

Search of Persons in Custody – Annual Report



TO:

The Waterloo Regional
Police Service Board

FROM:

Strategic Services
Branch, Planning and
Project Management
Unit

DATE:

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Recommendation

For information only.

Summary

Following an internal audit conducted during 2020, correspondence and recommendations from the Office of the Independent Police Review Director¹ (OIPRD), and subsequent policy and procedure updates, Waterloo Regional Police Service (WRPS) is committed to reporting annually on search of persons in custody.

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

¹ As of the introduction of the Community Safety & Policing Act, the OIPRD has been renamed to the Law Enforcement Complaints Agency (LECA).

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 areas 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. 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. In 2024, all Search of Persons data was inputted using the Niche Custody Module, improving data quality and allowing for more fulsome analysis.

This report is based on a 12-month dataset (January 1 to December 31, 2024) 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.

Report

In 2024, there were 347,110 CAD occurrences, 15,516 arrests, and 4,252 Searches of Persons in custody. Both the number of arrests and the number of Searches of Persons in custody have remained relatively stable from last year (see Table 2). The most frequent type of search was an Intake Search (84% of all searches in custody, Table 2). Combined, 544 Strip Searches (both Level 1 and Level 2) were conducted, making up 13% of all searches in custody and occurring in about 0.2% of all police occurrences in 2024. 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 the reporting period.

The vast majority of persons (98%) received one type of search when brought into custody.² 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, consistent with 2023. The majority of items were recovered in Intake searches, however, Strip Search Level 2s were most likely to return an item. Of the 544 Strip Searches conducted, 57 (10%) returned items. The most common items found during Strip Searches were Drugs or drug paraphernalia.

Table 2: Frequency Statistics for Search of Persons in Custody

	2023		2024	
	Frequency (%)	Items found (% of type of search) [†]	Frequency (%)	Items found (% of type of search) [†]
Unknown*	34 (1%)		100 (2%)	
Frisk	163 (4%)	8 (5%)	23 (<1%)	1 (4%)
Intake	3391 (80%)	92 (3%)	3585 (84%)	101 (3%)
Strip Search Level 1	186 (4%)	13 (7%)	126 (3%)	13 (10%)
Strip Search Level 2	469 (11%)	47 (10%)	418 (10%)	44 (11%)
Total	4243	160 (4%)	4252	159 (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.

² 69 Searches of Persons (2%) 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.

As of April 2024, all persons are held in custody at Central Division or Courts facilities. Therefore, the number of searches at North and South divisions have decreased (see Table 3).

Table 3: Search of Person by Location

Location	2023	2024
	Frequency (%)	Frequency (%)
Central	3514 (83%)	4058 (95%)
North	223 (5%)	8 (< 1%)
South	221 (5%)	13 (< 1%)
Courts	274 (6%)	166 (4%)
Other	9 (< 1%)	2 (< 1%)
Unknown	2 (< 1%)	5 (< 1%)
Total	4243	4252

Repeated Contacts

In 2024, 602 individuals were taken into custody more than once. We refer to these individuals as having “repeated contacts” within Search of Persons data. These 602 individuals were involved in a total of 1519 searches, accounting for about 36% of all searches in custody (this is a jump from last year, where repeated contacts made up 27% of all searches; see Table 4).

Of the strip searches conducted in 2024, 45% (245 of 544 total Strip Searches across Level 1 and Level 2) involved individuals with repeat contacts (including previous strip searches). Again, this is an increase from 2023, where repeated contacts made up 35% of all Strip Searches. Repeated contacts were more likely to receive a Strip Search Level 2 compared to non-repeat contacts.

Table 4: Frequency of search types for repeated contacts, 2024

	Frequency (%)	Percentage of Total Search Type*
Unknown*		
Frisk	7 (< 1%)	4%
Intake	1255 (83%)	37%
Strip Search Level 1	48 (3%)	38%
Strip Search Level 2	197 (13%)	47%
Total	1519	36%

*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, 2018), and Waterloo Regional Police Service's (WRPS) Race-Based Data Collection Strategy (RBDCS), person characteristics (age, gender, perceived race) 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 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-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).

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.

Lamberth, J. (1996). *A report to the ACLU*. New York: America Civil Liberties Union.

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

Age

Table 5 depicts the frequency of searches conducted separated by age. For 121 Searches, there was no age or birth information, so those were removed from the analysis. The 178 searches conducted on Young Persons, where perceived race data was captured, 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 1.92 to 2.14). Additionally, individuals aged 12-17, and individuals older than 55, were underrepresented in Searches as compared to the local resident population (ratios all below 0.51).

Enforcement Action Benchmarking. Searches were not equally distributed across the age groups, $X^2(6) = 2479.4$, $p < .001$. Equal representation across ages would be reflected by having around 14% of Searches (~590 Searches) for each age group. Instead, 25-44 year-olds were overrepresented.

Table 5: Searches Conducted Separated by Age.

	Age							Total
	12-17*	18-24	25-34	35-44	45-54	55-64	65+	
Frequency	228	571	1360	1157	533	215	67	4131
Percentage	6%	14%	33%	28%	13%	5%	1%	100%
Population	12%	7.3%	15.4%	13.6%	12.6%	12.4%	15.6%	
Disproportion ratio	0.50	1.92	2.14	2.06	1.03	0.40	0.06	

*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.

Gender

Gender identity was collected through self-report for all Searches of Persons. Self-reported gender was missing for 102 cases. Ten searches were conducted on transgender or intersex individuals (0.2% of all searches conducted).

Of the remaining 4,141 searches conducted in 2024, 3,393 (82%) were on men and 748 (18%) were on women (Table 6). When compared to the local resident population,

Police Foundation (2003). *A multijurisdictional assessment of traffic enforcement data collection in Kansas*. 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.

males were overrepresented in Searches of Persons in custody (ratio = 1.64), while females were not (ratio = 0.36).

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. In 2023, Strip Search Level 2 were more frequently conducted on women as compared to men (benchmark ratio = 2.75). In 2024, the only ratio that exceeded the critical cut-off was Frisk searches (benchmark ratio = 1.60), where women were overrepresented, although this represents 6 searches. Women were overrepresented in Strip Search Level 1, but not above the critical cut-off.

Table 6: Type of Search by Gender

	Female			Male			
Type of Search	Count (C _F)	% Females (% _F)	% Total (% _{FT})	Count (C _M)	% Males (% _M)	% Total (% _{MT})	Benchmark Ratio (% _F / % _M)
Unknown				1	< 1%	< 1%	
Frisk	6	0.8%		16	0.5%		1.60
Intake	625	83.6%		2951	87.0%		0.96
Strip Search Level 1	26	3.5%		100	2.9%		1.21
Strip Search Level 2	91	9.6%		325	12.2%		0.79
Total	748	100%	18.1%	3393	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 90 searches, perceived race data was not provided and these were removed from relevant analyses. In 2024, searches were most frequently conducted on individuals perceived to be White (67%, Table 7a). When comparing to the local resident population, Black (ratio = 2.98) and Middle Eastern (ratio = 2.67) individuals were overrepresented 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	2	1		1	5		14
Intake	511	165	35	113	319	115	2326
Strip Search Level 1	18	3	2	1	5	5	92
Strip Search Level 2	39	14	1	4	17	11	332
Total	570 (14%)	183 (4%)	38 (1%)	119 (3%)	346 (8%)	131 (3%)	2764 (67%)
Population	4.7%	6.8%	1.7%	2.2%	3.0%	9.7%	72.0%
Disproportion Ratio	2.98	0.59	0.59	1.36	2.67	0.31	0.93

Enforcement-action benchmarking is one tool to better understand the potential drivers of 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 (ratio = 2.85). 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

	Black		Middle Eastern		White	
Type of Search	% Black (%_B)	% Total (%_{BT})	% Middle Eastern (%_{ME})	% Total (%_{MET})	% White (%_w)	% Total (%_{wT})
Frisk	0.3%	< 0.1%	1.4%	0.1%	0.5%	0.3%
Intake	89.6%	12.3%	92.2%	7.7%	84.2%	56.0%
Strip Search Level 1	3.2%	0.4%	1.4%	0.1%	3.3%	2.2%
Strip Search Level 2	6.8%	1.0%	4.9%	0.4%	12.0%	8.0%
Total	100%	13.7%	100%	8.3%	100%	66.5%

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

	Black (%_B / %_w)	Middle Eastern (%_{ME} / %_w)
Type of Search		
Frisk	0.69	2.85
Intake	1.07	1.10
Strip Search Level 1	0.95	0.43
Strip Search Level 2	0.56	0.41

Intersectional Analysis

Table 8 presents the intersection of gender and perceived race by search type. In 2024, consistent with 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 Middle Eastern individuals are overrepresented in Frisk searches (ratio = 2.12). Within searches conducted on females, we see that Middle Eastern women are overrepresented in Frisk searches (ratio = 8.03), and Indigenous women are overrepresented in Strip Search Level 1 (ratio = 2.13). The latter two ratios should be interpreted with caution, as they only represent two and one searches respectively.

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					2 (5.7%)		4 (0.7%)	6
Intake	66 (90.4%)	25 (89.3%)	10 (83.3%)	17 (89.5%)	31 (88.6%)	16 (84.2%)	460 (81.9%)	625
Strip Search Level 1	1 (1.4%)	1 (3.6%)	1 (8.3%)			1 (5.3%)	22 (3.9%)	26
Strip Search Level 2	6 (8.2%)	2 (7.1%)	1 (8.3%)	2 (10.5%)	2 (5.7%)	2 (10.5%)	76 (13.5%)	91
Total	73	28	12	19	35	19	562	748
Male								
Frisk	1 (0.2%)	1 (0.6%)		1 (1%)	3 (1%)		10 (0.5%)	16
Intake	443 (89.7%)	140 (90.3%)	24 (96%)	96 (96%)	288 (92.6%)	99 (88.4%)	1860 (85.8%)	2950
Strip Search Level 1	17 (3.4%)	2 (1.3%)	1 (4%)	1 (1%)	5 (1.6%)	4 (3.6%)	70 (3.2%)	100
Strip Search Level 2	33 (6.7%)	12 (7.7%)		2 (2%)	15 (4.8%)	9 (8%)	254 (11.6%)	325
Total	494	155	25	100	311	112	2194	3391

Note: 102 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 2024 (178). Black and Middle Eastern Young Persons were overrepresented and proportionally contributed to more searches for the racialized group as compared to Young White persons.

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

Type of Search	Young Persons			Adults			Disparity (%YR / %YR-White)
	Count (C _Y)	% Young Persons (% _Y)	% Within Race Group (% _{YR})	Count (C _A)	% Adults (% _A)	% Within Race Group (% _{AR})	
Black	53	30%	12%	385	12%	88%	3.00
East/Southeast Asian	4	2%	2%	158	5%	98%	0.5
Indigenous	0	0		30	1%	100%	
Latino				98	3%	100%	
Middle Eastern	22	12%	7%	272	9%	93%	1.75
South Asian	2	1%	2%	115	4%	98%	0.25
White	97	55%	4%	2088	66%	96%	
Total	178	100%	5%	3146	100%	95%	

Note: There were 121 searches without age information and 90 searches without perceived race data. As such, the sums for each age and race group will not match Table 5 or Table 7a, respectively. Percentages within race group were calculated based on data in this table, not table 7a.

Repeated Contacts by Perceived Race

Enforcement action benchmarking revealed overrepresentation for persons with repeat contact (Table 4 and 10). Note that a single individual could be perceived as belonging different racialized groups (e.g., an individual with 5 recontacts was perceived as East/Southeast Asian twice and South Asian three times), making it possible that the same individual may be counted multiple times in the table (e.g., once under East/Southeast Asian with two searches, once under South Asian with three searches). As such, the numbers will sum to greater than 602. Repeat contact individuals perceived as Indigenous were overrepresented (ratio = 1.71).

Table 10. Repeated Contacts by Perceived Race Group

	# of Searches with Repeated Contacts	# of Repeated Contacts (individuals)	# of Individuals Total	% Repeated Contact Individuals*	Benchmark Ratio
Black	217	94	442	21.2%	1.02
East/Southeast Asian	44	31	167	18.6%	0.90
Indigenous	15	11	31	35.4%	1.71
Latino	32	20	104	19.2%	0.93
Middle Eastern	118	61	293	20.8%	1.00
South Asian	40	35	125	28%	1.35
White	1046	440	2129	20.7%	

* Calculated by dividing the number of repeated contacts (individuals) by the number of individuals total within each race group.

Summary & Future Directions

In summary the number of arrests and Searches of Persons in custody remained relatively stable from 2023 to 2024. Intake searches remain the most common search type used. Dangerous items were returned in 4% of the searches conducted in 2024, most frequently drugs/drug paraphernalia.

Disaggregate analysis by search type revealed the following:

- White individuals were overrepresented in Strip Search Level 2
- Middle Eastern men and women were overrepresented in Frisk Searches
- Black and Middle Eastern Young Persons were overrepresented and proportionately accounted for more searches within the racial category, in comparison to White Young Persons
- Roughly one third of all searches involved individuals repeatedly in police custody. Indigenous individuals were overrepresented within this group

The Service-wide expansion of the Niche RMS Custody Module in 2024 has led to greater consistency in the information collected related to searches of persons in custody, resulting in improved data quality and analytic capabilities. In 2025 WRPS anticipates a phased introduction of a Body Scanner to replace Strip Searches, where appropriate. Under the RIBDCS, the integration of the Body Scanner into Search of Persons processes will be reviewed to ensure equitable application of this tool.

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

Strategic Business Plan

The above report aligns with the following Strategic Business Plan 2024-2027 objectives:

Our Connections

☒ Communicate and engage

Attachments

WRPS Search of Persons in Custody – 2024 Annual Presentation.

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