



NORTH BAY POLICE SERVICE

2010 Annual Report Court Section

**Report Date: 2011/01/11
Author: Sergeant Larry Asselin**

A. Mandate of the Unit

The *Police Services Act*, R.S.O. 1990, c.P.15 establishes the Police Services 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 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

B. Executive Summary

The Court Section functions to act as a liaison between the North Bay Police Service and our many community partners involved in the Criminal Justice System. This includes the Judiciary, the Crown Attorney's Office, the local defence bar and Probation and Parole to name a few. Problems within the court system are identified as they arise and efforts are made to quickly resolve them to ensure the continued efficient and smooth operation of the court house facility. This is accomplished through regular sittings of the Local Bench and Bar Committee and ongoing dialogue between the local defence bar, the public, the judiciary and the Crown Attorney's Office.

The Court Section is comprised of two separate and distinct divisions: court security and court case management. Court security and prisoner transportation comprise the bulk of the workload within the Court Section. Security is comprised of eleven (11) part-time Special Constables and one (1) full-time Special Constable who are responsible for day to day court and building security, prisoner escorts, prisoner transport to and from court, the execution of arrest warrants as well as any other assigned duties.

The Court Case Management Section is comprised of 1 full-time sworn Court Liaison Officer, 1 full-time Special Constable-Civilian Court Coordinator, 1 part-

time Special Constable-Court Officer, 1 part-time Special Constable-Youth Court Coordinator, 1 full-time Clerk and 1 part-time Special Constable responsible for the service of summonses and subpoena's. 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 case files. Both sections are under the direct control and supervision of the Courts Sergeant who in turn reports to the Inspector in Charge-Administration.

C. Activities

Court Security

Court house operations remain relatively static from year to year with little or no change. The bulk of the work load involves prisoner transportation and providing court security. In 2010 a total of 4012 prisoners were moved within the city for attendance at court with Tuesday's and Wednesday's typically being the heaviest work load days due to adult and youth first appearance courts running.

Special Constables performed a variety of tasks ranging from court room/court house security, prisoner escorts, warrant execution, the taking of court ordered DNA, and fingerprinting, both at Provincial Court cells and police headquarters on Wednesdays.

In December 2009 Court Security staff also took over duties as it relates to the opening/closing of the court house facility after a protocol was signed between the Ministry of the Attorney General (MAG) and the North Bay Police Service. This continues and is working well with no identified issues. In the future door locks may be placed on automatic timers to open and close at set times pending funding through MAG.

Court Security staff experienced some turn over in 2010. A part-time Special Constable resigned to begin full time employment as a sworn officer with our Service. In addition, a full-time Special Constable retired leaving a position vacant. This position was filled by the senior qualified part-time Special Constable, resulting in two new hires being brought on board to bring the section numbers up to authorized strength of 12.

In late 2009 another Superior Court Judge was appointed for the North Bay Court House. To accommodate this extra court, the Provincial Offences Court was given notice that they would have to relocate to an off-site facility. A possible date of May 2010 was proposed, however, the move did not occur in 2010 and there was no impact on court operations. The POA Court will tentatively move to City Hall February 3, 2011, creating possible staffing and transportation issues for the court section.

Court Case Management

In 2009 the court case management section implemented two initiatives aimed at improving productivity and work performance on a trial basis. First, an enclosed Crown Brief submission file folder was introduced in an attempt to reduce and/or eliminate missing documents, DVD's, etc from the Crown Brief while in transit. Second, court liaison staff began a pilot project to input tasks directly to individual officer's assignment screens. This measure was undertaken to help ensure compliance with Crown requests in a more timely manner and to improve overall efficiency. Both initiatives were continued in 2010, are working extremely well and have been incorporated into the Standard Operating Procedures for our Service.

The sworn Court Liaison Officer continues to monitor and scrutinize every crown brief that comes through the section in an effort to detect any errors early in the process, have them rectified, and ensure that a professional, polished finished product is presented to the crown attorney.

The Court Clerk position is very busy due to the number of criminal charges processed on a yearly basis by our service. In excess of 3000 charges were laid in 2010 for which information's must be prepared and Crown disclosure completed for all of the files that pass through the court office. Compounding the Court Clerk's heavy workload is the requirement for the preparation of witness subpoenas on behalf of the Crown. In an effort to reduce the clerk's workload a report was completed in June of 2010 concerning the preparation of subpoenas on behalf of the crown.

In 2011 the Court Section will explore possibilities that our service move to Crown preparation of witness subpoenas as per the Crown Attorney's Act and electronic trial notification for North Bay Police Service police officer's.

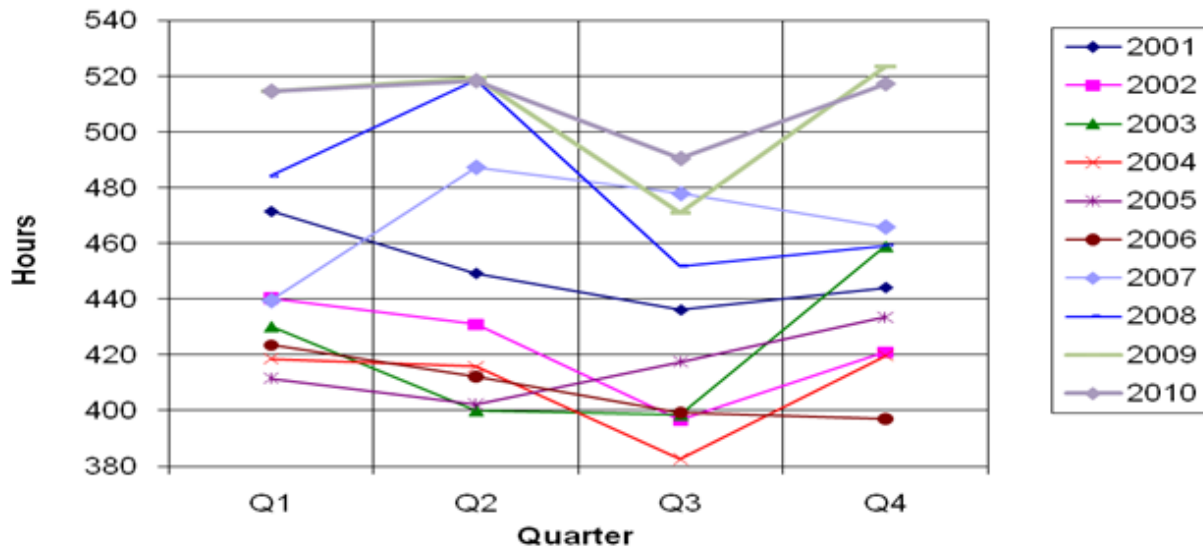
On November 30, 2010, a pilot project was commenced concerning running a video remand court on Tuesday mornings 15 minutes prior to the start of First Appearance Court. This pilot was undertaken in an effort to reduce in-custody court appearances for accused persons, simply to set dates. The project is in the early stages, however, a small number of accused have appeared by way of video to set dates and this has reduced the number of prisoner escorts, albeit on a very small scale. The pilot project will continue in 2011 and will be assessed as to its effectiveness at a later date.

D. Performance Indicators

2010 was a busy year for the Court Section. 4012 prisoners were moved to and from the court and over 3000 criminal charges laid. Staffing hours remained relatively consistent for 2010 with very little change from the previous year. See attached tables.

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	493	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
2009	237	559	3564	80	2667	986	2791	457	3248
2010	203	562	3835	177	2699	859	2681	415	3096

AVERAGE WEEKLY HOURS
Quarterly Comparison Year to Year



E. Anticipated Issues for the Future

Demands on court resources are ever changing and the Court Section could face some human resources challenges in 2011. The day-to-day requirement's for personnel, in relation to court security needs, has increased in direct proportion with the number of courts operating at any given time. In 2011 it is anticipated that the demand for personnel will again increase with the addition of a third Superior Court and an off-site POA Court at City Hall. Provincial Offences court will operate primarily on Thursdays and Fridays and will likely require one, if not two, Special Constables to provide security services. Necessitating this level of security is the number of in-custody POA trials that have occurred in recent years as has the number of accused persons being sentenced to custodial terms for POA offences such as Drive Under Suspension.

At the present time security for POA Court is not provided as court operations are all contained within the same building and security personnel can respond as required in a timely manner. This will not be the case in 2011 as staff will be off-site. Compounding the issue is the transportation and housing of prisoners while in attendance at POA proceedings at an off-site facility.

As previously stated the Court Clerk's position is very busy with a heavy workload. The position was previously staffed by two clerks but was reduced to one several years ago. A large part of the workload surrounds the preparation of witness subpoenas on behalf of the Provincial Crown Attorney's Office. In an effort to alleviate some of the workload, Provincial trends concerning the preparation of subpoenas was examined. Results indicate that in a number of jurisdictions the Crown Attorney's Office is responsible for the preparation of subpoenas with the police maintaining responsibility for service.

The Crown Attorney's Act was cited as the basis for having the Crown complete this task. A report was compiled and submitted with a recommendation that the Crown's Office assume responsibility for this task. This did not occur in 2010 but should be revisited in 2011. Electronic trial notification for North Bay Police Service Officers will be explored as well.

Document service continues to be an important function of the Court Case Management Section. At times the volume of documents needing service creates a backlog that makes it difficult to catch up. This problem is exacerbated by the document service officer having to complete errands, mail runs and losing the use of the Court Services vehicle as it is often utilized for prisoner transport to and from youth facilities outside the North Bay jurisdiction. Effectively this only leaves three hours daily, for the actual service of court documents. Consideration should be given for an additional Court Services vehicle both for prisoner transport, a second document service officer, when required, and use at the new POA Court facility.

The prisoner transport van is now 10 years old and has just under 100 000 kilometres. Although still road worthy and in relatively good running condition it is anticipated that this vehicle will require replacement in the very near future.

F. Performance Objectives for the Next Year

The Court Section continuously strives to fulfil its mandated objectives. Although court security and prisoner transport comprise the bulk of the workload within the Court Section, there is work to be done concerning court case management. In 2011 the Court Section will endeavour to:

- Continue the strong partnership with all of our community partners involved in the criminal court system
- In-service training in an effort to improve the quality and completeness of Crown Brief Submissions
- Development of a working agreement between the North Bay Police Service and the West Nipissing Police Service as it relates to prisoner care and transportation.

G. Conclusion

The successful operation of the North Bay Court Section in 2010 can be attributed to the high level of professionalism and dedication demonstrated by those persons assigned to the section. Members work in an ever changing environment and quickly adapt to changes in scheduling, escorts, etc, with little or no complaint. In 2010 the Court Section was responsible for the safety and security of over 4000 prisoners as well as the safety of the judiciary, courthouse staff and members of the public. As the courts supervisor I am proud to say that not a single issue was raised concerning the ability of the court section to fulfil its mandate to provide court security as per the Ontario Police Services Act.

It is expected that 2011 will present a challenge as it relates to the management of human resources within the Court Section. An increased number of sitting Superior Court Judges, the continued operation of Tuesday Plea Court and the addition of the off-site POA court facility will put a strain on human resources. Approved staffing levels must be maintained to ensure the availability of personnel at peak times and to ensure the continued high level of service to the judiciary and public.