



BY-LAW NO. 455-2024

**A BY-LAW RESPECTING
PERSONS IN CUSTODY**

1. PREAMBLE

- 1.1 WHEREAS subsection 37 (1) of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, (“CSPA”) provides that a Board shall provide adequate and effective policing in the area for which it has policing responsibility as required by Section 10 of the CSPA;
- 1.2 AND WHEREAS subsection 38 (2) of the CSPA provides that a Police Service Board may establish policies respecting matters related to the Police Service or the provision of policing;
- 1.3 AND WHEREAS O. Reg. 392/23: Adequate and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND WHEREAS 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;
- 1.5 AND WHEREAS Part LE-016 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Board, the Chief and members relative to prisoner care and control and Part LE-033, a copy of which is attached hereto as Appendix B, contains guidelines directing the Chief and the Service relative to prisoner transportation.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD ENACTS AS FOLLOWS:

2. DEFINITIONS

- 2.1 “Act” or “CSPA” means the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, and amendments thereto;
- 2.2 “Board” means the Regional Municipality of Niagara Police Service Board;
- 2.3 “Chief” means the Chief of the Niagara Regional Police Service;
- 2.4 “Manual” means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.5 “Member” means a member of the Niagara Regional Police Service;

2.6 “Service” means the Niagara Regional Police Service.

3. BOARD POLICY

3.1 The Board recognizes the rights of persons in custody, and it is therefore the policy of this Board that such persons be dealt with in a professional and thorough manner, and in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 PROCEDURES

4.1.1 The Chief shall develop a procedure for the care and control of prisoners including a procedure for the effective monitoring of prisoners.

4.1.2 The procedure shall include ensuring the secure custody of persons in custody in respect of court proceedings in accordance with subsection 243 (1) 3 of the CSPA.

4.2 PROCEDURES – ESCAPE FROM CUSTODY

4.2.1 The Chief shall establish a procedure for responding to an escape from police custody.

4.3 PROCEDURES – PRISONER TRANSPORTATION

4.3.1 The Chief shall develop procedures on prisoner transportation.

4.4 TRAINING

4.4.1 The Chief shall ensure that Members involved in prisoner care and control have the knowledge, skills and abilities required for the care and control of prisoners.

4.4.2 The Chief shall ensure that Members used to escort persons in custody have the knowledge, skills and abilities required to perform the function.

4.5 EQUIPMENT

4.5.1 The Chief shall ensure that Members used to escort persons in custody have available and use the appropriate safety equipment in performing this function.

4.6 The procedures established above shall be in accordance with Appendix A and B.

5. REVIEW OF PROCEDURES

5.1 The Chief shall review the procedures, processes and practices of the Service for prisoner care and control following an escape or in-custody death.

6. REPORT TO THE BOARD

6.1 REPORTING REQUIREMENTS – ESCAPE FROM CUSTODY

6.1.1 The Chief shall make a written report to the Board immediately following any escape from police custody or in-custody death.

6.2 REPORTING REQUIREMENTS – INQUEST

6.2.1 The Chief shall make a written report to the Board summarizing the findings of a coroner’s jury following an inquest into the death of an individual in police custody and a further report within six (6) months reporting on compliance with the said recommendations.

6.3 ANNUAL REPORTING REQUIREMENTS

6.3.1 The Chief shall make a written report to the Board in 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.

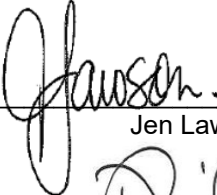
7. IMPLEMENTATION

7.1 By-law No. 208-2000 and 225-2000, and all other By-laws, sections of By-laws and procedural policies of the Board inconsistent with the provisions of this By-law are hereby repealed effective March 31, 2024.


7.2 This By-law shall come into force on April 1, 2024.

ENACTED AND PASSED this 28th day of March, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Jen Lawson, Chair



Deb Reid, Executive Director

Attachments (2)

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation 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.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to prisoner care and control that the Chief of Police will:

- a) establish procedures and processes for:
 - i) the care and control of prisoners, including effective monitoring; and
 - ii) responding to an escape from police custody;
- b) ensure that members involved in prisoner care and control have the knowledge, skills and abilities required to perform this function; and
- c) following an escape or in-custody death, review the procedures, processes and practices of the police service for prisoner care and control and report back to the board.

Police Service Guidelines

- Procedures*
1. Every police service's procedures and processes should:
 - a) require that the officer in charge/supervisor or designate be immediately notified on, and the record of arrest updated when there are any changes relating to (and prior to transfer), a prisoner's:
 - i) injuries;
 - ii) medication, or whether any medication has been administered;
 - iii) impairment due to alcohol or drugs;
 - iv) potential for suicide, violence or risk of escape; and
 - v) emotional disturbance, any mental illness or developmental disability;
 - b) require the recording, and notification to the investigating officer, of any admissions or threats made by an arrested person at the time of processing;
 - c) require that all personal property, such as belts, ties, shoelaces or any article with which a prisoner could cause harm are removed and stored securely prior to the prisoner being placed in a cell;
 - d) require that the officer in charge/supervisor or designate ensure the performing and recording of regular prisoner visual and physical security checks;

- e) set out the special precautions to be implemented for prisoners who are known or suspected to:
 - i) be violent;
 - ii) be emotionally disturbed;
 - iii) have a mental illness;
 - iv) have a developmental disability;
 - v) be suicidal;
 - vi) have a communicable disease;
 - vii) be at risk of a medical emergency; or
 - viii) be under the influence of alcohol/drugs;
 - f) require that meals be provided at all regular meal times and recorded;
 - g) require the display of a “right to counsel” poster;
 - h) address issues relating to:
 - i) security, including firearms and lock-up areas;
 - ii) young persons;
 - iii) use of restraints;
 - iv) separation, by sight, of women, young persons and males from each other;
 - v) the release of a prisoners’ personal property; and
 - vi) emergency procedures and processes, including medical emergencies, cell deaths and evacuations;
 - i) require that prisoner transportation personnel, and any person(s), organization or facility to which the prisoner is transferred, are provided with the appropriate documentation on the prisoner, and are alerted to any information on the prisoner referred to in section 1(a); and
 - j) require the officer in charge/supervisor to regularly audit compliance by members with the police service’s procedures on prisoner care and control.
2. Every police service’s procedures should address an escape from police custody, including, at minimum, that:
- a) upon discovering that a person in custody has escaped, a member shall immediately advise the communications centre of the escape and relevant information; and
 - b) the member, if the escapee cannot be immediately apprehended, shall:
 - i) ensure a CPIC Alert is issued if the person is believed to be a danger to themselves or other persons; and
 - ii) ensure the information on the escapee is entered on CPIC.
3. Every Chief of Police should ensure that members involved in prisoner care and control have the knowledge, skills and abilities required to perform this function, including knowledge of first aid/CPR, precautions for communicable diseases, suicide prevention, recognition of symptoms of excited delirium and positional

asphyxia and prevention, care for impaired persons and the maintenance and operation of safety equipment.

- Review*
4. Every Chief of Police should, following an escape or in-custody death, review the procedures, processes and practices of the police service for prisoner care and control and report back to the board.

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on prisoner transportation. In addition, section 13(1)(m) requires the Chief of Police to establish procedures and processes in respect of prisoner transportation.

Furthermore, section 53(5) of the *Police Services Act* permits the use of special constables by police services to escort and convey persons in custody.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to prisoner transportation that the Chief of Police will:

- a) establish procedures on prisoner transportation that require compliance by police officers/special constables with the police service's procedures on prisoner care and control;
- b) ensure that police officers/special constables used to escort persons in custody have the knowledge, skills and abilities required to perform this function; and
- c) ensure that appropriate safety equipment is used/available to police officers/special constables performing this function.

Police Service Guidelines

- Procedures*
1. Every police service's procedures on prisoner transportation should:
 - a) set out the circumstances when at least two police officers/special constables are required for a prisoner escort;
 - b) address issues relating to:
 - i) security, including firearms;
 - ii) transporting young persons;
 - iii) transporting prisoners of the opposite sex;
 - iv) transporting prisoners with physical disabilities; and
 - v) the use of restraints during transportation;
 - c) set out the special precautions and/or additional security measures to be implemented for transporting prisoners who are known or suspected to:
 - i) be violent;
 - ii) be an escape risk;
 - iii) be involved with organized crime or have other known criminal associates in the community;

- iv) be emotionally disturbed;
 - v) have a mental illness;
 - vi) have a developmental disability;
 - vii) be suicidal;
 - viii) have a communicable disease;
 - ix) be at risk of a medical emergency; or
 - x) be under the influence of alcohol/drugs;
- d) require that, when custody of a prisoner is transferred, any person(s), organization or facility receiving custody is provided with the appropriate documentation on the prisoner, and is alerted to any information on the prisoner regarding:
- i) injuries;
 - ii) medication, or whether any medication has been administered;
 - iii) impairment due to alcohol or drugs;
 - iv) potential for suicide, violence or risk of escape; and
 - v) emotional disturbance, any mental illness or developmental disability;
- e) require the maintenance of records concerning a prisoner's transportation;
- f) ensure the provision of meals to prisoners attending court;
- g) address the type of vehicles that should be used for prisoner transportation; and
- h) require police officers/special constables to comply with the police service's procedures on prisoner care and control.
2. Every Chief of Police should ensure that police officers/special constables used to escort persons in custody have the knowledge, skills and abilities required to perform this function, including knowledge of first aid/CPR, precautions for communicable diseases, suicide prevention, recognition of symptoms of excited delirium and positional asphyxia and prevention, care for impaired persons and the maintenance and operation of safety equipment.
- Equipment* 3. Every Chief of Police should ensure that the appropriate safety equipment is used/available to police officers/special constables performing this function, including communications access during transportation.

