



NIAGARA REGIONAL POLICE SERVICE

Police Service Board Report

PUBLIC AGENDA

Subject: Annual Report – Search and Seizure
January 1 to December 31, 2023

Report To: Chair and Members, Niagara Police Service Board

Report Date: 2024-05-29

Recommendation(s)

That the Niagara Police Service Board (Board) receive this report for information.

Key Facts

- The purpose of this report is to advise the Board that the Niagara Regional Police Service (Service) is in compliance with Board By-Law 458-2024 – Search and Seizure.
- The Chief is required to make a written annual report to the Board with respect to Search and Seizure.
- This report is submitted to provide the Board with the necessary and required information with respect to Search and Seizure procedures.

Financial Considerations

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

Analysis

In accordance with Board By-Law 458-2024, the Chief shall make a written report to the Board on or before August 30 of each year with respect to Search and Seizure. The report shall include:

- a) A summary of the written procedures regarding Search and Seizure; and
- b) Confirmation of compliance with the procedures regarding Search and Seizure.

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

- a) *“...a summary of the written procedures regarding Search and Seizure...”*

Written procedures regarding Search and Seizure are found in the Service's General Orders (GOs):

- GO – 018.21 – Persons in Custody
- GO – 035.13 – Evidence and Property Management
- GO – 053.25 – Use of Force
- GO – 059.06 – Diplomatic and Consular Immunity
- GO – 061.11 – Impaired Driving Offences
- GO – 075.11 – Scenes of Crime Officer
- GO – 079.10 – Special Investigations Unit
- GO – 095.10 – Major Incidents and Routine Criminal Investigations
- GO – 100.10 – Powers of Arrest
- GO – 103.13 – Infection Prevention and Control
- GO – 110.08 – Proceeds of Crime and Offence Related Property
- GO – 114.13 – Domestic/Family Violence
- GO – 117.11 – Search and Seizure
- GO – 121.12 – Forensic Services Unit
- GO – 150.07 – Civil Disturbances and Mass Arrests
- GO – 167.08 – Mentally Ill Persons
- GO – 169.08 – Internet Child Exploitation Investigations
- GO – 175.06 – Firearms - Investigations/Seizure/Property/Maintenance
- GO – 185.08 – Court Security
- GO – 192.05 – Electronic Crime Investigations
- GO – 199.04 – Grow Operations and Clandestine Labs
- GO – 208.06 – Drug Related Offences
- GO – 236.03 – Intoxicated Persons

The above-noted GOs detail the responsibilities of officers when conducting searches of persons or premises in virtually all conceivable situations. They were prepared and approved to comply with Adequacy and Effective Policing. Considerable effort has been dedicated to ensuring that these GOs reflect current legislative and case law authorities. The GOs are reviewed and amended as deemed necessary.

- b) *“...confirmation of compliance with the procedures regarding Search and Seizure...”*

Searches of persons and premises are done on an almost daily basis by police officers with and without prior judicial authorization. Since most of these searches are linked to criminal investigations that may escalate to criminal charges, one method of confirming compliance with the procedures relating to search and seizures is through judicial review. Although there is no formal data collection process in relation to this review, the merits of any matter before the courts involving the search and seizure of persons or premises form the basis of the eventual outcome, which may give rise to positive or constructive feedback to the officer(s). Furthermore, plea agreements are occasionally entered into between the Crown Attorney and Defense Counsel in the resolution of

criminal matters; whereby, police searches may have been challenged in the court process, making it less likely that potential issues with search and seizures become common knowledge.

The success achieved in matters relating to search and seizures can, in part, be attributed to the ongoing emphasis on the topic in police-related training programs. The issue of search, in particular search of persons and/or premises either by judicial authorization or incident to arrest, is always an issue for review in training courses offered by the Ontario Police College, the Canadian Police College, and the Service's Training Unit. As such, in order to maintain the established legal guidelines for police officers to follow during search incidents, such courses as Criminal Investigators Training, Ontario Major Case Management, Search Warrant Course, and Advanced Patrol Training offer, as part of the required curriculum, reviews on the issues of search and seizures, and the judicial authorities associated to them.

In addition, the Ontario Police Video Training Alliance offers the following training videos that cover the legal aspects of Search and Seizure:

Volume 094 "Vehicle Search Authorities" – September 2006
Volume 116 "Building Searches" – July 2009
Volume 118 "Foundations of Warrantless Search" – January 2010
Volume 122 "Head to Toe – Search of Persons" – August 2010
Volume 123 "Firearms Seizures" – August 2010
Volume 137 "Investigative Detention" – June 2013
Volume 141 "Credibility and Reliability on the Stand" – May 2014
Volume 148 "Articulation – Investigative Detention" – April 2015
Volume 150 "NRPS Justice Panel" – May 2015
Volume 160 "Vehicle Inventory Searches" – June 2017

Alternatives Reviewed

Not applicable.

Relationship to Police Service/Board Strategic Priorities

To comply with the provisions of the Board By-Laws and to maintain compliance with Adequacy and Effective Policing.

Relevant Policy Considerations

Board By-Law 458-2024 - Search and Seizure
GOs listed above under the "Analysis" heading

Other Pertinent Reports

8.13 - 2023.06.22 – Annual Report – Search and Seizure – January 1 to December 31, 2022.

This report was prepared by Andrew Knevel, Staff Sergeant, Major Crime Unit; reviewed by Steve Magistrale, Inspector, Investigative Support Services and Matt Hodges, Acting Superintendent, Emergency and Investigative Services. Recommended by Todd Waselovich, Deputy Chief, Operational Services.



Submitted by:
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Chief of Police

Appendices

Not applicable.