



# **NIAGARA REGIONAL POLICE SERVICE**

## **Police Services Board Report**

### **PUBLIC AGENDA**

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**Subject:** Annual Report – Arrest - January 1, 2022 – December 31, 2022  
**Report To:** Chair and Members, Niagara Police Services Board  
**Report Date:** 2023-04-12

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### **Recommendation(s)**

**That the Niagara Police Services Board receives this report for information.**

### **Key Facts**

- The purpose of this report is to advise the Board that the Service is in compliance with By-Law 197-2000 - Arrest.
- The Chief is required to make a written annual report to the Board with respect to Arrests.
- This report will provide a summary of requirements to ensure the Service is in compliance with the By-Law.

### **Financial Considerations**

There are no financial implications relating to the recommendation contained in this report.

### **Analysis**

In accordance with By-Law 197-2000 - Arrest, the Chief shall make a written report to the Board on or before August 30 of each year. This report shall include:

- a. a summary of the written procedures regarding arrest and detention; and
- b. confirmation of compliance with procedures regarding arrest and detention

The following is a detailed response to the above noted requirements:

- a. a summary of the written procedures regarding arrest and detention

A summary of written procedures regarding arrest and detention can be found in Niagara Regional Police (NRPS) General Order - 100.10 - Powers of Arrest. This general order provides specific details on the authorization and requirements placed on officers by the Charter of Rights and Freedoms, Criminal Code, Youth Criminal Justice Act, Common Law, Case Law, and various Provincial and Federal Statutes upon the

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arrest of individual(s). This order was drafted and approved to comply with By-Law No. 197-2000 and Provincial Adequacy Standards Regulation LE-005 Arrest and reflects current Legislative, Constitutional, and Case Law authorities.

To ensure that this information remains current, this Order is reviewed on a bi-annual basis and is scheduled for review in 2023.

b. confirmation of compliance with procedures regarding arrest and detention

It is the policy of the Service to require that all arrests comply with Legal, Constitutional and Case Law requirements. The arrest of persons is primarily performed by frontline officers. A standard by which, the Service is able to measure its adherence to the order, is through judicial review.

As noted in previous reports, consultation with the Niagara Crown Attorney revealed no concerns related to Charter of Rights infringements by Niagara Officers during arrests, this has been confirmed through the Staff Sergeant in charge of the 1 District Detective Services. This would indicate that officers have complied with legislative procedures in relation to arrest and as such withstood scrutiny by the courts. Further, the limited challenges to arrest during the criminal process and/or through civil actions from defendants provide a basis of measurement for gauging the effectiveness of this policy.

The success achieved in matters relating to arrests can in part be attributed to the Service's ongoing emphasis on training, as well as training bulletins. Issues surrounding powers of arrest and search incident to arrest are often part of the curriculum in training courses offered by the Service. To ensure adherence to established guidelines during arrest, training bulletins and annual training offer opportunities for a review of emerging legal issues associated to arrest and searches incident to arrest.

In addition to the training aspects associated to arrest, the NRPS has posted detainee rights to counsel in all prisoner booking areas. The rights to counsel have been posted in both official languages.

### **Alternatives Reviewed**

Not Applicable.

### **Relationship to Police Service/Board Strategic Priorities**

To maintain compliance with Police Services Board By-Law 197-2000 Arrest.

### **Relevant Policy Considerations**

Provincial Adequacy Standard Regulation LE-005 – Arrest  
PSB By Law 197-2000 Arrest

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## Other Pertinent Reports

8.10.2022.05.19 – Annual Report – Arrests – January 1 to December 21, 2021

*This report was prepared by Dan Savoie, Staff Sergeant, 1 District Detective Office in consultation with Rob LaPlante, Inspector, 1 District, and reviewed by Sandy Staniforth, Acting Superintendent, District Operations. Recommended by Brian Ash, Acting Deputy Chief, Operational Services.*



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**Submitted by:**

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Chief of Police

## Appendices

Not Applicable