



# **NIAGARA REGIONAL POLICE SERVICE**

## **Police Services Board Report**

### **PUBLIC AGENDA**

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**Subject:** City of Port Colborne Resolution - Catch and Release Justice

**Report To:** Chair and Members, Niagara Police Services Board

**Report Date:** 2022-05-31

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### **Recommendation(s)**

**That the Niagara Police Services Board receives this report for information.**

### **Key Facts**

- The purpose of this report is to provide the Board with feedback on correspondence received from the City of Port Colborne on March 4, 2022.
- A letter authored by Ms. Amber Lapointe, City Clerk for the City Port Colborne, was sent to the Police Services Board and the Niagara Regional Police Service (Service) to advise on a resolution that had been passed by Port Colborne City Council.
- The resolution called on the Provincial and Federal Governments to make improvements to the release of offenders referred to as "Catch and Release Justice." A similar resolution had been passed in the City of Stratford, the City of Sarnia, as well as the Township of Perth.
- The request of Port Colborne City Council was for further information on "Catch and Release Justice" from the Service and Police Services Board.

### **Financial Considerations**

There are no financial implications relating to the recommendations in this report.

### **Analysis**

In December of 2021, the City of Sarnia passed a resolution calling for the Provincial and Federal governments to endeavour to make improvements to the release of offenders. Council referred to the situation as "Catch and Release Justice" and alleged that the constant release and re-arrest of offenders affected workload, and officer morale. The Stratford Police Services Board was asked by Stratford City Council to endorse the resolution of Sarnia.

On January 19, 2022, Deputy Chief Gerry Foster of the Stratford Police Service, provided a report on Catch and Release Justice to council. The report provided data on the number of charges and releases, as well as recommendations and comments. It was noted that the statistics provided occurred during the COVID-19 pandemic, which may have contributed to an increase in breaches of release orders. The report stated the community was frustrated with the lack of accountability of offenders.

The report and resolution were forwarded to the City of Sarnia, the Township of Perth, and the City of Port Colborne. Each council supported the resolution.

The Niagara Regional Police Service conducted a review of arrests and releases from 2019 - 2021. The results are as follows:

	2019	2020	2021
Number of Criminal Charges	12,181	11,606	11,103
OIC Release Orders issued	1,250	1,339	1,438
Fail to Comply (Breach) Charges	879	954	864

In comparison, the Stratford Police Service laid 814 charges total in 2019, and Sarnia laid 1,587 in 2019, and 1,297 in 2020.<sup>1</sup>

The Niagara Regional Police Service is larger and polices a larger community than both Sarnia and Stratford. The Niagara Region is a tourist destination and in close proximity to an international border. As a result, the Service often deals with offenders who are not from Niagara, and who are on release orders from other jurisdictions. The listed data does not show where the offence started or where the breach of the release order occurred (for example a person trying to cross into the U.S. may be arrested for a breach but is not from Niagara). It is, therefore, difficult to attribute the above statistics to release orders issued by an Officer in Charge in Niagara.

The Criminal Code of Canada is the lead authority on the arrest, detention, and release of offenders. When an individual is alleged to have committed a crime and grounds exist for an arrest, there are several factors to dictate how that person should be released.

When an arrest is made for failing to comply, the individual can be held in custody to appear before a Judge or Justice of the Peace. Alternatively, an individual can be released from custody by an Officer in Charge if there is no harm to any victim, and there is no damage or economic loss. The purpose of the release is to compel their appearance in court.

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<sup>1</sup> The data was unavailable for 2020 and 2021 and statistics for Breach charges is unknown. The report from Deputy Foster indicated an increase in 2020 and 2021.

The standard for detention is identification of the accused, securing evidence, preventing continuation or repetition of the offence, ensuring the safety of any victim, and ensuring attendance in court. If those factors are satisfied, the accused shall be released.

The liability for the Service, as well as its members can be high when persons are in custody, therefore, an offender shall be released if it is justified. In addition, the COVID-19 pandemic had an impact on persons in custody. Due to the spread of the virus in institutions, it was suggested by the Judiciary that offenders not be held in custody if there were other alternatives, such as an Officer in Charge undertaking release.

There are several challenging aspects of the criminal justice system that the police encounter. Although re-offending in the community does take place, and is a concern, the police are bound by the authorities of the Criminal Code of Canada when it comes to release.

### **Alternatives Reviewed**

To not accept the resolution.

### **Relationship to Police Service/Board Strategic Priorities**

This report is being submitted for information on Catch and Release as requested by Port Colborne City Council.

### **Relevant Policy Considerations**

- Criminal Code of Canada
- Canadian Charter of Rights and Freedoms
- Youth Criminal Justice Act
- General Order #100.10 - Powers of Arrest
- General Order #018.21 - Persons in Custody

### **Other Pertinent Reports**

Not Applicable.

*This report was prepared by Lynda Hughes, Inspector, Professional Standards, reviewed by James Mackay, Superintendent, Operational Support and Special Projects and recommended by Richard Frayne, Acting Deputy Chief of Police, Support Services.*



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**Submitted by:**

Bryan MacCulloch, M.O.M. #5835  
Chief of Police

**Appendices**

Appendix 1 – Correspondence from the City of Port Colborne



## PORT COLBORNE

**Corporate Services Department  
Clerk's Division**

Municipal Offices: 66 Charlotte Street  
Port Colborne, Ontario L3K 3C8 • [www.portcolborne.ca](http://www.portcolborne.ca)

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T 905.835.2900 ext 106 F 905.834.5746

E [amber.lapointe@portcolborne.ca](mailto:amber.lapointe@portcolborne.ca)

March 4, 2022

**Ms. Deb Reid**

**Via Email: [Deb.reid@niagarapolice.ca](mailto:Deb.reid@niagarapolice.ca)**

Executive Director

The Regional Municipality of Niagara Police Service Board

5700 Valley Way

Niagara Falls, ON L2E 1X8

**Chief Brian MacCulloch**

**Via Email: [Bryan.macculloch@niagarapolice.ca](mailto:Bryan.macculloch@niagarapolice.ca)**

Niagara Regional Police Service

5700 Valley Way

Niagara Falls, ON L2E 1X8

Dear Ms. Reid and Chief MacCulloch:

**Re: City of Port Colborne – Resolution Regarding: Catch and Release Justice**

Please be advised that, at its meeting of February 22, 2022, the Council of The Corporation of the City of Port Colborne resolved as follows:

That correspondence received from the Township of Perth South regarding Catch and Release Justice be referred to the Clerk's Department to send to the Niagara Regional Police Service and Police Service Board for more information; and

That Clerk's Staff bring the correspondence back to Council at a future meeting.

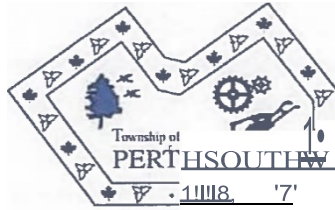
A copy of the above noted correspondence is enclosed for your reference. We kindly request that you submit comments on this matter to the Clerk's Division and we will include them on a future Council agenda.

Sincerely,

Amber LaPointe

City Clerk

Encl.



Corporation of the Township of Perth South  
3191 Road 122  
St. Pauls, ON N0K 1V0  
Telephone 519-271-0619  
Fax 519-271-0647  
[lscott@perthsouth.ca](mailto:lscott@perthsouth.ca)

February 9, 2022

The Right Honourable Justin Trudeau  
Prime Minister of Canada  
House of Commons  
80 Wellington Street  
Ottawa, ON K1A 0A2

The Honourable Doug Ford  
Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto, **ON M7A 1A1**

**Re: "Catch and Release" Justice**

At the regular meeting of the Township of Perth South Council held on February 1, 2022 the following resolution was passed:

**That Council accepts the Community Policing Advisory Committee recommendation that they support the City of Sarnia resolution regarding Catch and Release Justice with the inclusion of the recommendations provided by the Stratford Police Services in their report dated January 19, 2022.**

I have attached the letter received from the City of Sarnia as well as the report from the Stratford Police Services for your information.

Your consideration of this matter is respectfully requested.

Regards,

Lizet Scott  
Clerk

Cc: Randy Pettapiece, MPP Perth-Wellington  
John Nater, MP Perth-Wellington  
All Ontario Municipalities



**THE CORPORATION OF THE CITY OF SARNIA  
City Clerk's Department**

255 Christina Street N. PO Box 3018  
Sarnia ON Canada N7T 7N2  
519-332-0330 (phone) 519-332-3995 (fax)  
519-332-2664 (TTY)  
www.sarnia.ca clerks@sarnia.ca

December 16, 2021

The Right Honourable Justin Trudeau  
Prime Minister of Canada  
House of Commons  
80 Wellington Street  
Ottawa, ON K1A 0A2

The Honourable Doug Ford  
Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto, ON M7A 1A1

**RE: "Catch and Release" Justice**

At its meeting held on December 13, 2021, Sarnia City Council adopted the following resolution with respect to "Catch and Release Justice":

***That the City of Sarnia send a letter to the Federal and Provincial Governments requesting meaningful improvements to the current state of "catch and release" justice in the Ontario legal system. Police Services across Ontario are exhausting precious time and resources having to manage the repeated arrests of the same offenders, which in turn, is impacting their morale, and ultimately law abiding citizens who are paying the often significant financial and emotional toll of this broken system. This resolution should also be sent to other Municipalities throughout Ontario for their endorsement consideration; and***

***That the request also be referred to the Sarnia Police Services Board and be presented via AMO delegations for endorsement consideration.***

Your consideration of this matter is respectfully requested.

Yours sincerely,

Amy Burkhart  
City Clerk

Cc: Bob Bailey, MPP  
Marylyn Gladu, MP  
All Ontario Municipalities



## **CHIEF OF POLICE REPORT**

**DATE: 19 January 2022**  
**TO: Stratford Police Services Board**  
**FROM: Deputy Chief Gerry Foster**  
**RE: "Catch and Release Justice"**

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### **BACKGROUND**

Council for the City of Sarnia has passed a resolution on December 13, 2021, requesting the Federal and Provincial governments consider making meaningful improvements to the release of offenders. The so-called "Catch and Release Justice" refers to the release of offenders by the courts whereby the offender is re-arrested by police for breaches of the release conditions.

The resolution indicates this approach has a negative impact on police workload, officer morale, and potentially law-abiding citizens.

Locally, council has asked that the matter be discussed at the Police Service Board level and that *"a review of "catch and release justice" in the City of Stratford be referred to the Stratford Police Services Board to outline current challenges. "*

Further, council is requesting a resolution with recommended changes be brought back to council for January 24, 2022.

### **ANALYSIS**

On its surface "Catch and Release Justice" is a reference to the increase in offenders being released after being arrested. This term mostly refers to release by the courts although police officers (Officer in Charge) have release authorities similar to that of the court.

In response to the request of council, a review of charges laid for these instances was completed. Approximately 60 more charges were laid in 2021 in comparison to the average of charges from 2018 to 2020. In reviewing the data this increase would represent an approximate 43% increase

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in breach of release condition charges being laid by members of the service. I would caution that the data, while it does show an increase from 2018-2021, could also be indicative of the COVID pandemic whereby the courts (and police) were actively exploring opportunities to keep offenders out of custody, where possible. The result was that more offenders were released on conditions where re-offending in the community could have occurred. Likewise, the stressful nature of the pandemic should not be discounted as a contributing factor on this data.

**RECOMMENDATIONS/COMMENTS**

- The Stratford Police Service has experienced an increase in repeat offenders being released into the community only to re-offend.
- The impact of the pandemic on the police, justice and corrections system has been challenging to navigate
- More and more offenders are being released into the community on judicial release conditions that are continually breached leading to more arrests, charges, and court appearances.
- The community is frustrated with the lack of accountability on offenders and feel that their safety is being jeopardized.
- Police officers are resorting to "Officer in Charge" releases when offenders should be going to the courts for judicial releases because of workload.
- The court dockets will most likely be cleared of low-level offences resulting in no accountability for offenders
- Victims are feeling re-victimized by the system and losing faith/trust in the system.

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For Council consideration:

That that City of Stratford endorse the Sarnia Catch and Release Justice resolution and add the following:

- The Federal and Provincial Governments recognize the linkage between mental health, addiction, homelessness, and crime.
- That all levels of government acknowledge that catch and release justice contributes to feelings of vulnerability within our communities and increases the cost of policing, social services, and health care in our communities.
- That all levels of government provide continued financial support to enhance funding in communities for Mobile Crisis Rapid Response Teams, Overdose Response Teams, Community Outreach Teams, Emergency Shelter facilities, Education and Awareness Programs, diversion programs, etc. under the umbrella of Community Safety and Well Being.
- That the Federal and Provincial Governments re-imagine a direct accountability framework specific to charges relating to failure to comply with release conditions.
- That consideration be given to provided holistic support to chronic re-offenders experiencing mental health, addiction, and homelessness issues with a multi-disciplinary team under one roof

Yours,

Gerry Foster  
Deputy Chief of Police

*Community-Partnerships-Service*