that is:
 - i) constructed to provide the level of protection necessary for the performance of duty that addresses:
 - the type of weapons members are likely exposed to;
 - protection for members from their own handguns and ammunition that are in accordance with prescribed specifications;
 - b) ensure the provision of body armour that is purchased from manufacturers that:
 - i) practice effective quality control for testing and labeling in accordance with current National Institute of Justice (NIJ) Standards/Requirements on Ballistic Resistance of Body Armor;
 - ii) are certified under current International Organization for Standardization-ISO 9001:2008 standards for production and manufacturing; and
 - iii) ensure that the body armour provided is listed on the NIJ Compliant Products List, including replacement panels and carriers, in accordance with current NIJ Standards/Requirements;

- c) ensure that each member uses, maintains and cares for the body armour provided in accordance with the manufacturer's instructions;
- d) ensure that a formal and documented inspection program is in place that addresses wear and tear;
- e) ensure that members receive the appropriate training on the legislative requirements of OHSA and information on use and care, as well as the benefits and limitations of body armour; and
- f) consult with designated employee representatives regarding the acquisition of body armour.

Publication of this guideline revision does not invalidate or render unsuitable any body armour models previously determined by the NIJ to be compliant to either the NIJ 2005 Interim Requirements or the NIJ Standard-0101.04 Rev. A Requirements. While it may not be necessary to remove these existing armours from service, agencies are advised to always require their procurements to meet or exceed the most recent and up-to-date version of this guideline.

Police Service Guidelines

General

1. Every Chief of Police should ensure that, at a minimum, appropriate members are provided personal body armour that is:

Personal Body Armour (Ballistic Protection)

- a) constructed of ballistic fabric or other ballistic resistant materials. The ballistic panel is inserted into a carrier of conventional garment fabrics, such as nylon or cotton. The ballistic protection is determined by the type and number of layers in the ballistic panel.
- b) purchased from manufacturers:
 - i) whose products are listed on the NIJ Compliant Products List;
 - ii) who are certified under current International Organization for Standardization-ISO 9001:2008 standards for production and manufacturing;
- c) able to provide the level of protection required by meeting the National Institute of Justice most current Requirements on Ballistic Body Armor (NIJ Standard 0101.06 Ballistic Resistance of Body Armor) at a minimum, Threat Level Type II
- d) able to provide where possible, optimum fit and comfort and maximum mobility;
- e) able to provide full coverage including front, back and side protection under the arms and above the waist;
- f) designed to provide for an issued carrier (Under-shirt or Over-shirt carrier or both as determined by police service policy) that includes an:
 - i) Under-shirt Carrier that:
 - is worn under the normal uniform shirt;

- is constructed to form front and back pockets shaped to securely retain the body armour panels in place;
 - includes a hook and pile closure across the entire opening of the pocket;
 - permits the easy insertion and removal of the body armour panels;
 - permits the easy insertion and removal of a stab/trauma plate;
 - may include integral front and rear shirttail with the front split to accommodate use of the trouser zipper; and
 - is able to be laundered while another issued carrier is worn; and
- ii) Over-shirt Carrier that:
- may be worn over the uniform shirt;
 - permits the easy insertion and removal of a stab/trauma plate;
 - shall be constructed to form front and back pockets shaped to securely retain the body armour panels in place; and
 - is able to be laundered while another issued carrier is worn; and
- g) designed to provide body armour panels for optimum fit, coverage, and in accordance with manufacturers specifications, and:
- i) will be contained within a water resistant cover, hermetically seam sealed and impervious to external influences including, but not limited to, body oils, perspiration, fluids, insect repellent, sunscreen, and ultraviolet light; and
- ii) allow for the same body armour panels to be used in the under-shirt carrier or in the over-shirt carrier.

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Procedures

2. Every Chief of Police should ensure that members:
- a) use, maintain and care for the body armour that is provided to them in accordance with the manufacturers instructions;
 - b) participate in a formal and documented inspection on an annual basis to ensure that body armour is in proper working condition;
 - c) report to his or her supervisor the absence of or defect in any equipment or protective device of which the police officer is aware and which may endanger himself, herself, or another worker; and
 - d) report to his or her supervisor any contravention of the OHS/A or the regulations or the existence of any hazard of which he or she knows.

3. Every Chief of Police should ensure that, as part of the acquisition of body armour process, designated employee representatives are consulted.
4. Every police service should provide appropriate members with training and information that would include:
 - a) the proper use and care of body armour;
 - b) the limitations of body armour;
 - c) the protection offered against handgun assault;
 - d) the protection/prevention of serious and potential fatal injuries from traffic accidents, knives, edged weapons and physical assault with improvised weapons; and
 - e) information on the responsibilities and obligations of employers, supervisors and employees under the OHSA.