



BY-LAW NO. 335 – 2013

**A BY-LAW RESPECTING
ACOUSTIC HAILING DEVICES
(AI-017)**

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 section 16 of O. Reg. 926 Equipment and Use of Force Regulation, as amended, made under the *Police Services Act* sets out requirements in relation to the use of acoustic hailing devices including the need for independent testing, for training and to develop standard operating procedures;
- 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 the Ministry of Community Safety and Correctional Services Policing Standards requires a police services board to have a policy with respect to acoustic hailing devices for the purposes of workplace safety under the *Police Services Act*;
- 1.6 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, and accordingly the Board requires the Chief of Police to establish procedures and processes with respect to acoustic hailing devices;
- 1.7 AND whereas Part AI-017 of the Policing Standards Manual, a copy of which is attached hereto as Appendix A, contains guidelines directing the Board, the Chief and members relative to acoustic hailing devices.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD ENACTS AS FOLLOWS:

2 DEFINITIONS

- 2.1 “*Acoustic Hailing Device*” means a device that was designed for communicating voice messages or other sounds over long distances and that is capable of emitting, or was designed to emit, sounds that are 135 decibels or greater when measured at a distance of one metre from the device, but does not include a siren that was designed to be mounted on a vehicle;
- 2.2 “*Act*” means *Police Services Act*, R.S.O. 1990, c.P.15, as amended;
- 2.3 “*Board*” means the Regional Municipality of Niagara Police Services Board;
- 2.4 “*Chief*” means the Chief of the Niagara Regional Police Service;
- 2.5 “*Member*” means a member of the Niagara Regional Police Service;
- 2.6 “*Ministry*” means the Ministry of Community Safety and Correctional Services;
- 2.7 “*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 long-range acoustic hailing devices, 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 long-range acoustic hailing devices.

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 acoustic hailing devices.
- 4.1.2 The Chief shall ensure that recorded voice announcements are recorded using good engineering practices and that existing and future recordings are reviewed to ensure messages are clear and do not result in higher than anticipated sound pressure levels.

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 acoustic hailing devices.
- 4.2.2 The Chief shall ensure that members operating the device have received training on the police service procedures, proper use of the device, and training on

product information, warnings and practical application of the device.

5. REPORT TO THE BOARD

5.1 The Chief shall make a public written report to the Board on or before August 30th of each year with respect to acoustic hailing devices. The report shall contain:

- a. a summary of the written procedures relating to acoustic hailing devices;
- b. the status of Service compliance with the said procedures;
- c. confirmation that Members have been trained in accordance with section 4.2;
- d. a summary of the circumstances in which acoustic hailing devices have been deployed; and
- e. the results of the testing and recommendations relied on by the Service in relation to sections 16(1)(b) and (c) of the *Equipment and Use of Force Regulation*.

6 IMPLEMENTATION

6.2 This By-law shall come into force upon the date of its passage.

6.3 The Chief shall implement this By-law, where applicable, through general order.

ENACTED AND PASSED this 23rd day of May, 2013.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Signed Original on File
Chairperson

Signed Original on File
Executive Director

Legislative/Regulatory Requirements

The Equipment and Use of Force Regulation, as amended, under the *Police Services Act*, sets out the requirements in relation to the use of acoustic hailing devices including the need for independent testing, for training and to develop standard operating procedures.

The requirements of the Equipment and Use of Force Regulation in relation to the use of acoustic hailing devices do not replace an employer's obligations under the *Occupational Health and Safety Act* to provide information, instruction and supervision to a worker to protect the health or safety of the worker.

Sample Board Policy

Board Policy # _____

It is the Policy of the _____ Police Services Board with respect to long-range acoustic hailing devices that:

- a) Acoustic hailing devices will only be used in accordance with procedures that set out the supervisory, operating, reporting and training requirements for their deployment; and
- b) Police service procedures regarding the use of acoustic hailing devices are based on recommendations about the devices per section 16 (1)(c) of the Equipment and Use of Force Regulation.

Police Services Guidelines

1. Every police service's procedures on the use of acoustic hailing devices shall:
 - a) be established per section 16 (1)(d) of the Equipment and Use of Force Regulation; and
 - b) indicate the device is to be used only to communicate.
2. Every police service's procedures on the use of acoustic hailing devices should:
 - a) identify the type of incidents in which an acoustic hailing device may be used;
 - b) address the supervision of operators, including authorization(s) to be obtained prior to deploying the device;
 - c) require any recorded communication be followed by a period of silence to allow for effective communication while reducing bystander exposure;
 - d) require that the following information be documented:
 - i) the date, time and location of the deployment of the device;
 - ii) the purpose for which the device was used;
 - iii) the volume level(s) or setting(s) at which the device was used;

- iv) the approximate distance(s) and the decibel level(s) from the intended audience at which the device was used;
 - v) all messages and communications; and
 - vi) the authorizing member(s).
- e) require operators of the acoustic hailing devices wear appropriate hearing protection devices during equipment operation.
3. Every Chief of Police shall ensure members operating the device have received training on the police service's procedures and on proper use of the device. Training should include product information and warnings and practical application.
 4. Every Chief of Police should ensure that recorded voice announcements are recorded using good engineering practice. Existing and future recordings should be reviewed to ensure messages are clear and do not result in higher than anticipated sound pressure levels.
 5. Every Chief of Police should ensure the report of the testing and recommendations relied on by the police service in relation to sections 16 (1) (b) and (c) of the Equipment and Use of Force Regulation are available to the public.