



BY-LAW NO. 401-2023

**A BY-LAW TO ESTABLISH POLICY
RESPECTING PUBLIC ORDER UNITS**

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 (Adequacy Standards Regulation);
- 1.4 AND whereas section 18(1) of the Adequacy Standards Regulation requires a police service to have a Public Order Unit;
- 1.5 AND whereas section 18(2) allows a police services board to enter into agreements/arrangements that would result in the services of a Public Order Unit being available from another police service, or the services of a Public Order Unit being delivered on a combined, regional or cooperative basis;
- 1.6 AND whereas section 18(3) requires every Public Order Unit to consist of a unit supervisor, and, at least, four squads of seven officers, including the squad leader, and must be able to be deployed within a reasonable time;
- 1.7 AND whereas section 29 of the Regulation requires a police services board to have a policy on Public Order Unit services. In addition, section 19 requires the Chief of Police to establish procedures on Public Order Unit services, which:
- set out the circumstances in which a Public Order Unit, or a squad within a unit, may be deployed;
 - require that, if the police service maintains its own Public Order Unit, the police service's procedures on Public Order Unit services are contained in a manual that is available to all members of the unit; and
 - ensure that a person who is a member of a Public Order Unit has the knowledge, skills and abilities to provide that service.

- 1.8 AND whereas Part PO-001 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the police service relative to Public Order Units;
- 1.9 AND whereas it is the responsibility of the Chief of Police to develop the necessary procedures to ensure compliance with Board policies and effective operations of the police service.

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

2 DEFINITIONS

For the purpose of this By-law, the following definitions apply:

- 2.1 “*Act*” means the *Police Services Act*, R.S.O. 1990, c.P.15, and amendments thereto.
- 2.2 “*Board*” means the Regional Municipality of Niagara Police Services Board.
- 2.3 “*Chief of Police*” or “*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 the Solicitor General.
- 2.6 “*Service*” means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that Public Order Unit services are an important part of policing, and it is therefore the policy of this Board:
- (a) That the Service maintain a Public Order Unit using its own resources; and
 - (b) That the role of police at any public demonstration, protest or public safety incident is to preserve the peace, prevent offences and enforce the law including offences against, persons and property, in accordance with powers and direction available to the Chief of Police under the law 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 of Police will ensure that the Service provide its own Public Order Unit by using Service Members that will consist of a unit supervisor and at least four squads of seven officers, including the squad leader for undertaking Public Order Unit activities, and must be deployed in a reasonable time.
- 4.1.2 attached The Chief of Police will develop written procedures in accordance with “Appendix A” as to this By-law, being Part PO-001 of the Ministry of the Solicitor General Policing Standards Manual (2000), that provides guidelines directing the Police Service relative to Public Order Units.

- 4.1.3 The Chief will ensure that Service procedures relating to Public Order Unit services are based on the following principles:
- 4.1.4 That it is in complete compliance with legislative and constitutional requirements, and recognized legal principles;
- 4.1.5 That Members act with full respect for human dignity and according to professional standards of skill, integrity, and accountability;
- 4.1.6 That it maintains both officer and public safety as a priority;
- 4.1.7 That there is 24-hour police response to all incidents requiring the services of a Public Order Unit;
- 4.1.8 That consideration of police actions at an occupation or protest involving members of one of the Region's diverse communities include preserving the peace, communication, negotiation, building trust and fostering understanding with participating and affected communities keeping in mind the uniqueness of policing occupations and protests involving members of these diverse communities; and
- 4.1.9 That the Chief of Police regularly reviews procedures relating to Public Order Unit services to remain current with case law, inquests, inquiry findings, and amendments to related legislation.

4.2 *MANUAL*

- 4.2.1 The Chief shall develop a Public Order Unit manual that includes the requirements set out by the Ministry of the Solicitor General and that it is available to all Members of the Unit;
- 4.2.2 The Chief shall ensure that the manual referred to in section 4.2.1 above is reviewed on an annual basis and amended as required.

4.3 *TRAINING*

- 4.3.1 The Chief shall develop a selection process for Members of the Public Order Unit to ensure that the Members have the appropriate knowledge, skills, and abilities to provide the service of the Public Order Unit;
- 4.3.2 The Chief shall develop a skills development and learning plan that includes the training requirements set out by the Ministry of the Solicitor General;
- 4.3.3 The Chief will address the ongoing training of members of the Public Order Unit.

4.4 *EQUIPMENT*

- 4.4.1 The Chief shall ensure that appropriate equipment, in accordance with the Ministry's designated equipment and facilities list, is used/available to Members who provide the services of a Public Order Unit.

4.5 *MONITORING AND REVIEW*

- 4.5.1 The Chief of Police shall conduct ongoing statistical analysis, qualitative and quantitative review of Public Order Unit services as may be required to:

- (a) ensure the integrity of the police service procedures; and
- (b) collect information with respect to the number of incidents involving the Public Order Unit services.

5 REPORT TO THE BOARD

5.1 ANNUAL REPORT

5.1.1 The Chief of Police shall provide the Board with a written report on an annual basis in respect of the Public Order Unit. The report shall include:

- (a) a summary of the procedures concerning Public Order Unit services as required by this By-law;
- (b) the status of Service compliance with said procedures;
- (c) confirmation that Members have been trained in accordance with section 4.3; and
- (d) confirmation of the development and maintenance of the manual on Public Order Unit services; and
- (e) a summary of the circumstances in which the Public Order Unit has been deployed.

5.2 EXCEPTION BASED REPORTING

5.2.1 The Chief of Police shall report on those circumstances where the use of the Public Order Unit has resulted in an “exceptional” circumstance, or a circumstance which may be detrimental to the police service; and/or has significant issues of potential liability to the Board and the police service.

6 IMPLEMENTATION

6.1 By-law No. 239-2000, and all other By-laws, section of By-laws and policies of the Board inconsistent with the provisions of this By-law are hereby repealed.

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 22nd day of June, 2023.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Signed Original on File

Jen Lawson, Chair

Signed Original on File

Deb Reid, Executive Director

Legislative/Regulatory Requirements

Section 18(1) of the Adequacy Standards Regulation requires a police service to have a public order unit.

Section 18(2) allows a police services board to enter into agreements/arrangements that would result in the services of a public order unit being available from another police service, or the services of a public order unit being delivered on a combined, regional or cooperative basis.

Section 18(3) requires every public order unit to consist of a unit supervisor, and, at least, four squads of seven officers, including the squad leader, and must be able to be deployed within a reasonable time.

Section 29 of the regulation requires a police services board to have a policy on public order unit services. In addition, section 19 requires the Chief of Police to establish procedures on public order unit services, which:

- set out the circumstances in which a public order unit, or a squad within a unit, may be deployed;
- require that, if the police service maintains its own public order unit, the police service's procedures on public unit services are contained in a manual that is available to all members of the unit; and
- ensure that a person who is a member of a public order unit has the knowledge, skills and abilities to provide that service.

Sample Board Policy

Board Policy # _____

Contracted Delivery It is the policy of the _____ Police Services Board with respect to public order maintenance that:

- a) this Board will contract with the _____ Police Services Board/OPP to provide the services of a public order unit within a reasonable response time; and
- b) the Chief of Police will establish procedures, in consultation with the Chief of Police who is providing the services of the public order unit, that:
 - i) set out the circumstances in which a public order unit may be deployed;
 - ii) set out the steps for obtaining the services of a public order unit; and

- iii) address the circumstances and processes for liaising with appropriate officials for the purposes of Sections 63 - 68 of the *Criminal Code*, regarding unlawful assemblies and riot situations.

*Direct, or
Combined,
Regional or
Cooperative
Delivery*

It is the policy of the _____ Police Services Board with respect to public order maintenance that:

- a) the police service will provide access to the services of a public order unit within a reasonable response time by (using its own members, or by entering into an agreement for a combined, regional or cooperative delivery);
- b) the public order unit will consist of a unit supervisor and, at least, four squads of seven officers, including the squad leader;
- c) the Chief of Police will establish procedures that:
 - i) set out the circumstances in which a public order unit may be deployed;
 - ii) set out the steps for obtaining the services of a public order unit; and
 - iii) address the circumstances and processes for liaising with appropriate officials for the purposes of Sections 63 - 68 of the *Criminal Code*, regarding unlawful assemblies and riot situations; and
- d) the Chief of Police will:
 - i) ensure that a manual on the procedures of the unit is made available to all members of the unit;
 - ii) ensure that appropriate equipment, in accordance with the Ministry's designated equipment and facilities list, is used/available to members of the public order unit;
 - iii) develop a selection process for members of the public order unit to ensure that the members have the knowledge, skills and abilities to provide the services of the public order unit; and
 - iv) address the ongoing training of members of the public order unit.

Police Service Guidelines

- Procedures* 1. Every police service's procedures should address:
- a) the circumstances in which a public order unit should be deployed;
 - b) operational responsibility within the police service for requesting the services of a public order unit;
 - c) incident command, including when public order unit services are provided by another police service;
 - d) the circumstances and processes for liaising with appropriate officials for the purposes of Sections 63 - 68 of the *Criminal Code*, regarding unlawful assemblies and riot situations; and
 - e) debriefing following all major incidents.

**Public
Order Unit
Manual**

2. Where a police service has established or participates in a public order unit, the manual made available to the members of the unit should address:
- a) the unit's mandate, functions and members' responsibilities;
 - b) call-out and reporting relationships;
 - c) command and control;
 - d) communications with unit members;
 - e) crowd management procedures, including response levels and negotiation;
 - f) incident assessment;
 - g) provision and use of equipment;
 - h) operational training;
 - i) the circumstances and processes for liaising with appropriate officials for the purposes of Sections 63 - 68 of the *Criminal Code*, regarding unlawful assemblies and riot situations;
 - j) use of training, operational and equipment logs;
 - k) debriefing process;
 - l) the selection process for members of the public order unit to ensure that the members have the knowledge, skills and abilities to provide the services of the public order unit; and
 - m) the recording and reporting of incidents involving a public order unit.

Training

3. Where a police service has established or participates in a public order unit, the Chief of Police should develop a skills development and learning plan that includes the following requirements:
- a) ongoing two-day semi-annual maintenance training; and
 - b) annual re-qualification to a task-specific fitness standard, based on the functions being provided by the public order unit.

Equipment

4. Where a police service has established or participates in a public order unit, 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

Public Order Units – Equipment and Facilities List

All equipment used by members of a Public Order Unit shall be approved by the Canadian Standards Council (CSA), where appropriate. The following list is the minimum kit with which a POU member or unit shall have available in order to respond to a public order situation:

GENERAL PROTECTION
Body Armour
<ul style="list-style-type: none"> • standard police service issue
Helmets
<ul style="list-style-type: none"> • riot control design to meet minimum standard NIJ 0104.01 or CSA equivalent • designed not to impair peripheral vision and quick movement • allowance for earpiece
Shields and Batons
<ul style="list-style-type: none"> • riot or crowd control design easily manipulated with one hand • clear construction • one per member • spares available • 24 - 26" non-collapsible baton (personal issue)
FOREIGN AGENT PROTECTION
Chemical Masks
<ul style="list-style-type: none"> • CS chemical agent protection • filtration canister suitable for an extended period of use • capable of wide range of vision • filter canister system for ambidextrous shoulder-firing of weapon
COMBUSTION PROTECTION <i>combine with clothing section</i>
Flame Resistance Protection
<ul style="list-style-type: none"> • flame retardant clothing offering outer surface protection
Fire Extinguishers
<ul style="list-style-type: none"> • <i>minimum available, one per squad</i> • spares available • portable

CLOTHING
POU Uniform
<ul style="list-style-type: none"> • fatigues in heavy-duty, fire-retardant material • allow for maximum ease of movement • rain, moisture and cold weather protection, which is situationally and environmentally appropriate
Foot Wear
<ul style="list-style-type: none"> • reinforced heavy-duty boots (steel shank & instep protection) with toe impact protection • situationally and environmentally appropriate • chemical and puncture resistant sole
Gloves
<ul style="list-style-type: none"> • all weather and impact protection
Body Impact Protection
<ul style="list-style-type: none"> • body impact protection/deflection for arms, elbows, shoulders, groin, thighs, knees and shins
OTHER SAFETY EQUIPMENT
First Aid
<ul style="list-style-type: none"> • members' emergency medical information (vital information for rapid medical information sharing in emergency situation) • multi-purpose kit with wide assortment of bandages, disinfectant, etc.
Chemical Munitions Decontamination
<ul style="list-style-type: none"> • water eyewash gear for OC decontamination
Arrest or Restraint Devices
<ul style="list-style-type: none"> • handcuffs • temporary hand and foot restraints
ILLUMINATION
<ul style="list-style-type: none"> • flashlight
RADIO EQUIPMENT
Portable Radios
<ul style="list-style-type: none"> • dedicated channel capability (or access to OPC common tactical channel) • with ear-pieces or similar devices • capable of use with foreign agent protection, as set out in this equipment list
Power Source
<ul style="list-style-type: none"> • extra batteries

OTHER COMMUNICATIONS
Loud Hailing System
<ul style="list-style-type: none"> • portable
TACTICAL OPTIONS <i>as identified in use of force standard</i>
Oleoresin Capsicum
<ul style="list-style-type: none"> • spares available
CS Agent
<ul style="list-style-type: none"> • canister system designed to be thrown • 37 mm delivery system
Impact Weapons
<ul style="list-style-type: none"> • 37 mm impact projectiles designed to be accurately fired directly at a threat
ADMINISTRATION
Records
<ul style="list-style-type: none"> • administrative area for storing training and operational records