



**BY-LAW NO. 355 – 2014**

**A BY-LAW RESPECTING  
PRELIMINARY PERIMETER CONTROL & CONTAINMENT  
(ER-001)**

**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 section 22 of O. Reg. 3/99 requires the Chief of Police to establish procedures on preliminary perimeter control and containment;
- 1.5 AND whereas subsection 25(2)(a) of O. Reg. 3/99 requires the Chief of Police to establish procedures that set out circumstances in which a containment team will be deployed;
- 1.6 AND whereas section 29 of O. Reg. 3/99 requires a police services board to have a policy on preliminary perimeter control and containment and on the deployment of a containment team;
- 1.7 AND whereas Part ER-001 of the Policing Standards Manual (2000), a copy of which is attached as Appendix A, contains guidelines directing the Chief and the police service relative to preliminary control and containment.

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 “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 that issues relating to preliminary perimeter control and containment form an important part of policing, and it is therefore the policy of this Board that such matters be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

### **4 PROVISION OF PRELIMINARY PERIMETER CONTAINMENT**

- 4.1 The Chief shall ensure that preliminary perimeter containment will be provided by front-line patrol officers, and that all subsequent perimeter containment will be provided by the Emergency Task Unit, comprised of Service Members and/or support from parties to the Shared Resources Agreement.

### **5 DIRECTION TO THE CHIEF**

#### **5.1 PROCEDURES**

- 5.1.1 The Chief shall establish procedures on providing preliminary perimeter control and containment in accordance with Appendix A and that address:
- a. the circumstances in which preliminary perimeter control and containment will be established;
  - b. operational responsibility for an incident where preliminary perimeter control and containment is being established;
  - c. the deployment of other emergency response services, including receiving assistance from other agencies; and
  - d. the duties of an officer involved in the establishment of preliminary perimeter control and containment, including compliance with the requirement of section 22(3) of O. Reg. 3/99, pending the deployment of a tactical unit.

#### **5.2 MANUAL**

- 5.2.1 The Chief shall develop and maintain a manual, in accordance with Appendix A, that addresses the services provided by the Emergency Task Unit, which at minimum will include perimeter control and containment. This manual will be made available to each member of the Emergency Task Unit and Tactical Support Group who provide perimeter control and containment services.

5.2.2 The Chief shall ensure that the manual referred to in 5.2.1 above is reviewed on an annual basis and amended as required.

### 5.3 *MEMBERSHIP*

5.3.1 The Chief shall establish a selection process for members of the Emergency Task Unit ensuring that Members who provide this service meet the requirements of O. Reg. 3/99.

### 5.4 *TRAINING*

5.4.1 The Chief shall ensure that all Members involved in preliminary perimeter control and containment have the requisite knowledge, skills and abilities and receive training on an ongoing basis.

5.4.2 The Chief shall ensure that no person is a member of the Emergency Task Unit or provides perimeter control and containment as a member of the Tactical Support Group unless the person has successfully received the required Ministry accredited training.

### 5.5 *EQUIPMENT*

5.5.1 The Chief shall ensure the appropriate equipment, in accordance with the Ministry's designated equipment and facilities list, is used/available to Members who provide preliminary perimeter control and containment services.

## **6 REPORT TO THE BOARD**

6.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect preliminary perimeter control and containment. The report shall include:

- a. summary of the procedures relating to preliminary perimeter control and containment as required by this By-law;
- b. the status of Service compliance with the said procedures;
- c. confirmation of the development and maintenance of the manual addressing perimeter control and containment provided by the Emergency Task Unit and Members of the Tactical Support Group; and
- d. confirmation that Members have been trained in accordance with section 5.4.

## **7 IMPLEMENTATION**

7.1 By-law No. 241-2000, By-law No. 345-2014, and all other By-laws, and sections of By-laws inconsistent with the provisions of this By-law are hereby repealed.

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

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

ENACTED AND PASSED this 23<sup>rd</sup> day of October, 2014.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Board Chair

Signed Original on File

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Executive Director

Signed Original on File

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## Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on preliminary perimeter control and containment. In addition, section 22(1) requires the Chief of Police to establish procedures on preliminary perimeter control and containment. If a police service maintains its own containment team, section 22(2) requires the Chief of Police to develop procedures for it.

Section 22(3) requires that police officers who are not members of a tactical unit and who are deployed in a containment function, including members of a containment team, shall not, prior to the arrival of a tactical response, employ offensive tactics unless the officers believe, on reasonable grounds, that to do so is necessary to protect against the loss of life or serious bodily harm.

Section 24(2) requires the Chief of Police to ensure that no person is to be a member of a containment team unless that person has successfully completed the required Ministry accredited training or acquired the Ministry approved equivalent competencies. Section 29 requires a police services board to have a policy in respect of required accredited training and equivalent competencies for members of a containment team.

Furthermore, section 29 requires a board to have a policy concerning the deployment of a containment team. Also, section 25(2)(a) requires the Chief of Police to establish procedures that set out the circumstances in which the containment team will be deployed.

Finally, section 29 requires a board to have a policy requiring that all members of a containment team have access to a procedures manual. Section 25(3) requires the Chief of Police to ensure that the police service's procedures for containment are contained in a manual that is available to each member providing that service.

## Sample Board Policy

Board Policy # \_\_\_\_\_

It is the policy of the \_\_\_\_\_ Police Services Board with respect to preliminary perimeter control and containment that:

- a) containment will be provided by (identify service delivery methods - the police service's patrol officers, a containment team (using its own members, entering into a contract, or by entering into an agreement for a combined, regional or cooperative delivery) or a tactical unit);
- b) the Chief of Police will establish procedures that address:



- i) the circumstances in which preliminary perimeter control and containment will be established;
  - ii) operational responsibility for an incident where preliminary perimeter control and containment is being established;
  - iii) the deployment of other emergency response services, including receiving assistance from other agencies;
  - iv) the duties of an officer involved in the establishment of preliminary perimeter control and containment, including compliance with the requirement of section 22(3) of the Adequacy Standards Regulation, pending the deployment of a tactical unit; and
  - v) the training of officers in preliminary perimeter control and containment; and
- c) the Chief of Police will, if the police service establishes its own containment team, or has officers who are members of a joint containment team, develop and maintain a manual on containment team services that addresses:
- i) the selection process for members of the team, including ensuring that members who provide this service meet the requirements of the Adequacy Standards Regulation;
  - ii) the equipment to be used/available to the members of the team in accordance with the Ministry's designated equipment and facilities list; and
  - iii) the ongoing (and joint if applicable) training of members of the team.

## Police Service Guidelines

- Procedures*
1. Every police service's procedures should:
    - a) identify the circumstances in which preliminary perimeter control and containment will be established;
    - b) indicate who has operational responsibility for an incident when preliminary perimeter control and containment is being established;
    - c) address the deployment of other emergency response services, including receiving assistance from other agencies; and
    - d) set out the duties of an officer involved in the establishment of preliminary perimeter control and containment, including compliance with the requirement of section 22(3) of the Adequacy Standards Regulation, pending the deployment of a tactical unit.
- Manual*
2. Where a police service has established its own containment team, or has officers participate in a joint containment team, a manual shall be developed, maintained and made available to the members of the team that addresses:
    - a) general procedures for the containment team, including:
      - i) the containment team's mandate, functions and reporting relationships;
      - ii) call-out and operational procedures;
      - iii) communications with the containment team;



- iv) organizational charts for the emergency response function;
  - v) the operational linkages between the containment team and other emergency response and public order unit services;
  - vi) a selection process for the containment team, including that officers must meet the requirements set out in the Adequacy Standards Regulation; and
  - vii) the recording and reporting of incidents involving the containment team; and
- b) procedures specific to members of the containment team, including:
- i) members' responsibilities;
  - ii) command and control;
  - iii) operational training;
  - iv) communications with team members;
  - v) incident assessment;
  - vi) provision and use of equipment;
  - vii) reporting relationships within the containment team;
  - viii) hand-off/relief of teams;
  - ix) use of training, operational and equipment logs; and
  - x) debriefing process.

- Training* 3. Where a police service has established its own containment team, or has officers participate in a joint containment team, the Chief of Police should ensure that the police service's skills development and learning plan includes the following:
- a) at least two days maintenance training occurring on average every six months;
  - b) annual participation, wherever possible, in a joint training exercise involving crisis negotiators, major incident commanders, public order units, tactical units, other police personnel and outside emergency services deemed appropriate or subject of service delivery agreements; and
  - c) annual re-qualification to a task-specific fitness standard.

- Equipment* 4. Where a police service has established its own containment team, or has officers who participate in a joint containment team, the Chief of Police should ensure that members are provided, at minimum, with the equipment and facilities set out in the Ministry's designated equipment and facilities list.



## MINISTRY'S DESIGNATED EQUIPMENT LIST

**Containment Teams – Equipment and Facilities List**

**The equipment listed here is for use by containment teams. All equipment used by members of a containment team shall be approved by the Canadian Standards Council (CSA), where appropriate. The following list is the minimum kit with which members of containment teams shall have available in order to respond to a containment situation:**

<b>BALLISTIC PROTECTION</b>
Body Armour ( <i>personal issue</i> )
<ul style="list-style-type: none"> <li>• minimum threat level IIA (NIJ)</li> <li>• subdued colour (situationally and environmentally appropriate)</li> <li>• “police” identification markers on front and rear</li> </ul>
<b>CLOTHING</b>
Containment Uniform ( <i>personal issue</i> )
<ul style="list-style-type: none"> <li>• two-piece fatigues in heavy-duty material</li> <li>• situationally and environmentally appropriate</li> <li>• police affiliation shoulder flashes</li> </ul>
Foot Wear ( <i>personal issue</i> )
<ul style="list-style-type: none"> <li>• rain, moisture and cold weather protection, which is situationally and environmentally appropriate</li> </ul>
Gloves and Headgear ( <i>personal issue</i> )
<ul style="list-style-type: none"> <li>• situationally and environmentally appropriate</li> <li>• will not impair use of weapons or safety equipment</li> </ul>
<b>OTHER SAFETY EQUIPMENT</b>
Goggles ( <i>personal issue</i> )
<ul style="list-style-type: none"> <li>• effective eye protection against fragmentation</li> <li>• designed not to impair peripheral vision</li> <li>• clear, anti-fogging lenses</li> </ul>
First Aid
<ul style="list-style-type: none"> <li>• large, multi-purpose kit with wide assortment of bandages, disinfectant, etc.</li> </ul>
Arrest or Restraint Devices
<ul style="list-style-type: none"> <li>• handcuffs</li> <li>• specifically designed disposable temporary hand and foot restraints</li> </ul>





<b>OPTICS INTENSIFICATION</b>
<ul style="list-style-type: none"> <li>• binoculars</li> </ul>
<b>RADIO EQUIPMENT</b>
Portable Radios
<ul style="list-style-type: none"> <li>• with ear-pieces or similar devices</li> <li>• one per member</li> </ul>
Monitoring Radio Equipment
<ul style="list-style-type: none"> <li>• equipment capable of monitoring containment and other police communications</li> <li>• recording equipment</li> </ul>
Power Sources
<ul style="list-style-type: none"> <li>• extra batteries</li> </ul>
<b>OTHER COMMUNICATIONS</b>
Loud Hailing System
<ul style="list-style-type: none"> <li>• portable</li> </ul>
<b>LETHAL</b>
Semi-automatic Rifle and 12 Gauge Shotgun
<ul style="list-style-type: none"> <li>• one per member of either type of weapon</li> <li>• spare available</li> <li>• rifles with minimum of 5.56 mm calibre and a minimum magazine capacity of 20 rounds</li> <li>• shotguns with minimum magazine capacity of four rounds</li> </ul>
<b>LESS LETHAL</b>
Impact Weapons
<ul style="list-style-type: none"> <li>• collapsible baton (personal issue)</li> <li>• OC spray</li> </ul>
<b>Conducted Energy Weapons (December 2003 - Optional)</b>
<ul style="list-style-type: none"> <li>• <b>TASER</b></li> </ul>
<b>RANGES</b>
Firearms
<ul style="list-style-type: none"> <li>• must have reasonable access to small &amp; long arms range (indoor or outdoor)</li> </ul>
<b>ADMINISTRATION</b>
Records
<ul style="list-style-type: none"> <li>• administrative area for storing training and operational records</li> </ul>

