



Newfoundland and Labrador **Sheriff's Office Review**

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Introduction

In June 2013, the Minister of Justice, on behalf of the Government of Newfoundland and Labrador, commissioned an external review of the Office of the High Sheriff (Sheriff's Office). The purpose of this review was to provide recommendations on the most efficient alignment of resources and functions to effectively meet the mandate of the office. Specifically, this review included a comprehensive assessment of: (I) Staffing Model and an efficiency analysis; (II) Organizational Structure; (III) Security Audit and associated Risk Management; and (IV) Industry Best Practices.

Based on the findings of this review, a number of recommendations have been identified to address areas of concern to improve the current structure of the Sheriff's Office, and to ensure more efficient and effective operations in both the near and long terms. Implementation of recommendations should also provide the foundation for a more stable and secure working environment.

Methodology

This review was conducted during the period of June 19, 2013 - September 19, 2013, and included interviews with personnel representing: Sheriff's Office, Department of Justice (e.g. Finance and General Operations, Public Safety and Enforcement, Adult Corrections, Public Prosecutions), Human Resource Secretariat, Legal Aid Commission, Provincial Court and Supreme Court. Personnel from Sheriff's Services in other provinces were also consulted as part of the assessment process. Documents pertaining to budgeting, human resources, industry best practices, and operations were reviewed. Several site visits were conducted in the province.

Sheriff's Office Review

I. Staffing Model and Organizational Structure

The Office of the High Sheriff is comprised of two sections: A) Court Security; and B) Judgment Enforcement (current organizational structure is attached as Annex A). While some recommendations address Judgment Enforcement issues, this review primarily focused on Court Security.

A. Court Security

The Court Security's mandate is to provide security at all 14 physical court locations, including Supreme Court, Court of Appeal, Trial Division, Family Division, Provincial Court, Traffic Court and Small Claims Court, and at 15 circuit courts throughout the

Province. Sheriff's Officers also transport prisoners between various courts, the St. John's Lock-up and the Waterford Hospital.

The Court Security section is staffed by two managers, 10 supervisors (Deputy Sheriff II's), 51 full time Sheriff's Officers (DSIs), and one training specialist, for a total of 64 positions. This staff complement is supplemented by up to 14 casual call-in Sheriff's Officers. Overall responsibility for the Court Security section resides with the High Sheriff.

Sheriff's Officers work in ever-changing and potentially dangerous environments. Officers are required to provide physically demanding and specialized security services to protect court staff, lawyers and other professionals, witnesses, the accused, and the public. Officers can be required to identify and seize prohibited and restricted items including potential weapons and contraband materials. They perform daily prisoner escorts. They must also be prepared to seize items and to detain and arrest individuals when necessary. They are armed with OC spray and handcuffs, but do not carry side arms. In my opinion, the Sheriff's Officers conducting Point of Entry Screening at Atlantic Place have done a commendable job of removing weapons, drugs, drug paraphernalia and alcohol from persons entering the court and have denied entry to individuals who had potential to cause problems and were considered security risks.

Other jurisdictions have or are considering other models of court security. For example, Saskatchewan is considering moving Point of Entry Screening functions to another entity. In my opinion, Point of Entry Screening should be handled by the Sheriff's Officers in this province, as they have a vested interest in court security and hold peace officer status. Other (interim) options should only be considered if officers are not readily able to carry out the duties. However this would have implications with the bargaining unit and should be carefully considered.

When this Review commenced, Court Security staff indicated overall stress associated with lower levels of staffing and an associated changing staffing model, complaints about delays, and concerns about safety. While some positions cut in the budget had been reinstated, a call-in casual list had been created and vacancies were being filled, overall morale and job satisfaction were reported as very low. They reported that they did not feel supported to do the work they had to do. There did not appear to be a great deal of communication between the different sections in the Sheriff's Office. Staff frequently commented that regular meetings do not occur to address issues or concerns. A number of Sheriff's Officers recalled only two staff meetings over the past number of years with the High Sheriff and management. They indicated these were not productive. They commented that there is little communication outside their immediate circle. Many indicating loving the work, but not their workplace environment.

Frustration was expressed about the timely filling of vacancies. Every effort must be made by all who have associated responsibilities to ensure vacancies are filled in as

timely a manner as possible. This will be particularly important if the recommendations in this report are accepted, especially as they relate to new positions.

Pressures on Court Security

Casual Call-in List

The current staffing model includes the use of a casual call-in list (note: not listed on existing organizational chart) to augment permanent staff as required. This approach to augmenting staffing levels has produced several issues for Court Security, as follows:

- The list has been difficult to maintain due to the inability of the Sheriff's Office to guarantee full-time work. In some instances, casual employees are opting to seek full-time employment elsewhere or are otherwise unavailable.
- Considering the large geographical area of coverage, it is impractical and expensive to service all regions of the province with the current practice of using a casual call-in list with the base of employees located in St. John's.
- Sheriff's Officers are members of NAPE and fall under the General Service Collective Agreement. It has been suggested that this does not ideally address needs of a uniformed service given the limited flexibility of scheduling (i.e. weekends and after hours) which may be routinely required given the nature of their work.

While the suggested organizational chart may appear to indicate there would be little or no demand for daily backfills at the current court locations, there will be occasions when a short term backfill will be required. To address these issues, short casual call-in lists will make the process more effective and efficient. A smaller casual list (5-6 officers) should be considered for St. John's which would provide more reliable hours for staff involved and augment staffing when needed. A small casual list should be considered for each of the following locations: Grand Bank (1 officer); Corner Brook (2-3 officers); Happy Valley-Goose Bay (2-3 officers). Grand Bank's nearest court is in Clarenville and the distance therefore does not make Clarenville a feasible source for backfills. Happy Valley-Goose Bay, due to its own geography, does not lend itself to efficient backfill processes from other areas given the costs and time involved. Casual call-in lists for Corner Brook and Happy Valley-Goose Bay will assist with circuits in the regions as needed, and avoid taking officers from their court security roles at their home base. If casuals are called in and court matters are settled unexpectedly, the casual staff should be released after the minimum number of hours required under the collective agreement have been met. This does not always appear to be the practice currently and staff are maintained for the entire shift once called in. This inefficiency can be easily addressed with tighter management practices.

The current casual call-in list has fourteen people on it. With seniority being the determining factor for who gets called first when casuals are required, there are limited prospects for those lower on the list. A series of smaller, tighter lists regionally may be more satisfying for staff in that would have a better chance of being called if they are on the list, and would better meet the organization's needs as well.

Regionally based casual pools will also reduce travel costs associated with the current practice of deploying casuals from St. John's throughout the province. This would be a much more cost effective and cost efficient approach to staffing. This would also be more consistent with practices in other provinces.

Scheduling Challenges

An examination of Sheriff's Officers' duties within Court Security indicates that, at certain points in time (e.g. when all courts are not in session), the level of court activity does not appear to warrant the number of Officers that are scheduled. Therefore, there are occasions when it would appear that some of the officers are not particularly busy. The nature of the work is such that Sheriff's Officers are required to be available at all times when the court is open in order for them to be responsible for security. This creates significant scheduling issues and makes it difficult to achieve balance and implement an efficient staffing model. An analogy with the fire department will illustrate this point. Nobody can predict when the fire will break out. However when they do, firefighters must be available immediately to respond. Similarly, Sheriff's Officers must have set schedules, locations and duties within the court system. On occasion, trials are settled just prior to the commencement of the proceedings or at various points throughout them. At such times, officers assigned to that courtroom are redeployed to other areas of security concerns. There may be times when a number of cases will be settled as described. Such circumstances can neither be foreseen nor planned. Therefore during court hours, there must be a sufficient number of Sheriff's Officers to adequately meet the security needs of all courts within the Province to ensure the safety of all court staff, the public, the accused, witnesses, the crown, the defense, and the Sheriff's Officers themselves.

Minimal Staffing Model

The current staffing model includes the use of minimal court security staff (i.e. two) at some locations. A recommended move to a minimum of three person units will serve many functions and improvements, such as:

- Improve officer safety;
- Minimize court delays where judges require a minimum of two officers to be present in one courtroom;
- Increase available staffing overall for greater likelihood that two officers are available for duty;
- Decrease reliance on casual backfills which can be an unreliable and expensive approach;

- Accommodate for planned leave such as annual leave, and unscheduled leave such as sick leave, and family leave, etc;
- Enhance scheduling flexibility related to training;

Enhancing all locations to a minimum of three officers will mean an additional position for Clarendville and Harbour Grace. These should be supervisory level Deputy Sheriffs (DSIIs). Other single vacancies in Grand Bank, Stephenville and Wabush should be filled as soon as possible. As the bulk of current backfills come from St. John's, and given the time and distance for officers to deploy to another location, it is almost impossible to guarantee a minimum of two officers on the ground within a short timeframe with the province's geography. It should be noted that there have been instances where a justice has refused to sit unless two Sheriff's Officers were present. This revised minimum staffing model will reduce or eliminate the need for casual call-in backfills to travel to these areas.

Training

Sheriff's Officers are highly trained in several areas, including: use of force, use of baton/OC spray, the *Mental Health Act*, cell extractions, drug awareness, prisoner escort, and safe weapon recognition and handling. Officers must rely on their training and skills, and those of their fellow officers, to ensure a safe, secure and dignified environment for everyone involved in and around the court.

To ensure currency of training, Sheriff's Officers are periodically required to complete re-certification training. This requirement removes them from their regular duties, creating scheduling challenges and added pressure on the casual call-in list. In many instances, travel is required. Scheduling the bulk of training during slower periods (i.e. summer when court activity is reduced), could potentially alleviate these pressures. Additionally, the availability of a reliable casual call-in list will give greater predictability to scheduling and enable management to schedule staff training where needed and with the knowledge that the shift can be covered off.

There are currently two positions temporarily assigned to the training/stores area. These positions, in fact, are assigned from court security positions. This is not an efficient or effective use of these resources. Further details will be provided later in this report, however one single management position should be created with enhanced and expanded duties to replace these current two temporary assignments.

Site Logistics

The Sheriff's Office provides court security services to multiple locations across the province. Each location has its unique challenges due to differences in geographic location, physical infrastructure and security requirements. There is often an inability to create synergy due to logistical issues associated with the operation of multiple physical locations, including locations situated throughout St. John's.

As an example, the St. John's Provincial Court is located in Atlantic Place, a busy, multi-purpose public facility. Logistically, the facility is dispersed over a large area and contains businesses, restaurants, a gymnasium, a bank, and a public parking garage. The court facility includes multiple rooms, corridors and two separate point of entry (POE) screening areas. At times, prisoners must be escorted through some of the public areas. These space attributes and operational realities make the space much more challenging from a security perspective, thereby requiring additional staff to ensure a safe and secure environment.

In the Grand Bank court facility, there is a need for an additional easily accessible interview room for lawyers and their clients. I believe a potential solution lies in subdividing the large waiting areas for both Supreme Court and Provincial Court and creating the desired space.

In Happy Valley-Goose Bay, the Supreme Court and Provincial Court are physically separated and are not adjacent to each other. Sharing court security personnel and routinely moving officers back and forth as immediate needs require can be challenging, especially when the overall number of staff is relatively small. Given these logistics, an additional court security resource (DS I) would be warranted and justifiable in this context.

While security considerations are dealt with in detail in the security audit and risk assessment, it can be stated here a Point of Entry Screening Unit should be expanded to each of Supreme Court Trial Division and Family Division in St. John's as well as the courthouse in Corner Brook. This can be phased in, and if so, the Family Division in St. John's should be the priority. This is an area where people are dealing with very emotional issues and there can be volatility. The main entrance of the Corner Brook courthouse is ideally designed to support a Point of Entry Screening Unit. Three Sheriff's Officers would be required for each of these units. An additional Sheriff's Officer is recommended for each of the two Point of Entry Screening Units in Atlantic Place. Currently, two Point of Entry Screening Units exist at Provincial Court in Atlantic Place which is the busiest and largest court facility within the province. For Point of Entry Screening Units, the third officer is required for high activity periods in the day. For other times during the day, this resource should be redeployed where he/she can meet other security needs within the court.

Site logistical issues have been considered in the context of recommendations for improving the existing staffing model. As well, any future infrastructure plans for courthouses and justice programs should give ample consideration to consolidation of facilities, particularly in St. John's, to eliminate any staffing inefficiencies created by multiple, geographically dispersed programs, services and locations associated with court activities.

Weekend and Statutory Holiday (WASH) Court

Regularly throughout the Province, prisoners arrested outside of court hours and on weekends must be brought before a judge/justice within twenty-four hours of the

arrest, at which time he/she will either be released or remanded into custody. This creates the requirement for a Weekend and Statutory Holiday (WASH) Court.

In order to facilitate this process, Provincial Court judges in different jurisdictions in the province will sit in his/her jurisdiction where, via video/audio link, they can communicate to the accused, his/her legal counsel and the Crown regardless of where they are located throughout the province. Until recent years, the accused was required to appear in person before a justice. Based on a decision from the Supreme Court of Canada, such appearances can now be carried out via audio and/or video conference. When the judge makes a decision, the necessary documents are prepared by a clerk of the court situated in Provincial Court, St. John's and then faxed to the police where the accused is being held. The documents are then served and the accused is released or remanded until the following Monday (Tuesday if Monday is a holiday) at which time they must appear in court for a bail hearing. At this time, bail hearings are not conducted in WASH court, but could be considered as a means of taking pressure off regular weekday courts. Of course, this will then place increased pressure on resources, witnesses, and necessary files and other supports (such as contacts with individuals in other jurisdictions) for WASH courts.

In St. John's the accused is always brought to the Provincial Court in Atlantic Place for an in-person appearance before the presiding judge. In instances where the presiding judge is located outside St. John's, the accused is still brought to Provincial Court while the judge conferences in via remote technology. Outside St. John's, the accused always appears via remote technology. In order to have prisoners within St. John's appear, the court must first be open to the public. Currently four Sheriff's Officers are called in from the casual call-in list to perform escort duties to and from the city lock-up where all new arrests are lodged. They must place these prisoners in the holding cells and make them available to meet with duty counsel. They then escort them to the courtroom for their appearance. Once dealt with, the prisoner is either released or returned to custody.

With WASH court physically open to the public, this requires Point of Entry screening to be open. Current practices involve a limited opening of Point of Entry screening in WASH court in order to meet necessary security needs in other areas of court.

The process of preparing, searching and often transporting a prisoners (sometimes totaling a dozen times or more) from the Lock-Up to the holding cells, to court, and then return them to the Lock-up not only takes a considerable amount of time but also creates a situation where there is an increased potential for escape and/or physical confrontation between prisoners, Corrections Officers and Sheriff's Officers. An audio or video conference where prisoners would remain in the Lock-up could just as effectively achieve the same results in much less time, while at the same time eliminating the potential for negative outcomes.

If technology is used more widely by the WASH Court for accused persons in St. John's, a reduced number of Sheriff's Officers would be required as compared to the

number necessary for physical transport and escort of the accused, and/or security for the judge and attending members of the public. Through effective use of technology in all regions of the province, staffing and cost efficiencies can be achieved by significantly reducing escort, transport and security requirements on weekends and statutory holidays. Even if a courtroom is open to the public for this type of a process, it would require just two Sheriff's Officers for Point of Entry Screening, but not the additional officers typically required for prisoner escorts.

Parking Enforcement Duties

There are 27 designated parking spaces for all justices at the Supreme Court Trial Division and Court of Appeal in downtown St. John's. The parking spaces consist of a rectangular block with a white painted border. Signs are attached on a few telephone poles and indicate **Parking by Permit Only**. The signs are not located at eye level and are very difficult to see while operating a motor vehicle. While conducting this Review, I personally observed a number of persons illegally parking in these designated areas.

Sheriff's Officers are sometimes required to conduct physical patrols when people who are illegally parked are asked to move their vehicle or are ticketed. It should be noted that although Sheriff's Officers have the authority to issue tickets for illegal parking, this responsibility falls under the purview of the City Traffic Division – Parking Services. By Sheriff's Officers performing parking space monitoring and ticketing functions, this places added pressure on resources, and reduces the amount of time available to perform core duties (i.e. court security). It may prove more effective and efficient to explore other means of addressing designated parking spaces such as improved signage and markings. Monitoring the arrivals and departures of justices inside and outside the courthouse should still be maintained for safety reasons, and could be enhanced with greater technological supports. However the focus on monitoring parking spaces and ticketing should be reduced or eliminated.

Prisoner Transport

Presently, individuals being transported from Her Majesty's Penitentiary to the Holding Cells at Provincial Court (and vice versa) are being routed through the St. John's Lock-up where custody is transferred from Adult Custody to the Sheriff's Office. Prisoners are then transported from St. John's Lock-up to Provincial Court by Sheriff's Officers. This hand-off creates unnecessary security issues and duplication of resources and duties. As an example, a prisoner who was in the process of being transferred from the Lock-up escaped Sheriff's custody outside the Lock-up in May 2013. There does not appear to be a clear rationale for this inefficient transfer practice. Nothing was found in the collective agreement to support this practice. Efficiencies in prisoner transport could easily be achieved by having one agency, Adult Custody, retain full responsibility for transport directly from St. John's Lock-up or Her Majesty's Penitentiary to Provincial Court Holding Cells and subsequently returned directly as well. The Sheriff's Office would still maintain responsibility for the transportation of prisoners to and from the Waterford Hospital when ordered by the

court, and for transport of young offenders to and from the youth remand facility in the city.

Beyond the St. John's location, transport functions are shared among Sheriff's Officers, Correctional Officers, and police. Efforts should be made to rationalize and streamline prisoner transport functions on a broader level provincially.

B. Judgment Enforcement

The Judgment Enforcement section of the Sheriff's Office collects and disburses trust monies received as a result of the enforcement of court orders. The section is also responsible for the collection of fees as set out in the Sheriff's Office Fee Schedule. While the primary emphasis of this review was focused on Court Security, inefficiencies were also noted in the area of Judgment Enforcement.

Historically, surpluses in Judgment Enforcement's budget allocations have helped offset some of the Court Security costs. This transfer is appropriate, given both program areas operate within the Office of the High Sheriff. However it should be noted that collections do not support the office's budget. The Office of the High Sheriff (Including Judgment Enforcement) receives public funding through the annual budget process to support its activities.

Pressures on Judgment Enforcement

Bailiff Staffing

The Bailiff Service program is staffed by three bailiffs (two in St. John's and one in Gander). There is one DSI assigned to the Bailiff Program in St. John's. One other DSI position previously assigned bailiff duties was reassigned back to Court Security after the last budget. Twenty-three fee-for-service bailiffs support the remainder of the province. The Bailiff Service program could benefit from the upgrading of all existing classified bailiff positions to the Deputy Sheriff level. This change would introduce new flexibility by creating a much larger pool of resources to call upon in circumstances where additional staffing modifications are required. With these changes, Deputy Sheriffs can then be rotated through bailiff services on a semi-annual or annual basis. This change would also create a higher level of security within the program. These changes should be timed to coincide with potential retirements or other changes in personnel.

Bailiff Scheduling

Currently, Bailiffs generally work from Monday through Friday from 9:00 am - 5:00 pm. While document delivery does occur during the normal work day, circumstances often require the document to be delivered in the evenings or on weekends (e.g. individual being served not available during normal working hours). Under the current arrangement, bailiffs receive an annual stipend to compensate for hours worked in lieu of overtime. This stipend is between \$6,000 and \$12,000 annually. However no

overtime hours can be submitted. To address the issue of overtime on days where document service pressures are reported to be higher , I would suggest that the Bailiffs work staggered and rotating shifts on Thursdays and Fridays (i.e. 2:00 pm – 10:00 pm) and on Saturdays. During these shifts, the bailiff would be expected to deliver documents on a priority basis regardless of the zone. Consideration should be given to altering shift scheduling to accommodate after hour document delivery, thereby reducing the overtime requirements and associated employee costs.

Bailiff Vehicles

Currently, Bailiffs use their private vehicles to deliver legal documents and are compensated based on mileage in accordance with Treasury Board rates. Each bailiff or Sheriff's Officer performing these duties is assigned to a designated zone. They work Monday to Friday, 9:00 am - 5:00 pm. At the start of the day, the bailiffs travel go to the Sheriff's Office where they collect documents and assignments that require service. They then go about their daily routine of delivering legal documents in their designated areas. During 2011-2012, travel claims for bailiffs exceeded \$70,000. Given the distance they travel on a daily basis and the travel costs attached to such travel, consideration should be given to having unmarked government vehicles supplied for this purpose along with gasoline cards. Savings should quickly pay for government vehicles.

If vehicles are purchased, they should be equipped with security features such as Automatic Vehicle Locators (AVLs) that would provide greater security for both the documents and staff.

Data Entry and Database Management Functions

The Judgment Enforcement section, in carrying out its mandate, is required to collect, input and update information into government financial databases for the purpose of maintaining financial records on fines, fees, and any court ordered payment. Comparable information (e.g. individual's name, address, etc.) is collected by other entities for similar purposes across government. There may be opportunities to streamline efforts and resources on a government-wide basis, thereby reducing this burden on Judgment Enforcement staff, at some point in future.

Records Management

Presently, records management is being performed on an ad hoc basis by all Judgment Enforcement staff (e.g. managers, accountants). This has not been effective. Time spent on records management detracts employees from the performance of their core duties. As well, effective records management requires knowledge in document control methodology (e.g. retention schedules, proper disposal), ensuring a more consistent and effective approach. An efficient filing system, set up by a skilled employee, would be helpful in all areas of the Sheriff's Office. Enhancements in this area would also reduce workload pressures on existing staff, enabling them to refocus on core job responsibilities. The office could also benefit through further use of electronic filing and storage methods to be developed in collaboration with the Office of the Chief Information Officer (OCIO). It is suggested

that after initial set up, this new filling system could be maintained by a part-time resource one day per week.

Proposed Staffing and Organizational Structure

The majority of staff and officers within the Sheriff's Office were interviewed for this Review. Their input was a significant contributor to the development of the proposed staffing and structure model.

The proposed organizational structure has been designed based on several principles:

- All locations shall have a minimum of three Sheriff's Officers, including a DSII supervisor that shall be located at each location. This would mean one additional Deputy Sheriff in both Harbour Grace and Clarenville (DS IIs). Further, one position in Stephenville would need to be reclassified to the DSII level.
- Multiple small call-in lists should be established on a regional basis. A call-in list of one is recommended for Grand Bank, three to four for Corner Brook and three to four for Happy Valley-Goose Bay. The St. John's call-in list should be reduced to a maximum of six officers, and periodically reviewed and modified as required to ensure an optimal staff complement.
- A reduced requirement to backfill positions using St. John's call-in list.
- Introduction of Point of Entry screening and associated staffing at Corner Brook, Family Division in St. John's, and Supreme Court in St. John's, with Family Division being the priority.
- One additional Sheriff's Officer at both Point of Entry screening locations at Atlantic Place in St. John's.
- Increased management structure with the creation of a new zone manager for Central Newfoundland.
- Redefinition of High Sheriff position required competencies.

Proposed staffing and management enhancements are depicted in the newly proposed organizational structure (see Annex B).

Supervisory and Management Considerations

Deputy Sheriff II Positions

Within the Sheriff's Office, it appears that the appointments of Deputy Sheriff II supervisors are primarily at the discretion of the High Sheriff in consultation with the Manager. Most are placed in acting positions where they remain for extended periods of time. When the position is filled on a permanent basis, it is not uncommon that it is staffed by the person occupying the position. The position description for DSII

supervisors could benefit from an amendment to include a mandatory prerequisite for supervisory experience/training. Where there is failure to meet this pre-requisite through fair and open competition, consideration should be given to hiring the individual who best demonstrates all other core competencies with the individual to successfully complete employer sanctioned training within six months of hire. Establishing DSII positions across the board will also complete the chain of command in the organization. In Clarenville and Harbour Grace, the two new positions should be DSIIIs.

Management Positions

Management Zones

The management structure, as it exists today, does not promote effective administration or oversight nor does it support or promote effective communications within or between locations. The current structure is divided into two regions, east and west, each of which is managed by a regional manager. Management effectiveness could be improved by reducing the size of these two regions and expanding management responsibilities across three distinct zones: East (St. John's), Central (Harbour Grace, Grand Bank, Clarenville, Gander, Grand Fall-Windsor) and West/Labrador (Corner Brook, Stephenville, Wabush, and Happy Valley-Goose Bay). This will enable a better management of the program and personnel, provide needed direction, and deal with operational and disciplinary issues immediately as they emerge. While they have supervisory responsibilities, DS IIIs cannot be expected to deal with disciplinary matters, as they are members of the bargaining unit.

High Sheriff Position

Since 1993, all High Sheriffs' positions have been held by a lawyer. It should be noted that Newfoundland and Labrador has the only High Sheriff in the country. In accordance with the existing position description, the position of High Sheriff must be held by an individual with a competency in the discipline of law. While this skillset is valuable to the High Sheriff's role, it is not considered to be core to the performance of required duties, and is inconsistent with job competencies for similar positions across the country. I could not discern any reason for the position having to be a lawyer. Should there be a need for a legal opinion, this could be sought through the legal department within the Department of Justice, as is the practice with many other departments. Given the administrative nature and management challenges frequently encountered, it may be beneficial to amend the position description and associated required competencies to better reflect the daily job realities. This involves refocusing the job description to include a combination of core management competency and/or experience as a mandatory requirement. By doing so, the Sheriff's Office could benefit from an individual with an administrative management background as opposed to a legal background. This appears to be the direction other provinces in the country have adopted and follows industry standards. This could be implemented when future personnel changes occur in this position.

Training and Administration Position

During the completion of this review, a number of training and administration deficiencies were identified. From my review, it would appear that, for the most part except when new officers are hired, there is not a great deal of training taking place within the Sheriff's Officer program. While there is a definite need for a training resource, there may not be a fulltime requirement for this position. While recognizing that a number of training courses may require refreshers every few years, consideration should be given to contracting selected courses out to external sources where possible and practical. The training responsibilities in the current temporary position should be included in a broadened new management position which would include: training delivery and program development, department, policy development and updating, conducting security audits, completing formalized risk assessments, oversight of kit and clothing, and liaising with other law enforcement offices. This position would need to have the ability to manage personnel and to address disciplinary issues as needed. It should be noted that training intensity and frequency has been identified as one area for improvement.

II. Security and Risk Management

The Terms of Reference for the completion of this review included the completion of a comprehensive risk assessment and security audit of all court facilities throughout the province. This involved a combination of site visits and interviews with key staff and management personnel, along with a review of best practices across Canadian jurisdictions. The outcome of this review identified several areas for improving court safety and security, leading to recommendations for improving point of entry screening, security enhancements to address vulnerabilities, as well as the requirement for increased staffing where needed.

In the interest of security, specific details of the risk assessment and security audit cannot be released as part of this public report; however, the security audit and its accompanying recommendations have been submitted to government for consideration and action.

III. Industry Best Practices

During the process of conducting this review, research was conducted on the court security methods in numerous Canadian jurisdictions, namely Alberta, Saskatchewan, Nova Scotia and New Brunswick. In researching models of Sheriff services in Canada, it became apparent that no single model prevails. Details of discussions follow.

Atlantic Canada

There are very few differences within the Atlantic region in the delivery of court security services. One of the considerations that must be taken into account is that, while New Brunswick and Nova Scotia have greater populations, the unique and large geography of Newfoundland and Labrador creates additional challenges, including increased cost, in the delivery of comparable services.

New Brunswick

Sheriff's Officers in New Brunswick:

- serve a population of 750,000 with 120 officers at eight judicial districts and five satellite offices;
- report to 6 managers, each of which oversees operations at two physical offices; and
- are supported by separate call-in lists at all judicial centres (30 casual officers in total).

Within New Brunswick:

- the majority of locations are staffed by a minimum of five officers;
- the process for holding WASH court is similar to the NL practice;
- the Court Services Division falls under the Department of Justice; and
- the ADM of Court Services acts as Chief Sheriff, with daily operational oversight provided by the Director of Sheriff Services.

Nova Scotia

Sheriff's Officers in Nova Scotia:

- serve a population of 950,000 with over 200 frontline officers situated in 11 judicial centres and 25 court facilities;
- report to the Director of Sheriff Services, 15 supervisors (DSII equivalent), and 10 Managers who oversee daily operations;
- are supported by casual call-in lists;
- do not carry firearms, but do use pepper spray and handcuffs;
- wear bulletproof vests; and
- perform Bailiff duties, and are responsible for all prisoner transports.

Within Nova Scotia:

- all locations are staffed by a minimum of five officers;
- some satellite offices are staffed only when a judge is sitting;

- WASH court has been replaced with a Justice of the Peace program for fresh arrests on weekends and holidays;
- a risk management position has been created to identify security risks of persons appearing before a court; and
- Sheriff's Offices have their own lock-ups independent of Corrections.

WESTERN CANADA

Alberta

The Sheriff's Officers in Alberta:

- serve a population of 3.5 million with over 800 officers at 73 court facilities;
- are trained to carry firearms;
- receive 18-22 weeks of training consistent with that received by police;
- are responsible for court and perimeter security; and
- provide traffic enforcement and prisoner transport services.

Saskatchewan

Sheriff's Officers in Saskatchewan:

- serve a population of just over one million;
- are responsible for both court security and perimeter security;
- do not carry firearms; and
- do not manage in-custody prisoners (this duty rests with the RCMP).

Conclusion

The Office of the High Sheriff provides important services to the people of the province. The current organizational structure and management approach does not optimally support these functions. A better organized Sheriff's Office with an associated investment of resources will help transform the organization into a modern proactive program. This will benefit the citizens of the province who come in contact with the Office, and, equally important, will benefit the women and men who go to work with the Sheriff's Office every day. My findings are based on the research and interviews I conducted from June to September 2013. I believe the recommendations that follow will reposition the Sheriff's Office to more effectively and efficiently meet its mandate.

Recommendations

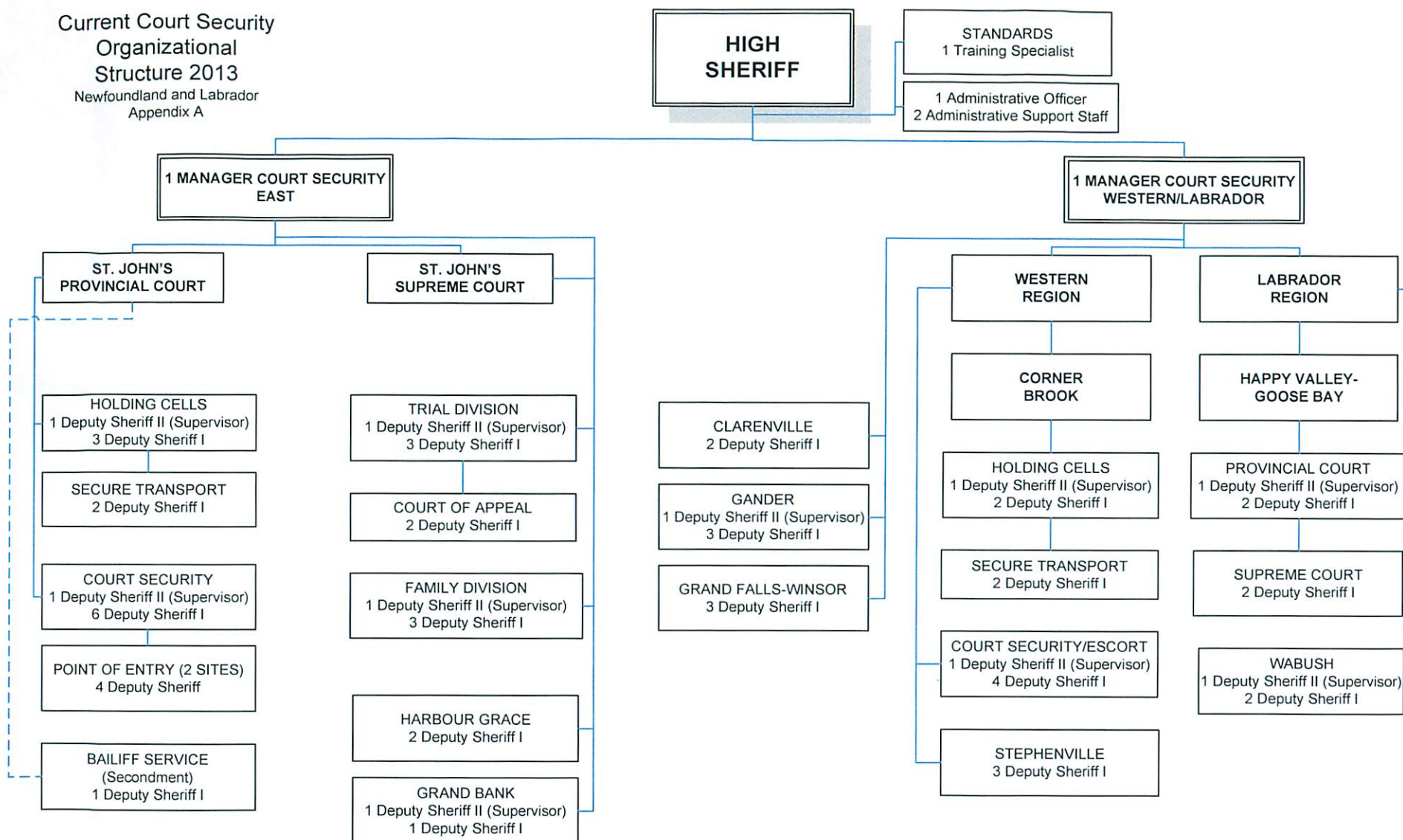
Based on the foregoing review, it is recommended that the following changes be implemented to address management issues, concerns and challenges under the Office of the High Sheriff:

1. Create a Court Security management position in Central to complement two existing positions in East and West/Labrador. Each manager would be responsible for daily oversight of operations within their respective zone.
2. Increase all remaining two-person Sheriff's units within the Province (i.e. Harbour Grace, Clarenville, Grand Bank) to units staffed by a minimum of three officers.
3. Amend the High Sheriff position requirements to require an administrative management skillset as opposed to the current legal requirements.
4. Ensure all Sheriff's Offices have a DSII supervisor, and amend the position requirements to include supervisory experience and/or training. Where this requirement is not met, introduce a requirement for the successful candidate to acquire this training within six months of being placed in the permanent position.
5. Phase in expanded Point of Entry (POE) screening to Supreme Court Family Division in St. John's, the Corner Brook Courthouse and St. John's Supreme Court, with priority consideration to Family Division.
6. Right-size the St. John's casual call-in list, and create smaller casual call-in lists for Grand Bank, Corner Brook and Happy Valley-Goose Bay.
7. Address security gaps identified by the risk assessment and security audit performed as part of this review.
8. Implement audio and/or video technology for accused appearances in weekend and statutory holiday (WASH) court.
9. Replace the requirement for Sheriff's Officers to routinely enforce dedicated parking spaces for St. John's Court of Appeal and Supreme Court Trial Division locations with more efficient enforcement means, such as improved signage and road markings. The Sheriff's Office would continue to provide security monitoring to arriving and exiting justices.
10. Streamline HMP/Lock-Up prisoner escorts in St. John's by ensuring HMP correctional staff transport prisoners in their custody directly to and from the holding cells in Atlantic Place.
11. Terminate current temporary training position and create a new management position with enhanced responsibility including security audits, risk assessments, staff training, development and deployment, uniform and equipment inventory, and liaising with other law enforcement agencies.

12. Reclassify Bailiff positions to the DSI level.
13. Reorganize shift schedules for Bailiffs to more effectively and efficiently address pressures related to service of documents outside regular working hours.
14. Discontinue use of personal vehicles by Bailiffs in St. John's, and purchase three appropriately equipped government vehicles for use in document serving and other functions required by Bailiffs.
15. Establish a part-time position to address records management issues and ensure the records office is effectively and efficiently maintained.
16. Build on the preliminary work on prison transport issues and establish a Senior Officials Prisoner Transport Committee to develop proposed models for an efficient prisoner transport strategy.

ANNEX A

Current Court Security
Organizational
Structure 2013
Newfoundland and Labrador
Appendix A



The breakdown of current personnel is as follows:

ST. JOHN'S

Office of the High Sheriff

High Sheriff
Administrative Officer
Two Clerk Typists III
One Manager Court Security, East
One Training Specialist
One DSI secondment to the Bailiff Services

Supreme Court, Court of Appeal

Two DSI positions

Supreme Court, Trial Division

One DSII Supervisor
Three DSI positions

Supreme Court, Family Division

One DSII Supervisor
Three DSI positions

Provincial Court:

Holding Cells

One DSII Supervisor
One DSI Camera monitor
Two DSI Escorts positions
Two DSI Secure Transport

Court Security

One DSII Supervisor
Six DSI Court security officer

Point of Entry (2 sites)

Four DSI screening officers

HARBOUR GRACE

Two DSI positions

GRAND BANK

One DSII
One DSI position

CLARENVILLE

Two DSI positions

GANDER

One DSII Supervisor

Three DSI positions

GRAND FALLS WINDSOR

Three DSI positions

CORNER BROOK

One Manager Court Security

Holding cells

One DSII Supervisor

Two DSI security positions

Two DSI Secure Transport

Court Security

One DSII Supervisor

Four DSI court security/escort positions

STEPHENVILLE

Three DSI positions (DSII supervision handled from Corner Brook)

HAPPY VALLEY/GOOSE BAY:**Provincial Court**

One DSII Supervisor

Two DSI positions

Supreme Court

Two DSI positions

WABUSH

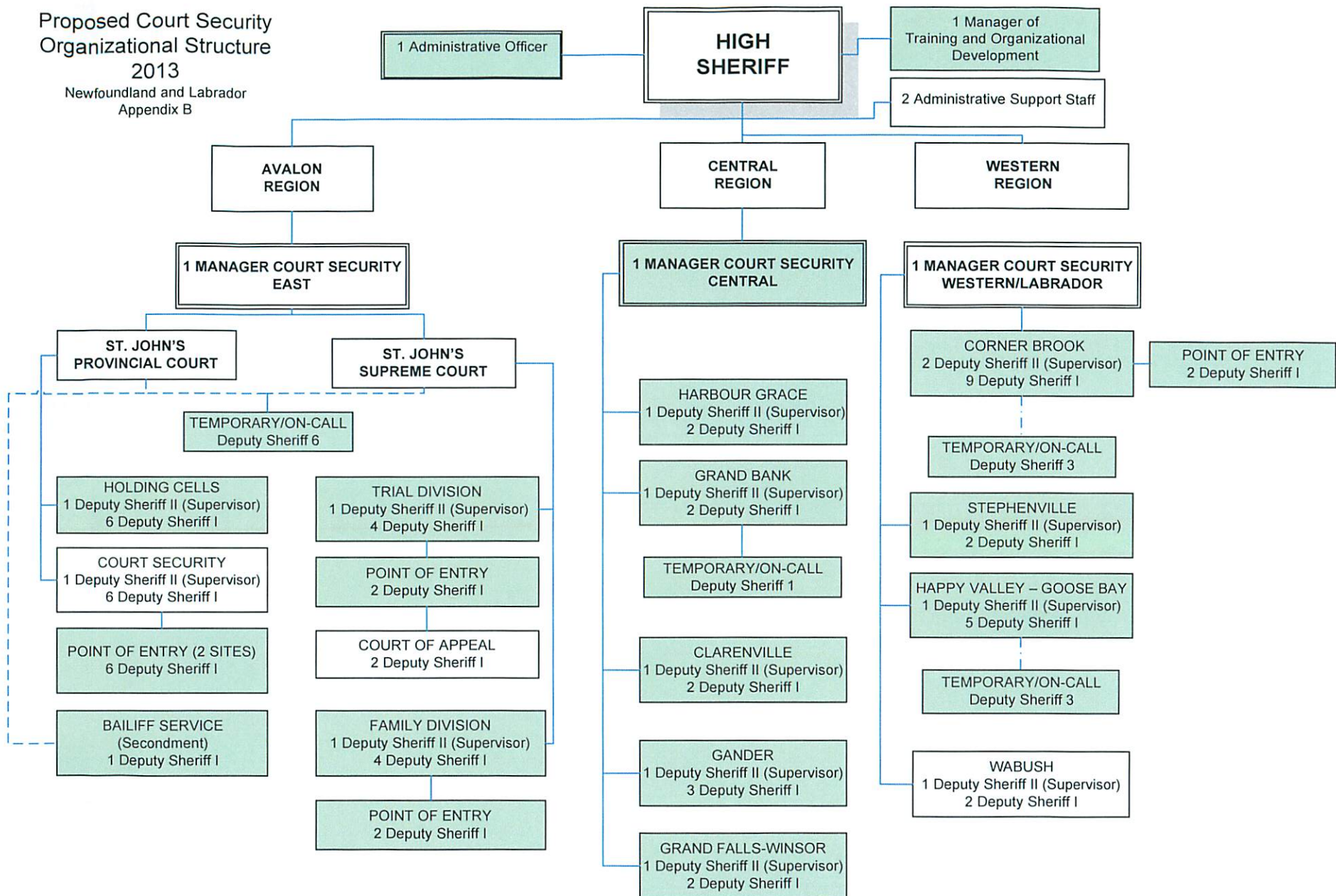
One DSII

Two DSI positions

ANNEX B

Proposed Court Security
Organizational Structure
2013

Newfoundland and Labrador
Appendix B



Annex B - Proposed Organizational Chart

AVALON REGION

ST. JOHN'S

Office of the High Sheriff

One High Sheriff

One Administrative Officer

Two Clerk Typists III

One Manager Court Security, East

One Manager of Training and Organizational Development

One DSI secondment to Bailiff Services

Supreme Court, Trial Division

One DSII Supervisor

Four DSI positions (DSI position, which could assist POE during peak periods)

Two DSI for Point of Entry

Supreme Court, Family Division

One DSII Supervisor

Four DSI positions (DSI position, which could assist POE during peak periods)

Two DSI for Point of Entry

Supreme Court, Court of Appeal

Two DSI positions

Provincial Court

Holding Cells

One DSII Supervisor

One DSI Camera monitor

Three DSI Escorts positions

Two DSI Secure Transport

Court Security

One DSII Supervisor

Six DSI Court security officers

Point of Entry (2 sites)

Six DSI screening officers

CENTRAL REGION

One Manager of Court Security

HARBOUR GRACE

One DSII Supervisor

Two DSI positions

GRAND BANK

One DSII

Two DSI positions

CLARENVILLE

One DSII Supervisor

Two DSI positions

GANDER

One DSII Supervisor

Three DSI positions

GRAND FALLS-WINDSOR

One DSII Supervisor

Two DSI positions

CORNER BROOK/LABRADOR (WEST)

One Manager of Court Security

Corner Brook Court

Holding cells

One DSII Supervisor

Two DSI security positions/escorts

Two DSI Secure Transport

Court Security

One DSII Supervisor

Five DSI court security/escort positions (DSI position, which could assist POE during peak periods)

STEPHENVILLE:

One DSII Supervisor

Two DSI positions

HAPPY VALLEY-GOOSE BAY:**Provincial Court**

One DSII Supervisor

Three DSI positions

Supreme Court
Two DSI positions

WABUSH
One DSII Supervisor
Two DSI positions