**Agenda – Executive Policy Committee – February 17, 2021**

## REPORTS

**Item No. 13 Contribution Agreement between the Government of Manitoba (Manitoba Justice) and The City of Winnipeg for the Construction of Cells within the Winnipeg Police Service Headquarters**

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

1. That the receipt of a contribution from the Government of Manitoba (Manitoba Justice) in the amount of $3.5 million for the construction of new holding cells and modification of existing cells within the Winnipeg Police Service Headquarters be approved.

2. That the City enter into, execute and deliver a contribution agreement with the Government of Manitoba (Manitoba Justice), and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

3. That authority be delegated to the Chief of the Winnipeg Police Service to negotiate and approve the terms and conditions of the contribution agreement and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

4. That a new capital project ("Central Processing Unit New and Modified Holding Cells") be established in 2021 with an AACE Class 5 capital cost estimate and budget of $3.5 million, funded by way of Recommendation 1.

5. That the operating budget impacts of the termination of direct lock-ups be referred to the 2022 Budget process.

6. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

# ADMINISTRATIVE REPORT

**Title:** Contribution Agreement between the Government of Manitoba (Manitoba Justice) and The City of Winnipeg for the Construction of Cells within the Winnipeg Police Service Headquarters

**Critical Path:** Executive Policy Committee – Council

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| K. Nicholson | Chief D. Smyth | P. Olafson,<br>Interim CFO | M. Ruta,<br>Interim CAO |

## EXECUTIVE SUMMARY

The Government of Manitoba has committed $3.5 million for the construction of new holding cells and the modification of existing holding cells to detain prisoners who are held in Winnipeg Police Service custody. These facility upgrades are required due to the termination of a service agreement with Manitoba Justice.

A contribution agreement is required in order for the City to receive these funds.

## RECOMMENDATIONS

1. That the receipt of a contribution from the Government of Manitoba (Manitoba Justice) in the amount of $3.5 million for the construction of new holding cells and modification of existing cells within the Winnipeg Police Service Headquarters be approved.

2. That the City enter into, execute and deliver a contribution agreement with the Government of Manitoba (Manitoba Justice), and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the “Ancillary Agreements”).

3. That authority be delegated to the Chief of the Winnipeg Police Service to negotiate and approve the terms and conditions of the contribution agreement and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

4. That a new capital project (“Central Processing Unit New and Modified Holding Cells”) be established in 2021 with an AACE Class 5 capital cost estimate and budget of $3.5 million, funded by way of Recommendation 1.

5. That the operating budget impacts of the termination of direct lock-ups be referred to the 2022 Budget process.

6. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

## REASON FOR THE REPORT

Council authority is required to enter into the Contribution Agreement with the Government of Manitoba and to establish a new capital budget.

## IMPLICATIONS OF THE RECOMMENDATIONS

The recommendation set out in this report will allow the City to enter into a contribution agreement with the Government of Manitoba (Manitoba Justice) for capital improvements to the Central Processing Unit within the Winnipeg Police Service Headquarters.

The Central Processing Unit New and Modified Holding Cells Project, along with the provincial funding outlined in the capital budget detail sheet in Appendix 1, will be established.

## HISTORY/DISCUSSION

### *Prisoner Detention*

Arrested persons who are not eligible for release by police, either at a scene or from a district station, are detained in the Winnipeg Police Service's (WPS) Central Processing Unit (CPU) at Headquarters until they are brought before a justice (i.e. either a Judicial Justice of the Peace or a Provincial Court Judge) who will determine whether the person will be remanded into provincial custody or released by the Court. The *Criminal Code of Canada* generally requires police to bring an arrested person before a justice within 24 hours after arrest.

Under a longstanding agreement with Manitoba Justice, prisoners who were arrested outside of Court hearing hours were taken to the Winnipeg Remand Centre (WRC) for direct lock-up without the need for a judicial order. On April 1, 2020, the WPS received notice from Manitoba Justice that the WRC would no longer accept direct lock-up detentions from the Service as an interim measure to prevent an outbreak of COVID-19 within provincial correctional centres. On June 9, 2020, the WPS received notice from the Minister of Justice that direct lock-ups would not be reinstated and the service agreement with the WRC would be terminated.

As the WRC will only admit prisoners once they have been remanded into custody by a justice, WPS is required to hold prisoners within CPU until a hearing takes place before a justice. As the Provincial Court does not operate 24/7, arrested persons may be held in CPU for extended periods of time, including overnight, while awaiting their Court appearance. Until the hearing takes place, the police are responsible for the care and custody of the prisoner.

### *Facility Impact*

CPU was purpose-built and is designated as a “temporary detention facility” in accordance with the Commission on Accreditation for Law Enforcement Agencies (CALEA). Detentions within CPU are expected to be measured in hours; temporary detentions are not intended to extend into days.

The elimination of the direct lock-up process and the changes to court hearings resulted in CPU holding prisoners longer, managing violent and intoxicated prisoners more frequently, and greatly increased CPU’s involvement in judicial processes. A number of issues related to the CPU facility, including amenities to meet the basic needs of prisoners, were identified.

The WPS was invited to submit a capital project proposal to Manitoba Justice; a Class 5 capital cost estimate was compiled and submitted for consideration. On September 1, 2020, the Minister of Justice announced funding of $3.5 million for capital improvements to the CPU to address the infrastructure challenges that emerged as a result of the change in processes.

### *Contribution Agreement*

Through the Manitoba Restart Program, Manitoba has committed capital resources to the WPS for the construction of new holding cells and other improvements to the CPU. Eligible costs of the initiative include:

a) costs associated with the pre-construction/design of holding cells and modifications to the CPU facility;

b) costs associated with the construction of holding cells and modifications to the CPU facility, including the costs of structural, mechanical, and electrical sub-contractors;

c) costs associated with CPU expansion and the fit-up of holding cells, including amenities/furniture, safety modifications, CCTV/electronic/IT equipment, and plumbing; and

d) any other costs agreed to in writing.

Funds provided under the Contribution Agreement must be incurred by March 31, 2023.

As no further funding will be provided by Manitoba, the WPS will make every effort to keep the costs of the initiative within the provincial funding envelope. At this time, the WPS has not identified the need for additional capital funds (and none are budgeted); however, the WPS will be requesting that the corporate administration charge (estimated at $43,000) be waived under the authority of the Chief Financial Officer to ensure that sufficient funds are available for the tangible costs associated with the construction/modification of CPU.

### *Project Details*

CPU will undergo demolition/removal of existing interior walls, doors, finishes and fittings with a total gross floor area of 4,362 $ft^2$. Scope includes the supply and install of new detention grade interior walls, doors and finishes as required. Modified electrical and mechanical work will be supplied to suit.

Construction is intended to begin in Fall 2021. The phasing schedule is currently in process and is being developed with a consultant team.

In July 2020, the City of Winnipeg, Infrastructure Planning Office (IPO) received a Class 5 Basis of Estimate (BOE) and a high level draft Business Case. A Class 3 BOE will be presented to IPO for review once an updated estimate is compiled by WPS and Property, Planning and Development. This is expected to occur in February 2021.

***Operating Impact***

Coupled with the suspension, and ultimate termination, of direct lock-up, there were also numerous changes in the Provincial Court's hearing process. As a result, there was a significant realignment of WPS personnel and procedures. Notably, members were redeployed from other areas to facilitate custody and release processes, and a paramedic was assigned from the Winnipeg Fire Paramedic Service (WFPS) to perform medical screening for all incoming detentions and to provide ongoing medical oversight of prisoners held in CPU. With the exception of the paramedic, all operating budget implications have been managed within existing resources.

In order to mitigate health and safety risks, the use of a paramedic will be maintained on a go-forward basis. The WPS will cover the costs of the 24/7 WFPS paramedic services in 2021 from existing budget allocations. The ongoing financial impact is under consideration and will be included in the preparation of the preliminary 2022 budget.

On January 27, 2021 the Winnipeg Police Board received this report from the Winnipeg Police Service for review and consideration. On January 28, 2021 through communication from the Secretary, the Winnipeg Police Board advised that it accepted this report for information, and indicated that the Winnipeg Police Service may proceed with the submission of this report.

**FINANCIAL IMPACT**

## Financial Impact Statement

**Date:** January 26, 2021

**Project Name:**

**First Year of Program** **2021**

Contribution Agreement between the Government of Manitoba (Manitoba Justice) and the City of Winnipeg for the Construction of Cells within the Winnipeg Police Service Headquarters

| | 2021 | 2022 | 2023 | 2024 | 2025 |
|---|---|---|---|---|---|
| **Capital** | | | | | |
| Capital Expenditures Required | $ 1,555,556 | $ 1,555,556 | $ 388,888 | $ - | $ - |
| Less: Existing Budgeted Costs | - | - | - | - | - |
| Additional Capital Budget Required | $ 1,555,556 | $ 1,555,556 | $ 388,888 | $ - | $ - |
| **Funding Sources:** | | | | | |
| Debt - Internal | $ - | $ - | $ - | $ - | $ - |
| Debt - External | - | - | - | - | - |
| Grants - Prov of MB - Manitoba Restart Program | 3,500,000 | - | - | - | - |
| Reserves, Equity, Surplus | - | - | - | - | - |
| Other | | - | - | - | - |
| Total Funding | $ 3,500,000 | $ - | $ - | $ - | $ - |
| Total Additional Capital Budget Required | $ 3,500,000 | | | | |
| Total Additional Debt Required | $ - | | | | |
| **Current Expenditures/Revenues** | | | | | |
| Direct Costs | | $ - | $ - | $ - | $ - |
| Less: Incremental Revenue/Recovery | - | - | - | - | - |
| Net Cost/(Benefit) | $ - | $ - | $ - | $ - | $ - |
| Less: Existing Budget Amounts | - | - | - | - | - |
| Net Budget Adjustment Required | $ - | $ - | $ - | $ - | $ - |

**Additional Comments:**

Total expected construction costs funded by Contribution Agreement with Government of Manitoba. No additional funding is being requested. Costs must be incurred by March 31, 2023.

The operating budget impacts associated with the termination of direct lock up will be referred to the 2022 budget process.

Tara Holowka
Manager of Finance
Winnipeg Police Service

## CONSULTATION

This Report has been prepared in consultation with:

Legal Services (as to legal issues)
Winnipeg Police Board

## OURWINNIPEG POLICY ALIGNMENT

01-2a Collaborate to Make Safe Communities - Implement an Approach to Safety and Security that is Collaborative and Involves the Community

## WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

## SUBMITTED BY

Department: Winnipeg Police Service
Division: Executive
Prepared by: Kim Nicholson, Manager of Strategic Affairs
Date: January 28, 2021
File No: N/A

Attachment:
Appendix 1 - Winnipeg Police Service – General Capital Fund – Detail Sheet

## WINNIPEG POLICE SERVICE - GENERAL CAPITAL FUND

**Project Name:** **Central Processing Unit New and Modified Holding Cells**

| | |
|---|---|
| Standing Policy Committee: | Winnipeg Police Board |
| Dept ID: | 220656 |
| Department: | **Winnipeg Police Service** |
| Project: | |
| Investment Driver: | Maintain |
| Service: | Police Response |
| **OurWinnipeg:** | Collaborate to Make Safe Communities |

| AUTHORIZATION | Previous Budgets | 2021 Estimate | FORECAST 2022 | 2023 | 2024 | 2025 | 2026 | Five-Year Forecast Total | Six-Year Total |
|---|---|---|---|---|---|---|---|---|---|
| Project Costs ($000's) | - | 3,500 | - | - | - | - | - | - | 3,500 |
| Financed by: | | | | | | | | | |
| Manitoba Restart Program | | 3,500 | - | - | - | - | - | - | 3,500 |

| CASH FLOW | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | Beyond 2026 | Total |
|---|---|---|---|---|---|---|---|---|
| Project Costs ($000's) | 1,556 | 1,556 | 388 | - | - | - | - | 3,500 |
| Financed by: | | | | | | | | |
| Manitoba Restart Program | 1,556 | 1,556 | 388 | - | - | - | - | 3,500 |

| NET OPERATING IMPACT ($000's) | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 |
|---|---|---|---|---|---|---|
| Operating costs | - | - | - | - | - | - |
| Debt and finance charges | - | - | - | - | - | - |
| Transfer to General Capital Fund | - | - | - | - | - | - |
| Total Direct Costs | - | - | - | - | - | - |
| Less: Incremental Revenue/Recovery | - | - | - | - | - | - |
| **Net Cost/(Benefit)** | - | - | - | - | - | - |
| **Incremental Full Time Equivalent Positions** | - | - | - | - | - | - |

Class Estimate: 5

The Central Processing Unit (CPU) was purpose built and is designated as a temporary detention facility in accordance with the Commission on Accreditation for Law Enforcement Agencies (CALEA). Detentions within CPU are expected to be measured in hours; temporary detentions are not intended to extend into days.
The elimination of the direct lock-up process and the changes to court hearings resulted in CPU holding prisoners longer, managing violent and intoxicated prisoners more frequently, and greatly increased CPU's involvement in judicial processes. A number of issues related to the CPU facility, including amenities to meet the basic needs of prisoners, were identified.

On September 1, 2020, the Minister of Justice announced funding of $3.5 million for capital improvements to the CPU to address the infrastructure challenges that emerged a result of the change in processes.

The Winnipeg Police Service is requesting to waive $43k in corporate administration charges under the authority of the Chief Financial Officer.

Construction will not commence until a Class 3 or better estimate is obtained.