



NORTH BAY POLICE SERVICE

2008 Annual Report Court Section

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A. Mandate of the Unit

The Police Services Act, R.S.O. 1990, c.P. 15 establishes the Police Service Board's responsibility for court security when a court facility is located within the municipality's boundaries. The applicable section is as follows:

137. (1) A board that is responsible for providing police services for one or more municipalities has the following responsibilities, with respect to premises where court proceedings are conducted:

1. Ensuring the security of judges and of persons taking part in or attending proceedings.
2. During the hours when judges and members of the public are normally present, ensuring the security of the premises.
3. Ensuring the secure custody of persons in custody who are on or about the premises including persons taken into custody at proceedings.
4. Determining appropriate levels of security for the purposes of paragraphs 1, 2 and 3.
R.S.O. 1990, c. P.15, s. 137 (1); 1997, c. 8, s. 41.

The Court Section is comprised of two distinct divisions: court security and case management. A sergeant is assigned to supervise both. Three full-time and ten part-time special constables deal with court security, prisoner escorts and the service of summons and subpoenas.

Case management personnel are responsible for facilitating the efficient prosecution of court cases by assisting the Crown Attorney and coordinating the management of Crown Briefs and attendance of witnesses at court. To achieve this end, members of Case Management consist of a combination of sworn and civilian personnel.

B. Executive Summary

In November 2008, Ontario Court Provincial Division Court began the scheduling of a day-long First Appearance and a day-long Plea Court. This impacted part-time hours by requiring an additional two (2) Special Constables for escorting accused persons during the plea court.

It is now common for First Appearance and Tuesday Plea Court to run until after 1700 hours, leaving the transfer of prisoners back to the District Jail as late as 1930 hours.

Prior to 2008, a special constable was assigned to monitor the court building if courts closed prior to 1730 hours. With the increasing demand on human resources a new strategy for staffing now requires a special constable to be assigned as a video monitor. When prisoners are lodged at the courthouse, a second special constable is assigned to the cell block area for prisoner safety/security reasons. This individual looks after the immediate needs of incarcerated persons, such as meals, facilitates prisoner lawyer

meetings, takes finger prints and DNA samples as per court orders. Another special constable is assigned during court operation hours.

In 2008, 24,879.25 hours were attributed to courthouse security, while in 2007 the total was 24,317.25 hours.

C. Activities

Section 16 of the Regulation 3/99 of the *Act (Adequacy Standards Regulation)* requires that where a police service's board has court security obligations under Section 137 of the Act, the Chief of Police shall prepare a Court Security Plan.

In 2008 the North Bay Police Service Standard Operating Procedure on Courthouse Security was revisited. The procedure directs the Chief of Police to establish a Court Security Committee and to prepare a plan pursuant to Regulations. This procedure also requires the Chief to ensure that officers used for court security are supervised and have the knowledge, skills and abilities to perform their function.

The committee is comprised of representatives from the police, Crown, judiciary, local bar, victim services organizations and court services - a branch of the Ministry of the Attorney General. Committee members representing employee health and safety have also been invited to observe these meetings.

A considerable amount of both financial and human resources is attributed to court security, prisoner transportation and processing of associated documentation within this Section. The chart below depicts lists a series of performance indicators that are used to review the activities of the Court Section for the last seven years.

Year	Wash Court	Video Remand	Prisoners Escorted Within the City	Prisoners Out of Town Escorts	Prisoner Meals	Documents Served	Adult Charges (C.C.)	Youth Charges (C.C.)	Total Charges
2002	184	N/A	3062	179	1764	998	2872	756	3628
2003	171	279	2935	129	1701	1017	2373	499	2822
2004	179	632	1948	85	1415	1051	2536	467	3003
2005	152	655	3340	184	1984	1141	2288	527	2815
2006	160	439	2686	128	2089	908	2507	388	2895
2007	187	761	3473	160	2534	1008	2308	387	2695
2008	216	591	3655	92	2486	682	2549	429	2978

In 2008 the special constable assigned to document service assisted with finger printing accused persons at headquarters one day per week.

As observed in the chart above, video remand allows persons in custody to appear before a Justice through links at secure holding facilities such as the District Jail. This process reduces the frequency associated to prisoner transportation and meals.

The following provides an illustration of where Court Section personnel are typically deployed within the courthouse:

Case Management

The individuals assigned to case management have the following job descriptions:

- Court Liaison Officer – 1 Sworn Officer
- Court Clerk – 1 Civilian (full time)
- Court Coordinator - 1 Civilian (full time)
- Court Coordinator – 1 Civilian (part-time)
- Youth Court Coordinator – 1 Civilian (part-time)

Court Security

Court Room	Activity	Personnel Required
101	First Appearance – Adult and Youth	1- security or 2 per person in custody
201	Youth Court trials	2 per person in custody
301	Bail Court	2 per person in custody
302	Superior Court trials	2 per person in custody
303	Superior Court trials	2 per person in custody
305	Provincial Court trials	2 per person in custody
306	Provincial Court trials	2 per person in custody
305	Plea Court	2 per person in custody
Cell Block	Monitor, building security, prisoner security (when prisoners present)	2 if prisoners present 3
	Document Service	1

D. Performance Indicators

The operations aspect of security at the courthouse is fairly consistent pertaining to the types of courts that are operating and the hours of operation. The amount of offenders that are processed in any given year fluctuates and has significant impact on day to day operations of the Section. Offender issues include in custody transportation, meals, medical/health concerns, safety concerns for prisoners (segregation) and associated documentation related to Crown Brief preparation all impact on financial and human resources.

Performance indicators are indicative of the number of persons and documentation that are processed by the Court Section. Other indicators such as complaints associated to court security by the judiciary, court staff and attending members of the public are factored. In 2008 no such complaints were received.

E. Anticipated Issues for the Future

In October 2008, the Ontario Government announced that it would upload court security and prisoner transportation costs from the municipality. The financial up-load will begin in 2012 and will be phased in by equal amounts over seven (7) years with full implementation in 2018.

The operational responsibility for delivery of court security and prisoner transportation will be evolving through a collaborative effort of municipalities, justice sector and policing partners.

Many police jurisdictions are transitioning to E-Justice electronic disclosure of Crown briefs. This practice may eventually be mandated across the Province. At present our Service has changed from recording of statements on VHS to DVD. This practice has facilitated disclosure obligations. Further exploration of this process may have a beneficial impact on the Court Section with respect to paper and photocopying expenses.

The current Federal Government has resolved to rescind two-for-one credits for pre-trial custody (dead time) because it contends accused persons are deliberately delaying trials in order to get more dead-time credit. If this legislation passes, a possibility exists that courts appearances of incarcerated persons may be expedited and more frequent. Video remands are currently being utilized to reduce non-essential personal appearances of accused persons in courts. The change may result in more in-custody appearances at the courthouse impacting resources on the Court Section.

F. Performance Objectives for 2009

In keeping with our Mission statement, "Dedicated to service, committed to community", the Court Section continuously endeavors to fulfill its mandated objectives. In 2009 this members section will participate in:

- Implementing the new Court Security Plan
- Training new special constables.
- Receiving training with respect to properly capturing digital mug shots on the RMS system
- Standardizing a court manual for Platoons with respect to submission of court documents.
- Delivering in-service presentations in an effort to improve the quality of Crown Briefs.
- Assisting in developing a protocol with the Ministry of the Attorney General. and North Bay District Jail on the temporary use of the courthouse as a holding area for prisoners in emergency situations.

- Assist in developing a working agreement between the North Bay Police Service and West Nipissing Police Service on prisoner transportation.