

Thunder Bay Police Services Board

# **Memorandum**

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**TO:** Members of Thunder Bay Police Services Board

**FROM:** Linda Douglas, Assistant to the Secretary

**DATE:** February 11, 2022

**SUBJECT:** **Additional Information for February 15, 2022 Regular Session**

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The following information and documents will be added to the agenda for the February 15, 2022 Regular Session of the Thunder Bay Police Services Board:

## **REGULAR SESSION**

1. Under NEW BUSINESS > All Chiefs Memorandum:

- Memorandum and attachment to All Chiefs of Police from Richard Stubbings, Public Safety Division, dated January 25, 2022, for the Board's information. **(Pages 2 - 5)**
- 97-page Final Report, *Review of the Court Security and Prisoner Transportation Program*, is being distributed as a separate attachment, due to its size.
- Correspondence to Retired Chief Jeff McGuire, Executive Director of the Ontario Association of Chiefs of Police, from Superintendent Dan Taddeo (Thunder Bay Police Service), Chair of the Ontario Association of Police Court Managers (OAPCM), dated February 3, 2022, relative to a response from the OAPCM on the 18 recommendations included in the above noted Final Report. **(Pages 6 – 18)**

Acting Deputy Chief of Police D. Taddeo will provide an overview relative to the above noted.

/ld

**MEMORANDUM TO:** All Chiefs of Police and  
Commissioner Thomas Carrique  
Chairs, Councils, Police Services Boards

**FROM:** Richard Stubbings  
Assistant Deputy Minister  
Public Safety Division

**SUBJECT:** Court Security and Prisoner Transportation (CSPT)  
Transfer Payment Program Review

<b>DATE OF ISSUE:</b>	<b>January 25, 2022</b>
<b>CLASSIFICATION:</b>	<b>General Information</b>
<b>RETENTION:</b>	<b>Indefinite</b>
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<b>PRIORITY:</b>	<b>Normal</b>

The Ministry of the Solicitor General is committed to keeping communities across Ontario safe, supported and protected.

In fall 2020, the ministry hired an independent consultant, Goss Gilroy Inc., to conduct a review of court security and prisoner transportation in Ontario, including the design of the Court Security and Prisoner Transportation (CSPT) Transfer Payment (TP) Program. Under the CSPT TP Program, the ministry provides funding to municipalities to assist them in offsetting costs associated with both court security and prisoner transportation.

The review is part of the ministry’s ongoing work to leverage technology and improve public safety to build a more responsive and efficient justice system across the province. This includes initiatives such as the Criminal Justice Digital Design (CJDD) and the Criminal Justice Video Strategy (CJVS). CJDD is modernizing the criminal justice sector by digitizing criminal case records and connecting IT systems to ensure data flows seamlessly from police, prosecution, courts and corrections and is readily available to the right people at the right time for decision-making. In addition, CJVS is designed to increase the use of video technology for most types of in-custody court appearances. This reduces the need to transport accused between correctional institutions and courthouses and in turn, improves safety and overall system efficiencies.

Municipalities, police services and other justice sector partners were engaged during the review of court security and prisoner transportation. This review is now complete and in turn, the ministry would like to share the enclosed high-level summary and full report. We appreciate the time and effort provided by individuals and organizations during the review process. As a result, valuable feedback on how we can strengthen best practices, as well as explore ways to improve the delivery of court security and prisoner transportation was obtained.

The ministry is taking a phased approach in response to the program review to ensure a pathway for future planning and continuous improvement predicated on good evidence that addresses gaps in the program review. It is important to note that there will be no changes to the overall funding envelope of the CSPT TP Program, subject to the regular fiscal process.

Public safety is a top priority for our government and providing our frontline police and their municipal partners with the tools, resources and financial supports they need to protect our communities is critical to this endeavor.

We look forward to continuing to work closely with you and other municipal and justice sector partners on court security and prisoner transportation and on other shared public safety priorities.

If you have any questions or concerns regarding the CSPT program review or if you would like a French version of the full report, please contact Michelina Longo, Director, External Relations Branch at [Michelina.Longo@ontario.ca](mailto:Michelina.Longo@ontario.ca).

Sincerely,



Richard Stubbings  
Assistant Deputy Minister  
Public Safety Division


Enclosures (2)

c: Mario Di Tommaso, O.O.M.  
Deputy Solicitor General, Community Safety

## A High-Level Summary of the Court Security and Prisoner Transportation Program Review

### Engagement Approach

A range of consultation activities led by Goss Gilroy Inc., detailed below, took place between fall 2020 and spring 2021. Over 200 individuals participated.

	<p>Interviews with a range of court security and prisoner transportation stakeholders were conducted. The interviews had a dual purpose: 1) scope the exercise and understand what stakeholders wanted to see addressed as part of the review, and 2) collect information to respond to the review’s questions about how to improve service delivery.</p>	 <p>31 Interviews</p>
	<p>A survey was administered to all municipal police services (71 per cent response rate) and a survey of Ontario Provincial Police (OPP) detachments (86 per cent response rate) to collect information on the way court security and prisoner transportation is delivered and to obtain input. An online feedback form was also made available to all municipal chief administrative officers and chairs of Ontario police service Boards.</p>	 <p>144 Responses</p>
	<p>Input received from stakeholders through the survey and through online forms was applied to guide a series of focus groups with representatives from a representative cross-section of municipal police services, OPP detachments, First Nation police services, and Police Associations.</p>	 <p>43 Participants</p>

## What We Heard: A Snapshot

### Funding Model

- Generally, participants are concerned about the fairness and effectiveness of the current funding model for court security and prisoner transportation. Those with courts located in their jurisdictions bear the full net cost of court security, including overtime outlays, as well, the retrospective nature of the grant does not reflect real-time expenditures.
- First Nations police services in Ontario expressed concern that they are not eligible for funding under the CSPT TP and therefore are assuming these expenses.



### Prisoner Transportation

- The expanded use of virtual court appearances, accelerated by the pandemic, should be maintained where feasible, but infrastructure limitations and impacts on human resources must be addressed.
- Special Constables are appropriate resources for conducting prisoner transportation and court security, but not all police services leverage these positions.
- The OPP Offender Transportation Unit is generally seen as an effective model; however, there are exclusions that cause some jurisdictions to have to expend additional resources to meet all prisoner transportation needs.
- The interface with correctional institutions is key in terms of achieving efficient prisoner transportation. Scheduling and the coordination of prisoner pick-up and drop-off at some correctional institutions and courts could be improved—technology solutions should be explored.



### Court Security

- While courthouse facility improvements have enhanced security in some locations, outstanding facility issues have not all been addressed in other locations.
- Some concerns about contracting for court security functions exist; however, some jurisdictions demonstrated success in contracting courthouse screening activities.
- Unique challenges for Northern Ontario and remote locations cause disruption to front-line policing services when officers are redeployed to court security or prisoner transportation activities due to geography and resource gaps.
- Conflicts were identified between courthouse stakeholders' requests for additional security and constrained police budgets that cannot accommodate increased expenditures.





## Ontario Association of Police Court Managers

February 3, 2022

\*\*\* BY E-MAIL \*\*\*

Chief (ret.) Jeff McGuire, O.O.M.  
Executive Director  
Ontario Association of Chiefs of Police  
40 College Street, Suite 605  
Toronto, ON M5G 2J3

### **Re: Court Security and Prisoner Transportation Grant Review**

On January 25, 2022, the Ontario Association of Chiefs of Police (OACP) requested that the Ontario Association of Police Court Managers (OAPCM) conduct a review of the report released by Ministry of the Solicitor General (the Ministry) into the Court Security and Prisoner Transportation grant program; the monies of which are dispersed to various police services having responsibility for court security and/or prisoner transportation. The final report and summary were issued to all Chiefs of Police and the Commissioner of the OPP via All Chief's 22-0009.

The Ministry had contracted this review of the grant program to Goss Gilroy Inc. who conducted an independent study by consulting with various stakeholders and examining practices. The objective of the study was to:

1. Improve the design of the grant program to deliver it in a fiscally constrained environment, and to align with accountability requirements in the Transfer Payment Accountability Directive
2. Identify potential ways to make court security and inmate transportation more efficient in Ontario, in the short-term (within the current grant model) and in the long-term (considering potential structure changes to the model)
3. Identify efficiencies to reduce the costs incurred by police services and reduce costs incurred by Ontario

It is important to note that this review focused on the responsibilities imposed on police services for prisoner transportation and court security within the current legislative framework. This is important to note since any significant variation on duties and responsibilities to a tiered entity such as a provincial agency would require legislative changes to the *Police Services Act* and its corresponding regulations. Further, there are no impactful changes to either court

security or prisoner transportation contemplated in the new *Comprehensive Ontario Police Services Act*. The review of the grant program excluded:

- Related activities connected to correctional institutions
- First Nations policing agreements
- Increasing the funding envelope of the grant program

The OAPCM subsequently held a virtual meeting on February 1, 2022, to discuss the report from the Ministry. Thirty-four (34) members representing 17 police services (Appendix “A”) participated in the meeting. The participants were those who had strategic knowledge or decision-making authority for court security and prisoner transportation within their respective police service. This subsequent report by the OAPCM will not revisit the specific data or observations found within the Ministry report so it is important for the reader to ensure that the Ministry report is read and understood as well.

The OAPCM participants discussed the eighteen (18) recommendations in Article 8.0 of the report titled “Summary of Recommendations”. It should be noted that all of the meeting participants had read the entire Ministry report and had an in depth understanding of its contents. The following are the recommendations from the Ministry report following by the comments by the OAPCM:

*1. The Ministry should work with all justice stakeholders (justices, crowns, defense counsel, court administrators, police services) to ensure the “new normal” that emerges after COVID-19 minimizes the transport of prisoners, and maximizes the use of virtual appearances for pre-trial hearings. This will require:*

- *Establishing a standard of practice for using virtual hearings for pre-trial hearings that do not have extenuating circumstances.*
- *Continuing to install video capacity in correctional institutions and courthouses with a view to accommodating both the hearings themselves and communications between prisoners and their counsel and relevant support agencies.*
- *Encouraging police services to upgrade their detention facilities to incorporate the capacity for virtual bail hearings.*
- *Improving access to virtual weekend and statutory holiday (WASH) courts throughout the province to eliminate the need to transport prisoners before a First Court Hearing.*

Comments: There is only passing reference in the Ministry report to provide funding to police services to convert or renovate parts of cellblocks for the purpose of virtual bail hearings. Any virtual hearing from a police service to a courtroom by extension, becomes part of the court proceeding and courtroom. Any funding required for this purpose must come from the Ministry including the Ministry of the Attorney-General as these costs should not be borne by the municipal or regional taxpayer. Renovations including the possibility of additions to existing police buildings could be extensive, disruptive, and incredibly expensive. In other situations, police services have already attempted to secure funding and/or technology from the Ministry

without success due to challenges with existing space, location changes, off-site court proceedings and antiquated technology.

Further, police cellblocks by their very nature and design are not meant for third parties to be present due to the inherent danger of prisoner interaction and confrontation. Third parties are essential in bail hearings to be able to have dynamic conversations with prisoners to obtain information to formulate a release plan. These third parties include the John Howard Society and Indigenous Friendship Centres. Dynamic interaction is also required by counsel representing the prisoner appearing by way of video. The continuous movement of prisoners from the video suite to a private consultation area for telephone contact would be incredibly labourious, dangerous, and contrary to prisoner flow in police cellblocks.

The OAPCM members note that there was already an opinion from the Ministry that the 2022 grant should not apply to police officers providing security at police facilities despite facilitating virtual appearances for the purposes of court. The members note that many police court services officers were redeployed for the purposes of providing security in accordance with S. 137 of the *Police Services Act* and that the grant money should apply as the virtual appearance is an extension of the courtroom.

While “meaningful” virtual bail appearances are problematic for the reasons cited above, there is merit for virtual bail appearances to occur to set a date for a meaningful bail hearing or a non-contested release. In those circumstances, the virtual appearance occurs and the prisoner is either transported to an institution from the police facility on a Warrant of Remand or is released from the police facility.

Most virtual appearances occur from institutions and while this review focused on the grant and application of it, the real efficiencies would occur outside of the police realm and after a prisoner has made their first appearance and remanded into provincial custody. OAPCM members note a myriad of issues associated to virtual appearances from institutions including video capacity, infrastructure, and staff capacity. In regard to the latter point, OAPCM members are aware of situations where the institution halts proceedings due to staff constraints and other institutional procedural issues.

The OAPCM lastly notes that the report refers to the “new normal” of virtual hearings due to the operational changes based on the COVID-19 pandemic. On the contrary, many stakeholders including members of the judiciary refer to “video fatigue” and the desire to get back to in-person appearances. Significant consideration is also given to the request of an accused and/or their counsel to have appearances in person. The report notes that the Ministry can only suggest a preferred method of proceeding such as by way of video. In Ontario, “judicial independence” prevails and this includes defence counsel requests to consolidate their clients appearances on the same date for less meaningful reasons such as “to be spoken to”. Those requests are often granted requiring substantial prisoner transportation and security. The OAPCM members believe that the “new normal” may in fact be the “old



normal” as nothing has changed including no guidelines or legislation to support virtual hearings.

*2. The municipal/regional police services that use full-time sworn police officers rather than special constables for prisoner transportation and/or court security should convert to use of special constables.*

Comments: The report encourages the replacement of Police Constables (where used) for Special Constables. The report overestimates the savings as between \$30,000 - \$40,000 per member when the reality would be approximately \$20,000 - \$24,000 per member. Further, such a recommendation may conflict with language in current collective agreements that contain clauses making court security a responsibility of police officers.

The report overlooks the fact that many police services, especially those which are small or medium size, use police constables for other roles in addition to performing a court security or prisoner transportation role. Changing a police constable to either a special constable or contracted member would have a detrimental effect on operational effectiveness for those police services.

This recommendation also does not consider the importance of the role of Local Court Security Committees that are often chaired by the judiciary. Any recommendation of this magnitude must be made and agreed upon by the Local Court Security Committee as we have seen that one size (or decision or recommendation) does not fit all.

Such a recommendation also removes the flexibility for the special constable to respond to certain situations either inside or outside of the courthouse. Court security also includes the perimeter which takes into account parking lots and any response to an incident in progress should be responded to by a police officer who is afforded all use of force options. This point also gets extended to court operations that must go off-site for high profile trials or jury selections where ingress is not secure such as not being single point.

*3. In 2024 Implement \$40,000 CSTP PT grant reductions per FTE for police services that only use sworn police officers for prisoner transportation or courthouse entrance screening (should not apply to police services who use a limited number of sworn officers as well as special constables).*

Comments: The report suggests a penalty to police services as stipulated in the wording. The OAPCM members stand by the comments made in Recommendation 2 that address this topic. This recommendation is arbitrary and does not consider the realities of many other police services who require police personnel to be redeployed in a variety of other roles.

It was only in 2014 that a vigilant police constable of the Peel Regional Police working at the courthouse screening location at the A. Grenville and William Davis Courthouse in Brampton noted a male attempt to gain access to the courthouse by closely following (“tailgating”) an

employee through the employee bypass. The male had attended the courthouse with a handgun to shoot another person(s) however immediately shot the police officer when so engaged by him. Police constables who were present were able to respond accordingly to suppress the danger.

Recent protests including a car bomb (in front of the Waterloo Region Courthouse) illustrate the need for enhanced security at courthouses since they are a focal point for provocative subject matter including political points of view (ie. land rights), high-profile criminal trials, and high-profile civil trials. From a police perspective, one of the more dangerous aspects include the unknown associated with family law matters. In all of those examples, it is not difficult to understand why the provincial government ensured that police powers which were controversial in the *Public Works Protection Act* (repealed due to the G-20) were enshrined in the *Police Services Act* – Part X governing court security and the *Security for Electricity Generating Facilities and Nuclear Facilities Act*. In other words, security at both of these institutions is considered dangerous and serious business. This recommendation does not take that aspect into account.

*4. The OPP OTP continue to reduce its “refusals” to transport prisoners whenever possible.*

Comments: The OAPCM committee members have difficulty commenting on a recommendation that imposes greater liability on a single police agency.

OAPMC members note that such a recommendation should examine whether the benefits (or not) of the OPP Offender Transport Unit exist to any great extent with various police services. Further, that analysis should be used for route mapping and use. For example, a number of small and medium sized police services stated that they rely heavily on the OPP Offender Transport Unit due to challenges with staffing and the significant distances to the nearest institution. Conversely, a large regional police service noted that they do not rely on the OPP Offender Transport Unit as they have the staff and flexibility to move prisoners from/to courthouses and institutions as needed and throughout the day.

*5. Encourage police services using special constables (currently 83% of Municipal Police Services and 30% of OPP) to conduct screening at courthouse entrances through contracting the screening operations. The contract should require the training of contract staff and specifications of responsibilities to respond to direction from the Municipal Police Service (or OPP) courthouse security personnel. The screening area should retain an armed sworn police officer presence when warranted by risk assessments*

Comments: The OAPCM members are quite concerned by the simplified “cookie cutter” approach taken by the Ministry and its consultant at arriving at this recommendation.

The detailed report suggests financial penalties for those police services who do not go to tender for this service despite the operational ramifications it would have for those police services who rely on Police Constables and Special Constables for other duties. Equally as

concerning is the estimated cost savings would be used to fund Ministry equipment (ie. magnetometers) that should have been supplied in the first place.

As previously discussed, the OAPCM members believe it is worthwhile to reiterate that contracted employees are unable to assist with the exigent circumstances that routinely develop within courthouses. This includes the necessity to assist with additional prisoner movements, additional courtrooms that open without notice, protests, crimes in progress in or around the entrance including the perimeter, etc. Issues will arise as these employees will lack the knowledge, skills, and abilities of trained special constables or police constables. Despite this, police services would still retain responsibility and liability for court security as stipulated in the *Police Services Act* and corresponding regulations.

The OAPCM members most significant concern with this recommendation has to do with the naïve suggestion that an armed police officer could be deployed when warranted by “risk assessments”. Language such as this is dangerous because it is not accurate and gives the reader a false sense of security. There is no such thing as a risk assessment as proposed to mitigate risk such as the shooter who was encountered in 2014 at the A. Grenville and William Davis Courthouse in Brampton. Or the car bomb immediately outside of the Waterloo Region Courthouse in 2020. No risk assessment exists to identify what is in the minds of the many people attending courthouses on a regular basis and most people are not attending for positive reasons.

*6. Screening at entrances to courthouses should continue to be expanded as risk assessments identify requirements.*

Comments: The dangers and inherent risks at front entrance/screening locations at courthouses have been discussed in Recommendation 5. Interestingly, this recommendation calls for expansion of screening as determined by risk assessments however there is no anticipated increase in the grant program funding despite the costs of wages and benefits increasing. The entire grant funding of \$125 million was realized in 2018 and has not increased since.

Regardless of what a risk assessment determines and despite Section 137(1) 4. of the *Police Services Act* which gives police services responsibility for determining appropriate levels of security for all participants at proceedings, the infrastructure and equipment provided to police by the Ministry of the Attorney General is woefully inadequate at many courthouses. This issue exists even though police services have requested such equipment which is hampered by a lack of a Ministry of the Attorney General “standard” for front entrances and screening locations at their courthouses. The OAPCM members endorse a Ministry standardization of security equipment and design of front entrances at all provincial courthouses and would welcome the opportunity to assist with it.

7. *Police services should remain responsible for establishing security levels (and determining when and where screening will be added) unless*

- *The province accepts responsibility for the cost of increasing security levels.*
- *Court security and prisoner transportation costs drop below \$125M so the full cost is funded by the province.*
- *Funds are available for transfer from CSPT TP Program payments reduced as a result of a decision to contract screening.*

Comments: The exceptions noted in this recommendation as per the 3 bullet points above are completely contrary to the *Police Services Act* as well as the replicated language in the *Comprehensive Ontario Police Services Act*. For clarity, S. 137 of the *Police Services Act* states:

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.

In other words, unless the law changes police services will be responsible for every aspect of court security. Police services will be responsible for the requests made from the judiciary as the case law provides the superior court judiciary with overarching authority with security aspects which extend past the courtroom. This exists despite the statutory obligations imposed on police as identified in the *Police Services Act*. In addition, the authority of Local Court Security Committees also has significant power by its existence, membership and very nature.

8. *The Ministry could pursue the potential to integrate a software initiative with court administration and court security requirements. Implementing a new software solution should reduce costs, but it would take some time, and the potential savings would need to be more precisely identified.*

Comments: This recommendation is specific to prisoner transportation and the OPP Offender Transport Unit. The OAPCM members note that this recommendation lacked any background or research and is akin to a “pie in the sky” solution as no such software exists. Further, the parameters are undefined and this solution lacks any reality. It suggested that a process be

undertaken to identify a developer to create this software and that it would include some type of mobile application. The development of such software is based on the assumption of inefficient routes and on continuous travelled loops which at times, have to be repeated. It suggests that algorithms can be utilized to make route planning more efficient. This recommendation ignores the fact that many inefficiencies in offender transport are as a result of the unpredictability of the court process and “human factor”. Again, judicial independence dictates when and how offenders are dealt with and police have no ability to influence that.

Other operational police and court-administrative issues were also not considered such as the necessity of fingerprinting a prisoner, execution of DNA Orders, and medical needs.

*9. That the Ministry ensure that the appropriate funding levels for prisoner transportation and court security are specifically and clearly addressed in the next round of funding discussions with First Nations police services.*

Comments: The OAPCM members endorse this recommendation and the reasoning outlined in the detailed report.

*10. That the Ministry promote the development of regional entities among police services responsible for prisoner transportation and court security.*

*11. That regional entities have a mandate to eliminate duplication in prisoner transportation, focus on the use of special constables and contract perimeter security, alarm monitoring and entranceway screening.*

*12. That regional entities would use sworn police officers from the local police services when required to accommodate risk assessment conclusions. Requirements for full-time sworn police officers (e.g., as part of entranceway screening) could result in the secondment of the staff, while temporary requirements would be met by assigning staff to the duties as required.*

*13. That the province fund regional entity operations fully, as it does with the OPP OTP. The \$125M cap on the CSPT TP Program should be reduced by the amount of funding activities with the region concerned, for the activities transferred to the entity*

Comments: Recommendations 10 through 13 deals with the creation of “regional entities” which the report suggests could be developed to streamline court security and prisoner transportation responsibilities.

The OAPCM members do not comprehend why these would be recommendations since the report clearly articulates that there are no anticipated changes in legislation thus the police service with jurisdiction for a courthouse remains ultimately responsible. The report suggests that since police services can contract out to third parties, the interpretation could include the development of a “regional entity” established by a group of police services. The OAPCM members believe that is not the intent of the legislation and that jurisdiction still remains with the police service with which a courthouse exists.

In addition to the contradiction in legislation, too many questions exist regarding subsequent grant allocation and the use of officers when the models of different police agencies conflict (ie. contracted out vs special constable vs police constable). Too many questions also exist with the legalities and caveats within the many MOU's which would have to be crafted and agreed upon.

Should these recommendations be seriously considered, the Ministry should be the entity in charge of exploring this option which would include members of the various police agencies in a working group.

*14. That the Ministry initiate the development of a Northern Justice Strategy*

*15. That the needs of Indigenous Communities and First Nations Police Services be considered in the resolution of issues related to Northern Ontario.*

Comments: Recommendations 14 and 15 refer to a Northern Justice Strategy. It is the opinion of OAPCM members that the consultants for this report realized that the cookie cutter approach to a one size fits all court security and prisoner transportation grant program was not attainable.

As such, the report segues to a regional entity suggestion that lacks coordination or focus with no realistic or attainable goals.

The fact of the matter is that remote court locations requiring flying in is a reality and that either First Nations police services or the OPP would be required to supply court security. Funding models must include this reality and should be separate and apart from the overall \$125 million grant program due to it's unique and expensive nature including flying vs. driving.

Virtual court appearances cannot be directed or imposed until the government ensures adequate internet or wifi bandwidth.

*16. If the development of regional entities does not achieve substantial progress within four years, the province should establish a province-wide entity with responsibility for court security and prisoner transportation. Consideration should be given to creating a new agency or having the OPP carry out the role depending upon whether the entity would report to SOLGEN or the Attorney General. Key elements of the plan, whether part of the OPP or part of a new entity, would include:*

- Having local Municipal Police Services and OPP detachments remain responsible for transferring prisoners in their custody (e.g., from the police station to a correctional institution or a courthouse). The provincial agency could agree to conduct such transfers where the one-way travel distance is more than 50 km (far enough to require a significant resource diversion, unlikely to cover transportation within a municipality, and likely to capture those municipalities currently benefiting from OPP OTP service);*
- Having two categories of staff, an armed category and an unarmed category;*

- *Most staff would be in the unarmed category, but the armed members would be used where a full-time armed presence is required as part of a court security plan;*
- *Reliance on the police service of jurisdiction to support high risk operations when required;*
- *Contracting entrance screening and extending it as required by risk assessments*

Comments: Once again, it is noted that the overall report conducted for the Ministry was categorical in that it did not contemplate any changes to legislation with its recommendations. As such, this suggestion is contrary to the current *Police Services Act* and its successor *Comprehensive Police Services Act*. Police services with responsibilities for courthouses within their jurisdiction are overall responsible for court security.

Generally speaking, the OAPCM members would support this concept of one agency with overall responsibility for court security and prisoner transportation and be a part of the Ministry of the Solicitor General. This would require a complete removal of police responsibility as contemplated in Part X of the *Police Services Act*.

Police services and their members pride themselves in providing a professional service and a valued stakeholder within all of the courthouses and related committees. As the cliché goes, “you get what you pay for” must be kept in mind if this route is eventually explored by the province.

*17. SOLGEN should formally develop a Performance Measurement Framework (PMF) for the CSPT TP Program collaboratively with program recipients and stakeholders. The PMF must define objectives and expected results (outcomes). In order to meet the requirements of the Transfer Payment Policy, at minimum, the PMF must focus on outputs and/or intermediate outcomes for activities in order to determine how success will be evaluated. The PMF needs to define expected short, medium and long-term outcomes. Subsequent to the results definition, the Ministry should implement a systematic collection of performance data, which would make it possible to link the funding to the achievement of results, measure progress to targets, further pursue analysis of certain issues and to make changes to the program as required.*

Comments: This recommendation completely contradicts the law as stipulated in S. 137 of the *Police Services Act* and its successor *Comprehensive Ontario Police Services Act*. This legislation alone dictates how police develop, consider and administer security at courthouses and does not impose a performance measurement tool. This legislation is complimented by regulations that direct court security risk assessments, security plans, and the formation of committees such as the local court security committees. Performance measurement is directly linked to the design of courthouses, number of entry points and whether or not the Ministry of the Attorney General has provided necessary screening equipment for persons and articles. All of these affect the efficiency and effectiveness of police services and are out of their control.

Further, this report has already correctly identified the methodology used to determine how the grant program would be administered which is through an expenditure-based model.

Other models which were rejected by stakeholders included funding based on caseload and funding based on population. Benchmarking outputs of police services as a performance measurement for court security is problematic at best since so many inconsistent factors apply such as prisoner transportation numbers, delays which are not the fault of police, lengthy court proceedings outside the control of the police, the opening of additional courtrooms without notice, judicial independence directing in-person appearances for less meaningful cases, etc.

*18. A change in the approach to allocating funding under the CSPT TP Program is not recommended at this time, except as outlined in the other recommendations to incent cost reductions.*

Comments: The OAPCM members agree that the grant funding allocation methodology should remain the same however the grant should be increased to recognize the demands placed on court security including from the judiciary and other stakeholders. The grant should also be increased in recognition of increased wages and benefits along with the increase in other costs such as gasoline and oil. The full extent of the grant was realized in 2018 and has not been increased since.

The OAPCM members do not agree with the penalty provisions recommended in this report as they are based on faulty and unsupported assumptions and fail to recognize the full context of the challenges faced by police services at fulfilling their mandates of providing court security and prisoner transportation.

The penalty provisions are noted to be arbitrary and subjective in the estimates and application.

### Conclusion

Aside from the comments made specific to each recommendation, the OAPCM members note that there is no empirical or sound reasoning for the estimated cost savings that are noted throughout the report and attached to several recommendations.

For example, the estimated long-term costs for Recommendations 10 through 13 are estimated by the author(s) of the report to be 3% to 6% or \$2 million to \$2.9 million. There is no basis or explanation for this figure other than just being some type of ballpark number thrown out. There are numerous other similar examples throughout the report and the OAPCM members are quite concerned by this.

This report also focused on total prisoner numbers and the assumption that prisoners requiring transportation and security will go down due to virtual hearings. What this report did not consider is the number of courtrooms which are operating and require security; whether it is for prisoners or at the request of the judiciary. Often, courtrooms are opened without any advance notification for police and require security for the reasons stated in this review. Police service members are very efficient dealing with large prisoner numbers however there is no



work around when it comes to courtrooms requiring a police presence. As an example, five (5) courtrooms and five (5) prisoners may require ten (10) police members whether they are Special Constables or Police Constables however two (2) courtrooms and thirty (30) prisoners may only require six (6) police members to manage them.

Similarly, a prisoner escort vehicle requires at a minimum two police members whether there is one prisoner or ten prisoners being escorted. A simple reference to lower prisoner volumes equaling less police members being required is not necessarily true. Other cost drivers include more thorough disinfections of prisoner transport vehicles due to COVID-19 and the increased requirement to transport prisoners to hospitals and provide security based on medical claims. There are many dynamics in play.

What is also not covered in this report are the potential remedies which may exist for prisoners facing inordinate delays in courthouse cellblocks due to delays in prisoner transportation back to institutions which afford much more comfort and services. Police and courthouse cellblocks are akin to solitary confinement; the latter of which has gained much notoriety as of late. Should these delays in prisoner transportation be realized, potential remedies could include charges being stayed.

As noted in this report, “without any change in policy, direction, or prisoner volumes due to COVID-19, SolGen costs will remain essentially static. The \$125 million contribution to the CSPT TP Program still remain constant and the only impact would be inflation on the OPP OTP costs. On the other hand, municipal costs will continue to rise going from \$47.9 million to \$65.8 million as municipalities take on almost the full burden of increasing costs”. While this report covered the grant program as it applies to police and court security/prisoner transportation, the real savings exist within the courts conducting less meaningful appearances virtually. This will require providing the courthouses and custodial institutions with substantial investment in infrastructure improvements, equipment, and staffing in order to facilitate this. The report notes that approximately 200 out of 850 courtrooms in the province are equipped with video conference capabilities leaving 650 without and without specifying if the ones who do have that capability are JVS compatible.

Unfortunately, those two essential aspects were not a consideration in this report and as such, real and sustainable cost savings were missed.

Respectfully submitted,

Superintendent Dan Taddeo  
Thunder Bay Police Service  
Chair – Ontario Association of Police Court Managers

## Appendix A

1. Inspector Jason CHIKOWSKI	Chatham-Kent Police Service
2. Sergeant Ken LAUZON	Chatham-Kent Police Service
3. Staff Sergeant Bill GILLESPIE	York Regional Police
4. Sergeant Jeff NAZZER	York Regional Police
5. Superintendent Bill BERG	London Police Service
6. Inspector Scott GUILFORD	London Police Service
7. Staff Sergeant Dave ELLYAT	London Police Service
8. Inspector D'Wayne PRICE	London Police Service
9. Inspector Paul FOLEY	Halton Regional Police
10. Staff Sergeant Craig PLATT	Halton Regional Police
11. S/Constable Supervisor Trevor BABCOCK	Halton Regional Police
12. S/Constable Supervisor John GUY	Halton Regional Police
13. Superintendent Al ALBANO	Halton Regional Police
14. Inspector Ryan BERRIGAN	Peel Regional Police
15. Superintendent Heather RAMORE	Peel Regional Police
16. Staff Sergeant Matt SMALL	Peel Regional Police
17. Staff Sergeant Marla BARFOOT	Ontario Provincial Police
18. Staff Sergeant Ryan OLMSTEAD	Ontario Provincial Police
19. Inspector Andrew GOODY	Guelph Police Service
20. Staff Sergeant Jason GUARDIERO	Guelph Police Service
21. Inspector Mark TAYLOR	Stratford Police Service
22. Inspector Daniel DESPATIE	Greater Sudbury Police Service
23. Inspector Greg DOERR	Hamilton Police Service
24. Sergeant Jon VAN OENE	Hamilton Police Service
25. Inspector Jamie HARTNETT	Peterborough PS
26. Staff Sergeant John GIBBONS	Ottawa Police Service
27. Ms. Dawn JORDON	Ottawa Police Service
28. Inspector Lynda HUGHES	Niagara Regional Police
29. Local Administrator Inis ARTINIAN	Toronto Police Service
30. Ms. Karen LEAHY	Toronto Police Service
31. Inspector Terri-Lynn TURNER	Waterloo Regional Police Service
32. S/Constable Ian MASON	South Simcoe Police Service
33. Superintendent Dan TADDEO	Thunder Bay Police Service
34. Ms. Mary RIPLEY	Thunder Bay Police Service