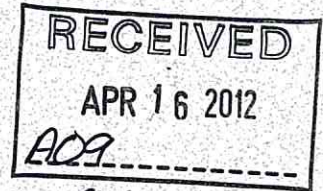




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REPORT OF THE POLICE SERVICE

TO

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Board Report Number: 103
Date of Report: 2012.03.13
Date of Board Meeting: 2012.04.26

**Chairperson Mr. Henry D'Angela
and Members of the
Regional Municipality of Niagara Police Services Board**

**Reference: By-Law No. 258-2003
Safe Storage of Police Service Firearms**

Recommendation: Receive for Information

Background:

Legislative/Regulatory Requirements

The FIREARMS ACT governs all issues with respect to authority for a person to acquire, possess, transport, manufacture, sell, buy, import, export, ship, own, transfer, store and use a firearm prohibited weapons, restricted weapons, prohibited devices, prohibited ammunition and explosive substances in Canada.

Section 117 of the FIREARMS ACT authorizes the Governor General in Council to make regulations in respect of all aspects of the FIREARMS ACT.

The Governor General in Council has made a regulation pursuant to paragraphs 117 (l) and (m) of the FIREARMS ACT entitled:



This Regulation is intended to provide direction with respect to:

(l) regulating the storage, handling, transportation, shipping, acquisition, possession, transfer, exportation, importation, use and disposal or disposition of firearms, prohibited weapons, restricted weapons, prohibited devices, prohibited ammunition and explosive substances

(i) by the following persons in the course of their duties or for the purposes of their employment, namely,

- peace officers,
- persons training to become police officers or peace officers under the control and supervision of a police force or a police academy or similar institution designated by the federal Minister or the lieutenant governor in council of a province,
- persons or members of a class of persons employed in the federal public administration or by the government of a province or municipality who are prescribed by the regulations made by the Governor in Council under Part III of the Criminal Code to be public officers, and
- chief firearms officers and firearms officers, and

(ii) by individuals on behalf of, and under the authority of, a police force or a department of the Government of Canada or of a province;

The Police Services Act (PSA) is a comprehensive declaration of principles that establish the responsibilities of a Police Service and subsequent duties of Police Officers within the Province of Ontario. Moreover, the PSA provides a framework for a best practice approach to policing.

Section 135 of the Police Services Act allows for The Lieutenant Governor in Council to develop and implement regulations pertaining to the all aspects of Policing in the Province of Ontario.

Section 7 of Ontario Regulation 268/10 "General", made under the Police Services Act, 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. Therefore provision of secure holsters and lockers for storage of use of force equipment including firearms remains the responsibility of the Regional Municipality of Niagara.

Moreover, Ontario Regulation 926 of the PSA, entitled "Equipment and Use of Force" sets forth the requirements in relation to the use of force. Specifically, the requirements outline the use of approved weapons, training, use/technical specifications for handguns and use of force reporting. The policing Standards

Manual 2000 provides written guidelines for these topics. AI-009 speaks specifically to the subject of, "Safe Storage of Police Service Firearms".

Regional Municipality of Niagara Police Service Board Bylaw 258-2003 Section 5.2 states:

The Chief shall make a written annual report to the Board on or before August 30th of each year with respect to the safe storage of police service firearms.

The report shall contain:

a. A summary of written procedures relating to the safe storage of police service firearms;

Result

The written procedures set forth by the Niagara Regional Police Service relating to the safe storage of police service firearms are reflected within section 3.37(e) of General Order 053.13 entitled "Use of Force". Moreover, the storage protocols adhere to the provisions of the Ontario Policing Standards Manual AI-009, "Safe Storage of Police Service Firearms".

b. The status of Service compliance with the said procedures; and

Result

At the time of this report, it was determined that there have not been any contraventions to General Order 053.13 section 3.37(e), with respect to the safe storage of police service firearms.

c. Confirmation the Members have been trained in accordance with section 4.2

Result

Section 3.37 (d)(i) of General Order 053.13, entitled "Use of Force" indicates that annual use of force refresher training includes an academic component that reviews use of force related legislation, reporting requirements, *principles of firearms safety and safe storage and security practices*.

In late 2009, a decision was made to implement a training schedule for 2010 that reduced the firearms and defensive tactics sessions from twice per year to once per year. This decision would still meet the Provincial mandate of annual refresher/re-qualification training. Despite concerns for the anticipated deterioration of these perishable skills, and the

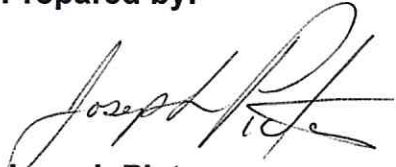
complication of scheduling, the schedule was approved for implementation at the Executive Staff level.

In 2010, a firearms academic training lesson plan was developed and was delivered to attending officers as part of their annual firearms training. The training reviewed use of force related legislation, reporting requirements, principles of firearms safety, safe storage and security practices. The safe storage component of the lesson was delivered utilizing a training video resource. Members of the service completed the 2010 firearms academic component of training during In Service Training (IST). All members eligible to be deployed in a front line capacity were successful in completing this component of the in service training.

In 2011, a firearms academic lesson plan was developed for delivery to the members during in IST. The safe storage and safety component was the identical material presented in the 2010 session. All members who have attended the in service training to date have been trained in compliance with the "Safe Storage of Police Firearms" BY-LAW 258-2003.


<u>Relevant Policy Considerations:</u>	Niagara Regional Police Service General Order 053.13 entitled "Use of Force".
<u>Cost of Recommendations:</u>	There are no costs associated to the receipt of this report.
<u>Alternative Options:</u>	Not to accept this report for information.
<u>Reasons for Recommendation:</u>	To provide the Board with information regarding the Safe Storage of Police Service Firearms within the Region of Niagara for the period of November 7, 2010 to and including August 30th, 2011.

Prepared by:



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Approved by:



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Executive Services**

Respectfully submitted by:



**Joe Matthews
Acting Chief of Police**