



BY-LAW NO. 212 - 2000

**A BY-LAW RESPECTING
COLLECTION, PRESERVATION & CONTROL
OF EVIDENCE & PROPERTY
(LE-020)**

1. PREAMBLE

- 1.1 WHEREAS subsection 31(1) of the *Police Services Act* provides that a Board is responsible for the provision of police services and for law enforcement and crime prevention in the municipality and shall:
- b. generally determine after consultation with the Chief of Police, objectives and priorities with respect to police service in the municipality;
 - c. establish priorities for the effective management of the police service, and
 - e. direct the Chief of Police and monitor his or her performance;
- 1.2 AND whereas subsection 31(6) of the *Police Services Act* provides that the Board may, by by-law, make rules for the effective management of the police service;
- 1.3 AND whereas O. Reg. 3/99 prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND whereas subsection 13(1)(n) of O. Reg. 3/99 requires the Chief of Police to establish procedures and processes in respect of property and evidence control;
- 1.5 AND whereas subsection 14(1)(b) of O. Reg. 3/99 requires the Chief of Police to establish procedures and processes in respect of the collection, handling, preservation, documentation and analysis of physical evidence;
- 1.6 AND whereas section 29 of O. Reg. 3/99 requires a police services board to have a policy with respect to property and evidence control and the collection, handling, preservation, documentation and analysis of physical evidence;
- 1.7 AND whereas Part LE-020 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and police service relative to collection, preservation and control of evidence and property.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD ENACTS AS FOLLOWS:

2 DEFINITIONS

- 2.1 “Act” means *Police Services Act*, R.S.O. 1990, c.P.15, as amended;
- 2.2 “Board” means the Regional Municipality of Niagara Police Services 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 “Property” means articles or personal property of all kinds that come into possession of the police pursuant to the *Police Services Act* and regulations made thereunder, but not including:
- a. licit and illicit drugs; and
 - b. motor vehicles;
- 2.7 “Service” means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that the collection, preservation and control of evidence and property are important parts of both investigative policing and the prosecution of criminal offences, and it is therefore the policy of this Board that issues relating to collection, preservation and control of evidence and property be dealt with in a professional and thorough manner, and in accordance with procedures established by the Chief as directed in this By-law.

4 DIRECTION TO THE CHIEF

- 4.1 *PROCEDURE FOR DEALING WITH COLLECTION, PRESERVATION AND CONTROL OF PROPERTY*
- 4.1.1 The Chief shall establish a procedure for the secure collection, preservation and control of Property.
- 4.1.2 The Chief shall ensure that the procedure outlined in section 4.1.1 above complies with sections 132, 133 and 134 of the *Police Services Act*.
- 4.1.3 The Chief shall ensure that an annual audit of Property held by the police Service is conducted by a Member or Members not routinely or directly connected with the Property.

4.2 **EVIDENCE**

4.2.1 The Chief shall establish procedures for the secure collection, preservation and control of evidence.

4.2.2 The Chief shall ensure that an annual audit of evidence held by the police Service is conducted by a Member or Members not routinely or directly connected with the evidence control function.

4.3 **MONITORING OF EVIDENCE AND PROPERTY**

4.3.1 The Chief shall, where a Member who has responsibility for a Property or evidence storage area is transferred or replaced, ensure that an inventory is taken of the Property or evidence in that area.

4.4 The procedures established 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 on or before August 30 of each year in respect of the collection, preservation and control of property and evidence. The report shall include:

- a. a summary of the written procedures concerning the collection, preservation and control of Property and evidence;
- b. the status of Service compliance with the said procedures; and
- c. the result of the annual audit of the Property and evidence held by the police Service.

6 IMPLEMENTATION

6.1 This By-law shall come into force upon the date of its passage.

6.2 The Chief shall implement this By-law, where applicable, through general order.

ENACTED AND PASSED this 30th day of November, 2000.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Chairperson original signed by Shirley Cordiner

Vice Chairperson original signed by R. Ted Salci