



**BY-LAW NO. 338 - 2013**

**A BY-LAW RESPECTING  
SUSPECT APPREHENSION PURSUITS  
(LE-045)**

**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 6 of O. Reg. 546/99 requires a police services board to have a policy on suspect apprehension pursuits that is consistent with the regulation;
- 1.5 AND whereas subsection 7 of O. Reg. 546/99 requires every police service to establish written procedures on suspect apprehension pursuits that are consistent with the regulation;
- 1.6 AND whereas Part LE-045 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Board, the Chief and police service members relative to suspect apprehension pursuits.

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;
- 2.8 “Suspect Apprehension Pursuits” occurs when a police officer attempts to stop a vehicle and the driver refuses to obey, following which the officer pursues in a motor vehicle for the purpose of stopping the fleeing motor vehicle or identifying the fleeing motor vehicle or an individual in the fleeing motor vehicle.

### **3 BOARD POLICY**

- 3.1 The Board recognizes that Suspect Apprehension Pursuits are serious in nature and it is therefore the policy of the Board that such pursuits be conducted only in accordance with the procedure set out by the Chief of Police as established in accordance with this by-law.

### **4 DIRECTION TO THE CHIEF**

#### **4.1 PROCEDURES**

- 4.1.1 The Chief shall establish written procedures on Suspect Apprehension Pursuits that are consistent with Ontario Regulation 546/99, as amended.
- 4.1.2 The procedures referred to above shall:
- (a) address the management and control of Suspect Apprehension Pursuits;
  - (b) set out tactics that may be used as an alternative to Suspect Apprehension Pursuits and tactics that may be used for following or stopping a fleeing motor vehicle;
  - (c) describe the responsibilities of police officers, dispatchers, communications supervisors and road supervisors; and
  - (d) describe the equipment available to the Service for implementing alternative tactics.
- 4.1.3. The procedures referred to above shall be in accordance with Appendix A.

#### **4.2 RESPONSE**

- 4.2.1. The Chief shall ensure there is a twenty-four (24) hour police response to emergency calls for service.

#### **4.3 PROTOCOL**

- 4.3.1 The Chief shall ensure that a multi-jurisdictional protocol is developed with other police agencies dealing with issues relating to Suspect Apprehension Pursuits.

#### 4.4 TRAINING

- 4.4.1 The Chief shall ensure that Members involved with Suspect Apprehension Pursuits have the requisite knowledge, skills, and abilities to perform this function, and in particular, are trained in accordance with the requirements of *O. Reg. 546/99, Suspect Apprehension Pursuits*.
- 4.4.2 The Chief shall ensure Members receive training about the intentional contact between vehicles consistent with the requirements of the *Suspect Apprehension Pursuits Regulation*.
- 4.4.3 The Chief shall ensure Members have successfully completed the required Ministry accredited training.

#### 4.5 EQUIPMENT

- 4.5.1 The Chief shall ensure that Members involved with Suspect Apprehension Pursuits have available and use appropriate tools and equipment in performing this function.
- 4.5.2 The Chief shall ensure that an appropriate number of police vehicles are equipped with tire deflation devices and that officers are trained on their use.
- 4.5.3 The procedures established above shall be in accordance with Appendix A.

#### 4.6 RECORDS

- 4.6.1 The Chief shall ensure that the particulars of each Suspect Apprehension Pursuit are recorded on a form and in a manner approved by the Ministry.
- 4.6.2 Appointing officials or local commanders who have appointed an officer under the *Interprovincial Policing Act, 2009*, shall ensure that particulars of each Suspect Apprehension Pursuit engaged by an officer appointed under that Act are recorded on a form and in a manner approved by the Ministry.

### 5 REPORT TO THE BOARD

#### 5.1 REPORTING REQUIREMENTS – EXCEPTION BASED REPORTING

The Chief shall make a written report to the Board immediately following any Suspect Apprehension Pursuit in which:

- (a) there has been property damage;
- (b) there has been a personal injury or death;
- (c) the procedures with respect to Suspect Apprehension Pursuits were not followed;
- (d) in any other circumstance where, in the opinion of the Chief, there is a significant issue or potential liability to the Board or the Service.

5.2 **ANNUAL REPORTING REQUIREMENTS**

5.2.1 The Chief shall make a written report to the Board on or before August 30<sup>th</sup> of each year. The report shall include:

- (a) a summary of the written procedures regarding Suspect Apprehension Pursuits;
- (b) confirmation of compliance with the procedures regarding Suspect Apprehension Pursuits; and
- (c) the total number of Suspect Apprehension Pursuits and a summary of each.

**6 IMPLEMENTATION**

6.1 By-law No. 237-2000 and all other By-laws, sections 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 enactment.

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

ENACTED AND PASSED this 24<sup>th</sup> day of October, 2013.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Signed Original on File  
Chairperson

Signed Original on File  
Executive Director

## Legislative/Regulatory Requirements

Section 5 of the *Suspect Apprehension Pursuits Regulation* requires a police services board to have a policy on suspect apprehension pursuits that is consistent with the regulation.

Section 6 requires every police force to establish written procedures on suspect apprehension pursuits that are consistent with the regulation. In addition, the regulation requires every police force to establish procedures that:

- set out the tactics that may be used:
  - as an alternative to suspect apprehension pursuit; and
  - for following or stopping a fleeing motor vehicle;
- address the management and control of suspect apprehension pursuits;
- describe the responsibilities of police officers, dispatchers, communications supervisors and road supervisors; and
- describe the equipment that is available for implementing alternative tactics.

## Sample Board Policy

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

It is the policy of the \_\_\_\_\_ Police Services Board with respect to suspect apprehension pursuits that the Chief of Police will:

- a) establish procedures consistent with the requirements of the *Suspect Apprehension Pursuits Regulation*;
- b) ensure that police officers, dispatchers, communications supervisors and road supervisors receive training accredited by the Solicitor General on suspect apprehension pursuits;
- c) ensure that police officers receive training about the intentional contact between vehicles consistent with the requirements of the *Suspect Apprehension Pursuits Regulation*;
- d) address the use of tire deflation devices and officer training;
- e) ensure that the particulars of each suspect apprehension pursuit are recorded on a form and in a manner approved by the Solicitor General; and
- f) enter into agreements with neighboring police services to determine under what circumstances decision-making responsibility for a pursuit will be, and will not be, transferred from one jurisdiction to another.

## Police Service Guidelines

1. Every police service's procedures shall address the:
  - a) requirements set out in the *Suspect Apprehension Pursuits Regulation*;
  - b) tactics that may be used:
    - i) as an alternative to suspect apprehension pursuit; and
    - ii) for following or stopping a fleeing motor vehicle;
  - c) management and control of suspect apprehension pursuits;
  - d) responsibilities of police officers, dispatchers, communications supervisors and road supervisors; and
  - e) equipment that is available for implementing alternative tactics.
  
2. Every police service's procedures should address:
  - a) the number and type of police vehicles that may directly pursue a vehicle;
  - b) the use of emergency lighting and siren, whenever practical;
  - c) the pursuit of fleeing motorcycles and all terrain vehicles;
  - d) the responsibilities of police officers, including:
    - i) complying with any directions of a communications or road supervisor; and
    - ii) providing the dispatcher with information on the nature and seriousness of the offence, the area traveled, the presence of pedestrians or other traffic, road and weather conditions, and the manner in which the fleeing motor vehicle is being operated at the time of initiating the suspect apprehension pursuit;
  - e) the responsibilities of dispatchers, including:
    - i) advising other units of the suspect apprehension pursuit;
    - ii) notifying the appropriate supervisor when the pursuit is initiated and discontinued;
    - iii) providing the pursuing police officers, and appropriate supervisors, with any information on dangerous circumstances or conditions that are known to the dispatcher;
    - iv) controlling radio communications during the pursuit;
    - v) informing other police services in the vicinity that a pursuit is in progress in order to ensure maximum co-ordination and co-operation; and
    - vi) notifying the appropriate supervisor when the pursuit is terminated; and
  - f) the responsibilities of communications and road supervisors, including:
    - i) assuming control of the pursuit, if initiated;
    - ii) ordering additional units to assist, if necessary;
    - iii) ordering unnecessary units to resume patrol;
    - iv) monitoring the progress of the pursuit to ensure compliance with the regulation and local policy and procedures;
    - v) ordering and coordinating alternative tactics to a suspect apprehension pursuit, where the time and circumstances permit;
    - vi) determining and directing what tactics should be used to stop a fleeing motor vehicle, if any are available, and in doing so shall consider public and police officer safety;

- vii) considering the effect of the pursuit on public safety and ordering discontinuation of the pursuit when he or she believes that the risk to public safety that may result from the pursuit outweighs the risk to public safety that may result if an individual in the fleeing motor vehicle is not immediately apprehended; and
  - viii) conducting a follow-up review of the pursuit.
3. Every police service's procedures should also provide that a pursuit is discontinued:
- a) if the police vehicle exceeding the speed limit, slows down to within the speed limit;
  - b) the driving officer shuts off all emergency equipment;
  - c) brings the police vehicle to a safe stop, if practical; and
  - d) informs communications/dispatch that the above have taken place.
4. Nothing in section 3 precludes an officer, after the pursuit has been discontinued, from continuing along, in a safe manner and at the normal speed for general patrol, the route taken by the fleeing motor vehicle in order to determine whether any incident has occurred subsequent to the pursuit being discontinued.

**Training**

5. In addition to the requirements set out in the *Suspect Apprehension Pursuits Regulation*, every Chief of Police should also ensure that patrol officers, dispatchers and communications and road supervisors receive training that addresses:
- a) the circumstances in which a suspect apprehension pursuit can be initiated and continued;
  - b) the factors to be considered in assessing public safety during a suspect apprehension pursuit, including:
    - i) the nature and seriousness of the offence(s) involving a suspect in the vehicle;
    - ii) information on the suspects in the vehicle, if known, including whether they are armed, are suspects in a violent crime or there is reason to believe are about to commit a violent crime;
    - iii) the nature of the area traveled (highway, rural, residential);
    - iv) the presence of pedestrians or other traffic;
    - v) the time of day;
    - vi) the apparent age of the driver;
    - vii) road and weather conditions;
    - viii) the manner in which the fleeing vehicle is being operated;
    - ix) the presence in the fleeing vehicle of passengers who are not suspects;
    - x) the length of time or distance involved in the pursuit;
    - xi) the type (motorcycle, car, truck) of vehicle involved in the pursuit;
    - xii) the presence in the police vehicle of non-police passengers; and
    - xiii) the limits on the police officer's ability to operate his or her vehicle at the speeds reached during the pursuit;
  - c) alternatives to suspect apprehension pursuits; and

d) tactics for stopping a motor vehicle that is fleeing from the police.

- Equipment* 6. Every Chief of Police should ensure that an appropriate number of police vehicles are equipped with tire deflation devices and that officers are trained on their use.
- Records* 7. Where a suspect apprehension pursuit has covered more than one jurisdiction the police service in the jurisdiction where the suspect apprehension pursuit began shall ensure coordination of a joint report.
8. Ensure that the particulars of each suspect apprehension pursuit are recorded on a form and in a manner approved by the Minister. Appointing officials or local commanders who have appointed an officer under the *Interprovincial Policing Act, 2009*, shall ensure that particulars of each suspect apprehension pursuit engaged by an officer appointed under that Act are recorded on a form and in a manner approved by the Minister.
- Local Protocols* 9. Every Chief of Police should enter into agreements with neighboring police services to determine under what circumstances decision-making responsibility for a pursuit will be, and will not be, transferred from one jurisdiction to another.