



BY-LAW NO. 284-2008

**A BY-LAW TO ESTABLISH POLICY
FOR THE ADMINISTRATION OF THE DISCLOSURE
OF SECONDARY ACTIVITIES TO THE CHIEF OF POLICE**

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(1)(g) of the *Police Services Act* states, that a Board shall receive regular reports from the Chief of Police on disclosures and decisions made under Section 49 (secondary activities) of the *Act*;
- 1.3 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*;
- 1.4 AND whereas the Board deems it expedient to pass a by-law to establish guidelines relating to secondary activities to the Chief of Police.

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 "Secondary Activities" means off-duty employment/activities other than the police service;
- 2.6 "Service" means the Niagara Regional Police Service.

3 DIRECTION TO THE CHIEF

- 3.1 Where a member has disclosed full particulars of an activity to the Chief pursuant to Section 49(3) of the *Act*, the Chief shall first determine whether the provisions of Section 49(1) of the *Act* prohibits the activity.
- 3.2 Where the Chief determines that the activity is prohibited by Section 49(1) of the *Act*, the member shall not be permitted to engage in that activity.
- 3.3 The Chief of Police shall take such steps as are necessary to determine that his or her decision has been complied with.

4 REPORT TO THE BOARD

- 4.1 The Chief shall submit to the Board annual reports on disclosures and decisions made pursuant to Section 49 and the provisions of this by-law, which shall appear on the public agenda.
- 4.2 The annual report shall be divided into two sections entitled "Uniform" and "Civilian" and shall contain the following information for the immediately preceding twelve (12) months:
 - (a) the total number of applications or disclosures of secondary activities made to the Chief of Police;
 - (b) the nature or type of each of the secondary activities applied for or disclosed;
 - (c) the total number of secondary activities approved by the Chief of Police;
 - (d) the nature or type of each of the secondary activities approved by the Chief of Police;
 - (e) the total number of secondary activities denied by the Chief of Police;
 - (f) the nature or type of each of the secondary activities denied by the Chief of Police;
 - (g) the reasons for each of the denials referred to in subparagraph (f) above;
 - (h) the total number of applications or disclosures of secondary activities presently pending.

5 IMPLEMENTATION

- 5.1 By-law No. 150-95, and all other By-laws, and sections of By-laws inconsistent with the provisions of this By-law are hereby repealed.
- 5.2 This By-law shall come into force upon the date of its passage.
- 5.3 The Chief shall implement this By-law, where applicable, through general order.

ENACTED AND PASSED this 31ST day of July, 2008.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Chairperson 

Executive Director 