



BY-LAW NO. 269 - 2005

A BY-LAW RESPECTING SECURE HOLSTERS (AI-014)

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 the 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. 123/98, Section 3 of the *Police Services Act* sets out requirements that all articles of uniform and equipment necessary for the performance of duty shall be provided by the municipality, but, where a uniform or equipment is damaged or lost through the fault of the member of a police service, the member shall bear the cost of replacement;
- 1.4 AND whereas Section 135 of the *Police Services Act* provides for the making of regulations regarding the use of any equipment by a police service for any of its members;
- 1.5 AND whereas O. Reg. 926 to the *Police Services Act* sets out requirements of the Board, the Chief of Police and members relative to the use of force;
- 1.6 AND whereas the Ministry of Community Safety and Correctional Services Policing Standards requires a police services board to have a policy with respect to secure holsters for the purposes of workplace safety under the *Police Services Act*;
- 1.7 AND whereas the *Occupational Health and Safety Act*, R.S.O. 1990, c.0.1 as amended, sets out the responsibilities of employers, supervisors and workers for workplace safety, the Board prescribes the Chief of Police shall establish procedures and processes with respect to secure holsters;

- 1.8 AND whereas Part AI-014 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 secure holsters.

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 "Member" means a member of the Niagara Regional Police Service;
- 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 workplace and public safety, including safety with respect to holsters, and therefore it is the policy of this Board to require the Chief to set out procedures as directed in this by-law with respect to the provision, use and function of secure holster equipment.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall develop and maintain written procedures in accordance with Appendix A that govern the provision, use and function of secure holster equipment.
- 4.1.2 The Chief shall consult with designated employee representatives regarding the acquisition of secure holsters.

4.2 MEMBERSHIP AND TRAINING

- 4.2.1 The Chief shall ensure that the procedures developed and maintained in section 4.1 above require that members receive the appropriate training in relation to secure holsters.

5 REPORT TO THE BOARD

5.1 The Chief shall make a written report to the Board on or before August 30th of each year with respect to the secure holster equipment for police service firearms. The report shall contain:

- a. a summary of the written procedures relating to secure holster equipment for police service firearms;
- b. the status of Service compliance with the said procedures; and
- c. confirmation that Members have been trained in accordance with section 4.2.

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.

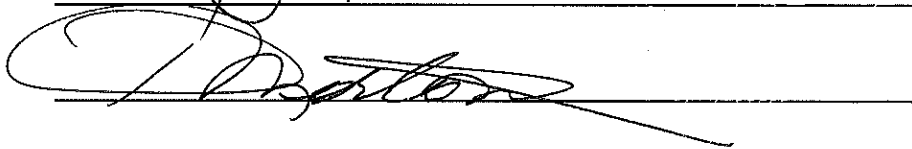
ENACTED AND PASSED this ^{27TH} day of *January*, 2005.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Chairperson



Executive Director



Legislative/Regulatory Requirements

The *Occupational Health and Safety Act (OHS)* sets out the responsibilities of employers, supervisors and workers for workplace safety.

Section 3 of O. Reg. 123/98 ("General"), made under the *Police Services Act (PSA)*, requires that all articles of uniform and equipment necessary for the performance of duty shall be provided by the municipality, but, where a uniform or equipment is damaged or lost through the fault of the member of a police force, the member shall bear the cost of replacement.

Section 135 of the *PSA* allows for the making of regulations regarding the use of any equipment by a police force or any of its members. "Regulation 926 ("Equipment and Use of Force")", under the *PSA*, sets out requirements in relation to the use of force, including use of approved weapons, training, reporting and use/technical specifications for handguns.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to secure holsters that:

1. The Chief of Police will:
 - a) ensure the provision of secure holster equipment that is constructed to provide the level of protection that is necessary for the performance of duty including:
 - i) inhibiting the handgun from being drawn inadvertently;
 - ii) inhibiting the handgun from being withdrawn by an unauthorized person; and
 - iii) permitting the rapid unimpeded drawing of the handgun should it be required;
 and
 - b) consult with designated employee representatives regarding the acquisition of secure holsters.

Police Service Guidelines

- General**
1. Every Chief of Police should ensure that, at minimum, police officers and other appropriate members are issued a secure holster that:
 - a) will be so constructed (so that both the holster and the finger-break) as to expose the handgun's butt so that the user's initial grip may remain unchanged during the handgun's removal and firing;
- Secure Holster**



- b) has no features that will inhibit the handgun's rapid withdrawal on those occasions where instantaneous access is required;
 - c) has safety features that inhibit the withdrawal of the gun inadvertently or by an unauthorized person;
 - d) must be constructed to allow quick and safe re-holstering and securing of the handgun with one hand;
 - e) allows for an optional belt loop mount to be provided for those officers who require the holster to be somewhat lower and capable of being mounted on a drop loop belt or straight belt; and
 - f) is inspected on an annual basis by a qualified person to ensure that it is in proper working condition.
2. Every Chief of Police should ensure that, prior to making a decision regarding the acquisition of secure holsters, designated employee representatives are consulted.
3. Every Chief of Police should ensure that, at minimum, police officers are issued secure holsters that have the following physical requirements:
- a) the main body of the holster is to be a unitary moulded pocket;
 - b) the holster is to be constructed of a material of high durability;
 - c) the holster is to be moulded for the particular make, model, and barrel length of the handgun carried within;
 - d) the holster is to provide a resilient squeezing effect to inhibit relative movement while in the holster, and to prevent the accidental removal of the handgun from the holster;
 - e) the holster is to be constructed so as to permit minimal moisture retention;
 - f) the holster is to be constructed with a provision to partially enclose the trigger guard in such a way that the trigger is fully covered;
 - g) a one or two-piece finger-break retention/release provision will be provided for the opening;
 - h) the holster will provide at least two separate and redundant safety features to prevent the withdrawal inadvertently or by an unauthorized person, even when one of the two systems are defeated;
 - i) the holster will be constructed to reduce the risk of an unauthorized forward release;
 - j) the holster will be constructed with safety features that are effective from a left hand or a right hand attack;
 - k) the holster will be constructed to permit withdrawal by the support hand if required in an emergent situation;
 - l) a belt mount will be provided of the same, or stronger material as the holster;
 - m) the belt mount will be so constructed that it will:
 - i) snugly fit the contours of the user's body;
 - ii) position the holster on the user's strong hand side;



- iii) be affixed to and through the holster's inner-side with secure and durable fasteners, the heads being of such a size to minimize damage to clothing and to prevent pulling through belt loop mount;
- iv) must include an inner belt and minimum four belt keepers designed to secure the gun belt to the body; and
- v) accommodate a belt of high quality durable material, to be a maximum of 2 ¼" in width and a minimum of 2 ⅛" in width, and to be a maximum thickness of ¼" and a minimum thickness of ⅓" thick.

**Concealed
Carry and
Specialized
Units**

4. Every Chief of Police should ensure that police officers and other authorized members operating in a plain clothes or undercover capacity or operating in a specialized unit are issued a secure holster that:
- a) is designed to meet the specific needs and requirements of the officer;
 - b) provides the level of protection that is necessary for the performance of the members non-uniform or specialized duty;
 - c) inhibits the handgun from being drawn inadvertently, or by an unauthorized person;
 - d) permits the rapid drawing of the handgun when required;
 - e) is approved by the police service; and
 - f) the police officer or authorized person has been provided with in service training on the type of secure holster issued for this specialized function.

Procedures

5. Every police service's procedures should ensure that police officers that are provided a secure holster:
- a) use that type of secure holster in accordance with the manufacturers standards;
 - b) maintain and care for the secure holster that is issued to them; and
 - c) report to his or her supervisor the absence of, or defect in, any equipment or protective device of which the police officer is aware and which may endanger himself, herself or another worker.

**Training
and
Information**

6. Every police service's procedures on secure holsters shall ensure that police officers and appropriate members receive training in accordance with the requirements of the *Equipment and Use of Force Regulation* and accompanying guideline.
7. Every Chief of Police shall ensure that appropriate supervisors and police officers are provided with training and information in accordance with the *OHSA* that would include:
- a) the proper use and care of secure holsters; and
 - b) the responsibilities and obligations of employers, supervisors and employees under the *Occupational Health and Safety Act*.

