



NIAGARA REGIONAL POLICE SERVICE

Police Service Board Report

PUBLIC AGENDA

Subject: Annual Report - Persons in Custody
January 1, 2024, to December 31, 2024

Report To: Chair and Members, Niagara Police Service Board

Report Date: 2025-04-16

Recommendation(s)

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

Key Facts

- In compliance with subsection 37(1) of the Community Safety and Policing Act, 2019 (CSPA), which stipulates the Board shall provide adequate and effective policing in the area for which it has policing responsibility, as required by section 10 of the CSPA.
- Section 38(2) of the CSPA stipulates that a Police Service Board may establish policies respecting matters related to the police service or the provision of policing.
- The Board has deemed it appropriate and consistent with the principles set out in section 1 of the CSPA, with its objectives and priorities determined pursuant to sections 37 and 38 of the CSPA, that the Board have a policy on persons in custody and prisoner care and control.
- This annual report is submitted to provide the Board with the necessary and required information, pursuant to By-Law 455-2024, relating to issues of Persons in Custody, and covers the 2024 reporting period.

Financial Considerations

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

Analysis

This annual report is submitted to provide the Board with the necessary and required information, pursuant to By-Law 455-2024, relating to issues of Persons in Custody.

By-Law No. 455 - 2024, Persons in Custody

By-Law No. 455-2024 was enacted because of Adequacy and Effective Policing (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 (GO) 018.21 – Persons in Custody. This GO details the responsibilities of members when transporting, detaining, and searching persons taken into custody by members of the Police Service. The GO was prepared and approved to comply with Adequacy and Effective Policing LE-016 and LE-033.

GO 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 GO provides procedures relating to the responsibilities of Special Constables assigned to the central holding facility, as well as the court holding facility. The GO 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 GO 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, transgender, gender diverse individuals, along with 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 GO 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 GO is reviewed as required 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, Niagara Falls, 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 the case of an emergency. The 3 District secondary holding facility was put into use twice in 2024. With the anticipated increase in traffic volume around headquarters during the eclipse event on April 8, 2024, the 3 District secondary holding facility was opened to house prisoners taken into custody from other parts of the region outside of Niagara Falls, two prisoners were housed there during the eclipse event. The 3 District secondary holding facility was used a second time in 2024 to process one prisoner involved in a sensitive matter. 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 three court facilities in the Niagara Region, for the purposes of the administration of justice.

During the reporting period, 4,163 persons in custody were processed through the Service's Central Holding facility at 5700 Valley Way, Niagara Falls. This represents an 8% increase from 3,846 the previous year. Additionally, 6,103 individuals were processed through the various in-custody facilities at the courthouses at 59 Church Street, St. Catharines, 102 East Main Street, Welland, and Provincial Offences Court, 445 East Main Street, Welland. This represents a 14% year over year increase. Remands from institutions continued to climb to 9,134 for the reporting period. This represents a 21% increase from 7,569 in 2023. 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 and public safety during virtual court appearances.

Persons in custody at the court holding facility are the responsibility of the Court Services Special Constable Supervisor, 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 GO 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.

During the reporting period, there were 7 secondary searches authorized and conducted in Central Holding, this was a decrease from 13 in 2023, and a decrease from 8 in 2022. There were 7 searches conducted in 2024 and 6 of those searches were adults, while 1 was a male youth. Five adults searched identified as males, and 1 adult identified as a female. There was no physical contact between the searcher and the person being searched in any of the 7 secondary searches in 2024. All persons being searched in 2024 were compliant. Drugs were located during 2 of the searches in 2024.

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 CSPA 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.

The annual use of force training includes instruction in de-escalation, tactical communication, empty hand techniques (hard and soft), grounding techniques, handcuffing, search, cell extraction, oleoresin capsaicin 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 cardiopulmonary resuscitation (CPR), with a renewal of training every 3 years. In 2020, they were also trained in the use of Narcan. Special Constables completed First Aid/CPR training along with tourniquet training the previous year in 2023.

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 GOs. This ensures consistency in training and allows for supervisors to monitor the progress of trainees.

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 courthouse. 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 courthouse 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 prisoners for in-person matters such as trials, sentencing hearings and special bail hearings. The Prisoner Handling Unit is responsible for transporting male adults remanded into custody to the Niagara Detention Centre and male and female young offenders remanded into custody to the nearest available male or female youth detention centre. A Memorandum of Understanding is in place with the Ontario Provincial Police (OPP) whereby the OPP assumes the responsibility of transporting female adults remanded into custody to the Vanier Detention Centre, as well as transporting in-custody youth to the nearest available male or female youth detention centre.

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 Board By-Laws and to maintain compliance with Adequacy and Effective Policing.

Relevant Policy Considerations

Board By-Law 455-2024 – Persons in Custody
GO 018.21 – Persons in Custody

Other Pertinent Reports

8.13 - 2023.05.25 – Annual Report – Persons in Custody January 1, 2023 to December 31, 2023

This report was prepared by Chris Sirie, Inspector, Court Services and Prisoner Management Unit, in consultation with Sandy Staniforth, Superintendent, Operational Support and Projects. Reviewed by Sandy Staniforth, Superintendent, Operational Support and Projects. Recommended by Luigi Greco, Deputy Chief, Support Services.



Submitted by:

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Chief of Police

Appendices

Not applicable.