01-03 Persons in Custody

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Rationale

The Service has a responsibility to ensure the safety of all persons who come into police custody and the safety of Service members. To ensure a reasonable level of safety, this Procedure sets out the standards of care for the transportation, booking, lodging and monitoring of persons in custody.

Supervision

- Officer in Charge notification mandatory:
  - when transporting a person in custody who requires priority in booking
  - when a person in custody requires medical attention
  - upon arrival at a police station with a person in custody
  - when entering or leaving a detention facility with a person in custody
  - when receiving a person for lodging in police cells
  - when in doubt regarding the contents of the medication container, or if the person in custody requests medication in excess of the prescribed dosage, or if the person in custody exhibits signs of alcohol or drug consumption
  - if Booking Hall System (BHS) or Detention Area Monitoring System (DAMS) equipment malfunctions

Procedure

General

Audio/video equipment has been installed in central lock–ups and booking halls

- to monitor and record the condition of persons in police custody and Service members
- to ensure their safety
- for court purposes.

Under no circumstances shall a member obstruct the view of the camera while it is recording, or tamper with any video storage media.

Members shall comply with Procedure 12–08 when accessing, storing, viewing or duplicating any electronically recorded material. A member shall never apply a police seal or other similar device to any videotape, DVD/CD and/or the associated storage case.

Interview rooms are not to be used as police cells, except as outlined in 01-02 Appendix C. They shall be used only for the processing and interviewing of persons in custody, victims or witnesses. The Officer in Charge shall ensure that applicable sections of this Procedure relating to the care and handling of persons in custody is applied to all persons while detained in the police facility regardless of location (e.g. police cells, interview rooms).

Accused Young Persons

A young person under 18 years of age may be lodged in a divisional cell only

- to prevent injury or to protect others from aggressive behaviour **AND**
- when there is no adult present in the cells, **OR**
- when there is an adult present in the cells and there is adequate space to isolate the young person from the adult.

Property of Persons in Custody

In order to maximize the safety of persons in custody held in police custody and the Service members assigned to their care, it is the practice of the Toronto Police Service that the following property be removed from every person in custody

- valuable property
- evidence
- implements of escape
- offensive weapons as defined in the *Criminal Code*
- items which could be used as a ligature including belts, ties, and shoelaces
- items which could be used to cause damage to property including matches, lighters, combs, keys and other sharp objects
- prescription and over the counter medications
- tobacco products

➔ *With respect to assistive/prosthetic devices, comply with the Duty to Accommodate sections below.*

When handling an item of religious significance the item shall be treated with respect and handled appropriately in compliance with Procedure 01–02 Appendix D. The decision to permit the retention of religious or personal items rests with the Officer in Charge based on an evaluation of the associated safety risks.

Persons released from custody shall have their property inventoried on camera as it is returned to them.

Duty to Accommodate Persons with Disabilities

The Service has a duty to accommodate persons with disabilities under the Ontario *Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act*. Therefore, persons with a disability(ies) requiring the aid of an assistive device should be permitted to keep their device while in custody.

When required, any infringement of a person's right to be accommodated must be minimal in nature, and no more than is necessary to achieve the desired objective. Assessments regarding the removal of an assistive device shall be made on a case-by-case basis. When making an assessment, members shall take into consideration all risk factors, including those contained in Procedure 01–02

Appendix B. Members shall also consider all available accommodation options when making their assessment (e.g. placing the person in a cell by themselves).

The determination regarding the removal of a person's assistive device while they are in custody shall be reassessed should circumstances regarding their custody change.

Members must be mindful at all times of their legislative duty to accommodate persons with disabilities. When it is determined that a person with a disability(ies) cannot be accommodated while in custody, members must clearly articulate the reasons for the determination in their memorandum book including all accommodation options considered.

Members should be cognizant that persons requiring the aid of an assistive device may have an emotional as well as physical attachment to the device and shall treat assistive devices with respect at all times.

Duty to Accommodate Gender Identity and Gender Expression

Section 1 of the *Ontario Human Rights Code* states "Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability."

The Service acknowledges its obligation and responsibility, short of undue hardship, to accommodate self-identified trans or gender diverse persons. Members must be mindful when handling personal items of trans or gender diverse persons such as but not limited to, clothing, makeup, and other items that express/affirm gender identity, including prosthetic devices. These personal items shall be treated with respect and handled appropriately in compliance with 1.9.2 Standards of Conduct and Procedure 01-02 Appendix C and Appendix E of this procedure. The decision to permit the retention or prosthetic devices and other personal items that support their gender identity and expression rests with the Officer in Charge and will be to the point of undue hardship.

➔ *Assessments regarding the retention of gender-affirming personal articles including gender-affirming prosthetics shall be made on a case by case basis complying with 1.9.2 Standards of Conduct considering all risk factors, including those contained in 01-02 Appendix B, 01-02 Appendix C and Appendix E. All available accommodation options shall be considered when making an assessment.*

Member – Court Services

1. In addition to the applicable items in this Procedure and its Appendices, Court Services personnel shall comply with the unit–specific policies relating to the care, handling and transportation of persons in custody in Court Cells or Divisional Lock-ups.

2. Members of Court Services will be responsible for facilitating the court procedure within the division.

Member

3. When transporting a person in custody shall

- using only those handcuffs, leg irons and other restraining devices authorized by the Chief of Police, place the person in handcuffs using the approved manner and utilize the double–lock mechanism where possible in order to
  - prevent the escape of a person in custody
  - control the violent activities of a person in custody
- when handcuffs are not used, be prepared to justify this decision

  ➔ *Keeping in mind officer and public safety, officers may use discretion when determining whether to handcuff an individual as it may not be practical or necessary in all circumstances (e.g. due to a person's medical condition, age, disability(ies), pregnancy, or frailty).*

- not leave the person in custody unattended
- place the person in the rear of the police vehicle

  ➔ *Where the police vehicle has no screen, the person shall be placed in the right rear seat. If an escort is available, the escort shall occupy the left rear seat.*

- allow one (1) person in custody per vehicle (wagons excepted), when possible, comply with Appendix E when transporting a trans person
- permit only those police officers involved in the investigation inside the vehicle with an arrested person
- ensure persons in custody and civilians (e.g. witnesses) are not transported in the same police vehicle
- prior to departure, advise the communications operator of the destination, age of the person, and the odometer reading
- advise the communications operator of the odometer reading upon arrival

4. When requested by another member to transport a person in custody to a police station shall
   - record the following information in the memorandum book
     - arresting officer's name
     - reason for the arrest and continued detention
     - requesting member's name, badge number, rank and unit
     - person's name and charge
     - any other pertinent information relating to the person or to the arrest
   - provide the requesting member with their name, rank, badge number and unit

Police Officer

5. When a non–violent person is taken into custody for being intoxicated shall process the person in compliance with Procedure 03–05, whenever possible.

6. When transporting a person in custody who, due to their mental, physical or emotional condition, requires priority in booking and processing to decrease the likelihood of a confrontation, health or safety risk shall
   - request the communications operator to notify the Officer in Charge of the station to which the person in custody is being transported
   - attend the station and book the person in custody as soon as practicable

7. When a person in custody requires medical attention due to illness, injury or intoxication shall
   - if necessary, and if qualified in standard first aid and CPR, perform first aid and/or CPR on the person, as required

- transport the person to the nearest hospital if safe to do so, or request the attendance of Toronto Paramedic Services (Paramedics)
- notify the Officer in Charge
- comply with Procedure 03–06, if applicable
- comply with Procedure 06–11, if applicable
- comply with Procedure 15–02, if applicable

8. Upon arrival at a police station with a person in custody shall
   - request entry
   - escort the person into the facility
   - read the posted TPS 191 to the person while the BHS is recording
   - take the person before the Officer in Charge
   - advise the Officer in Charge of
     - the reasons for the arrest
     - the reasons for continued detention
     - any other pertinent information relating to the person or to the arrest including, but not limited to
       i. known or suspected suicidal tendencies
       ii. violent tendencies
       iii. serious medical conditions
       iv. assistive devices
       v. safety concerns
       vi. injuries
       vii. emotional disturbance, any known mental illness or developmental disability(ies)
       viii. medication, or whether any medication has been administered
       ix. impairment due to alcohol or drugs
   - comply with the Procedure 01–02
   - to ensure the safety of the person and to prevent injury or escape, remove and secure personal property from the person in custody in compliance with Procedures 01–02, 09–01 and 09–06

9. Prior to lodging a person in police cells shall
   - take the person before the Officer in Charge and advise of any pertinent information relating to the person or to the arrest including, but not limited to
     - known or suspected suicidal tendencies
     - violent tendencies
     - serious medical conditions
     - assistive devices
     - safety concerns
     - injuries
     - emotional disturbance, any known mental illness or developmental disability(ies)
     - medication, or whether any medication has been administered
     - impairment due to alcohol or drugs

10. When leaving or returning to a detention facility with a person in custody shall advise the Officer in Charge and enter and exit only via the booking hall.

11. Where a person in custody exhibits violent behaviour, or threatens or attempts suicide, and it is believed that the person's Master Name Index (MNI) and Criminal Numerical Index (CNI) file should include a "caution flag" shall
    - add the information to the Remarks field in the person's MNI

      ➔ *Records Management Services – Operations (RMS–Ops) will receive and add the applicable information to CPIC.*

- submit a TPS 227, if applicable

12. Where a person in custody has provided a false name or identification shall update the information in the MNI and all other relevant records as soon as possible.
    - where the chosen name of a trans person does not match their identification documents shall ensure the person's chosen name and pronoun are consistently used in compliance with Procedure 01-02 Appendix C

Booking Officer

13. The booking officer shall
    - be responsible for the booking, lodging and safekeeping of persons in custody
    - ensure that the booking/release process is recorded in compliance with Appendix D
    - make the appropriate entries on the TPS 175 for each recording
    - make the appropriate entries on the TPS 300 for each booking process, if applicable
    - forward the completed TPS 300 to the Detective Sergeant, at 2400 hours each day or as close as practicable
    - make the appropriate entries in the Arrest Booking/Cell Management screen in relation to
        - booking
        - detention
        - all person in custody movements
        - phone calls and feedings
        - property
        - medication
        - release

            ➔ *It is crucial that person in custody movement in and out of the cells be recorded in the Arrest Booking/Cell Management screen. In the event that an incident occurs in the cells, Property and Video Evidence Management Unit (PVEMU) will rely on this information to locate the relevant recordings.*

14. Upon entry of an arrested person into the facility shall
    - activate the BHS and record the following
        - the escorting officer reading the TPS 191
        - the complete booking of the person, excluding telephone calls and Level 3 searches
        - the removal and inventory of property
        - the release of the person
        - all entries and exits of the person leaving and returning to the facility.

            ➔ *All activity in the cell area including the complete lodging of the person in custody will be recorded on the DAMS.*

15. When receiving a person for lodging in police cells shall
    - notify the Officer in Charge
    - comply with Procedure 01–02
    - comply with Appendix A
    - treat items of religious significance with respect and handle in compliance with Procedure 01–02, Appendix D
    - treat trans persons with respect and handle any gender-affirming personal items including gender-affirming prosthetics in compliance with 01-02 Appendix C and Appendix E to the point of undue hardship
    - secure the person in a cell

- segregate female persons in custody from male persons in custody when it is necessary to place them in police cells, or ensure they are transported to a female lock–up
- segregate accused young persons from adult persons in custody when it is necessary to detain them in a divisional cell pending release or transport to a young persons' lock–up
- store the property bag and other personal effects in a secure area as designated by the Unit Commander
- not store property bags and other personal effects in the corridor opposite the persons in custody cell
- make the appropriate entries in the Arrest Booking/Cell Management screen

16. When a person in custody has a disability(ies) requiring the aid of an assistive device
    - shall assess whether to permit the person to keep their assistive device by
        - considering all risk factors, including those contained in Procedure 01–02 Appendix B
        - considering all available accommodation options, such as placing the person in a segregated cell
    - should permit the person to keep their device while in custody, if possible
    - shall consult with the Officer in Charge if unable to permit the accommodation

        ➔ *Assessments regarding the removal of an assistive device shall be made on a case-by-case basis.*

17. When a person in custody is accompanied by a service dog shall comply with Procedure 01–01.

18. When a person in custody has soiled their clothing with bodily fluids (e.g. vomit, urine) shall arrange for replacement clothing as soon as possible.

19. When there are persons lodged in the police cells shall
    - physically attend the cells to check the condition of persons detained in custody and
        - use a target of 30 minutes between physical cell checks having regard for all the circumstances during the tour of duty
        - record the checks in the Cell Check screen as directed in Appendix B
        - notify the Officer in Charge of any change in condition of persons in custody
        - notify the Officer in Charge immediately when it is necessary to reassess a person's assistive device accommodation due to a change in circumstances
    - awaken intoxicated persons a minimum of every 4 hours but more frequently if circumstances require
    - provide food in compliance with Procedure 03–07
    - make the appropriate entries in the Arrest Booking/Cell Management screen
    - print the Prisoner Transportation Report prior to transport

20. Once a cell that has been used to lodge a person is vacated shall
    - inspect the cell for any property and/or contraband as soon as practicable but in any event prior to any other individual being lodged in that cell
    - deal with any items found in compliance with Procedures 09–01 and 09–06

21. When receiving a request for access to prescribed medication from a person in custody shall
    - inspect the medication container and ensure
        - compliance with Appendix A
        - the patient's name on the medication container label matches the person
        - if there is a discrepancy, call the pharmacy and ask whether they accept the legal name or chosen name when filling prescriptions for gender diverse or trans persons
        - there is only one type of pill in the medication container
        - the container label and contents do not appear to have been tampered with
        - the medication container label is legible

  - the expiry date on the medication container label has not passed, if applicable
- ensure the medication is dispensed in accordance with the directions and warning labels on the medication container label

22. When complying with a request for prescribed medication shall record each access on the Administer screen.

23. When in doubt regarding the contents of the medication container, or if the person in custody requests medication in excess of the prescribed dosage, or if the person in custody exhibits signs of alcohol or drug consumption shall
    - notify the Officer in Charge
    - consult with the prescribing physician or another physician at a medical facility

24. If the BHS or DAMS equipment malfunctions shall immediately notify the Officer in Charge and make the appropriate entry on the TPS 175.

25. At the completion of their shift or when being relieved shall
    - brief the relieving booking officer of all pertinent information with regard to persons in custody
    - physically attend and conduct a cell check together with the relieving booking officer and record the cell check information in the Cell Check screen and in their memorandum book

Designated Operator

The member designated to operate the audio/video equipment.

26. After the person has been lodged in a cell shall
    - monitor the person
    - notify the Officer in Charge in the event of any emergency incident involving the person including, but not limited to
      - sickness and medical treatment
      - any injury or attempt suicide
      - any assault, aggressive or bizarre behaviour
      - any event which is likely to result in a complaint or SIU investigation
      - any change in condition of persons in custody
    - ensure the DAMS units are operating properly
    - immediately notify the Officer in Charge if the equipment malfunctions

Officer in Charge

27. When notified about a person in custody who, due to their mental, physical or emotional condition, requires priority in booking and processing to decrease the likelihood of a confrontation or safety risk shall process the person in custody as soon as practicable.

28. When a person in custody is brought into the station shall
    - consider whether the circumstances of the arrest and continued detention is lawful and required
    - ensure the person has been informed of the reasons for the arrest
    - evaluate the physical and mental state of the person
    - inquire into any
      - suicidal behaviour
      - existing injury and related circumstances

  - existing medical condition, including but not limited to: physical illness, mental illness, alcohol use and/or addiction, drug use and/or addiction
  - safety concerns
  - other self–disclosed condition to which police should be alerted

  and comply with Appendix A, and make necessary notations in the appropriate Arrest Booking/Cell Management screen, if applicable
- ensure the person is transported to hospital, if required
- inquire if the person has an item of religious significance on their person or in their possession, and comply with item 34, if applicable
- inquire if the person has personal gender-affirming articles or gender-affirming prosthetics on their person or in their possession, and comply with item 31, if applicable
- ensure the person has been informed of the right to counsel, including the availability of free legal advice through Duty Counsel and Legal Aid
- ensure reasonable access to a telephone is afforded as soon as practicable and "no call desired" or the telephone number is recorded in the Arrest Booking/Cell Management screen

  ➔ *Telephone conversations with counsel shall be in private where conversations cannot be overheard.*

- ensure the necessary notations are made in the Arrest Booking/Cell Management screen
- record all pertinent information in the memorandum book

29. When a person in custody has a disability(ies) requiring the aid of an assistive device
    - shall assess whether to permit the person to keep their assistive device by
      - considering all risk factors, including those contained in Procedure 01–02 Appendix B
      - considering all available accommodation options, such as placing the person in a segregated cell
    - should permit the person to keep their device while in custody, if possible
    - upon determining that a person in custody cannot be accommodated, shall clearly articulate the reasons for the determination in the memorandum book, including all accommodation options considered

      ➔ *Assessments of whether a person should be permitted to keep their assistive device while in custody shall be made on a case-by-case basis.*

30. When a person in custody is accompanied by a service dog shall comply with Procedure 01–01.

31. When a person in custody has gender-affirming personal items or gender-affirming prosthetics on their person or in their possession shall:
    - assess whether to permit the person to keep their gender affirming item or gender-affirming prosthetic

      ➔ *Assessments regarding the retention of gender-affirming personal articles including gender-affirming prosthetics shall be made on a case by case basis complying with 1.9.2 Standards of Conduct considering all risk factors, including those contained in 01-02 Appendix B, 01-02 Appendix C and Appendix E. All available accommodation options shall be considered when making an assessment.*

    - permit the person to keep their item/device to the point of undue hardship
      - if allowing the person to retain the item, make the appropriate notation in the Property screen
    - upon determining that a person in custody cannot be accommodated, shall clearly articulate the reasons for the determination in the memorandum book and the Booking and Search Template, including all accommodation options considered

- if removing the item from the person, do so in compliance with Procedure 01-02 Appendix C and Appendix E

32. When notified in accordance with items 19 and 26 that a decision regarding a person's accommodation while in custody requires reassessment, due to a change in circumstances, shall
    - reassess the situation accordingly
    - ensure all pertinent details regarding the reassessment are recorded in the Arrest Booking/Cell Management screen
    - record all pertinent details regarding the reassessment in the memorandum book

33. When removing personal property from persons in custody shall ensure
    - prior to removing the property, the person is informed of the safety concerns that require its removal
    - the property is removed, inventoried and secured in a property bag in compliance with Procedures 01–02, 09–01 and 09–06

        ➔ *The property bag may remain unsealed for investigative purposes providing it is in a secured location, but must be sealed prior to transport.* ***The sealed property bag shall accompany the person in custody through the justice system****.*

    - the person's money is counted and other property are inventoried aloud and on camera in the presence of the individual
    - all money and property are recorded in the Property screen
    - the person signs the Property form, as directed in Procedure 09–06
    - the property is inventoried on camera as it is returned to the person upon their release from custody

34. When a person in custody has an item of religious significance on their person or in their possession shall:
    - evaluate the safety risks that may result from allowing the person to retain the item
    - if allowing the person to retain the item, make the appropriate notation in the Property screen
    - if removing the item from the person, do so in compliance with Procedure 01–02 Appendix D

35. When a person in custody has apparently consumed liquor shall
    - ensure the arresting police officer has complied with Procedure 03–05, if the person is intoxicated
    - ensure compliance with Procedure 07–09 and 13–19, as applicable
    - inquire when the person had their last drink
    - ensure the appropriate entries are made on the TPS 300 and the Arrest Booking/Cell Management screen for each booking process, if applicable
    - ensure compliance with Procedure 06–11, if applicable

36. If the behaviour of the person is inconsistent with the amount of alcohol apparently consumed, or is suspected to be caused by factors other than alcohol (e.g. methanol, cocaine, etc.) shall comply with the ***Persons in Custody*** section of Appendix A.

37. Upon determining the detention of the person is not required shall
    - release the person in compliance with the appropriate release procedures in Chapter 1
    - when the person in custody is a young person, ensure a parent, legal guardian, adult relative, adult friend or spouse is notified without delay and requested to attend the station

38. Upon determining the detention of the person is necessary shall
    - ensure the investigation is continued by the arresting officer and/or by the appropriate detective personnel
    - ensure front line officers are returned to active duty as soon as practicable

- only permit the following individuals to interview a person in custody
  - police officers involved in the investigation
  - defence counsel
  - members of law enforcement or government agencies involved in the investigation, at the request of the investigating officer
  - crown attorney or assistant
  - a parent, relative, spouse or adult friend (young person only)
  - spouse or immediate relative (at conclusion of investigation only)
  - a consular official, where the person in custody is a foreign national as defined in Procedure 04–13

39. Upon determining a person in custody will be turned over to another law enforcement agency for investigation shall ensure
    - front line officers are returned to active duty as soon as practicable
    - the applicable eReports and the Arrest Booking/Cell Management screen have been properly completed
    - the receiving law enforcement agency is made aware of any pertinent information regarding the person in custody including, but not limited to
      - known or suspected suicidal tendencies
      - violent tendencies
      - serious medical conditions
      - assistive devices
      - safety concerns
      - injuries
      - emotional disturbance, any known mental illness or developmental disability(ies)
      - medication, or whether any medication has been administered
      - impairment due to alcohol or drugs
      - accommodations to protect the rights of a trans or gender diverse person

40. Upon completion of an investigation shall
    - ensure the applicable eReports and the Arrest Booking/Cell Management screen have been properly completed and the required documents have been scanned and attached to the original eReport
    - when the person in custody is a young person, ensure the YCJA Parent is completed and served at the station, whenever possible
    - release or continue to detain the person in compliance with the applicable procedures

41. When receiving a person for lodging in police cells shall ensure
    - female persons in custody are
      - segregated from male persons in custody when it is necessary to place them in police cells, or
      - transported to a designated female lock-up
    - accused young persons are segregated from adult persons in custody when it is necessary to detain them in a divisional cell pending release or transport to a young persons' lock–up
    - all members responsible for monitoring the condition of persons in police cells are made aware of any pertinent information regarding the person including, but not limited to
      - known or suspected suicidal tendencies
      - violent tendencies
      - serious medical conditions
      - assistive devices
      - safety concerns
      - injuries
      - emotional disturbance, any known mental illness or developmental disability(ies)
      - medication, or whether any medication has been administered

  - impairment due to alcohol or drugs
- individuals suspected of having suicidal or violent tendencies or serious medical conditions are more closely monitored and checked as frequently as possible
- trans persons are lodged in compliance with Appendix E
- a copy of all required eReports accompany the person in custody and that such reports are complete and accurate

42. When there are persons lodged in the police cells shall ensure
    - compliance with Procedure 03–07
    - the cells are physically attended to check the condition of persons detained in custody
    - a target of 30 minutes is used between physical cell checks having regard for all the circumstances during the tour of duty
    - the cell checks are recorded in the Cell Check screen as directed in Appendix B
    - any change in the condition of a person in custody is reviewed
    - necessary medical attention is given to the person
    - all property brought to the police facility for a person in custody is checked for contraband before allowing the person access to the property
    - the physical and medical condition of persons in police cells are reviewed with the relieving Officer in Charge at the change of shift

43. Prior to a person being transported to a lock–up, criminal court or detention centre shall ensure
    - necessary medical attention is given to the person
    - the necessary eReports are completed for a first court appearance in compliance with Procedure 12–01
    - compliance with Procedure 01–15, if applicable
    - the Officer in Charge of the destination lock–up is advised when a person is to be transported to the lock–up
    - the officer advises the transporting officers and the Officer in Charge of the receiving facility of any known issues regarding the health and safety of the person, including
      - known or suspected suicidal tendencies
      - violent tendencies, and/or
      - a serious medical condition
      - injuries
      - assistive devices
      - safety concerns
      - emotional disturbance, any known mental illness or developmental disability(ies)
      - medication, or whether any medication has been administered
      - impairment due to alcohol or drugs
    - sufficient police escort is provided
    - the person's property is handled in compliance with Procedure 09–06
    - prescribed medication and a Medication Report accompanies the person in custody

44. When in charge of a unit with audio/video equipment in the detention facility shall ensure
    - persons in custody are booked and released on camera
    - equipment is operated by trained designated operators in compliance with this Procedure
    - the completed BHS DVD and TPS 175 are submitted by the booking officer for review
    - the MPVD# from the BHS DVD is entered on the TPS 192, and the completed BHS DVD and TPS 175 are deposited in the transport bin
    - the DAMS is operating properly
    - requests for repairs or adjustments to the equipment are reported to the Help Desk (local 8-4357)
    - appropriate entries are recorded for each person in the Arrest Booking/Cell Management screen

45. When a person in custody claims to be a methadone patient shall ensure that such persons are informed that their prescribed dosage can only be obtained
    - following release from custody, or
    - if remanded in custody, by request to corrections staff and after corrections staff has consulted with the prescribing doctor.

46. When the person in custody complains of symptoms associated with the non-receipt of their prescription, shall ensure
    - medical advice (i.e. Telehealth Ontario) is sought, or the person is transported to a hospital for assessment by a doctor for short term health risks
    - while in police custody, such persons are not transported for treatment at any place other than a hospital
    - if the person is transported to a hospital, that staff are advised the purpose of the visit is not to receive their prescribed dosage
    - the results are noted in the crown brief, the Arrest Booking/Cell Management screen and the Prisoner Transportation Report

47. If an incident occurs in an area being monitored and recorded by the DAMS shall
    - ensure that assistance is immediately rendered and that the incident is dealt with in the appropriate manner
    - once the incident has been resolved, and it is determined that the recording should be retained, notify PVEMU to retrieve and preserve the relevant security recording
    - ensure the incident, along with a notation that the recording has been preserved, is made in the appropriate Arrest Booking/Cell Management screen and the UCMR

Officer in Charge of a Lock–Up

48. When receiving a person for lodging in the cells, in addition to the duties of an Officer in Charge as outlined in this Procedure shall
    - accept custody of the person where the original unit has complied with the applicable procedures
    - ensure relevant information concerning the person is recorded in the Arrest Booking/Cell Management screen
    - review the Prisoner Transportation Report for any cautions and remarks
    - record any observations regarding a persons in custody physical or mental condition

49. During the normal operating hours of criminal courts or detention centres shall ensure
    - transport of the person, if necessary, from the lock–up at the earliest opportunity
    - the transporting officers of the receiving facility are notified of any known issues regarding the health and safety of the person, including
        - known or suspected suicidal tendencies
        - violent tendencies, and/or
        - a serious medical condition
        - injuries
        - assistive devices
        - safety concerns
        - emotional disturbance, any known mental illness or developmental disability(ies)
        - medication, or whether any medication has been administered
        - impairment due to alcohol or drugs
    - a copy of the applicable eReports are attached to the Prisoner Transportation Report

Case Manager

50. When a person is lawfully held in custody and an investigation is initiated shall
    - conduct a thorough investigation and advise the Officer in Charge of any information pertaining to the release or detention of the person
    - ensure front line officers are returned to active duty as soon as possible

Detective Sergeant

51. The detective sergeant shall ensure an investigation is commenced in relation to the last drink information received on the TPS 300, when required.

Unit Commander

52. When in charge of a unit equipped with cells shall
    - designate a secure area for storage of returnable person in custody's property that is inaccessible to any person lodged in the cells
    - ensure compliance with the requirement to perform and record cell checks in the Arrest Booking/Cell Management screen

Appendices

Appendix A – Medical Advisory Notes
Appendix B – Cell and Persons in Custody Condition Checks
Appendix C – Designated Lock–Ups
Appendix D – Booking Hall/Detention Area Monitoring
Appendix E – Lodging and Transportation of Trans Persons
Appendix F – Privacy Gown

Supplementary Information

Governing Authorities

Federal:

- Canadian Charter of Rights and Freedoms
- Constitution Act, Part I
- Controlled Drugs and Substances Act
- Criminal Code
- Youth Criminal Justice Act

Provincial:

- Accessibility for Ontarians with Disabilities Act
- Community Safety and Policing Act (Ontario Regulation)
  - O. Reg. 392/23 Adequate and Effective Policing (General)
- Ontario Human Rights Code
- Provincial Offences Act

Associated Governance

Toronto Police Service Board:

- Adequacy Standards Compliance Policy
  - Part 5 XXXII LE-005 Arrests
  - Part 5 XLIII LE-016 Prisoner Care and Control
  - Part 5 LX LE-033 Prisoner Transportation

- Board Policies
  - Accessibility Standards for Customer Service;
  - Search and Detention of Trans Persons (Appendix E).

Toronto Police Service Procedures:

- 01–01 Arrest
- 01–02 Search of Persons
- 01–02 Appendix B Risk Assessment – Type of Search
- 01–02 Appendix C Trans Persons
- 01–02 Appendix D Handling Items of Religious Significance
- 01–15 Bail Hearings and Detention Orders
- 03–05 Withdrawal Management Centres
- 03–06 Guarding Persons in Hospital
- 03–07 Meal Provision for Persons in Custody
- 04–13 Foreign Nationals
- 06–11 Licensed Premises
- 07–09 Breath Interview
- 08–07 Communicable Diseases
- 09–01 Property – General
- 09–06 Property of Persons in Custody
- 12–01 Confidential Crown Envelope
- 12–08 Disclosure, Duplication and Transcription
- 13–19 Breath Tests for Service Members
- 15–02 Injury/Illness Reporting

Other:

- Standards of Conduct
  - 1.9.2 - Respect for Gender Diversity and Trans-Inclusive Policing

Forms:

- eReports
- Prisoner Transportation List
- Property Forms Wizard
- TPS 105 Injury/Illness Report
- TPS 175 Booking Hall DVD Log
- TPS 191 Videotaping Notice
- TPS 192 Electronic Recording Transportation Log
- TPS 227 Person/Vehicle for Investigation
- TPS 300 Last Drink Booking Log
- TPS 407 Property Claim Notice
- TPS 606 Transcription Service Request
- TPS 649 Internal Correspondence
- YCJA Parent Notice to Parent, Adult Relative or Other Adult

  ➔ *The TPS 407 is now accessible via the Property Forms Wizard.*

Definitions

For the purposes of this Procedure, the following definitions will apply:

Assistive/Prosthetic Device means a device used to replace, compensate for, or improve the functional abilities of people with disabilities or for trans or gender diverse persons to affirm gender identity. Assistive device includes a broad range of items such as mobility and visual/hearing aids, orthotics/prosthetics, speech devices, medical supplies, environmental controls and respiratory devices. Prosthetics used to express gender identity include: breast forms, chest binders, gaffs, packers, prosthetic penises and wigs.

Booking Hall System (BHS) means a video surveillance system installed in the sally–port, booking hall and other areas of a police facility that is designed to record the booking and release of all prisoners as they enter and leave a police facility. The BHS is operated manually by the booking officer. (Booking Video)

Booking Officer means a police officer, special constable, or designated by the officer in charge as the person responsible for the care and handling of persons detained in custody.

Court Cells means cells used during those hours in which the courts are sitting. A person shall be lodged in a court cell when:

- being held for a court appearance;
- awaiting transportation to a detention facility;
- ordered into custody by the court.

Designated Operator for the purposes persons in custody means any member designated as an audio/video operator with an understanding of how to operate the equipment.

Detention Area Monitoring System (DAMS) means a video surveillance system installed in the prisoner detention areas of a police facility, such as the cells and the bullpen, which is designed to monitor and record the condition of prisoners while they are in custody. The DAMS is set to automatically record each cell and bullpen when activity is detected. (Cell Video)

Detention Facility means any central lock–up and/or booking hall.

Disability(ies) means:

a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device
b) condition of mental impairment or a developmental disability;
c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
d) a mental disorder, or;
e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act; (“handicap”)

[Source: Ontario *Human Rights Code*, *Accessibility for Ontarians with Disabilities Act*].

Divisional Cells means cells that may be used for short term detention of a person in custody when:

- being processed, or waiting to be processed, or to ensure the safety of the person and/or members;
- awaiting transportation to a central lock–up;
- being held for return by an outside agency.

Gender: the set of socially classified behaviours, attitudes and norms associated with and roles of men, women, trans people, non-binary people and more. Encompasses gender identity, a person's internal sense of being a man, woman, both or neither.

Gender Expression is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common and important ways of expressing gender.

Gender identity is each person's internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along or beyond the gender spectrum. A person's gender identity may be the same as or different from the typical pairing with their birth-assigned sex. Gender identity is fundamentally different from a person's sexual orientation.

Item of Religious Significance means any item, article, apparel, or clothing a person identifies as having religious importance.

Lock–Up means an assigned division used to detain a person in custody:

- when the person is held for a Show Cause hearing, or Judicial Interim Release where the bail court is closed
- when outside of admitting hours stipulated in Procedure 03–03
- in any other circumstances where detention is authorized and necessary.

See Appendix C for a list of assigned lock–ups.

Member – Prisoner Care & Control for the purposes of prisoner transportation, care and control, includes a police officer and special constable.

Police Cells means divisional cells, central lock–ups and court cells used for the secure detention of persons in custody. An interview room is not a police cell.

Police Vehicle – Prisoner Transportation for the purposes of prisoner transportation, includes marked and unmarked vehicle owned or operated by the Service, that has the capacity to transport a driver and two or more passengers.

Valuable Property means money, jewellery and other items that may make a prisoner the target of theft or robbery.

Sex: the classification of people as male, female or intersex based on a specific combination of reproductive organs, chromosomes and hormones and assigned at birth based on observation of a person's genitals.

Trans is an umbrella term referring to people with diverse gender identities and expressions that differ from their assigned sex at birth. It includes but is not limited to people who identify as transgender, trans woman (someone assigned male at birth who knows themself to be a woman), trans man (someone assigned female at birth who knows themself to be a man), non-binary, gender non-conforming, gender variant or gender queer. Some people may consider two-spirit to be a trans identity. Trans persons may or may not make a social transition, have surgery, use prosthetic devices or take prescription medications (such as hormone therapies), to affirm their gender identity. They may or may not have identity documents that reflect their lived identity.

We are dedicated to delivering police services, in partnership with our communities, to keep Toronto the best and safest place to be.

Learn more about our Service **Core Values** and **Competencies** here

