



BY-LAW NO. 221 - 2000

**A BY-LAW RESPECTING
FIREARMS TRAINING
(LE-029)**

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 12(1)(n) of O.Reg.3/99 requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into offences involving firearms;
- 1.5 AND whereas section 29 of O.Reg.3/99 requires a police service board to have a policy on investigations into occurrences involving firearms;
- 1.6 AND whereas Part LE-029 of the Policing Standards Manual (2000), a copy of which is attached as Appendix A, contains guidelines directing the police service and the Chief relative to investigations into occurrences involving firearms.

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 *"CPIC"* means the Canadian Police Information Centre;
- 2.5 *"Manual"* means the Policing Standards Manual published by the Ministry of the Solicitor General;'
- 2.6 *"Member"* means a member of the Niagara Regional Police Service;
- 2.7 *"Service"* means the Niagara Regional Police Service.

3 **BOARD POLICY**

- 3.1 The Board recognizes that matters of firearms investigations are serious in nature, and it is therefore the policy of this Board that investigations into such matters conducted professionally and thoroughly, and in accordance with the 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 on and processes for undertaking and managing investigations into offences/occurrences involving firearms.
- 4.1.2 The Chief shall develop and maintain procedures on and processes for preventing offences/occurrences involving firearms.
- 4.1.3 The Chief shall develop and maintain procedures relating to the *Firearms Interest Police (FIP)* category of CPIC.
- 4.1.4 The procedures referred to above shall be in accordance with Appendix A.

4.2 **TRAINING**

4.2.1 The Chief shall ensure that Members are trained on all search and seizure powers available to officers under Part III and IV of the *Criminal Code* that may be relevant to search and seizure of firearms, ammunition or related licences, certificates or permits as well as options for obtaining prohibition orders.

4.2.2 The Chief shall ensure that Members involved in investigations into offences/occurrences involving firearms have the requisite knowledge, skills and abilities.

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 preventing or responding to occurrences involving firearms. The report shall include:

- a. a summary of the written procedures concerning managing investigations and preventing offences/occurrences involving firearms;
- b. the status of Service compliance with the said procedures; and
- c. confirmation that Members were trained in accordance with section 4.2 of this By-law.

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 14th day of December, 2000.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Chairperson Shuley Cordner

Vice Chairperson R Ted Salvi

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into offences involving firearms. In addition, section 12(1)(n) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into offences involving firearms.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to preventing or responding to occurrences involving firearms that the Chief of Police will:

- a) ensure that the police service's officers are provided with information on all the search and seizure powers available to officers under Part III and Part XV of the *Criminal Code* that may be relevant to the search and seizure of firearms, ammunition, or related licences, certificates or permits, as well as options for obtaining prohibition orders;
- b) develop and maintain procedures on undertaking and managing investigations into offences/occurrences involving firearms;
- c) develop and maintain procedures on preventing offences/occurrences involving firearms; and
- d) develop and maintain procedures relating to the Firearms Interest Police (FIP) category of CPIC.

Police Service Guidelines

Procedures

1. Every police service's procedures should set out the steps to be followed by officers when exercising any of the search and seizure powers available, or when seeking prohibition orders, including:
 - a) gathering information or evidence;
 - b) preparing the documentation to support the search and seizure of firearms/ammunition or obtain the prohibition order; and
 - c) consulting with the Crown, Chief Firearms Officer or the *Provincial Weapons Enforcement Unit* (PWEU), when necessary.
2. Every police service's procedures should set out the steps to be followed as part of an investigation into offences/occurrences involving firearms, including that officers should:

- a) consider and exercise, where applicable, all powers available to search for and seize firearms, ammunition or related licences, certificates or permits;
 - b) inquire of intimate partners (or past partners if known), family members or associates whether the accused has access to firearms or ammunition;
 - c) determine if the accused, family members, or other associates possess the necessary firearms certificates, registration certificates, permits, licenses or authorizations for the possession or purchase of a firearm or restricted weapon, or has been denied any of these;
 - d) document the powers exercised to search for and seize firearms, firearms certificates, registration certificates, permits, licences or authorizations for the possession or purchase of a firearm or restricted weapon or provide reasons why such powers were not exercised;
 - e) determine whether reasonable grounds exist to lay a charge pursuant to Part III of the *Criminal Code*, and if unsure, consult with a supervisor or a Crown;
 - f) comply with the bail preparation procedures as outlined in the police service's procedures on bail and violent crime;
 - g) unless a prohibition order has been imposed under section 515 of the *Criminal Code* or any other section, consider seeking such an order against the accused;
 - h) comply with the police service's procedures for the investigation of stolen or smuggled firearms; and
 - i) consider consulting with the Chief Firearms Officer and Provincial Weapons Enforcement Unit when necessary.
3. Every police service's procedures should set out the steps that officers should take to prevent or minimize the potential risk of violence involving a firearm by an individual or suspect who has been involved in any domestic violence occurrence, or occurrence involving child abuse, sexual assault, criminal harassment, hate/bias motivated crime, uttering death threats, threatened suicide or an emotionally disturbed person by:
- a) determining whether any of the individuals involved in the occurrence own, possess or have access to a firearm, ammunition, firearms certificate, registration certificate, permit, licence or authorization regardless of whether sufficient grounds exist to lay a charge against the individual;
 - b) assessing whether there are reasonable grounds for believing there is a threat to safety, including in all domestic violence occurrences considering the risk indicators identified in the domestic violence supplementary report form;
 - c) considering and exercising where applicable all powers available to search and seize firearms, ammunition, or related licences, certificates or permits;
 - d) applying for a prohibition order under section 111 of Part III of the *Criminal Code* or seeking a revocation under *The Firearms Act*, unless such an order has been imposed under section 515 or any other section of the *Criminal Code*; and
 - e) documenting their actions with an explanation.

4. Every police service's procedures should set out the type of information that should be obtained when determining whether there are reasonable grounds for believing that there is a threat to safety, including:
 - a) does the occurrence involve an assault or threatened use of violence?
 - b) has a spouse (partner), family member, friend, neighbour or other associate raised safety concerns over the presence of a firearm, and if so, why?
 - c) does the occurrence involve violent behaviour resulting in significant property damage that would indicate that an individual has acted in an irrational or enraged manner?
 - d) does the individual have a history of violence, threatening or abusive behaviour?
 - e) does the individual have a criminal record for violence, including assault?
 - f) has there been a gradual escalation in the intensity or severity of violent or abusive incidents involving the individual?
 - g) is the incident related to a significant life event, such as the breakdown of a relationship?
 - h) is there a history of violence in the relationship?
 - i) is the individual intoxicated, under the influence of other substances, or do they have a history of substance abuse?
 - j) is the individual acting in a manner which would suggest that they are disturbed, distraught, suicidal, or may be suffering from or known to have a history of a mental illness or a developmental disability? and
 - k) is the individual in breach of an existing prohibition order, condition of bail, conditional sentence or peace bond?

- Information**
5. Every police service's procedures should:
 - a) address the Firearm Interest Police (FIP) category of CPIC and should be consistent with Policing Services Division's Bulletin 4/98 on FIP Records that was distributed with the All Chiefs Memorandum 98-077 on September 29, 1998;
 - b) require timely and prompt entry of information into FIP; and
 - c) provide for a prompt response to FIP queries from the CFO and other police agencies.
 6. Every Chief of Police should ensure that police officers are provided with information on the search and seizure powers available to officers, as well as options for obtaining prohibition orders that relate to firearms.