



**BY-LAW NO. 538-2026**

**A BY-LAW TO ESTABLISH BOARD POLICY AND PROCEDURES  
RELATING TO TERMINATION OF PROBATIONARY POLICE OFFICERS,  
AUXILIARY MEMBERS, SPECIAL CONSTABLES, AND CIVILIAN MEMBERS OF THE  
NIAGARA REGIONAL POLICE SERVICE**

**1. PREAMBLE**

- 1.1 WHEREAS subsection 37(1)(a) of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, as amended* (“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(1)(a) and 38(2) of the CSPA provides that the Board shall establish policies respecting the administration of the police service and may establish policies respecting any other matters related to the police service;
- 1.3 AND WHEREAS subsection 2(1) of the CSPA defines “Member of the police service” as an employee of the Board who is under the direction of the Chief, and an auxiliary member of a police service;
- 1.4 AND WHEREAS sections 83, 84 and 212 of the CSPA provide that a Board may appoint police officers, including probationary police officers, and may terminate the employment of probationary police officers;
- 1.5 AND WHEREAS section 91 of the CSPA provides that a Board may appoint an auxiliary member of a police service, and may terminate that appointment;
- 1.6 AND WHEREAS section 92 and 94 of the CSPA provides that a Police Service Board may appoint a person as a special constable for employment with the Board, and may terminate that appointment;
- 1.7 AND WHEREAS all probationary police officers, auxiliaries, special constables and other civilian members of the police service are employees of the Board;
- 1.8 AND WHEREAS matters respecting termination of sworn police officers, except for probationary constables, are dealt with under Part XII of the CSPA and do not fall within the jurisdiction of the Board;
- 1.9 AND WHEREAS the Board deems it expedient to enact this By-law to establish a policy relating to the procedure to be followed for all requests for termination of service members covered by the By-law.

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 “Association” means the Niagara Region Police Association when the recommendation to terminate involves a Member of that Association and the Niagara Regional Police Senior Officers’ Association when the recommendation to terminate involves a Member of that Association;
- 2.3 “Board” means the Regional Municipality of Niagara Police Service Board;
- 2.4 “Chief” means the Chief of the Niagara Regional Police Service;
- 2.5 “Executive Director” means the person who has been appointed to the Executive Director position by the Board;
- 2.6 “Member” means a Member of the Niagara Regional Police Service, and includes probationary police officers, auxiliaries, special constables and other civilians employed by the Board and under the direction of the Chief;
- 2.7 “Service” means the Niagara Regional Police Service.

**3 BOARD POLICY**

- 3.1 The Board recognizes that the power to hire and appoint employees, and the power to terminate appointments and employment of Service Members is an important Board function and that it is mandatory that the rights of any Member whose appointment or employment may be terminated are protected by complying with the CSPA, and by applying the rules of procedural fairness and natural justice to termination recommendations.
- 3.2 Nothing in this By-law shall be construed as circumventing any collective agreement processes or limiting the rights of any Member under their respective collective agreement.

**4. DIRECTIONS TO CHIEF RESPECTING TERMINATION PROCEEDURES BEFORE THE BOARD**

**4.1 RECOMMENDATIONS TO TERMINATE PROBATIONARY CONSTABLES**

- 4.1.1 When the Chief decides to recommend that the Board terminate a police officer’s employment during the officer’s probationary period, the Chief shall:
  - (i) Prepare a written report supporting the recommendation, including the employment history of the officer with the Service, steps taken to support the officer and to address performance deficiencies during the period of probation, plus a clear explanation of the reasons for the recommendation to terminate and any other information that the Chief considers relevant to the recommendation;

- (ii) Deliver a copy of the report to the officer, the Association and the Executive Director of the Board at least 30 days prior to the Board meeting when the recommendation is to be considered, setting out the date when the recommendation is to be considered by the Board;
- (iii) At the time of delivery of the report to the officer and the Association, advise both the officer and the Association that they may respond in writing to the Chief's report and that any such response must be delivered to the Board at least 10 days before the meeting when the recommendation is to be considered by the Board;
- (iv) Advise the officer and the Association that they may request an opportunity to address the Board orally to supplement the written response, and that the Board will consider that request at the meeting when the recommendation is to be considered;
- (v) The Chief may request to reply to the response either orally or in writing, and in that event shall advise the officer and the Association of the substance of the proposed reply, and the Board shall consider the request at the meeting when the recommendation is being considered.

## 4.2

### RECOMMENDATIONS TO TERMINATE AUXILIARY MEMBERS OF THE SERVICE

#### 4.2.1 When the Chief decides to recommend that the Board terminate an auxiliary Member's appointment, the Chief shall:

- (i) Prepare a written report supporting the recommendation, including the history of the auxiliary Member with the Service and a clear explanation of the reasons for the recommendation to terminate and any other information that the Chief considers relevant to the recommendation;
- (ii) Unless the termination of the appointment is initiated by the Member, deliver a copy of the report to the auxiliary Member and the Executive Director of the Board at least 30 days prior to the Board meeting when the recommendation is to be considered, setting out the date when the recommendation is to be considered by the Board;
- (iii) At the time of delivery of the report to the Member, advise the Member that they may respond in writing to the Chief's report and that any such response must be delivered to the Board at least 10 days before the meeting when the recommendation is to be considered by the Board;
- (iv) At the time of delivery of the report to the Member, advise the Member that they may request an opportunity to address the Board orally to supplement the written response, and that the Board will consider that request at the meeting when the recommendation is to be considered;
- (v) The Chief may request to reply to the response either orally or in writing, and in that event shall advise the Member and the Association of the substance of the proposed reply, and the Board shall consider the request at the meeting when the recommendation is being considered.

### 4.3

#### RECOMMENDATIONS TO TERMINATE SPECIAL CONSTABLES

4.3.1 When the Chief decides to recommend that the Board terminate a Special Constable's Appointment, the Chief shall:

- (i) Prepare a written report supporting the recommendation, including the employment history of the Special Constable with the Service, steps taken to support the Special Constable and to address performance deficiencies, plus a clear explanation of the reasons for the recommendation to terminate and any other information that the Chief considers relevant to the recommendation;
- (ii) Deliver a copy of the report to the Special Constable, the Association, and the Executive Director of the Board at least 30 days prior to the Board meeting when the recommendation is to be considered, setting out the date when the recommendation is to be considered by the Board;
- (iii) At the time of delivery of the report to the Special Constable and the Association, advise both the Special Constable and the Association that they may respond in writing to the Chief's report and that any such response must be delivered to the Board at least 10 days before the meeting when the recommendation is to be considered by the Board;
- (iv) Advise the Special Constable and the Association that they may request an opportunity to address the Board orally to supplement the written response, and that the Board will consider that request at the meeting when the recommendation is to be considered;
- (v) The Chief may request to reply to the response either orally or in writing, and in that event shall advise the Special Constable and the Association of the substance of the proposed reply, and the Board shall consider the request at the meeting when the recommendation is being considered.

### 4.4

#### RECOMMENDATIONS TO TERMINATE CIVILIAN MEMBERS OF THE SERVICE

4.4.1 When the Chief decides to recommend that the Board terminate a Civilian Member of the Service, the Chief shall:

- (i) Prepare a written report supporting the recommendation, including the employment history of the Civilian Member with the Service, steps taken to support the Member and to address performance deficiencies, where performance is relevant to the recommendation, a clear explanation of the reasons for the recommendation to terminate and any other information that the Chief considers relevant to the recommendation;
- (ii) Deliver a copy of the report to the Member, the Association and the Executive Director of the Board at least 30 days prior to the Board meeting when the recommendation is to be considered, setting out the date when the recommendation is to be considered by the Board;
- (iii) At the time of delivery of the report to the Member and the Association, advise both the Member and the Association that they may respond in writing to the Chief's report and that any such response must be delivered to the Board at least 10 days before the meeting when the recommendation is to be considered by the Board;

- (iv) Advise the Member and the Association that they may request an opportunity to address the Board orally to supplement the written response, and that the Board will consider that request at the meeting when the recommendation is to be considered;
- (v) The Chief may request to reply to the response either orally or in writing, and in that event shall advise the Member and the Association of the substance of the proposed reply, and the Board shall consider the request at the meeting when the recommendation is being considered.

**5. BOARD AGENDA**

- 5.1 The Executive Director shall ensure that the Chief's recommendation and the Response, if any, are placed on the Board Agenda when the recommendation is to be considered.

**6. BOARD DECISION**

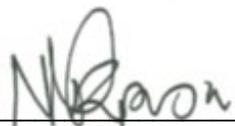
- 6.1 The Board shall provide a written decision, with reasons, to the Member, the Association and the Chief not later than seven (7) days after the meeting when the matter is considered by the Board, or within such other time as the Board in its sole discretion may decide.

**7 IMPLEMENTATION**

- 7.1 Any By-laws, sections of by-laws and policies of the Board inconsistent with the provisions of this By-law are hereby repealed.
- 7.2 This By-law shall come into force on the date of its passage.

ENACTED AND PASSED this 26<sup>th</sup> day of February, 2026.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

  
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Nyarayi Kapisavanhu, Chair

  
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Deb Reid, Executive Director