



BY-LAW NO. 227 – 2000

**A BY-LAW RESPECTING
MARINE UNIT
(LE-035)**

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 19(1) of the *Police Services Act* provides that the O.P.P. is responsible for providing police services in respect of all navigable bodies and courses of water in Ontario except those that lie within the municipalities designated by the Solicitor General;
- 1.4 AND whereas O.Reg. 3/99 prescribes standards for adequacy and effectiveness of police services;
- 1.5 AND whereas section 15 of O.Reg.3/99 requires every Chief of Police in the municipality that has been designated under the subsection 19(1) of the *Act* to establish procedures and processes in respect of all navigable bodies and courses of water within that municipality;
- 1.6 AND whereas the Regional Municipality of Niagara has been designated under subsection 19(1) of the *Act*;
- 1.7 AND whereas section 29 of O.Reg. 3/99 requires the police services boards to establish policies with respect of waterways policing;
- 1.8 AND whereas Part LE-035 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines direction the police service relative to waterways policing.

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 Community Safety and Correctional Services;
- 2.5 "Marine Unit" means the unit assigned to provide police services in respect of navigable waters pursuant to subsection 19(1) of the *Police Services Act*;
- 2.6 "Member" means a member of the Niagara Regional Police Service;
- 2.7 "Service" means the Niagara Regional Police Service.

3 **BOARD POLICY**

- 3.1 The Board recognizes that appropriate policing of the waterways within the jurisdiction of the Service forms an important part of the overall policing duties of the Service and the Region, and it is therefore the policy of this Board that the waterways be policed 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 **PROCEDURES**

- 4.1.1 The Chief establish procedures for the Marine Unit in accordance with Appendix A.

4.2 **TRAINING**

- 4.2.1 The Chief shall ensure that no Member is assigned to the Marine Unit unless they have successfully completed proper training.

5 **REPORT TO THE BOARD**

- 5.1 The Chief shall, as part of the budget process, provide the Board with the number of officers assigned to the marine unit as well as the time period of assignment.
- 5.2 The Chief shall make a written report to the Board on or before August 30 of each year. The report shall include:
- a. a summary of the procedures for the marine unit;
 - b. the status of Service compliance with the said procedures; and
 - c. whether or not the marine unit has been utilized by other services and the extent of such utilization.

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 Signed Original on File

Vice Chairperson Signed Original on File

Legislative/Regulatory Requirements

Section 19(1) of the *Police Services Act* provides that the OPP is responsible for providing police services in respect of all navigable bodies and courses of water in Ontario, except those that lie within municipalities designated by the Solicitor General.

Section 15 of the Adequacy Standards Regulation requires every Chief of Police in a municipality that has been designated under subsection 19(1) of the *Act* to establish procedures and processes for the provision of police services in respect of all navigable bodies and courses of water within that municipality.

In addition, section 29 of the Regulation requires the police services board to establish policies with respect to waterways policing.

Sample Board Policy For Designated Municipalities

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to waterways policing that the Chief of Police will:

- a) establish procedures on waterways policing; and
- b) ensure that members involved in waterways policing have the knowledge, skills and abilities required to perform the specialized functions connected with waterways policing.

Police Service Guidelines

- Procedures*
1. The police service's procedures on waterways policing should:
 - a) require that all vessels operated by, or on behalf of, the police service are equipped in compliance with the relevant provisions of *Canada Shipping Act* and its regulations;
 - b) require that, except in exigent circumstances, only those members of the police service designated by the Chief of Police should pilot, navigate or crew vessels operated by, for or under the direction of the police service;
 - c) require that, where practicable, all vessels operated by, or on behalf of, the police service be equipped with an approved screening device, as defined in the *Criminal Code* and its regulations;
 - d) set out the circumstances when more than one officer needs to be present on a vessel, but require that at least one uniformed police officer be present on board any marked police vessel;

- e) emphasize that the person piloting a vessel being operated by, or on behalf of, the police service has complete discretion with respect to its safe use and operation;
 - f) require that any vessel operated by, or on behalf of, the police service be equipped with telecommunications equipment to allow persons aboard the vessel to contact the police communications centre and other vessels equipped with marine or citizen band radios;
 - g) address the stopping of vessels;
 - h) require that all vessels operated by, or on behalf of, the police service have one or more blue flashing lights in accordance with the Collision Regulations made under the *Canada Shipping Act*, and any appropriate sound making device capable of sounding a warning to persons and vessels in the vicinity of the police vessel; and
 - i) address the search, rescue and recovery of persons and vessels on the waterways within the jurisdiction of the municipality.
2. Every police service's procedures should address the steps to be taken when receiving a report of a lost, sinking, overdue or otherwise in distress vessel on any Great Lake or the St. Lawrence Seaway, including immediately notifying the Canadian Forces Rescue Coordination Centre (RCC) located in Trenton.
 3. Every Chief of Police should ensure that members involved in waterways policing have the knowledge, skills and abilities required to perform the specialized functions connected with waterways policing, including:
 - a) knowledge of specialized enforcement information relating to boating and the *Contraventions Act*;
 - b) the ability to safely and competently operate vessels utilized by the police service for waterways policing, and other types of small watercraft, including possessing a Pleasure Craft Operator Card obtained after successful completion of a Canadian Coast Guard accredited course, as required by federal law;
 - c) nautical survival techniques;
 - d) marine towing procedures;
 - e) adequate and effective marine search and rescue procedures;
 - f) nautical navigation; and
 - g) the ability to effect emergency repairs to the police vessel.

