



BY-LAW NO. 310-2011

**A BY-LAW RESPECTING
CRIMINAL INVESTIGATION
MANAGEMENT AND PROCEDURE
(LE-006)**

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 5(1)(d) of O.Reg.3/99 requires the police service to have investigative supports including supports in the areas of scenes of crime analysis, forensic identification, canine tracking, physical surveillance, electronic interception, video and photographic surveillance, polygraph and behavioral science;
- 1.5 AND whereas section 9 of O.Reg.3/99 requires the police service to have one or more criminal investigators who are members of the police service and who have successfully completed the required Ministry accredited training;
- 1.6 AND whereas subsection 11(1) of O.Reg.3/99 requires the Chief of police to prepare a criminal investigation management plan;
- 1.7 AND whereas subsection 12(1) of O.Reg.3/99 requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing general criminal investigations;
- 1.8 AND whereas subsection 14(1) of O.Reg.3/99 requires the Chief of Police to establish procedures and processes in respect of the investigative supports referred to in subsection 5(1)(d);

- 1.9 AND whereas section 29 of O.Reg.3/99 requires a police services board to have a policy on the criminal investigation management plan that addresses the knowledge, skill and ability requirements needed for the investigation of specific types of occurrences;
- 1.10 AND whereas Part LE-006 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 criminal investigation management and procedures.

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 Community Safety and Correctional Services;
- 2.5 "Member" means a member of the Niagara Regional Police Service;
- 2.6 "Ministry" means the Ministry of Community Safety and Correctional Services;
- 2.7 "Service" means the Niagara Regional Police Service.

3. BOARD POLICY

- 3.1 The purpose of this policy is to ensure that investigations into criminal acts:
- (a) are effectively and efficiently investigated by qualified investigators and investigative supervisors;
 - (b) respect the individual rights of victims, persons of interest, suspects and witnesses alike; and
 - (c) are capable of supporting a successful prosecution of the person(s) for the criminal acts in question.
- 3.2 The Board recognizes that appropriate criminal investigation management and procedure is crucial to policing, and it is therefore the policy of this Board that criminal investigation management and procedures 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 ***CRIMINAL INVESTIGATION MANAGEMENT PLAN***

4.1.1 The Chief shall prepare a criminal investigation management plan that addresses general criminal investigation procedure.

4.1.2 The Chief shall ensure that the criminal investigation management plan meets the requirements of O.Reg.3/99, including identifying the types of occurrences which should be investigated through a combined or cooperative service delivery method.

4.1.3 The Chief shall ensure that the criminal investigation management plan makes reference to the existence of additional guidelines dealing with specific type of occurrences that address procedures and processes that are unique to that type of occurrence.

4.1.4 The Chief shall ensure that the criminal investigation management plan is reviewed on an annual basis and amended as required.

4.2 ***PROCEDURES***

4.2.1 The Chief shall develop and maintain written procedures on processes for undertaking and managing criminal investigations.

4.2.2 The Chief shall establish a selection process for criminal investigators which shall ensure that Members who provide this service meet the requirements of O.Reg.3/99.

4.3 ***TRAINING***

4.3.1 The Chief shall ensure that the procedures developed and maintained in section 4.2 ensure that Members to whom a supervisor assigns an occurrence have the knowledge, skills and abilities to investigate that type of occurrence.

4.4 ***INVESTIGATIVE SUPPORTS***

4.4.1 The Chief shall ensure that the Service has investigative supports, including supports in the areas of scenes of crime analysis, forensic identification, canine tracking, physical surveillance, electronic interception, video and photographic surveillance, polygraph and behavioral science.

4.4.2 The Chief shall establish written procedures and processes in respect of the investigative supports referred to in section 4.4.1 above.

4.4.3 The Chief shall ensure that the procedures in respect of investigative supports include that a person providing investigative supports in the areas of scenes of crime analysis or forensic identification have successfully completed the required Ministry accredited training.

4.4.4 The Chief shall ensure that persons who provide any type of investigative supports have the knowledge, skills and abilities to provide that support.

4.5 **POLICE SERVICE GUIDELINES**

4.5.1 The Chief shall ensure that all written procedures referred to above are 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 criminal investigation management plan. The report shall include:

- (a) a summary of the criminal investigation management plan;
- (b) the status of Service compliance with the said procedures;
- (c) confirmation that Members have been trained in accordance with section 4.3; and
- (d) confirmation of the appropriate use of investigative supports in accordance with section 4.4.

6 IMPLEMENTATION

6.1 By-law No. 198-2000 is hereby repealed.

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

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

ENACTED AND PASSED this 15th day of December, 2011.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Chair

Executive Director

[Signature]

[Signature]

