



NIAGARA REGIONAL POLICE SERVICE

Police Services Board Report

PUBLIC AGENDA

Subject: Annual Report - Persons in Custody
January 1 to December 31, 2022

Report To: Chair and Members, Niagara Police Services Board

Report Date: 2023-04-24

Recommendation(s)

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

Key Facts

- In compliance with Section 29 of the *Provincial Adequacy Standards Regulations*, Ontario Regulation 3/99 requires a Police Services Board to have a policy on prisoner care and control.
- In addition, section 13(1)(l) requires the Chief of Police to establish procedures and processes in respect of prisoner care and control and section 13(1)(m) requires the Chief of Police to establish procedures and processes in respect of prisoner transportation.
- This annual report is submitted to provide the Board with the necessary and required information, pursuant to By-Law 208/225-2000, relating to issues of Persons in Custody and covers the 2022 reporting period.

Financial Considerations

There are no financial implications relating to the recommendations within this report.

Analysis

This annual report is submitted to provide the Board with the necessary and required information, pursuant to By-Law 208/225-2000, relating to issues of Persons in Custody.

By-Law No. 208/225 - 2000, Persons in Custody

By-Law 208/225-2000 was enacted because of Provincial Adequacy Standard Regulations (LE-016 - Prisoner Care and Control and LE-033 - Prisoner Transportation). This By-Law details specific requirements that are reported as follows:

The Chief shall make a written report to the Board on or before August 30 of each year. The report shall include:

- (a) *a summary of the written procedures regarding prisoner care and control including prisoner transportation;*
- (b) *confirmation of compliance with the procedures regarding prisoner care and control including prisoner transportation; and*
- (c) *a summary of the training given to members involved in prisoner care and Members used to escort prisoners.*

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

- (a) *“...a summary of the written procedures regarding prisoner care and control including prisoner transportation...”*

Written procedures regarding Prisoner Care and Control and Prisoner Transportation are found in Niagara Regional Police Service (NRPS) General Order – 018.21 – Persons in Custody. This general order details the responsibilities of members when transporting, detaining, and searching persons taken into custody by members of the Police Service. The general order was prepared and approved to comply with the *Provincial Adequacy Standards Regulations LE-016 and LE-033*.

General Order 018.21 – Persons in Custody, specifies in detail the procedure to be followed when a person is detained and searched at a holding facility controlled by the police service. This general order provides procedures relating to the responsibilities of Special Constables assigned to the central holding facility as well as the court holding facility. The general order further provides procedures relating to the responsibilities of the officer in charge of both the central holding facility and the court holding facility regarding the search of prisoners, including strip searches, the documenting of the condition of prisoners, and documenting property taken from prisoners.

The general order further provides direction for providing prisoner meals, the observation of prisoners, access to prisoners, and the detention and search of all persons including females, males, transsexual/intersex individuals, and young offenders. It also provides guidelines for cellblock security, the release of prisoners, escorts of persons in custody, court appearances and the availability of medicine/medical facilities for prisoners.

The general order outlines the procedures to be taken when a prisoner escapes custody, guidelines for the release of information regarding prisoners, the maintenance of holding facilities, and the recording of data in Versadex.

The general order is reviewed annually and amended as deemed necessary. Amendments were made in 2020 to ensure that procedures for search of prisoners were in alignment with recommendations made in the Office of the Independent Police

Review Director's "Breaking the Golden Rule" report. The secondary search process was also reviewed with input from the Federal Crown in 2018 to ensure our methodology was in keeping with best practices, and that we were recording data that could be used to demonstrate compliance with the recommendations from the "Breaking the Golden Rule" report.

(b) *"...confirmation of compliance with the procedures regarding prisoner care and control including prisoner transportation."*

Since October of 2016, the Service's headquarters at 5700 Valley Way, has been the primary central holding facility and receives all prisoners throughout the Region. The holding facility located at 3 District has remained operational as a secondary holding facility, should overflow of prisoners become an issue or in an emergency. In 2022, this site was opened on one occasion to accommodate a prisoner who needed to be isolated from the regular prisoner population due to Covid-19 risk factors/exposure or symptoms. The Court Services/Prisoner Handling Unit are responsible for persons in custody who are transported to and from police facilities or correctional facilities to one of the 3 court facilities in the Niagara Region, for the purposes of the administration of justice.

During the reporting period, 3,774 persons in custody were processed through the Service's Central Holding facility at 5700 Valley Way, Niagara Falls. Additionally, 2,996 individuals were processed through the various in-custody facilities at the courthouses at 59 Church Street, St. Catharines, 102 East Main St. Welland, and 445 East Main St. Welland (POA Court). Due to Covid-19, many court proceedings such as trials, were postponed and the number of in-person appearances had dropped in 2021. As Covid-19 restrictions began to significantly lift in the spring of 2022 onward, the Service experienced a return to pre-Covid 19 numbers. Remands from institutions remained high at 7,350 for the reporting period, a very slight decrease from 7,437 in 2021. These remands included persons in custody who appeared in court via video from institutions. Special Constables were stationed at physical court locations to ensure order for virtual appearances.

Persons in custody at the court holding facility are the responsibility of the Court Services Unit Sergeant who is designated as the "Officer in Charge" of the holding facility as defined in the Criminal Code of Canada.

Since 2017, the Service has added a supplementary template in the records management system with regard to secondary searches of prisoners, as an added mechanism to ensure compliance with the recommendations reinforced by the "Breaking the Golden Rule" report and then mirrored in General Order 018.21. The template, as part of the Versadex prisoner record, chronicles: the grounds articulated to request the search and by whom, the name of the authorizing Sergeant, the race and age of the prisoner being searched, the name of the person who conducted the search, who witnessed it, what the results of the search were, the method of how the search

was conducted, whether the prisoner cooperated with the process, and if there was any physical contact between the searcher and the person being searched.

In the reporting period, there were 8 secondary searches authorized and conducted in Central Holding (down from 20 in 2020, and 16 in 2021). The 8 searches conducted in 2022 were all adults - 4 males and 4 females. Drugs were located in 4 of the searches. There were no cases where the subjects were not compliant, and no incidents of physical contact between searcher and person being searched.

(c) *“...a summary of the training given to members involved in prisoner care and members used to escort prisoners.”*

Police Officers and Special Constables are trained in the use of force as required by the Police Services Act and the Policing Standards Manual for the Province of Ontario, under the authority of the Minister of Solicitor General. With the exception of the firearms and taser component, Special Constables are trained to the same levels of competence and proficiency with all police officers in the Province of Ontario and are re-qualified every 12 months. Failure to qualify will result in removal of a member from active deployment to an area where use of force is not required. The temporary transfer continues until the member can successfully re-qualify.

The use of force training includes instruction in tactical communication, empty hand techniques (hard and soft), grounding techniques, handcuffing, search, cell extraction, oleoresin capsicum spray, and impact weapons (hard and soft). To complement this training, members receive judgmental training regarding their ability to make appropriate decisions and intervene effectively in each situation.

In addition to the above-mentioned training, police officers and special constables are trained in the application of cardio-pulmonary resuscitation (CPR) with a renewal of training every three years, and in 2020 were also trained in the use of Narcan.

Every new Special Constable is trained by a coach officer on all the relevant procedures that relate to persons in custody. In 2020, the Courts and Prisoner Management Unit developed a Special Constable Training Manual for the purpose of documenting the trainee's awareness of, and proficiency at, all the prisoner care processes and relevant general orders.

Prisoner Transport

Prisoner transportation, under the centralized model, falls under the responsibility of the arresting uniform officer who will take prisoners to the Central Holding facility located at the Service's headquarters at 5700 Valley Way in Niagara Falls. Once at the holding facility, prisoners being held for bail appear via video from the Central Holding facility, negating the need for Special Constables assigned to the Court Services Unit/Prisoner Handling, to transport prisoners to the Court House. There are very rare occasions when a prisoner's counsel requests that the prisoner appear in person. When this

occurs, prisoners are transported from Central Holding to the Court House by Special Constables. The other circumstance where transport is required is when an individual is remanded into custody and needs to be transported to a Detention Centre upon completion of the bail hearing. The Prisoner Handling Unit is also responsible for the transport of people for in-person matters such as trials, sentencing hearings and special bail hearings.

If a person in custody becomes ill while at the Central Holding facility, the officer in charge of the Central Holding facility will arrange for the individual to be taken to hospital by Niagara Emergency Medical Services accompanied by officers.

Alternatives Reviewed

Not applicable.

Relationship to Police Service/Board Strategic Priorities

To comply with the provisions of Police Service Board By-Laws, and to maintain compliance with the *Provincial Adequacy Standards Regulations* which require an annual report on this item.

Relevant Policy Considerations

- Niagara Police Services Board- By-Law 208/225-2000
- Persons in Custody General Order 018.21 - Persons in Custody.

Other Pertinent Reports

8.21.2022.05.19 – Annual Report – Persons in Custody January 1 to December 31, 2021

This report was prepared by Nilan Davé, Inspector, Court Services and Prisoner Management Unit, and reviewed by James Mackay, Superintendent, Operational Support. Recommended by Bill Fordy, Deputy Chief, Support Services.



Submitted by:

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Chief of Police

Appendices

None