



BY-LAW NO. 474-2024

**A BY-LAW RESPECTING
COURT SECURITY**

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 Section 243 of the CSPA requires that, where a Police Service Board has court security obligations, the Board is responsible for:
- (a) ensuring the security of judges and other judicial officers and of persons taking part in or attending proceedings;
 - (b) during the hours when judges, other judicial officers and members of the public are normally present, ensuring the security of the premises;
 - (c) ensuring the secure custody of persons in custody who are on or about the premises, including persons taken into custody at proceedings; and
 - (d) determining appropriate levels of security for the purposes of all of the above in accordance with the regulations, if any;
- 1.4 AND WHEREAS O. Reg. 392/23: Adequacy and Effective Policing (General) prescribes standards for adequacy and effectiveness of police services;
- 1.5 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 to require that, where a Police Service Board has court security obligations under Section 243 of the CSPA , the Chief shall:
- (a) prepare a court security plan;
 - (b) establish procedures on court security that address the provision and training; and
 - (c) ensure that court security personnel have the knowledge, skills and abilities to perform court security functions;
- 1.6 AND WHEREAS the Board has deemed it appropriate that it establish policies with respect to court security;
- 1.7 AND WHEREAS Part LE-014 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief relative to court security.

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 “Regional Crown Attorney” means the Director of Crown Operations for the Region of Central South West in conjunction with the Crown Attorney for the Judicial District of Niagara North and the Crown Attorney for the Judicial District of Niagara South;
- 2.7 “Service” means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that issues relating to court security are important to the administration of justice and it is therefore the policy of this Board that court security issues 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 COURT SECURITY COMMITTEE

- 4.1.1 The Chief shall establish a local Court Security Committee, to serve in an advisory capacity to the Chief. The Court Security Committee shall include representatives from:

- (a) the Service;
- (b) the Regional Crown Attorney’s office;
- (c) the judiciary;
- (d) the local bar association;
- (e) victims services/organizations; and
- (f) Ministry of the Attorney General – Court Services Branch.

- 4.1.2 The Chief shall ensure that the local Court Security Committee meets on a regular basis in order to address court security issues.

4.2 COURT SECURITY OFFICER

- 4.2.1 The Chief shall designate a Member of the Service with overall responsibilities for the Service’s court security function.

4.3 COURT SECURITY PLAN

4.3.1 The Chief shall, in accordance with the Court Security Committee, prepare a Court Security Plan.

4.3.2 The Chief shall ensure that the Court Security Plan is reviewed and evaluated on an annual basis by the Court Security Committee using defined performance measures and indicators.

4.4 TRAINING

4.4.1 The Chief shall ensure that personnel utilized for court security and prisoner transport are adequately trained and supervised.

4.4.2 The Chief shall establish procedures in relation to court security in accordance with Appendix A.

5 REPORT TO THE BOARD

5.1 The Chief shall make a written report to the Board in each year concerning the Court Security Plan, which report shall include at least the following information:

- (a) an outline of the Court Security Plan;
- (b) confirmation that the Plan conforms with Section 243 of the CSPA;
- (c) the annual cost of the Plan;
- (d) any issues or criticisms of the Court Security Plan known to the Chief; and
- (e) a summary of the issues discussed at the Court Security Committee meetings.

6. IMPLEMENTATION

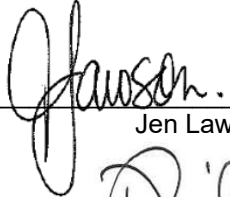
6.1 By-law No. 206-2000 and all other By-laws, sections of By-laws and procedural policies of the Board inconsistent with the provisions of this By-law are hereby repealed effective March 31, 2024.

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


6.3 The Chief shall implement this By-law, where applicable, through General Order.

ENACTED AND PASSED this 25th day of April, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Jen Lawson, Chair



Deb Reid, Executive Director

Attachment (1)

Legislative/Regulatory Requirements

Section 137 of the *Police Services Act* requires that, where a police services board has court security obligations, the board is responsible for:

- ensuring the security of judges and of persons taking part in or attending proceedings;
- during the hours when judges and members of the public are present, ensuring the security of the premises;
- ensuring the secure custody of persons in custody who are on or about the premises, including persons taken into custody at proceedings; and
- determining appropriate levels of security for the purposes of [the above paragraphs].

Section 16 of the Adequacy Standards Regulation requires that, where a police services board has court security obligations under section 137 of the *Act*, the Chief of Police shall:

- prepare a court security plan;
- establish procedures on court security that address supervision and training; and
- ensure that court security personnel have the knowledge, skills and abilities to perform court security functions.

Finally, section 29 of the regulation requires police services boards with court security responsibilities to establish policies with respect to court security.

Sample Board Policy

Board Policy # _____

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

- a) establish a local court security committee, to serve in an advisory capacity to the Chief of Police, comprised of representatives, at minimum, from the police, Crown, judiciary, local bar, victim services/organizations and Courts Services - Ministry of the Attorney General;
- b) prepare a court security plan, in consultation with the local court security committee, that adequately addresses local needs and circumstances, and meets the statutory responsibilities set out in section 137 of the *Police Services Act*; and
- c) ensure that police officers and special constables utilized for court security are supervised and have the knowledge, skills and abilities to perform the function.

Police Service Guidelines

Court Security Committee

1. Every Chief of Police should establish a local court security committee, to serve in an advisory capacity to the Chief, comprised of representatives, at minimum, from the:
 - a) police;
 - b) Crown;
 - c) judiciary;
 - d) local bar;
 - e) victim services/organizations; and
 - f) Courts Services - Ministry of the Attorney General.

Plan

2. Every Chief of Police, in consultation with the local court security committee, should prepare a court security plan that addresses the:
 - a) police service's responsibilities for court security as set out in section 137 of the *Police Services Act*;
 - b) designation of a member of the police service with overall responsibility for the police service's court security function;
 - c) emergency procedures, including for fire, evacuation, medical, bomb, hostage, high-risk movement and care of prisoners, including persons who are emotionally disturbed or have a mental illness or a developmental disability in accordance with the police service's procedures on prisoner care and control;
 - d) procedures for dealing with exposure to communicable diseases;
 - e) use of security equipment, where appropriate, including wand and other electronic weapon scanning devices;
 - f) equipment to be available/used by personnel performing court security services;
 - g) requirement for personnel performing court security to comply with the police service's procedures on note taking;
 - h) requirement that court security services are provided by uniformed police officers or special constables (this does not preclude the use of plain clothes police officers in the delivery of court security to augment uniformed personnel);
 - i) communications equipment for personnel performing court security services;
 - j) requirement that uniforms and insignia for special constables performing court security be distinct from the uniforms of the police service's officers;
 - k) need for perimeter security of a court facility;
 - l) safety of persons who work in, or are in attendance at, a court facility;
 - m) selection process and skills development and learning of personnel providing court security services to ensure that they have the knowledge, skills and abilities to perform the function; and
 - n) annual review and evaluation of the plan by the local court security committee, using set out performance measures and indicators, in order to address changing local circumstances.

3. In developing the court security plan, the court security committee should use a security assessment tool in order to assess local needs, including factors to be considered in determining the appropriate level of security, such as the:
 - a) court house facilities;
 - b) communications equipment available;
 - c) nature of the local community;
 - d) type of occurrences that have previously occurred at the court house;
 - e) nature of the cases dealt with at the court house;
 - f) presence or absence of electronic weapons scanning devices at entrances;
 - g) volume of cases;
 - h) existence of special security for special cases;
 - i) presence of on-site police personnel;
 - j) use of video monitoring at the court house;
 - k) response times in the event of emergencies;
 - l) presence of panic buttons in courtrooms, chambers and public office areas; and
 - m) procedures for ensuring the secure custody and safe movement of prisoners.

Training

4. Every Chief of Police should ensure that police officers and special constables providing court security have the knowledge, skills and abilities to perform the function, including:
 - a) use of force in accordance with the *Use of Force Regulation*;
 - b) search of persons consistent with the police service's procedures on search of persons;
 - c) in relation to persons who are emotionally disturbed, have a mental illness or a developmental disability;
 - d) emergency procedures;
 - e) administering first aid/CPR; and
 - f) care and control of prisoners consistent with the police service's procedures on prisoner care and control.