



**BY-LAW NO. 311 – 2011**

**A BY-LAW RESPECTING  
EQUIPMENT - BODY ARMOUR  
(AI-015)**

**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. 268/10, Section 7 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 the Ministry of Community Safety and Correctional Services Policing Standards requires a police services board to have a policy with respect to equipment – body armour 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, the Board prescribes the Chief of Police shall establish procedures and processes with respect to equipment – body armour;
- 1.7 AND whereas Part AI-015 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 equipment – body armour.

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 body armour, 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 body armour 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 body armour equipment.
- 4.1.2 The Chief shall consult with designated employee representatives regarding the acquisition of body armour.

**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 body armour.

**5 REPORT TO THE BOARD**

- 5.1 The Chief shall make a written report to the Board on or before August 30<sup>th</sup> of each year with respect to body armour equipment for police service firearms. The report shall contain:
  - a. a summary of the written procedures relating to body armour equipment;
  - 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 15th day of December, 2011.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

(Signed Original on File)  
Chairperson

(Signed Original on File)  
Executive Director

## Legislative/Regulatory Requirements

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

Section 7 of O. Reg. 268/10 (“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 *Police Services Act* allows for the making of regulations regarding the use of any equipment and the use of force by a police force or any of its members. “Regulation 926” (“Equipment and Use of Force”), under the *Police Services Act*, 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 equipment-body armour that:

1. The Chief of Police will:
  - a) ensure the provision of body armour equipment that is:
    - i) constructed to provide the level of protection necessary for the performance of duty that addresses:
      - the type of weapons members are likely exposed to;
      - protection for members from their own handguns and ammunition that are in accordance with prescribed specifications;
    - b) ensure the provision of body armour that is purchased from manufacturers that:
      - i) practice effective quality control for testing and labeling in accordance with current National Institute of Justice (NIJ) Standards/Requirements on Ballistic Resistance of Body Armor;
      - ii) are certified under current International Organization for Standardization-ISO 9001:2008 standards for production and manufacturing; and
      - iii) ensure that the body armour provided is listed on the NIJ Compliant Products List, including replacement panels and carriers, in accordance with current NIJ Standards/Requirements;

- c) ensure that each member uses, maintains and cares for the body armour provided in accordance with the manufacturer's instructions;
- d) ensure that a formal and documented inspection program is in place that addresses wear and tear;
- e) ensure that members receive the appropriate training on the legislative requirements of OHSA and information on use and care, as well as the benefits and limitations of body armour; and
- f) consult with designated employee representatives regarding the acquisition of body armour.

Publication of this guideline revision does not invalidate or render unsuitable any body armour models previously determined by the NIJ to be compliant to either the NIJ 2005 Interim Requirements or the NIJ Standard-0101.04 Rev. A Requirements. While it may not be necessary to remove these existing armours from service, agencies are advised to always require their procurements to meet or exceed the most recent and up-to-date version of this guideline.

## Police Service Guidelines

### *General*

1. Every Chief of Police should ensure that, at a minimum, appropriate members are provided personal body armour that is:

### *Personal Body Armour (Ballistic Protection)*

- a) constructed of ballistic fabric or other ballistic resistant materials. The ballistic panel is inserted into a carrier of conventional garment fabrics, such as nylon or cotton. The ballistic protection is determined by the type and number of layers in the ballistic panel.
- b) purchased from manufacturers:
  - i) whose products are listed on the NIJ Compliant Products List;
  - ii) who are certified under current International Organization for Standardization-ISO 9001:2008 standards for production and manufacturing;
- c) able to provide the level of protection required by meeting the National Institute of Justice most current Requirements on Ballistic Body Armor (NIJ Standard 0101.06 Ballistic Resistance of Body Armor) at a minimum, Threat Level Type II
- d) able to provide where possible, optimum fit and comfort and maximum mobility;
- e) able to provide full coverage including front, back and side protection under the arms and above the waist;
- f) designed to provide for an issued carrier (Under-shirt or Over-shirt carrier or both as determined by police service policy) that includes an:
  - i) Under-shirt Carrier that:
    - is worn under the normal uniform shirt;

- is constructed to form front and back pockets shaped to securely retain the body armour panels in place;
  - includes a hook and pile closure across the entire opening of the pocket;
  - permits the easy insertion and removal of the body armour panels;
  - permits the easy insertion and removal of a stab/trauma plate;
  - may include integral front and rear shirttail with the front split to accommodate use of the trouser zipper; and
  - is able to be laundered while another issued carrier is worn; and
- ii) Over-shirt Carrier that:
- may be worn over the uniform shirt;
  - permits the easy insertion and removal of a stab/trauma plate;
  - shall be constructed to form front and back pockets shaped to securely retain the body armour panels in place; and
  - is able to be laundered while another issued carrier is worn; and
- g) designed to provide body armour panels for optimum fit, coverage, and in accordance with manufacturers specifications, and:
- i) will be contained within a water resistant cover, hermetically seam sealed and impervious to external influences including, but not limited to, body oils, perspiration, fluids, insect repellent, sunscreen, and ultraviolet light; and
- ii) allow for the same body armour panels to be used in the under-shirt carrier or in the over-shirt carrier.

Publication of this guideline revision does not invalidate or render unsuitable any body armour models previously determined by the NIJ to be compliant to either the NIJ 2005 Interim Requirements or the NIJ Standard–0101.04 Rev. A Requirements. While it may not be necessary to remove these existing armours from service, agencies are advised to always require their procurements to meet or exceed the most recent and up-to-date version of this guideline.

### *Procedures*

2. Every Chief of Police should ensure that members:
- a) use, maintain and care for the body armour that is provided to them in accordance with the manufacturers instructions;
  - b) participate in a formal and documented inspection on an annual basis to ensure that body armour is in proper working condition;
  - 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; and
  - d) report to his or her supervisor any contravention of the OHS/A or the regulations or the existence of any hazard of which he or she knows.

*Training  
and  
Information*

3. Every Chief of Police should ensure that, as part of the acquisition of body armour process, designated employee representatives are consulted.
4. Every police service should provide appropriate members with training and information that would include:
  - a) the proper use and care of body armour;
  - b) the limitations of body armour;
  - c) the protection offered against handgun assault;
  - d) the protection/prevention of serious and potential fatal injuries from traffic accidents, knives, edged weapons and physical assault with improvised weapons; and
  - e) information on the responsibilities and obligations of employers, supervisors and employees under the OHSA.