



BY-LAW NO. 295-2010

**A BY-LAW RESPECTING
PARENTAL & NON-PARENTAL ABDUCTIONS & ATTEMPTS
(LE-040)**

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 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;
- 1.3 AND whereas O. Reg. 3/99 prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND whereas subsection 12(1)(l) of O. Reg. 3/99 requires the Chief of Police to establish procedures and processes for undertaking and managing investigations into missing persons;
- 1.5 AND whereas subsection 12(1)(m) of O. Reg. 3/99 requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into parental and non-parental abductions and attempts;
- 1.6 AND whereas section 29 of O. Reg. 3/99 requires a police services board to have a policy on parental and non-parental abductions and attempts;
- 1.7 AND whereas Part LE-040 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 investigations of parental and non-parental abductions and attempts;

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 "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 as defined in the *Act*;
- 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 Board recognizes that matters of parental and non-parental abductions and attempts are serious in nature, and it is therefore the policy of this Board that investigations into such matters be conducted 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 PROCEDURES

- 4.1.1 The Chief shall develop and maintain procedures for undertaking and managing investigations into parental/familial abductions and attempts. These procedures shall be in accordance with Appendix A and the Service's criminal investigation management plan.
- 4.1.2 The Chief shall ensure that the procedures referred to in Section 4.1.1 comply with the procedures set out in the Ministry's designated Ontario Major Case Management Manual.
- 4.1.4 The Chief shall ensure that an AMBER Alert activation is considered in all missing children investigations and Major Case Management is implemented in all cases involving AMBER Alert activation.

4.2 TRAINING

- 4.2.1 The Chief shall ensure that Members investigating parental and non-parental abductions and attempts have the requisite knowledge, skills and abilities.

5. REPORT TO THE BOARD

5.1 ANNUAL REPORTING REQUIREMENTS

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

- (a) A summary of the written procedures concerning investigations into parental and non-parental abductions and attempts;
- (b) Confirmation that the procedures are in compliance with the Ministry's designated Ontario Major Case Management Manual;
- (c) The status of Service compliance with said procedures; and
- (d) A summary of training given to Members regarding parental and non-parental abductions and attempts.

6. IMPLEMENTATION

6.1 By-law No. 232 - 2000, 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 24TH day of June, 2010.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Chairperson



Executive Director



Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into parental and non-parental abductions.

In addition, section 12 (1)(m) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into parental and non-parental abductions.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to parental and non-parental abductions and attempted abductions of children that the Chief of Police will:

- a) develop and maintain procedures that require that investigations into parental/familial abductions and attempted abductions be undertaken in accordance with the police service's criminal investigation management plan; and
- b) develop and maintain procedures that require that investigations into non-parental/non-familial abductions and attempted abductions be undertaken in accordance with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*.

Police Service Guidelines

- Procedures**
1. Every police service's procedures on parental/familial abductions and attempted abductions of children should:
 - a) require that investigations be undertaken in accordance with the police service's criminal investigation management plan;
 - b) require officers to follow the police service's procedures on missing persons;
 - c) require officers to follow the police service's procedures on child abuse and neglect, including local protocols with the Children's Aid Societies;
 - d) require officers to determine whether any custody order exists pertaining to the child, where applicable;
 - e) require that appropriate information and Orders of Apprehension, where applicable, are immediately entered on CPIC, including obtaining a Canada-wide radius where it is believed that the accused is leaving or has left the province;
 - f) ensure that relevant information on parental/familial abductions is entered on the *RCMP Missing Child Registry*, where applicable;

- g) address the sharing of information with patrol officers by communications/dispatch personnel, including suspect and victim descriptions, where available;
 - h) address the dissemination and sharing of information with other relevant law enforcement and government agencies, including border points, and appropriate community organizations;
 - i) in a case of an attempted parental/familial abduction, ensure that notification is made to the child's school officials, care givers and others, where appropriate; and
 - j) set out the steps to be followed when it is necessary to contact an agency outside Canada for information in connection with a parental/familial abduction or an attempted abduction of a child.
2. Every police service's procedures on non-parental/non-familial abductions or attempted abductions of children should:
- a) require officers to comply with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*;
 - b) require officers to follow the police service's procedures on child abuse and neglect, including local protocols with the Children's Aid Societies, where appropriate;
 - c) require that appropriate information is immediately entered on CPIC;
 - d) ensure that relevant information on non-parental/non-familial abductions is entered on the RCMP *Missing Child Registry*;
 - e) address the sharing of information with patrol officers by communications/dispatch personnel, including suspect and victim descriptions, where available;
 - f) address the dissemination and sharing of information with other relevant law enforcement and government agencies, including border points, and appropriate community organizations;
 - g) set out the steps to be followed when it is necessary to contact an agency outside Canada for information in connection with a non-parental/non-familial abduction or an attempted abduction of a child; and
 - h) address compliance with the requirements of the *ViCLAS Regulation*.
- Community Notification** 3. Every police service's procedures should address community notification in cases of non-parental/non-familial abductions or attempted abductions of children.

