



BY-LAW NO. 246 - 2000

**A BY-LAW RESPECTING
EXPLOSIVES
(ER-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 section 21 of O.Reg.3/99 requires a police service to provide, within a reasonable time, the services of police explosive force entry technicians and explosive disposal technicians.

1.5 AND whereas section 25 of O.Reg.3/99 requires the Chief of Police to establish procedures on the services of police explosive force entry technicians and explosive disposal technicians;

1.6 AND whereas section 29 of O.Reg.3/99 requires a police services board to have a policy on the services of police explosive force entry technicians and explosive disposal technicians;

1.7 AND whereas Part ER-006 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the police service relative to explosives.

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 "Ministry" means the Ministry of the Solicitor General;
- 2.7 "Service" means the Niagara Regional Police Service.

3 ***BOARD POLICY***

- 3.1 The Board recognizes that the services of police explosive forced entry technicians and police explosive disposal technicians are a required part of policing, and it is therefore the policy of this Board that this service be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

4 ***EXPLOSIVE FORCED ENTRY AND EXPLOSIVE DISPOSAL***

- 4.1 The Service will provide, within a reasonable response time, access to the services of police explosive forced entry technician and police explosive disposal technician.
- 4.2 The services of police explosive forced entry technician and a police explosive disposal technician will be available 24 hours a day.

5 ***DIRECTION TO THE CHIEF***

5.1 ***PROCEDURES***

- 5.1.1 The Chief shall set out the circumstances when police forced entry explosives and explosive disposal services will be deployed.
- 5.1.2 The Chief shall develop procedures, in accordance with Appendix A, for the initial response to occurrences involving found or suspected explosives.

5.2 **MANUAL**

5.2.1 The Chief shall develop and maintain a manual, in accordance with Appendix A, on the use of police forced entry explosives and explosive disposal services that is available to each Member providing this service.

5.2.2 The Chief shall ensure that the manual referred to in section 5.2.1. is reviewed on an annual basis and amended as required.

5.3 **MEMBERSHIP AND TRAINING**

5.3.1 The Chief shall establish a selection process for forced entry explosive technicians and explosive disposal technicians, ensuring that Members who provide this service meet the requirements of O.Reg.3/99.

5.3.2 The Chief shall ensure that Members who provide the services of forced entry or explosive disposal have the requisite knowledge, skills and receive training on an ongoing basis.

5.4 **EQUIPMENT**

5.4.1 The Chief shall ensure that appropriate equipment is used/available to Members providing forced entry or explosive disposal services.

6 REPORT TO THE BOARD

6.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of police explosive forced entry and disposal. The report shall include:

- a. a summary of the procedures as required by this By-law;
- b. the status of Service compliance with the said procedures;
- c. confirmation of the development and maintenance of the manual on forced entry and explosive disposal;
- d. confirmation of training in accordance with section 5.3; and
- e. a summary of the circumstances in which forced entry and explosive disposal services have been deployed.

7 IMPLEMENTATION

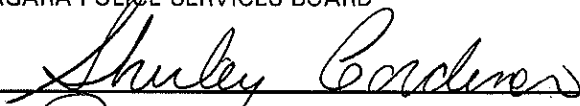
7.1 This By-law shall come into force upon the date of its passage.

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

ENACTED AND PASSED this 14th day of December, 2000.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Chairperson



Vice Chairperson



Legislative/Regulatory Requirements

Section 21 of the Adequacy Standards Regulation requires a police service to provide, within a reasonable response time, the services of police explosive forced entry technicians and explosive disposal technicians.

Section 21(2) of the regulation allows a police service to deliver the services of police explosive forced entry technicians or explosive disposal technicians by contracting with another police service, or entering into arrangements to provide these services on a combined, regional or cooperative basis.

Furthermore, section 21(4) allows a police service to enter into an agreement with the Canadian Armed Forces or another organization to provide explosive disposal technicians. In situations where the police service enters into an agreement with another organization to provide explosive disposal services, the explosive disposal technician must work under the direction of a member of the police service.

Section 29 of the regulation requires a police services board to have a policy on the services of police explosive forced entry technicians and explosive disposal technicians. In addition, section 25 requires the Chief of Police to establish procedures on the services of police explosive forced entry technicians and explosive disposal technicians which:

- set out the circumstances in which police explosive forced entry technicians and explosive disposal technicians will be deployed;
- require that, if the police service has its own police explosive forced entry technicians and explosive disposal technicians, the police service's procedures on these services are contained in a manual that is available to all members providing these services; and
- ensure that a person who is a police explosive forced entry technician or explosive disposal technician has the knowledge, skills and abilities to provide the specific service.

Note: It is the Ministry's position that, except in exceptional circumstances, the safe detonation, removal and disposal of improvised explosive devices should be undertaken by members of police services.

Sample Board Policy

Board Policy # _____

Contracted Delivery It is the policy of the _____ Police Services Board with respect to the services of police forced entry explosive technicians and explosive disposal technicians that:

- a) this Board will contract with _____ Police Services Board/OPP to provide the services of police forced entry explosive technicians, available 24 hours a day and within a reasonable response time;
- b) this Board will contract with (identify service provider) to provide the services of explosive disposal technicians, available 24 hours a day, within a reasonable response time; and
- c) the Chief of Police will, in consultation with the agencies providing the services, establish procedures that set out the circumstances in which the services will be deployed, including the steps for obtaining the services and the reporting relationships.

Direct, or Combined, Regional or Cooperative Delivery It is the policy of the _____ Police Services Board with respect to the services of police forced entry explosive technicians and explosive disposal technicians that:

- a) the police service will provide the services of police forced entry explosive technicians and explosive disposal technicians by (identify service delivery method - using its own members, or by entering into an agreement for a combined, regional or cooperative delivery);
- b) the services will be available 24 hours a day and within a reasonable response time;
- c) the Chief of Police will set out the circumstances when police forced entry explosives and explosive disposal services will be deployed; and
- d) the Chief of Police will:
 - i) develop procedures for the initial response to occurrences involving found or suspected explosives;
 - ii) develop and maintain a manual on the use of police forced entry explosives and explosives disposal services that is available to each member providing that service;
 - iii) develop a selection process to ensure that members who provide these services have the knowledge, skills and abilities required to deliver these services effectively and safely;
 - iv) ensure the ongoing training of members providing these services; and
 - v) ensure that appropriate equipment is used/available to members providing these services.

Police Service Guidelines

- Procedures** 1. Every police service's procedures should address:
- a) the initial response to occurrences involving found or suspected explosives;
 - b) the circumstances when police forced entry explosives and explosive disposal services should be deployed; and
 - c) the operational responsibility for authorizing the use of police forced entry explosives and explosive disposal services.
- Manual** 2. Where a police service provides police forced entry explosive services or explosive disposal services using its own members, a manual shall be developed, maintained and made available to the members providing that service, that addresses:
- a) mandate, functions and members' responsibilities;
 - b) call-out procedures;
 - c) command and control;
 - d) reporting relationships;
 - e) operational procedures and training;
 - f) provision and use of equipment;
 - g) the selection process to ensure that members who provide these services have the knowledge, skills and abilities required to deliver these services effectively and safely;
 - h) debriefing process; and
 - i) the recording and reporting of incidents involving police forced entry explosives and explosive disposal services.
- Equipment** 3. Where a police service provides police forced entry explosive services or explosive disposal services using its own members, the Chief of Police should ensure that appropriate equipment is used/available to members providing these services.
- Training** 4. Where a police service provides police forced entry explosive services or explosive disposal services using its own members, the Chief of Police should ensure the ongoing training of members providing these services.

