



NIAGARA REGIONAL POLICE SERVICE

Police Service Board Report

PUBLIC AGENDA

Subject: Annual Report - Bail and Violent Crime -
January 1 to December 31, 2023

Report To: Chair and Members, Niagara Police Service Board

Report Date: 2024-07-11

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 (NRPS) is compliant with Board By-Law 436-2024, Bail and Violent Crime.
- By-Law 436-2024, a By-Law respecting Bail and Violent Crime, was enacted to meet the requirements of Section 39(1) of the Community Safety and Policing Act, 2019. Ontario Regulation 392/23 - Adequate and Effective Policing, subsections 6(1) 4 xii.
- A summary of written procedures concerning Bail and Violent Crime can be found in General Order (GO) 019.09 – Violent Crime Bail.

Financial Considerations

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

Analysis

The Chief shall make a written report to the Board on or before August 30 of each year in respect of bail and violent crime. The report shall include:

- a) a summary of the written procedures regarding bail; and
- b) confirmation of the compliance with the procedures regarding bail.

This report will outline each of the above and confirm compliance with the By-Law.

- a) *“...a summary of the written procedures regarding bail...”*

In 2023, the NRPS operated under the direction of GO 019.09 - Violent Crime Bail. This GO places responsibility on the investigating officer to determine the necessity of a bail hearing for any case involving violence or threatened use of violence. The GO also

outlines in detail the factors, information and documents that ought to be considered and reviewed by the officer in making this determination, as well as actions regarding noncompliance with bail release conditions.

When it is determined, based on all the information and evidence available, that an accused party is to be held for a bail hearing, the Investigating Officer is required to either oppose or choose not to oppose the bail release of the accused. The GO and established bail processes requires that the officer articulate and substantiate their position and provide appropriate release conditions on the Bail Hearing Template in the Versadex Records Management System if the accused is released. The officer's supervisor will review this template and determine if it is complete and appropriate for the circumstances. The Case Preparation Specialist later reviews all crown brief packages during the preparation of the information documents for the court and serves as an additional layer of accountability. The Quality Assurance Unit conducts a further review of all report submissions to ensure compliance with GOs.

Section 3.4 (s) of the GO directs that the Investigating Officer explain the bail hearing procedure to the victim and the right of the victim to attend the bail hearing. The officer preparing the brief should also consider and discuss with the victim whether it is necessary for the victim to attend the bail hearing to testify regarding any safety fears the victim may have.

Upon the arrival of the accused for a bail hearing, the GO directs that a Court Services Bail Officer is present to record and report on the outcome. If an accused is released, the Bail Officer will notify the victim of the conditions of release if the victim is not present in the courtroom. If the Bail Officer is unable to speak with the victim, the Bail Officer will contact the Communications Unit and generate a call for service. A Uniform Patrol Officer is then assigned to follow up with the victim, complete the notification process and prepare a Post-Bail Report or Supplementary Report under the original incident. The Bail Officer also ensures that release orders and release conditions are forwarded for entry on to the Canadian Police Information System (CPIC).

Lastly, in the event of an accused being outside the jurisdiction of the NRPS, the GO details procedures to be followed for their return.

b) *“...confirmation of compliance with the procedures regarding bail...”*

The compliance of the NRPS, regarding bail procedures and the handling of persons in custody, can be evaluated by examining the effectiveness of the policies and practices in place.

In 2023, the NRPS presented 5,350 matters before the courts for bail hearings in relation to charges laid by police. These matters were mostly processed by video, while the accused was detained at NRPS - Central Holding at 5700 Valley Way, Niagara

Falls, except for specific cases where an “in-person” bail hearing was ordered by the court.

In all cases involving the use of violence, Bail Officers were responsible for promptly recording and reporting the outcome of the Bail Hearing by way of a “Post Bail Report”. In 2023, Bail Officers submitted 2346 Post Bail Reports for 1409 matters. This indicates that nearly 26 percent of the matters before the courts involved the use of violence.

The Courts and Prisoner Management Unit within the NRPS processed a total of 12,919 matters involving “in-custody accused persons” through the court houses at 59 Church Street, St. Catharines, and 102 East Main Street, Welland. These numbers include both the new charges and existing charges where the accused had been remanded back into custody. Of those total matters, 5,350 cases were processed “In-Person”, and 7,569 were processed virtually (by video or telephone).

The bail process is a vital function that serves as the mechanism for the NRPS and the justice system to protect victims of crime. The navigation of accused parties and victims of crime through the bail process has proven to be a well-established practice that includes multiple layers of review and accountability.

The first layer of review and accountability is the Investigating Officer as detailed within GO 019.09. The Investigating Officer, having intimate knowledge of the offence(s), is directed to determine the necessity of a bail hearing for any case involving violence or threatened use of violence. The GO outlines in detail the factors, information and documents that ought to be considered and reviewed by the officer in making this determination. Direction is also provided regarding the information and/or documentation required to support the position of the officer to oppose bail or not.

The second layer of accountability is the Uniform Staff Sergeant who is responsible for reviewing and approving all criminal crown briefs (with the exception of Form 9 releases) and for authorizing either the release or further detention/bail of all accused parties. Accused persons requiring further detention/bail are transported to Central Holding located at 5700 Valley Way in Niagara Falls. All Form 9 releases are reviewed and approved by Charge Investigator Detective Sergeants.

The third layer of accountability is the combined efforts of the Bail Officer’s and the Office of the Crown Attorney that prepare and review the crown briefs for the courts. Any errors or oversights are identified, addressed, and presented to the presiding official during the bail hearing.

Charge Investigator Detective Sergeants offer a fourth layer of accountability to the criminal process. Crown briefs are reviewed, and any deficiencies are addressed through issuing workflow follow-up’s to the appropriate officer. Incident reports and crown briefs are also reviewed by Quality Assurance Constables ensuring compliance with the Service’s GOs inclusive of GO 019.09. Each stage of the Service’s review and

authorization of bail matters, and the steps and decisions implemented by the Investigating Officer are checked for quality, consistency, and compliance. If issues or errors are identified, corrective action is taken.

GO 016.13 - Crown Brief Submissions, requires that the Court Services Unit provide a Court Services Officer and outlines duties and responsibilities regarding bail hearings. A review of internal practices revealed that the NRPS Court Unit assigns at least two Bail Officers to the centralized Bail Court function, located at 59 Church St., St. Catharines on normal business days. On weekends and statutory holidays, the Court Services Officer function is assigned to one Bail Officer.

Ministry of the Attorney General – Crown Attorney’s Office

There continues to be an exceptional rapport between the Ministry of the Attorney General (Crown Attorney’s Office) and the NRPS. To ensure that any concerns about the bail hearing process would be addressed in a timely fashion, the Service entered a Crown Protocol on February 10, 2004, as provided for in the Adequacy and Effective Policing LE-006. Regular meetings have been held since that time to address any issues. These regular meetings proved invaluable as justice partners could quickly and collaboratively respond and adapt to emerging issues. During 2023, these meetings continued by video/teleconference call and included all justice partners inclusive of: the Local Administrative Judge, the Local Administrative Justice, the Head Crown Attorney, Duty Counsel, Court Operations Managers, Victim/Witness Assistance Program, Probation and Parole and the NRPS.

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

By-Law 436-2024, Bail and Violent Crime
GO 019.09 – Violent Crime Bail
GO 018.21 – Persons in Custody

Other Pertinent Reports

8.6 – 2023-07-27 – Annual Report – Bail and Violent Crime – January 1 to December 31, 2023

This report was prepared Chris Sirie, Inspector, Court Services and Prisoner Management Unit. Recommended by Darrin Forbes, Acting Deputy Chief, Support Services.



Submitted by:

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Chief of Police

Appendices

Not applicable