**WATERLOO REGIONAL
POLICE SERVICES
BOARD**

Subject: **Search of Persons 2023**

From: Office of the Chief of Police
Strategic Services Branch, Planning and Project Management Unit

To: The Chair and Members of the Waterloo Regional Police Services Board

Date: March 20th, 2024

Recommendation

For Information only.

Background

Following an internal audit conducted during 2020, correspondence and recommendations from the Office of the Independent Police Review Director (OIPRD), and subsequent policy and procedure updates, recommendations for improvements and compliance regarding search of persons procedural content and practices were endorsed (as per Board Report 2021-122). These recommendations include the commitment to reporting annually on search of persons.

A search of a person is standard when: i) an arrest is made, ii) grounds exist for safety reasons during an investigative detention, iii) it is authorized by common law or the statute related to the offence, or lastly, iv) if the person has given consent. As per the Search of Persons Procedure (2024-008-LE), "a member shall ensure a search is authorized by law, not contrary to the Canadian Charter of Rights and Freedom (the Charter), and conducted in the least intrusive manner possible while providing for the discovery of evidence, identification of the arrested person, tools to escape custody and anything that could cause injury." A search "must be reasonable and justified given the circumstances present at the time of arrest". As the level of intrusiveness of the non-consensual search increases, so does the justification.

Different types of searches are conducted by members to ensure that subject persons are not in possession of evidence, tools to escape custody, or any object that could cause injury to themselves or others, including officers (Table 1). Any search beyond a frisk search must be deemed reasonable and authorized by the officer in charge of a prisoner management facility or a patrol supervisor. Upon authorizing a search, the officer in charge shall sign the digital form and document in their notebook the level of

search and the justification. Each search is situational and evaluated. All circumstances are examined prior to authorizing a higher-level search. Consideration is given to: i) if the prisoner has a means and/or history of hiding drugs, weapons of opportunity, weapons, or other contraband, ii) if information is received to indicate their presence, iii) the nature of the offence(s), iv) the prisoner's past or present behavior regarding the safety of their person, other persons, or officer(s), v) whether it is necessary to seize evidence related to the offence, and vi) whether the search is lawfully justified based on the circumstances.

Table 1. Types of Searches

Search Type	Explanation*
Frisk Search	Patting down of the person, emptying and searching pockets, as well as the removal or rearrangement of clothing that does not expose a person's undergarments or area of the body that are normally covered by undergarments. May include checking their personal possessions. For safety reasons, all persons under arrest are frisk searched prior to being placed in a Service vehicle.
Intake Search	More comprehensive than a frisk search and done in a more controlled environment, sometimes with the use of a wand and the opportunity for the person to indicate what items the wand may have detected. At minimum, all persons under arrest shall be intake searched upon being brought into a Service facility and prior to being placed in a cell.
Strip Search Level 1	Person removes their own clothing, one piece of clothing at a time, down to the undergarments, and members inspect the article of clothing in a methodical manner. The person is allowed to replace each article of clothing immediately after inspection, unless doing so would compromise the safety or integrity of the search.
Strip Search Level 2	Person removes their own clothing, one piece of clothing at a time, including the undergarments, and members inspect the article of clothing in a methodical manner. The person is allowed to replace each article of clothing immediately after inspection, unless doing so would compromise the safety or integrity of the search.

* Paraphrased from Chief's Procedure Search of Persons (2024-008-LE). Special consideration is given to religious/ceremonial items, gender identity, and other accommodations as needed.

Procedure also dictates how to document searches of persons. Members currently detail all aspects of the search manually in their notebook. The authorized officer in charge or patrol supervisor also enters all aspects of the search into a standalone electronic Custody Person Search application. In 2023, WRPS launched a phased approach to having all search of persons in custody entered into the Niche RMS system. The process was launched at the custodial facility located at WRPS's Central Division.

This report is based on a 12-month dataset (January 1 to December 31, 2023) of searches of persons conducted within police custody facilities, including descriptive statistics on type(s) of search(es), location, approval, and demographics of individuals searched such as gender, perceived race, and repeated contacts. Data was pulled from two sources: The Search of Persons electronic application and the Niche RMS Custody Module. Many of the fields in both data sources are the same, allowing for easy consolidation of data for analytic purposes.

A limitation was identified when merging data across the different entry methods. While the same information was collected in both, some electronic fields in the Search of Persons app are free-form text which creates data inconsistency and the potential for human error, which limits the analysis of reason(s) why a person is in custody, search justification(s), and search results. Thus, the analysis below focused on information that was entered in a standardized manner across the different entry methods.

Report

In 2023, there were 372,165 CAD occurrences, 15,421 arrests, and 4,243 searches of persons in custody. Interestingly, the number of arrests has increased by 5% in comparison to 2022, but the number of Searches has decreased slightly (by ~4%, in comparison to 2022). The most frequent type of search was an Intake Search (80% of all searches in custody, Table 2). Combined, 655 Strip Searches (both Level 1 and Level 2) were conducted, making up 15% of all searches in custody and occurring in about 0.002% of all police occurrences in 2023. Due to this relatively small number, when conducting disaggregate analysis the proportional numbers will fluctuate over time for reasons which defy systematic explanation and/or may be attributable to the variability of situations encountered during a specified reporting period.

The vast majority of persons (98%) received one type of search when brought into custody.[1] All searches beyond a frisk search were authorized as per procedure and justifications were provided (100% of the time). Less than 4% of the searches returned contraband items. This is a 67% increase in the number of searches where items were found as compared to 2022. Items were most often recovered in Intake Searches, followed by Strip Search Level 2. Of the 655 Strip searches conducted, 60 (9%) returned items. The most common items found were Drugs or drug paraphernalia (43, [5%]) of all Strip Searches.

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[1] 111 Searches of Persons (3%) were progressive with more than one type of search conducted. In these cases, the most comprehensive type of search is represented in search type counts.

Table 2: Frequency Statistics for Search of Persons in Custody

	2022		2023	
	Frequency (%)	Items found (% of type of search)[†]	Frequency (%)	Items found (% of type of search)[†]
Unknown*	2 (< 1%)		34 (1%)	
Frisk	289 (7%)	4 (1%)	163 (4%)	8 (5%)
Intake	3416 (77%)	36 (1%)	3391 (80%)	92 (3%)
Strip Search Level 1	210 (5%)	11 (5%)	186 (4%)	13 (7%)
Strip Search Level 2	496 (11%)	47 (9%)	469 (11%)	47 (10%)
Total	**4413**	**98 (2%)**	**4243**	**160 (4%)**

*Type of search not recorded.
† Percentages were calculated by dividing the number of items found by the number of searches conducted for that search type.

Most searches of persons took place at Central Division which houses the Regional Prisoner Management facility (Table 3). Starting in April of this year, all new arrests will be taken to Central Division, limiting the searches conducted at North and South division.

Table 3: Search of Person by Location

Location	2022	2023
	Frequency (%)	Frequency (%)
Central	3664 (83%)	3514 (83%)
North	258 (6%)	223 (5%)
South	245 (6%)	221 (5%)
Courts	242 (5%)	274 (6%)
Other	4 (< 1%)	9 (< 1%)
Unknown		2 (< 1%)
Total	**4413**	**4243**

Repeated Contacts

In 2023, 439 individuals were taken into custody more than once. We refer to these individuals as having "repeated contacts" within Search of Persons data. These 439 individuals accounted for about 27% of all searches in custody (see Table 4).

Of the 655 strip searches conducted, 35% involved individuals who had a previous search conducted in 2023 (including individuals who had a previous strip search).

Table 4: Frequency of search types for repeated contacts, 2023

	Frequency (%)	Percentage of Total Searches*
Unknown*	4 (< 1%)	12%
Frisk	18 (2%)	5%
Intake	880 (78%)	26%
Strip Search Level 1	51 (4%)	27%
Strip Search Level 2	181 (16%)	39%
Total	**1134**	**27%**

*Calculated by dividing the number of searches for each search type conducted on repeat contacts by the total number of searches for that search type.

Person Characteristics

In accordance with procedure 2024-008-LE, Ontario's Anti-Racism Act (2017), the Data Standards for the Identification and Monitoring of Systemic Racism (Data Standards), and Waterloo Regional Police Service's (WRPS) Race-Based Data Collection Strategy (RBDCS), person characteristics (age, gender, perceived race) of persons searched in custody have been examined the purpose of identifying, monitoring, and addressing systemic bias.

Minimum requirements under the Data Standards specify the use of local resident population benchmarks to identify disproportionate impacts across public sector organizations. A resident population benchmark represents the cumulative impacts of various systems, institutions, and societal dynamics that contribute to the over-representation of specific groups in particular policing outcomes. While policing contributes to this number, it is not the sole driver of observed disproportions (Foster & Jacobs, 2023). Disproportion analysis asks the question: "Is there equal representation of individuals within police data based on what would be expected from local resident population demographics?"

The answer to this question is: No. When benchmarked against resident population demographics police interactions disproportionately overrepresent people based on race, gender, and age. This has been repeatedly documented across the policing sector and WRPS is no exception.

A major limitation to resident population benchmarking is that this comparison provides little insight into the disparities that occur at decision making points within a police interaction that may drive observed disproportions. In order to better uncover and understand the police-specific drivers of disproportionate representation, WRPS's race-

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Foster, L. & Jacobs, L. (2023). A guide for creating benchmarks for racial disparities: What should be considered in benchmarks at a medium/advanced level. February, unpublished.

based analytic framework has been extended to focus on enforcement-action benchmarking.

WRPS's enforcement-action benchmarking strategy will use police service incident benchmarks and enforcement-action benchmarks (where available) to drill into the system-level factors (police practices, policies and procedures) that may contribute to disparate outcomes. By examining multiple contextual pieces, we are able to ask: "Given similar circumstances, do we see similar outcomes for racialized individuals and White individuals"? This is achieved by comparing the proportion of individuals within groups to an appropriate reference group within similar police-relevant contexts. An analytic framework that prioritizes enforcement-action benchmarking analyses is better positioned to identify police-specific drivers underlying representation for the purpose of informing solutions that are designed to reduce systemic inequities (Foster & Jacobs, 2023). WRPS' analytic strategy aligns with a Human Rights approach and is supported by the RBDCS academic partners (Dr. Lorne Foster and Dr. Les Jacobs).

When interpreting benchmark ratios, values greater than 1 indicate overrepresentation. A cut-off of $\geq$ 1.5 were selected to identify concerning overrepresentation, (Lamberth, 1996; Police Foundation, 2003; Withrow et al., 2008).

Age

Because age and birth date characteristics were not recorded in the Search of Persons electronic application, the analyses focused only on the searches conducted in Central Division and entered into the Niche Custody Module (2,258 searches, accounting for 53% of all searches conducted in 2023). The 199 searches conducted on Young Persons are presented in Table 9.

When comparing to the local resident population, we see that individuals aged 18-44 were overrepresented in Searches (ratios range from 1.78 to 2.21). Additionally, individuals aged 12-17, and individuals older than 55, were underrepresented in Searches as compared to the local resident population (ratios all below 0.50).

Enforcement Action Benchmarking. Searches were not equally distributed across the age groups, X^2 (5) = 1394.16, p < .001. Equal representation across age would be reflected by having around 14% of Searches (~323 Searches) for each age group. Instead, 25-44 year-olds were overrepresented.

Lamberth, J. (1996). *A report to the ACLU.* New York: America Civil Liberties Union.
Police Foundation (2003). *A multijurisdictional assessment of traffic enforcement data collection in Kanas.* Washington, DC: Author.
Withrow, B. L., Dailey, J. D., & Jackson, H. (2008). The utility of an internal benchmarking strategy in racial profiling surveillance. *Justice Research and Policy*, *10*(2), 19-47.

Table 5: Searches Conducted Separated by Age[4].

	Age							Total
	12-17*	18-24	25-34	35-44	45-54	55-64	65+	
Frequency	101	296	765	617	309	132	38	**2258**
Percentage	4%	13%	34%	27%	14%	6%	2%	**100%**
Population	12%	7.3%	15.4%	13.6%	12.6%	12.4%	15.6%	
Disproportion ratio	0.33	1.78	2.21	1.99	1.11	0.48	0.29	

*Statistics Canada age categories range 10-19 therefore population for 12-17-year-olds is likely to be overestimated and for 18-24 is likely to be underestimated.

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[4] This data only includes Searches conducted in Central Division where data was inputted via the Custody Search Report in the Niche Custody Module. Data from the Search of Persons app was not included. 194 Custody Search Report forms were missing Age data.

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Gender

Gender identity was collected through self-report for all Searches of persons. Self-reported gender was missing for 50 cases. Thirteen searches were conducted on transgender or intersex individuals (0.3% of all searches conducted).

Of the remaining 4,180 searches conducted in 2023, 3,324 (79.5%) were on men and 856 (20.5%) were on women (Table 6). When compared to the local resident population, males were overrepresented in searches of persons in custody (ratio = 1.60), while females were not (ratio = 0.41).

Using our enforcement-action benchmarking strategy, we compared the proportion of women to men at each of the search levels, only one ratio exceeded the critical cut-off. Strip Search Level 2 were more frequently conducted on women as compared to men (benchmark ratio = 2.75).

Table 6: Type of Search by Gender

Type of Search	Female			Male			Benchmark Ratio ($\%_F$ / $\%_M$)
	Count (C_F)	% Females ($\%_F$)	% Total ($\%_{FT}$)	Count (C_M)	% Males ($\%_M$)	% Total ($\%_{MT}$)	
Unknown	5	< 1%	< 1%	20	< 1%	< 1%	0.97
Frisk	25	3%	0.6%	138	4%	3.3%	0.75
Intake	602	70%	14.4%	2763	83%	66.1%	0.84
Strip Search Level 1	33	4%	0.8%	147	4%	3.5%	1.00
Strip Search Level 2	190	22%	4.5%	256	8%	6.1%	2.75
Total	**856**	**100%**	**20.5%**	**3324**	**100%**	**79.5%**	
Population			**50.2%**			**49.8%**	
Disproportion			**0.41**			**1.60**	

Race

Perceived race was indicated by the member completing the search, as outlined by the Data Standards. In 2023, 70% of all searches were conducted on individuals perceived to be White (Table 7a). When comparing to the local resident population, we see that Black (ratio = 2.61) and Middle Eastern (ratio = 2.44) individuals were overrepresented in Searches as compared to the local resident population.

Table 7a. Frequency of Type of Search by Perceived Race

Type of Search	Black	East/Southeast Asian	Indigenous	Latino	Middle Eastern	South Asian	White
Frisk	20	6	3	6	16	11	101
Intake	437	144	39	99	260	101	2301
Strip Search Level 1	21	6	2	4	11	3	137
Strip Search Level 2	37	11	6	5	20	5	378
Total	**515 (12%)**	**167 (4%)**	**50 (1%)**	**114 (3%)**	**307 (7%)**	**120 (3%)**	**2917 (70%)**
Population	4.7%	6.8%	1.7%	2.2%	3.0%	9.7%	72.0%
Disproportion Ratio	2.61	0.59	0.70	1.24	2.44	0.30	0.97

Enforcement-action benchmarking is one tool to better understand the potential drivers of this observed disproportion. Due to issues related to small numbers, this analysis focuses on Black and Middle Eastern individuals, as compared to White individuals for each type of search (Table 7b and Table 7c). Benchmark ratios indicate that Middle Eastern individuals are overrepresented in Frisk searches, as compared to White individuals. Additionally, we see that Strip Search Level 2 were more likely to be conducted on White individuals.

Table 7b. Percentages for Type of Search by Selected Perceived Race Categories

Type of Search	Black		Middle Eastern		White	
	% Black (%$_B$)	% Total (%$_{BT}$)	% Middle Eastern (%$_{ME}$)	% Total (%$_{MET}$)	% White (%$_W$)	% Total (%$_{WT}$)
Frisk	4%	0.5%	5%	0.3%	3%	2.4%
Intake	85%	10.4%	85%	6%	79%	54.9%
Strip Search Level 1	4%	0.5%	4%	0.3%	5%	3.3%
Strip Search Level 2	7%	0.8%	6%	0.5%	13%	9.0%
Total	**100%**	**12.2%**	**100%**	**7.1%**	**100%**	**69.6%**

Table 7c. Benchmark Ratios for Type of Search by Selected Perceived Race Categories

Type of Search	Black (%$_B$ / %$_W$)	Middle Eastern (%$_{ME}$ / %$_W$)
Frisk	1.33	1.67
Intake	1.08	1.08
Strip Search Level 1	0.80	0.80
Strip Search Level 2	0.54	0.46

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Intersectional Analysis

Table 8 presents the intersection of gender and perceived race by search type. In 2023, around 44% of all searches conducted were intake searches performed on White males.

Enforcement-action benchmarking revealed overrepresentation. Within searches conducted on males, we see that Indigenous, Latino, Middle Eastern, and South Asian individuals are overrepresented in Frisk searches. South Asian females are also overrepresented in Frisk searches when compared to White females. We also see that most racialized groups are underrepresented in Strip Search Level 2, when compared to White counterparts.

Table 8. Frequency of Type of Search by Perceived Race and Gender

Type of Search	Black	East/South-east Asian	Indigenous	Latino	Middle Eastern	South Asian	White	Total
Female								
Frisk	1 (1%)	1 (4%)			1 (4%)	2 (18%)	20 (3%)	**25**
Intake	64 (96%)	23 (88%)	25 (81%)	19 (100%)	24 (92%)	8 (73%)	435 (77%)	**598**
Strip Search Level 1	1 (%)	1 (4%)	2 (6%)				29 (5%)	**33**
Strip Search Level 2	1 (%)	1 (4%)	4 (13%)		1 (4%)	1 (9%)	84 (15%)	**92**
Total	**67**	**26**	**31**	**19**	**26**	**11**	**568**	**748**
Male								
Frisk	19 (4%)	5 (4%)	3 (16%)	6 (6%)	15 (5%)	9 (8%)	81 (3%)	**138**
Intake	372 (83%)	120 (87%)	14 (74%)	78 (84%)	236 (85%)	93 (86%)	1848 (80%)	**2761**
Strip Search Level 1	19 (4%)	5 (4%)		4 (4%)	11 (4%)	3 (3%)	107 (5%)	**149**
Strip Search Level 2	36 (8%)	8 (5%)	2 (10%)	5 (5%)	17 (6%)	3 (3%)	282 (12%)	**353**
Total	**446**	**138**	**19**	**93**	**279**	**108**	**2318**	**3401**

Note: 50 searches were missing gender information and are not included in the table. As a result, the totals for each race group will not match Table 7a. Percentages calculated within race and gender. Some percentages may not add to 100% due to rounding error.

Table 9 presents the racial composition of Young Persons in all searches conducted in 2023 (196), for information entered into both the Search of Persons app and the Niche RMS Custody Module. Black (8% of all searchers conducted on Black individuals) and Middle Eastern (9%) Young Persons proportionally account for more searches for their racial group as compared to White Young Persons (4% of all searches).

Table 9. Frequency of Type of Search involving Young Persons, by Perceived Race

| Type of Search | Young Persons | | | Adults | | | |
	Count (C_Y)	% Young Persons (%$_Y$)	% Within Race Group (%$_{YR}$)	Count (C_A)	% Adults (%$_A$)	% Within Race Group (%$_{AR}$)	Disparity (%$_{YR}$ / %$_{YR-White}$)
Black	41	21%	8%	455	12%	92%	2.00
East/Southeast Asian	1	1%	1%	161	4%	99%	0.25
Indigenous	0	0		48	1%	100%	
Latino	3	2%	3%	103	3%	97%	0.75
Middle Eastern	28	14%	9%	274	7%	91%	2.25
South Asian	3	2%	3%	114	3%	97%	0.75
White	123	62%	4%	2659	70%	96%	
Total	**199**	**100%**	**5%**	**3814**	**100%**	**95%**	

Note: There were 177 searches without age information, so the sums for each race group will not match Table 7a. Percentages within race group were calculated based on data in this table, not table 7a.

Rationale for Search

Data entered in open-text fields (Search of Persons electronic app) was not included in the analyses. Table 10 presents information related to the 2,258 searches entered into the Niche RMS Custody Module. Searches were most frequently conducted to ensure individuals did not bring items that could cause injury or tools for escape into secure facilities (see Table 10). Rationales did not differ by perceived race group.

Table 10. Rationale for Search by Perceived Race, 2023

Rationale for Search	Black	East/Southeast Asian	Indigenous	Latino	Middle Eastern	South Asian	White	Total
Evidence	58 (9%)	21 (11%)	3 (6%)	10 (7%)	34 (10%)	9 (7%)	321 (9%)	456
Tools for Escape	214 (34%)	60 (31%)	20 (39%)	52 (37%)	128 (36%)	34 (27%)	1153 (33%)	1661
Items that can cause injury	252 (40%)	77 (40%)	25 (49%)	57 (41%)	144 (40%)	50 (39%)	1397 (40%)	2002
Safety	29 (5%)	10 (5%)		4 (3%)	16 (4%)	6 (5%)	168 (5%)	233
Weapons	72 (12%)	24 (13%)	3 (6%)	16 (12%)	34 (10%)	28 (22%)	443 (13%)	620
Total	**625**	**192**	**51**	**139**	**356**	**127**	**3482**	**4972**

Note: Members can provide multiple objects of search, so the total will sum to more than 4,243. Percentages are calculated within race groups. Percentages may not add to 100% due to rounding error. This table only includes data from the Niche RMS Custody Module.

Conclusions and Future Directions

In summary, while occurrences and arrests increased in 2023 relative to 2022, the number of Searches of Persons conducted decreased slightly. Intake searches remain the most common search type used. Searches of Persons were most frequently conducted to ensure that items that could cause injury or be used as tools for escape did not enter into secure facilities. Dangerous items were returned in 4% of the searches conducted in 2023.

Disaggregate analysis revealed the following:
- Overall men were overrepresented in searches, but women were overrepresented in Strip Search Level 2

- Regardless of gender, less comprehensive searches (frisk, intake) were more likely to be conducted on racialized individuals, but more comprehensive searches (Strip Search Level 1 and 2) were more likely to be conducted on white individuals
- Searches of Young Persons proportionately accounted for more searches conducted on Black and Middle Eastern individuals, in comparison to White individuals.

In collaboration with the community, future work will drill down to better understand why we observed these patterns, with the purpose of addressing systemic issues where they exist. The Service-wide expansion of the Niche RMS Custody Module in 2024 will improve data quality and support more fulsome data analysis.

Quantitative data is but one indicator of a fuller picture. Under the framework of the RBDCS, community and Service members will be brought together so that WRPS can improve our understanding of the impacts of Search of Persons, with the goal of identifying potential recommended practice and targeting problem areas. WRPS will continue to work towards better identifying and addressing the systemic issues that drive patterns in police data.

Strategic Business Plan

This report aligns with the following objectives of WRPS's 2024-2027 Strategic Business Plan, with respect to:

Our commitment to safety of individuals, and our continued dedication to deliver exceptional services that meet local community needs. Additionally, the data collected for this report will help support our goal to Base actions on evidence.

This report also reflects our commitment to communicate and engage with our community.

Financial and/or Risk Implications

The advancement of the Niche RMS Custody module has allowed for more fulsome data collection. The Niche RMS Custody module will require ongoing resources to maintain processes and ensure training of civilian and sworn members within a Data Governance framework. Any impacts to FTEs will be managed from within the existing allocation.

Attachments:

WRPS Search of Persons in Custody – 2023 Annual Presentation.

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