



BY-LAW NO. 441-2024

**A BY-LAW RESPECTING
CRIMINAL INTELLIGENCE**

1. PREAMBLE

- 1.1 WHEREAS subsection 37 (1) of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, (“CSPA”) provides that a Board shall provide adequate and effective policing in the area for which it has policing responsibility as required by Section 10 of the CSPA;
- 1.2 AND WHEREAS subsection 38 (2) of the CSPA provides that a Police Service Board may establish policies respecting matters related to the Police Service or the provision of policing;
- 1.3 AND WHEREAS subsection 5 (1) 2 of O. Reg. 392/23: Adequate and Effective Policing (General) requires the police service to have a criminal intelligence capacity and process that meets the requirements of subsection 5 (2) of the said regulation, including a procedure for sharing criminal intelligence with other law enforcement agencies;
- 1.4 AND WHEREAS the Board has deemed it appropriate and consistent with the principles set out in Section 1 of the CSPA, with its objectives and priorities determined pursuant to Sections 37 and 38 of the CSPA that it has a policy on criminal intelligence;
- 1.5 AND WHEREAS Part LE-004 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and police service relative to criminal intelligence.

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

2. DEFINITIONS

- 2.1 “Act” or “CSPA” means the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, and amendments thereto;
- 2.2 “Board” means the Regional Municipality of Niagara Police Service 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 criminal intelligence are important components of investigative and preventative policing, and it is therefore the policy of this Board that such matters be dealt with in a professional and thorough manner, and in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 PROCEDURES

4.1.1 The Chief shall establish written priorities and written procedures for criminal intelligence.

4.1.2 The Chief shall ensure that the written procedures referred to in subsection 4.1.1. include procedures regarding strategic and tactical intelligence.

4.1.3 The procedures referred to above shall be in accordance with Appendix A and O.Reg.392/23: Adequate and Effective Policing (General).

4.2 CRIMINAL INTELLIGENCE ANALYSIS

4.2.1 The Chief shall promote the use of criminal intelligence analysis by supervisors to identify areas for issues requiring directed patrol, targeted enforcement, problem-oriented policing initiatives or community-based crime prevention initiatives.

4.3 TRAINING

4.3.1 The Chief shall ensure that Members used to perform criminal intelligence functions have the knowledge, skills and abilities to perform this function.

4.4 EQUIPMENT

4.4.1 The Chief shall ensure that Members involved in criminal intelligence have available and use appropriate equipment in performing this function.

5. REPORT TO THE BOARD

5.1 Chief shall make a written report to the Board on or before August 30 of each year in respect of criminal intelligence. The report shall include:

- (a) a summary of the written procedures concerning criminal intelligence;
- (b) the status of Service compliance with the said procedures; and
- (c) confirmation that Members have been trained in accordance with section 4.3.


6. IMPLEMENTATION

6.1 By-law No. 196-2000 and all other By-laws, sections of By-laws and procedural policies of the Board inconsistent with the provisions of this By-law are hereby repealed effective March 31, 2024.


6.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this 28th day of March, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Jen Lawson, Chair



Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 5(1)(b) of the Adequacy Standards Regulation requires a police service to have a criminal intelligence capacity.

Section 5(4) of the regulation allows a police service to deliver criminal intelligence by contracting with another police service, or entering into arrangements to provide this service on a combined, regional or cooperative basis.

Furthermore, section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on criminal intelligence. In addition, section 13(1)(c) requires the Chief of Police to establish procedures and processes in respect of criminal intelligence.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to criminal intelligence that:

- a) criminal intelligence will be provided by (identify service delivery method);
- b) the Chief of Police will:
 - i) establish priorities and procedures for criminal intelligence, including strategic and tactical intelligence;
 - ii) promote the use of criminal intelligence analysis by supervisors to identify areas or issues requiring directed patrol, targeted enforcement, problem-oriented policing initiatives or community-based crime prevention initiatives; and
 - iii) ensure, if the police service uses its own members to perform the criminal intelligence function, that the members have the knowledge, skills and abilities to perform this function and the necessary tools and equipment.

Police Service Guidelines

- Procedures*
1. Every police service's procedures on criminal intelligence should:
 - a) set out the circumstances and steps to be followed for notifying criminal intelligence personnel about occurrences or information that is relevant, including when an occurrence involves gang or organized crime activity;
 - b) require supervisors to use criminal intelligence analysis for identifying areas or issues requiring directed patrol, targeted enforcement, problem-oriented policing or community-based crime prevention initiatives;
 - c) require the separate storage, security and maintenance of intelligence records; and

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- d) set out the steps for disseminating intelligence within the police service, and to other police services, law enforcement agencies, such as Criminal Intelligence Service Ontario (CISO), appropriate government agencies, and other organizations that have a bona fide need for the intelligence.
2. Where a police service undertakes criminal intelligence using its own members, its procedures should address:
 - a) the collection, collation and analysis of criminal intelligence, including strategic and tactical analysis;
 - b) the control and management of a special fund for intelligence activities if the police service maintains such a fund;
 - c) the evaluation criteria for assessing the reliability of information and sources;
 - d) the purging of out-of-date information from the records; and
 - e) the designation of a position within the police service that is responsible for the intelligence function, including:
 - i) staying current on emerging trends and new techniques for performing this function; and
 - ii) ensuring that the members performing this function have the necessary knowledge, skills, abilities and equipment.