



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 on or before August 30th of 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.

Purpose

The primary purpose of the court security assessment tool is to assist a police service in undertaking an assessment of the security needs of each individual courthouse for which a police service is responsible. A secondary purpose of the court security assessment tool is to establish a baseline, which can be used to measure improvements to the overall security of the courthouse over time.

Courthouses are public facilities. The presence of members of the public in court proceedings and access to these proceedings by victims of crime, family members of court participants and members of the general public are important justice principles in our society. The ability to maintain such access in a safe environment is one of the challenges of court security.

Court security should be assessed in accordance with local needs. Security needs vary by community, and there may be various means of achieving similar ends while still meeting local needs. Solutions to court security challenges will differ. Given that court security is a combination of dynamic and static considerations (e.g., policing practices and physical attributes of the courthouse) it is essential to assess, and balance, both the dynamic and static considerations in order to develop an effective plan for improvements.

Some court security solutions, particularly those based on physical modifications, will be extremely costly and therefore workable solutions may require multi-year plans. The determination of local court security needs, therefore, must be viewed as an ongoing process and not just a "snapshot" at a given point in time. This tool is intended to assist in the on-going evaluation of court security needs.

The court security assessment tool considers the following:

- critical incident assessment;
- nature of cases assessment;
- security personnel and procedures assessment;
- emergency plan assessment; and
- physical assessment.

Critical Incident Assessment

The purpose of the critical incident assessment is to learn from past occurrences, including situations where an incident was attempted or narrowly averted, where courthouse security had been breached or otherwise compromised. There is a need to review a critical incident with a view of determining:

1. How the incident took place;
2. How personnel responded to the incident;
3. How the physical characteristics of the courthouse affected the incident;
4. How training or equipment affected the incident;
5. How the incident could have been handled better; and
6. Whether any changes put in place since the incident require refinement.

Data on the number and type of incidents will also be useful when identifying local court security needs. In preparing the critical incident assessment, front-line employees with direct knowledge of critical incidents should be interviewed for their input.

Nature of Cases Assessment

An analysis of the cases at the courthouse should be undertaken to determine the type and frequency of:

1. Cases which typically require special security arrangements, and their frequency;
2. “Lower risk” hearings, and their frequency;
3. Cases which generate interest in the public, and which may require special security measures;
4. Cases which may tend to generate a disproportionate number of bomb threats; and
5. Cases which may tend to generate a disproportionate number of threats against the judiciary and other staff members.

There needs to be extensive communication between court staff, the investigating officer and other police personnel (e.g. Tactical; Criminal Investigations; and Emergency Response) where prisoner escorts in ‘high profile’ cases are concerned. Such communication could be critical in murder trials and trials involving ‘gang-related’ crimes where there may be greater potential for violence or escape.

In addition to the assessment of specific types of cases, the following factors should also be assessed:

1. Court Schedules – peaks and valleys;
2. Days where trials are the major activity; and
3. Days where remands are the major activity.

Security Personnel and Procedures Assessment

The effectiveness of the following factors should be assessed:

1. The training levels of security personnel;
2. The number of security personnel and their scheduling;
3. The types and effectiveness of the equipment issued to security personnel;
4. The command and control structure for security personnel;
5. The morale of the security personnel;
6. The relationship between security personnel and the judiciary, public and other courthouse staff
7. The communication linkages between security personnel and other courthouse staff, as well as with the police service's communication centre;
8. The linkage between communications and the use of video monitoring at the court house;
9. The supervision of security personnel; and
10. The compliance by security personnel with existing policies and procedures.

This assessment should also consider 'peripheral personnel' such as delivery drivers, couriers, contractors and cleaning staff and their approved patterns/ routines of activity. Such personnel could be instrumental in assisting the escape of prisoners.

Emergency Plan Assessment

The purpose of reviewing and examining all existing emergency contingency plans is to assess the readiness and effectiveness of the courthouse and staff to deal with emergency situations, including:

1. Violent acts against persons;
2. Escapes and other prisoner misconduct;
3. Bomb threats;
4. Fires;
5. Disorderly persons/groups;
6. Hostage taking/barricaded individual(s); and

7. Other circumstances dictating an emergency response or evacuation of the courthouse.

Implications of this type of review include identifying: training gaps/needs, including whether training is geared towards the court security function; the need to create, amend or discard one or more emergency plans; and requirements for acquiring additional/upgraded security equipment.

Physical Assessment

The physical assessment is to be conducted by making a thorough, direct physical examination of the courthouse, examining floor plans for the structure and reviewing all existing emergency plans and escape routes currently in effect.

In conducting the physical assessment, the following factors should be considered:

1. Perimeter security, including:
 - a) all methods by which a person may physically enter or leave the structure, whether designed for this purpose or not;
 - b) all doors and windows and any locking mechanisms on them, whether used or not;
 - c) the methods used, if any, to control where persons may enter and leave the courthouse;
 - d) the parking lot and access provided for vehicles onto the property adjacent to the courthouse;
 - e) lighting provided around the courthouse;
 - f) the nature and type of any fencing around all or part of the courthouse;
 - g) the methods by which persons in custody enter and leave the courthouse;
 - h) the availability of any natural barriers to entry; and
 - i) the existence of vegetation or another structural entity which conceals from view any portion of the courthouse;
2. Adjacent properties, including:
 - a) the nature of structures adjacent to the courthouse
 - b) an assessment of how adjacent properties could be used to assist in compromising the security of the courthouse; and
 - c) where the courthouse shares a common wall, roof or basement with an adjoining structure, an assessment of the opportunities for this to be exploited by any person(s) seeking to breach the courthouse's security, or for a person in custody to exploit this as a means to escape; and

3. Internal security controls and structures, including the:
 - a) availability of any electronic security or scanning devices or systems and the means by which they are controlled and monitored;
 - b) availability of any physical barriers to the movement of persons inside the structure;
 - c) use of any signage which gives direction to the courthouse's occupants;
 - d) location of high travel areas through which "bottlenecks" in pedestrian traffic may occur during periods of high volume;
 - e) existence of any articles or structures which have the potential to be used to facilitate a breach of the peace or a criminal act within the courthouse;
 - f) availability of any barriers which serve to sever members of the public from courthouse staff;
 - g) existence of any special hallways, elevators, stairways or other common areas reserved for exclusive use by the judiciary and other courtroom staff;
 - h) use, monitoring and recording of any CCTV, and any "blind spots" not monitored by it;
 - i) availability of an alternate source of power, and contingency plan, in the event of an electrical failure that may render systems (e.g. lighting, CCTV, elevators, automated doors) inoperable;
 - j) availability of video conferencing facilities that may reduce the transportation of prisoners to, and from, the courthouse in certain court matters;
 - k) availability of communications systems within the structure, including:
 - i) public telephones;
 - ii) private office phones;
 - iii) emergency call stations;
 - iv) emergency buttons/stations;
 - v) mobile communications devices; and
 - vi) emergency alarms designed to be worn by a person;
 - l) placement and stocking of first aid stations/kits;
 - m) placement of fire control or suppression equipment;
 - n) location of offices in which court staff or the judiciary see the public, with special attention paid to:
 - i) the number of exits from such an office;
 - ii) the placement of objects in an office which may impede a person's escape;
 - iii) lines of sight into private interview areas where members of the public transact business with court staff or members of the judiciary; and
 - iv) any window or other means by which meetings in offices between court staff or members of the judiciary may be viewed, but not heard, by other staff members and/or members of the public proximate to the office;
 - o) areas and mechanisms used to house persons in custody, and the security features employed in their detention and transportation, including:

- i) cells, including private, male, female, transitional (search), protective custody cells and bullpens;
- ii) leg irons, handcuffs and other personal restraint devices;
- iii) any private hallways, stairwells, elevators or egresses for the exclusive use of court security personnel transporting prisoners;
- iv) the placement of toilet facilities for prisoners' use;
- v) the location and design of conference areas for prisoners to converse privately with defence counsel; and
- vi) devices used to monitor or search prisoners and their visitors, including:
 - the position of convex mirrors;
 - the use of CCTV;
 - lines of sight with security personnel; and
 - electronic sensing equipment; and
- p) means by which disabled persons and children are assisted in entering or exiting the facility in emergency and non-emergency situations.