



BY-LAW NO. 210 - 2000

**A BY-LAW RESPECTING
WITNESS PROTECTION
(LE-018)**

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 13(1)(f) of O. Reg. 3/99 requires the Chief of Police to establish procedures and processes in respect of witness protection and security;

1.5 AND whereas section 29 of O. Reg. 3/99 requires a police services board to have a policy on witness protection and security;

1.6 AND whereas the Ministry has published a Police Standards Manual (2000) which provides Direction to the police service in respect of witness protection and security;

1.7 AND whereas Part LE-018 of the Policing Standards Manual (2000), a copy of which is attached as Appendix A, contains guidelines directing the police service relative to witness protection.

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 issues relating to the protection of witnesses form an important part of policing and of the prosecution of criminal offences, and it is therefore the policy of this Board that witness protection issues be dealt with in a professional and thorough manner in accordance with procedures established by the Chief as directed in this By-law.

4 DIRECTION TO THE CHIEF

4.1 WITNESS PROTECTION LIAISON OFFICER

- 4.1.1 The Chief shall appoint a Member, who as part of his or her duties, will act as a witness protection liaison officer.

4.2 PROCEDURES FOR SECURITY OF WITNESSES

- 4.2.1 The Chief shall develop and implement written procedures and processes in respect of the protection and security of witnesses.

4.3 PROCEDURES FOR WITNESS ASSISTANCE

- 4.3.1 The Chief shall establish procedures and processes in respect of witness assistance.

4.4 **TRAINING**

4.4.1 The Chief shall ensure that Members are aware of the provisions of the *Witness Protection Act* and are kept informed of changes in the law relating to witness protection.

4.5 The Chief shall establish written procedures relative to witness protection issues 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 witness protection and security and witness assistance. The report shall include:

- a. a summary of the written procedures concerning witness protection and security and witness assistance;
- b. the status of Service compliance with the said procedures; and
- c. on an anonymous basis, the cost of witness protection and assistance.

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 witness protection and security. In addition, section 13(1)(f) requires the Chief of Police to establish procedures and processes in respect of witness protection and security.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to witness protection and security that the Chief of Police will:

- a) establish procedures and processes in respect of witness protection and security; and
- b) ensure that the police service has a Witness Protection Liaison Officer, or an arrangement with another police service to use their Witness Protection Liaison Officer.

Police Service Guidelines

- Procedures**
1. Every police service's procedures and process in respect of witness protection and security should:
 - a) require that all members of the police service who may become involved in the investigation of serious crimes are aware of the provisions of the *Witness Protection Program Act* and any provincial Witness Protection Program; and
 - b) require the designation of at least one Witness Protection Liaison Officer or set out the procedures for accessing a Witness Protection Liaison Officer from another police service.

