



BY-LAW NO. 211 - 2000

**A BY-LAW RESPECTING
STOLEN OR SMUGGLED FIREARMS
(LE-019)**

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 section 134(8)(4) of the *Police Services Act* requires the sharing of crime analysis, criminal intelligence and other information on stolen or smuggled firearms with law enforcement agencies;
- 1.4 AND whereas O. Reg. 3/99 prescribes standards for adequacy and effectiveness of police services;
- 1.5 AND whereas subsection 12(1)(f) of O. Reg. 3/99 requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into stolen or smuggled firearms;
- 1.6 AND whereas section 29 of O. Reg. 3/99 requires a police services board to have a policy on investigations into stolen or smuggled firearms;
- 1.7 AND whereas the Ministry has published a Police Standards Manual (2000) which provides Direction to the police service in respect of investigations into stolen or smuggled firearms;
- 1.8 AND whereas Part LE-019 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and the police service relative to investigations of stolen or smuggled 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 *"Manual"* means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.5 *"Member"* means a member of the Niagara Regional Police Service;
- 2.6 *"Service"* means the Niagara Regional Police Service.

3 ***BOARD POLICY***

- 3.1 The Board recognizes that matters of stolen or smuggled firearms are serious in nature, and it is therefore the policy of this Board that investigations into such matters be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

4 ***DIRECTION TO THE CHIEF***

4.1 ***ORIGIN OF FIREARM***

- 4.1.1 The Chief shall develop and implement a procedure to determine the origin of every firearm that comes into the possession of the Service with a view to determining whether the firearm is:
 - a. lost or stolen;
 - b. registered in Canada; or
 - c. illegal in Canada.

4.2 ***INVESTIGATION OF STOLEN OR SMUGGLED FIREARMS***

- 4.2.1 The Chief shall develop and implement written procedures relating to the investigation of stolen or smuggled firearms.

4.3 ***SHARING OF INFORMATION***

- 4.3.1 The Chief shall develop and implement a procedure to address the sharing of information on stolen and smuggled firearms with law enforcement agencies.

4.4 **TRAINING**

4.4.1 The Chief shall ensure that Members receive the appropriate training in relation to firearms safety and that Members involved in investigations of stolen or smuggled firearms have had the requisite knowledge, skills and abilities.

4.5 The procedures referred to above shall be in accordance with Appendix A.

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 the investigation of stolen or smuggled firearms. This report will contain:

- a. a summary of the written procedures concerning investigations into stolen or smuggled firearms; and
- b. the status of Service compliance with the said procedures.

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 30th day of November, 2000.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Chairperson



Vice Chairperson



Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into stolen or smuggled firearms.

In addition, section 12(1)(s) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into stolen or smuggled firearms.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to stolen or smuggled firearms that the Chief of Police will develop and maintain procedures:

- a) that require that every firearm that comes into the possession of the police service will be checked to determine whether the firearm:
 - i) has been reported stolen or lost;
 - ii) is legally registered in Canada; or
 - iii) is smuggled;
- b) on the investigation of stolen or smuggled firearms in accordance with the police service's criminal investigation management plan; and
- c) that address the sharing of crime analysis, criminal intelligence and other information on stolen or smuggled firearms with relevant law enforcement agencies and as required by section 134(8)4 of the *Police Services Act*.

Police Service Guidelines

- Procedures**
1. Every police service's procedures should:
 - a) require that every firearm that comes into the possession of the police service shall be checked to determine whether the firearm:
 - i) has been reported stolen or lost;
 - ii) is legally registered in Canada; or
 - iii) is smuggled;
 - b) provide that the police service participates in the *Firearms Tracing and Analysis Program (FATE)*, and that members should comply with the administrative requirements specified by the program;
 - c) provide that where it is determined that a seized firearm has been stolen an investigation shall be undertaken, in accordance with the police service's criminal investigation management plan, to determine how the individual from whom the

firearm was seized came into possession of the stolen firearm, as well as whether the original owner of the firearm complied with requirements for the safe storage of firearms;

- d) provide that where it is determined that the seized firearm is of the type that should be registered in Canada but is not, or the firearm is prohibited, that:
 - i) the *Provincial Weapons Enforcement Unit* (PWEU) shall be consulted for the appropriate assistance and/or investigative procedure to be followed; and
 - ii) an investigation shall be undertaken, in accordance with the police service's criminal investigation management plan, to determine how the individual from whom the firearm was seized came into possession of the unregistered or prohibited firearm; and
- e) provide that information shall be shared with PWEU, and appropriate law enforcement agencies when:
 - i) the seized weapon may have been distributed through a "supplier" or "distribution network";
 - ii) there is a theft/robbery of firearms from a store that sells firearms, a gun club or a theft from a private residence; and
 - iii) it is suspected that individuals within the community are involved in the smuggling and/or distribution of firearms.

