



**BY-LAW NO. 290-2009**

**A BY-LAW RESPECTING  
ONTARIO SEX OFFENDER REGISTRY  
(LE-046)**

**1. PREAMBLE**

- 1.1 WHEREAS section 31(1) of the *Police Services Act*, R.S.O. 1990, c.P.15 as amended, 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 the police services in the municipality;
  - (c) establish policies for the effective management of the police force; and
  - (e) direct the Chief of Police and monitor his or her performance;
- 1.2 AND whereas a Police Services Board may, by by-law make rules for the effective management of the police service under Section 31(6) of the *Police Services Act*;
- 1.3 AND whereas subsection 31(6) of the *Police Services Act* provides that the Board may, be by-law, make rules for the effective management of the police service;
- 1.4 AND whereas the Ministry of Community Safety and Correctional Services requires a police services board to have a policy with respect to the Ontario Sex Offender Registry for the purpose of crime prevention or law enforcement and disclosures of personal information under the *Police Services Act*;
- 1.5 AND whereas Part LE-046 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Board, the Chief and members relative to the Ontario Sex Offender Registry;
- 1.6 AND whereas the Act known as *Christopher's Law (Sex Offender Registry), 2000*, as amended by Bill 16, *Christopher's Law (Sex Offender Registry) Amendment Act, 2008*, sets out the responsibilities of police services in relation to sex offenders in the province of Ontario and requires, among other obligations, a sex offender, as defined in the Act, to report in person to the police service for the purposes of identification and registration and each police service is required to submit offender information to the Ministry of Community Safety and Correctional Services for inclusion in the Ontario Sex Offender Registry.

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

**2. DEFINITIONS**

- 2.1 "Act" means the *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 Police of the Niagara Regional Police Service;
- 2.4 "Member" means a member of the Niagara Regional Police Service as defined in the *Act*
- 2.5 "Ministry" means the Ministry of Community Safety and Correctional Services;
- 2.6 "Service" means the Niagara Regional Police Service.

**3. BOARD POLICY**

- 3.1 The Board recognizes the importance of maintaining current information to facilitate timely and effective police investigations into sex-related occurrences and it is therefore the policy of the Board that the designation and maintenance of registration sites be conducted in accordance with the procedure set out by the Chief of Police as established in accordance with this by-law.

**4. DIRECTION TO THE CHIEF**

**4.1 PROCEDURES**

- 4.1.1 The Chief shall designate and maintain a registration site(s).
- 4.1.2 The Chief shall establish written procedures and processes on the use of the Ontario Sex Offender Registry that are consistent with the requirements of *Christopher's Law (Sex Offender Registry), 2000*, as amended by Bill 16, *Christopher's Law (Sex Offender Registry) Amendment Act, 2008*.
- 4.1.3 The Chief shall establish written procedures and processes consistent with the requirements legislated by the federal *Sex Offender Information Registration Act*;
- 4.1.4 The procedures referred to above shall be in accordance with Appendix A.

**4.2 REGISTRATION SITE**

- 4.2.1 The Chief shall designate and maintain a registration site(s), within the area where it provides police services, at which offenders may present themselves for the purposes described by the regulation.

**4.3 TRAINING**

- 4.3.1 The Chief shall ensure that appropriate members receive training on the Ontario Sex Offender Registry, consistent with the role and responsibilities assigned to them.

4.3.2 The Chief shall ensure that appropriate members receive training from the Ontario Sex Offender Registry with respect to the federal legislation (*Sex Offender Information Registration Act*) for the purposes of managing the sex offenders in their jurisdiction.

4.4 *EQUIPMENT*

4.4.1 The Chief shall ensure that member involved with the Ontario Sex Offender Registry have available and use appropriate tools and equipment in performing this function.

4.4.2 The procedures established above shall be in accordance with Appendix A.

**5. REPORT TO THE BOARD**

5.1 ANNUAL REPORTING REQUIREMENTS

The Chief shall make a written report to the Board on or before August 30<sup>th</sup> of each year. The report shall include:

- (a) A summary of the written procedures regarding the Ontario Sex Offender Registry;
- (b) The status of Service compliance with said procedures;
- (c) Confirmation that members have been trained with respect to the Ontario Sex Offender Registry, consistent with the role and responsibilities assigned to them, and with respect to the federal legislation for the purposes of managing the sex offenders in their jurisdiction.

**6. IMPLEMENTATION**

6.1 By-law No. 261-2003, as amended, and all other By-laws, sections of By-laws and policies of the Board inconsistent with the provisions of this By-law are hereby repealed.

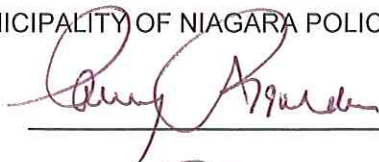
6.2 This By-law shall come into force upon the date of its enactment.

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

ENACTED AND PASSED this 24<sup>TH</sup> day of SEPTEMBER, 2009.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Chairperson

  
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Executive Director

  
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## Legislative/Regulatory Requirements

The Act known as *Christopher's Law (Sex Offender Registry), 2000* sets out the responsibilities of police services in relation to sex offenders in the province of Ontario. Among other obligations, the Act requires a sex offender, as defined in the Act, to report in person to the police service for the purposes of identification and registration. Each police service is required to submit offender information to the Ministry of Community Safety and Correctional Services (Ministry) for inclusion in the Ontario Sex Offender Registry (OSOR).

## Sample Board Policy

Board Policy # \_\_\_\_\_

It is the policy of the \_\_\_\_\_ Police Services Board with respect to the Ontario Sex Offender Registry that the Chief of Police will:

- a) designate and maintain a registration site(s);
- b) establish procedures and processes consistent with the requirements of *Christopher's Law (Sex Offender Registry), 2000*;
- c) establish procedures and processes consistent with the requirements legislated by the federal *Sex Offender Information Registration Act*;
- d) ensure that appropriate members receive training on the Ontario Sex Offender Registry, consistent with the role and responsibilities assigned to them; and
- e) ensure that appropriate members receive training on both the provincial and federal Sex Offender legislative requirements.

## Police Service Guidelines

### Registration Site

1. Every Chief of Police shall designate and maintain a registration site(s), within the area where it provides police services, at which an offender may present himself or herself for the purpose of:
  - a) providing police with satisfactory proof of his or her:
    - i) identity;
    - ii) name(s);
    - iii) date of birth;
    - iv) addresses;
    - v) other information that may be prescribed by regulation; and
  - b) where applicable, provide police with proof of a pardon.

### Legislative Requirements

2. Every police service shall:
  - a) make reasonable efforts to ensure that the police service provides written notice of the obligation to register (Ministry Form 5, Notification of Duty to Register) to

- every person charged by the police service with a sex offence as defined by the Act at the time of the charge;
- b) require the recording of the information provided by the offender as set out in section 1 above;
  - c) require satisfactory proof from the offender that the information provided by the offender is correct;
  - d) require the submission of information provided by the offender, upon satisfaction that the information is correct, to the Ministry in the manner approved by the Ministry;
  - e) ensure the accessibility of the Ontario Sex Offender Registry at all times by authorized members;
  - f) ensure the disclosure of, and access to, information contained in the Ontario Sex Offender Registry in accordance with *Christopher's Law (Sex Offender Registry), 2000*; and
  - g) collect and submit additional information as prescribed by regulation.

- Procedures**
- 3. Every police service's procedures should:
    - a) identify designated staff position(s) with overall responsibility for the Ontario Sex Offender Registry, and legislative requirements of the federal *Sex Offender Information Registration Act*;
    - b) address the role and responsibilities of:
      - i) the registrar, including recording and submitting information provided by the offender, upon satisfaction that the information is correct, to the Ministry in the approved manner; and
      - ii) supervisors, investigators, police officers, communications operators/dispatchers and other members as appropriate;
    - c) address the security of the information collected for the Ontario and federal Sex Offender Registries, in accordance with the police service's procedures on the management of police records;
    - d) address the access authorization to the Ontario Sex Offender Registry by registrars, supervisors, investigators, police officers, communications operators/dispatchers and other members as appropriate;
    - e) set out the days and times when offenders may present themselves for the purpose of providing information;
    - f) address the mechanisms for tracking sex offenders, as defined by the Act, residing in the police service's jurisdiction;
    - g) set out the steps for initiating investigations and apprehensions of non-compliant offenders, including policies on the procedures for obtaining warrants;
    - h) set out the steps for accessing, recording, verifying and updating sex offender information, including the steps for:
      - i) accessing offender information;
      - ii) recording information obtained from the offender;
      - iii) obtaining additional information on the offender (e.g., CPIC);

- iv) verifying information provided by the offender (i.e., name, date of birth, address);
- v) updating offender information, including status;
- vi) submitting offender information to the Ministry in an approved manner;
- i) ensure the entry of offenders on the Special Interest Police (SIP) category of CPIC in accordance with CPIC policy;
- j) address the use by supervisors of information obtained from the Ontario Sex Offender Registry for the purpose of crime prevention or law enforcement;
- k) require that appropriate information from the Ontario Sex Offender Registry be shared with patrol officers;
- l) address the sharing of information from the Ontario Sex Offender Registry with other police services in or outside of Canada and other relevant law enforcement agencies, where appropriate; and
- m) address the disclosure of personal information under section 41(1.1) of the *Police Services Act*.

**Training** 4. (1) Every Chief of Police should ensure that appropriate members receive training with respect to the Ontario Sex Offender Registry, consistent with the role and responsibilities assigned to them.

(2) Every Chief of Police should ensure that appropriate members receive training from the Ontario Sex Offender Registry with respect to the federal legislation (*Sex Offender Information Registration Act*) for the purposes of managing the sex offenders in their jurisdiction.