



BY-LAW NO. 292 - 2009
A BY-LAW RESPECTING
TRAFFIC MANAGEMENT, ENFORCEMENT
& ROAD SAFETY
(LE-017)

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 subsection 5(1)(d) of O. Reg. 3/99 requires that a police service have technical collision investigation reconstruction and breath analysis investigative support;
- 1.5 AND whereas subsection 14(1) of O. Reg. 3/99 requires the Chief of Police to establish procedures and processes in respect of technical collision investigation, reconstruction and breath analysis investigative support;
- 1.6 AND whereas subsection 14(4) of O. Reg. 3/99 requires the Chief of Police to ensure that persons who provide technical collision investigation, reconstruction and breath analysis investigative support have the knowledge, skills and abilities to provide that support;
- 1.7 AND whereas section 29 of O. Reg. 3/99 requires a police services board to have a policy on traffic management, traffic law enforcement and road safety;
- 1.8 AND whereas Part LE-017 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the police service relative to technical collision investigation, reconstruction and breath analysis investigative support.

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 “Service” means the Niagara Regional Police Service.

3. BOARD POLICY

- 3.1 The Board recognizes that traffic management enforcement and road safety form an important part of investigative and preventative policing, and it is therefore the policy of this Board that such traffic and road safety issues shall be dealt with 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 SERVICE DELIVERY METHOD

- 4.1.1 The Chief shall ensure that technical collision investigation, reconstruction and breath analysis investigative supports will be provided by members of the Niagara Regional Police Service.

4.2 TRAFFIC MANAGEMENT PLAN

- 4.2.1 The Chief shall develop and implement a traffic management plan in accordance with Appendix A. This plan will include each member of the Service working in co-operation with both Traffic Services and the Special Enforcement Unit.

4.3 TRAFFIC LAW ENFORCEMENT AND ROAD SAFETY PLAN

- 4.3.1 The Chief shall develop and implement a traffic law enforcement and road safety plan in accordance with Appendix A.
- 4.3.2 The traffic law enforcement and road safety plan shall include procedures to address road closures and minimizing the interference of traffic.

4.4 **TRAINING**

- 4.4.1 The Chief shall ensure that persons who provide technical collision investigation, reconstruction and breath analysis investigative support as part of the traffic law enforcement and road safety plan have the knowledge, skills and abilities to provide that support.

5. REPORT TO THE BOARD

- 5.1 The Chief shall, as part of the budget process, report to the Board on the cost of administering the traffic management plan, traffic law enforcement and the road safety plan.
- 5.2 The Chief shall make a written report to the Board on or before August 30th of each year in respect of the traffic management plan and traffic law enforcement and the road safety plan. This report will contain:
- a. a summary of the traffic management plan;
 - b. a summary of traffic law enforcement and the road safety plan; and
 - c. the status of Service compliance with a. and b.

6 IMPLEMENTATION

- 6.1 By-law No. 209-2000, and all other By-laws, and sections of By-laws 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 17th day of December, 2009.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Signed Original on File
Chairperson

Signed Original on File
Executive Director

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on traffic management, traffic law enforcement and road safety. In addition, section 8 requires the Chief of Police to establish procedures on traffic management, traffic law enforcement and road safety.

In addition, section 5(1)(d) requires that police services have technical collision investigation, reconstruction and breath analysis investigative supports. These supports may be provided by:

- using the police service's own members;
- entering into agreement with the board of another police service or entering into an agreement with the boards of one or more police services to provide those supports on a combined, regional or cooperative basis; or
- entering into an agreement with one or more persons or organizations other than police services to provide those supports by means of a person or organization that is not a police service, where it's legally permissible.

Section 14(1) requires the Chief of Police to establish procedures and processes in respect of technical collision investigation, reconstruction and breath analysis investigative supports.

If a board obtains those supports by entering into an agreement with one or more persons or organizations other than police services to provide those supports by means of a person or organization that is not a police service, where its legally permissible, the person providing the investigative support shall:

- report directly to, and take direction from, the member of the police service to whom the investigative support is being provided; and
- comply with the procedures and processes of the police service in respect of the investigative support.

Furthermore, section 14(4) requires the Chief of Police to ensure that persons who provide technical collision investigation, reconstruction and breath analysis investigative supports have the knowledge, skills and abilities to provide that support.

Finally, section 29 requires a police services board to have a policy with respect to general technical collision investigation, reconstruction and breath analysis investigative supports.



Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to traffic management, traffic law enforcement and road safety that:

- a) technical collision investigation, reconstruction and breath analysis investigative supports will be provided by (identify service delivery method for each investigative support);
- b) the Chief of Police will:
 - i) develop and implement a traffic management, traffic law enforcement and road safety plan;
 - ii) establish procedures on traffic management, traffic law enforcement and road safety, including procedures to address road closures and minimizing the interference of traffic; and
 - iii) ensure that persons who provide technical collision investigation, reconstruction and breath analysis investigative supports have the knowledge, skills and abilities to provide that support.

Police Service Guidelines

Plan 1. Every Chief of Police should develop and implement a traffic management, traffic law enforcement and road safety plan.

- Procedures* 2. Every police service's procedures should address:
- a) the investigation of traffic related occurrences, including occurrences involving:
 - i) death or injury;
 - ii) failure to remain/stop and failure to report;
 - iii) driving while suspended/disqualified;
 - iv) impairment due to alcohol or drugs;
 - v) hazardous materials;
 - vi) police vehicles;
 - vii) unsafe vehicles or equipment violations; and
 - viii) public vehicle/commercial vehicle violations;
 - b) the process for obtaining/delivering technical collision investigation, reconstruction and breath analysis investigative supports;
 - c) the control of property and motor vehicles involved in a traffic collision or offence;
 - d) the disposition and recording of impounded vehicles;
 - e) road closures and minimizing interference with the flow of traffic; and
 - f) the acquisition, use and maintenance of speed measuring/timing devices, and approved screening devices and instruments for alcohol related investigation.



Programs 3. Every police service should implement an impaired driving countermeasures program in accordance with local needs.

Training 4. Every Chief of Police should ensure that persons who provide technical collision, reconstruction and breath analysis investigative supports have the knowledge, skills and abilities to provide that support.

5. Every Chief of Police should ensure that police officers who use, maintain or calibrate any speed measuring/timing devices and approved screening devices and instruments for alcohol related investigations that are used by the police service have the knowledge, skills and abilities required to perform those particular functions.