



TRANSIT POLICE

SUDDEN DEATH

Effective Date: January 14, 2008

Revised Date: Interim Amendments: March 31, 2008, January 30, 2012, October 31, 2014

Reviewed Date:

Review Frequency: 2 Years

Office of Primary Responsibility: Inspector Operations

POLICY

Definitions

Chief Officer – The Transit Police Chief Officer or delegate.

Coroners Act – British Columbia *Coroners Act*, SBC 2007, c.15.

Critical Incident – Pursuant to the *Police Act* and the Memorandum of Understanding respecting IIO Investigations, whenever on-duty officers attend:

- (a) any incident where there is a reasonable belief that the presence, action, or decision of an on-duty officer
 - i. may have been a contributing factor in the death of any person, including all in-custody deaths;
 - ii. may have been a contributing factor in a life-threatening injury to any person;
 - iii. may cause disfigurement (permanent change in appearance), if there were no medical intervention;
 - iv. may cause permanent loss or impairment of any function or mobility of the body, if there were no medical intervention;
- (b) any discharge of a firearm by an on-duty officer where there is a reasonable belief that any person (including a police officer) may have been injured;
- (c) any incident where there is a reasonable belief that the action of an off-duty officer
 - i. may have been a contributing factor in the death of any person;
 - ii. may have been a contributing factor in a life-threatening injury to any person;
 - iii. may cause disfigurement (permanent change in appearance), if there were no medical intervention;
 - iv. may cause permanent loss or impairment of any function or mobility of the body, if there were no medical intervention.

NOTE: The IIO has asked that police agencies do not notify the IIO of on-duty incidents that concern pre-existing mental or physical illnesses or injuries that are not reasonably believed to have “resulted from the presence, action or decision of an on-duty officer.”

Designated Constables – The Transit Police police officers appointed by the Police Board.

IIO – Independent Investigations Office of British Columbia established pursuant to s. 38.02 of the *Police Act*.

JPD – Jurisdictional Police Department.

Member – A Designated Constable, the Chief Officer or a Deputy Chief Officer of the Transit Police.

OPCC - Office of the Police Complaint Commissioner of British Columbia established under Part 9 of the *Police Act*.

Police Act – The *BC Police Act*, RSBC 1996, c. 367, and the regulations thereto, including the Transit Police Operations Regulation, all as amended from time to time.

Police Board – The South Coast British Columbia Transportation Authority Police Board.

Reportable Death – Pursuant to s. 3 of the *Coroners Act*, when a police officer receives a report of death under s. 2 of the *Coroners Act* (as referenced below), the police officer must immediately report to the coroner the facts and circumstances related to the death. In addition the police officer must report to the coroner the death of a person who dies while detained by or in the custody, or in a custodial facility, of a peace officer; or as a result, directly or indirectly, of an act by a peace officer performed in the course of his or her duty. Under s. 2 of the *Coroners Act*, deaths include:

- 2 (1) *The death of an adult or child who the person has reason to believe has died*
 - (a) *as a result of violence, accident, negligence, misconduct or malpractice,*
 - (b) *as a result of self-inflicted illness or injury,*
 - (c) *sudden and unexpectedly, when the person was apparently in good health and not under the care of a medical practitioner,*
 - (d) *from disease, sickness or unknown cause, for which the person was not treated by a medical practitioner,*
 - (e) *during pregnancy, or following pregnancy in the circumstances that might reasonably be attributable to pregnancy,*
 - (f) *if the chief coroner reasonably believes it is in the public interest that a class of deaths be reported and issues a notice in accordance with the regulations, in the circumstances set out in the notice, or*
 - (g) *in any prescribed circumstances.*
- 2 (2) *If a child died in circumstances other than those described in subsection (1), a person who, by regulation, must report child deaths, must immediately report to the chief coroner, in the form required by the chief coroner,*
 - (a) *the facts and circumstances relating to the child's death, and*
 - (b) *any other information required by the chief coroner.*

Reportable Injury – As defined in the *Police Act*, any of the following: “an injury caused by discharge of a firearm; an injury requiring emergency care by a medical practitioner or nurse practitioner and, transfer to a hospital; or any injury described by regulation under s. 184(2)(c) of the *Police Act*.”

Transit Police – The South Coast British Columbia Transportation Authority Police Service.

Authority

1. The police conduct investigations pursuant to various statutes; including the Criminal Code of Canada (*Criminal Code*). The Coroner conducts investigations pursuant to the British Columbia *Coroners Act*. The police and Coroner have independent parallel investigative powers in the investigation of deaths. The *Criminal Code* and *Coroners Act* co-exist and allow cooperation and the exchange of records and personal information between the police and Coroner for their respective investigative mandates. The Coroner is not the agent of the police for criminal investigations. The police and Coroner consult about specific investigations and generally about the disclosure of information, including personal information as defined by the *Freedom of Information and Protection of Privacy Act* (FOIPPA), and the delivery of operational assistance between the agencies.
2. With homicide or suspicious death circumstances in British Columbia, the police will take control of the scene where human remains have been found. The Coroner coordinates and directs the post mortem examination of the body and may arrange for the attendance of a pathologist at the scene.

General

[Refer also to: SOP 01 – Sudden Death]

3. The Transit Police must provide consistent initial investigation of all sudden deaths, so incidents involving other than natural causes are detected and investigated forthwith by the appropriate police agency.
4. Sudden deaths investigations are difficult events for all people involved, including witnesses, next-of-kin and emergency services workers. As such, these investigations must be treated with compassion and sensitivity by the Transit Police.
5. The Transit Police will provide initial response to, and investigation of, sudden deaths on the transit system in conjunction with the JPD and Coroners Service. The JPD will ordinarily investigate sudden death incidents.
6. The Transit Police will comply with all reporting provisions under the *Coroners Act* regarding Reportable Deaths and, where applicable to the incident any additional reporting requirements to the IIO and OPCC.
7. The JPD will be responsible for notification of next-of-kin, unless the JPD requests assistance of the Transit Police.

8. When the JPD has transferred responsibility of a sudden death file to the Transit Police, the Transit Police will also assume responsibility for notification of next-of-kin, unless the JPD determines that it will still retain this responsibility.

PROCEDURES

Duties of the Operations Communication Center (OCC)

9. Upon receipt of sudden death report, the OCC dispatcher will:
 1. assign a unit to attend;
 2. notify JPD dispatch and request JPD attendance;
 3. ensure that Emergency Health Services (EHS) has been called to attend;
 4. notify the Transit Police patrol supervisor for their attendance;
 5. notify the Transit Police Watch Commander of the call; and
 6. when the sudden death incident occurs in/around a transit station/bus loop or on a train/bus and appropriate transit personnel (e.g., Station Attendants) are not yet at the scene, ensure that the applicable transit operations communications center has been notified and, if requested by the investigating Member or patrol supervisor, request that the appropriate transit personnel be deployed to the scene to assist.

[See also: OO010 – Communications Operations]

Duties of Members First on Scene

10. The conduct of the first Members arriving on a death scene is extremely important, including taking and maintaining control of the scene so that a complete investigation of the matter can occur. This is of particular importance if the cause of the death was not from natural causes.
11. There are two primary responsibilities at a death scene:
 1. to determine whether the person is actually deceased; and
 2. to preserve the integrity of the scene.
12. Under the *Coroners Act*, except to prevent further loss of life or relieve human suffering, no one must move, alter or destroy the remains of the deceased or its immediate environment without authorization of a Coroner. [This includes any light rail equipment or vehicles connected with the incident.]

NOTE: Once a death scene has been altered or destroyed, it can never be returned to its former condition, and every reported death must be treated as a homicide until proven otherwise. Even a death which appears to be the result of natural causes may actually in fact be a homicide.

13. To protect scene integrity, Members will limit access to essential people only, and they may request additional Members for assistance as well as transit personnel, where appropriate, to assist with orderly movement of passengers.
 1. A Member will be assigned to record the names and times of all persons entering and exiting the scene. Access is to be limited to only those persons required during phases of the investigation, such as:
 - a. Transit Area Coordinator;
 - b. Investigating police officers;
 - c. Coroner;
 - d. Emergency Services Personnel (Fire, BC Ambulance);
 - e. Essential transit employees;
 - f. Body removal service; and
 - g. Independent Investigations Office investigator.

NOTE: Inclusion on the list does not automatically indicate that it is proper for the person to enter the scene.

[Refer to scene containment protocol in SOP01 – Sudden Death]

No Suspicious Circumstances

14. In the event that the JPD relinquishes responsibility of a sudden death investigation to the Transit Police and no suspicious circumstances are suspected:
 1. the investigating Member(s) will conduct the investigation, unless otherwise directed by their patrol supervisor;
 2. the investigating Member(s) will request attendance of the patrol supervisor at the scene, if not already done so;
 3. the investigating Member(s) will review any video recording captured prior to completion of the PRIME General Occurrence (GO) report;
 4. if cause of death is unknown, or no positive identification can be made, the body must be removed as instructed by the Coroner;
 5. if during the course of the investigation Members suspect that there now are suspicious circumstances to the death, the body must not be disturbed and the death scene must be secured, and the patrol supervisor will promptly notify the JPD duty officer, and follow JPD instructions.

[See also: Policy Chapter OD110 – Homicide; Transit Police / JPD Memorandum of Understanding]

Forensic Identification Attendance

15. The investigating Member(s) will request the attendance of the JPD Forensic Identification Section (FIS) in the event that the death appears not to be due to natural causes (e.g., suicide or drug overdose) since this will prove to be valuable if there is a future Coroner's investigation and/or inquest.
16. Evidence photographs are necessary in all cases.
 1. The patrol supervisor will make a request to the JPD-FIS for the taking of evidence photographs. In the event that the JPD declines, the Transit Police Watch Commander will be requested to obtain a Transit Police evidence camera and facilitate having the photographs taken.

Interviewing Witnesses

17. When a Member interviews witnesses at the scene, begin the interview by introduction and requesting the cooperation from the witness.
18. If there is more than one witness, they should be separated as soon as possible in order to preserve the independence of their accounts.
19. Members will make every effort to obtain the following information from all persons at a death scene:
 1. full name;
 2. date of birth;
 3. address; and
 4. telephone number.
20. Members will ensure that the statements taken are added to PRIME prior to the end of shift. Members will prepare a summary of the witness statement and attach the summary to the statement (do not paste the statement in its entirety as the summary.)

Family/Witness Assistance

21. The Member(s) must advise family/witnesses at the scene that immediate crisis intervention and follow up support services are available.
22. Member(s) will contact the JPD Victim Assistance Unit and, if appropriate, request assistance for family/witnesses directly at the scene. Member(s) will send the JPD Victim Services Unit the necessary information from the GO Report, as soon as practicable after the incident.
23. Members, in coordination with the JPD, will attend the residence of the deceased to determine whether a suicide note or evidence of another crime exists.

24. The Watch Commander will consider the need to activate the Transit Police Critical Incident Stress Management Team resource for Transit Police personnel involved with the incident.

[Refer to Policy Chapter AB220 – Critical Incident Stress Management]

Medication and/or Drugs

25. Where prescription medication is found at the scene of any sudden death, the prescription medication will be treated as an exhibit and seized.

NOTE: The names of the prescribed medication, strength, pharmacy, and prescribing doctor must be documented for the file.

26. The Coroners Service will provide the Transit Police with instructions for the disposition of the seized prescription medicine.
27. When drugs, other than prescribed medication, are found at the scene of a sudden death, Member(s) will handle as drug exhibits in accordance with policy.

[See also: Policy Chapter OB100 - Drugs]

Duties of Patrol Supervisor

28. If a Member is present when the sudden death occurs, the Watch Commander must notify the Inspector Operations and the Inspector Professional Standards Unit, and ensure that the IIO and OPCC have been notified in accordance to Transit Police policy and procedures.

[Refer to Policy Chapter OH070 – Independent Investigations Office]

29. A Transit Police patrol supervisor will attend the scene of every sudden death.
30. The attending patrol supervisor will liaise with the JPD to establish who will be the lead police agency. File responsibility will be documented in PRIME.
31. When the JPD assumes responsibility for the file, the Transit Police Members will remain at the scene and provide assistance, crowd control and liaison, as appropriate.
32. When a sudden death incident occurs at a transit station (or on a bus), the patrol supervisor will designate a Member, in the first instance, to view any video recording (including attending at the transit operating communication centre if necessary) to establish **initial** circumstances around the death (suspicious, suicide or natural). Members will not accept such a determination from a civilian (e.g., transit communication center staff person). Scene integrity will be maintained until such time as the Coroner and police have determined that the scene investigation is complete. If there are suspicious circumstances around the death, then the scene will be held as a crime scene.

33. The Transit Police will promptly request a copy of the video recordings for all death incidents.
 1. The Coroners Service has a standing request for all video related to sudden death on or adjacent to the transit system.
34. Supervisors will ensure a complete report is submitted by all involved Members prior to the end of the shift on which the death occurs.
35. Supervisors will conduct an operational debriefing with Transit Police Members regarding each sudden death investigation.

Coroner

36. Once a Reportable Death has been confirmed by the Transit Police, the Coroners Service will be contacted immediately by the Watch Commander or designate (or as soon as otherwise practicable) and the Coroner may or may not attend.
 1. Depending on the location of the incident, the death will be reported to one of two Lower Mainland Regional Coroners Offices: the Metro Vancouver Coroners Office in Burnaby (covers Vancouver, Burnaby and Richmond) or the Fraser Regional Coroners Office in Surrey (covers the rest of the light rail system). The Coroners Service pager numbers are available from the OCC.
37. The Coroners Service will be responsible for investigating deaths that are not the result of a criminal act. Members will assist the Coroner in the investigation, as requested.
38. In accordance with protocol between the Coroner Service and the Transit Police, the Coroner will attend all sudden deaths at light rail stations involving a train.

NOTE: Reports of other deaths scenes in the Lower Mainland are prioritized by the Coroner to ensure that scene attendance is not unduly delayed.

39. Upon attending the scene, the Coroner will liaise with the on-site patrol supervisor (and the supervisor from the JPD, where present) to obtain initial facts and circumstances of the death.
40. During the course of the investigation, the Coroner will normally require the following information:
 1. name, address, and where the deceased was found;
 2. date of birth;
 3. next-of-kin;
 4. family doctor, medical history, medication;
 5. name of hospital, who pronounced death, time;

6. name(s) of investigators,;
 7. facts and circumstances relating to the death; and
 8. Transit Police and JPD PRIME report numbers.
41. The patrol supervisor will identify the scene perimeter and, in consultation with the Watch Commander and on-scene transit supervisor, make decisions with respect to suspension and resuming of transit service operation at the scene.
1. For deaths occurring on the rapid rail system, the details supplied regarding the death will assist in the decision making on whether partial transit operation is possible (a non-involved single track can remain in service).
 - a. If only one side of a station has been cordoned off from the transit public, police will tape off the area or place a screen to prevent viewing by the public and non-involved personnel, thereby preserving the integrity of the scene.
 - b. Once scene barriers have been installed, the transit public will be allowed access to the platform and single tracking can be initiated to keep trains operating without further delays or disruptions.
 - c. Once remains are removed from the guide-way and the Coroner and patrol supervisor have confirmed completion of the scene investigation, regular service of the involved train can resume.
42. The Coroner may seize any records or anything that the Coroner has reason to believe is necessary for an investigation under the *Coroners Act*. Further, the Coroner may authorize the police to seize an exhibit that the Coroner has reason to believe is necessary for an investigation under the *Coroners Act*.

Transportation of Deceased

43. The Coroner is provided with a number of powers of investigation to assist in establishing the facts and circumstances of a death; these include taking possession of the body. When the Coroner takes possession of the body, the Coroners Service will contact the appropriate transfer service to transport the body to the morgue.
44. If the Coroner is satisfied at the scene that the death is the result of a natural event for which the person was treated by a medical practitioner (i.e., expected death and the Coroner has already been notified where a do not resuscitate (DNR) or certificate of expected death is in place), and therefore does not meet the criteria of a sudden death under the *Coroners Act*, the Coroner would not normally take possession of the body. In such situations, the next-of-kin are to be advised that they are to make arrangements with a funeral home for body removal. However, if no next-of-kin are available or they are unable to make these arrangements (e.g. they are too distraught), for any reason, then Members are to contact the Coroner, who will make the necessary transportation arrangements of the deceased.
1. While police are under no obligation to remain at the scene in such situations or to oversee the transfer of the remains, where practicable, Members are to assist the family to make transfer arrangements or consider requesting assistance for the family from the JPD and their Victim Services Unit on same.

NOTE: Coroners work closely with families of the deceased and are sensitive to, and respectful of, families' needs and concerns. They will assess, in each case, the family's ability to make suitable arrangements. Experience has shown the Coroners Service that families are often grateful or relieved that the Coroner is not taking their loved one away immediately to a morgue. This allows them the opportunity to make their own arrangements in a manner that respects their wishes and accommodates their personal, religious or cultural needs.

45. Members must remember that it is neither the duty nor the function of the police to make the pronouncement of death at the scene, and doing so could place them in a tenuous position legally.

Valuables

46. All readily apparent valuables will be removed from the deceased and retained by the Transit Police for safekeeping and investigative purposes, as appropriate.
 1. In circumstances where a valuable cannot be removed, the valuable will be documented with reasons for non-removal.
47. In either case, the investigating Member must record on PRIME the action taken and a description of each item removed. Any person taking possession of the property must sign the Member's notebook to acknowledge the receipt or, in the event of any property released from the Property Office, Transit Police Form OZ080 – Property Receipt.
 1. Through PRIME, the investigating Member(s) will advise the Property Office if any items are to be returned (what items and to whom).
48. If, as a result of an investigation and follow-up, a residence and or other property are to be secured in the absence of the next-of-kin and/or a co-renter/owner, the key to the property (if seized by the investigating Member) will not be released to any person other than the co-renter and/or owner of that property.
49. If the deceased is a lodger, the investigating Member(s) will ensure that the lodging or housekeeper takes charge of the deceased person's personal effects until the Official Administrator, next-of-kin, or Executor takes control. Valuables will be dealt with in accordance with ss. 46 and 47. The dwelling will be secured and no access will be permitted until the Coroner has given permission through the Court Liaison. The person responsible for the lodging will be advised to contact Court Liaison for permission to enter the dwelling.

Criminal Record Check

50. Before the form "Notification of Death of a Person Known to have a Criminal Record" can be properly completed, the Members investigating a sudden death must make a Criminal Name Index (CNI) check in the name of the deceased.

51. If there is a “positive” result on the check, a photocopy of the Canadian CPIC printout and a copy of the GO report from the investigating Member(s) must be sent to Court Liaison for further processing.
52. The Watch Commander will ensure the JPD-FIS is contacted to arrange for recording of the deceased person’s fingerprints and to have the prints forwarded to the Transit Police. The Transit Police will be responsible for the completion of the Form C163 and for submitting it to the RCMP in Ottawa.
53. If there is a “negative” result on the check, the investigating Member(s) must include this in the GO report and then attach the original CPIC printout to the master file.

Identification of the Deceased

54. The patrol supervisor or the assigned investigating Member(s) will be responsible for notifying the JPD-FIS if an identification person is required at the scene.
55. Identification of the deceased to be made in the following order of priority:
 1. next-of-kin (direct relatives or spouse);
 2. other relatives (secondary relatives or in-laws);
 3. close friends;
 4. others known by deceased;
 5. documentation; or
 6. Coroners Service (who may request the assistance of the JPD identification unit).
56. If no person is present who can positively identify the deceased, identification may be made temporarily by documents that may be present among personal effects of the deceased.
57. The investigating Member(s) will note in the GO report the method used to identify the deceased.
58. If identification of the deceased cannot be made by the end of the investigating Member(s)’ shift, the patrol supervisor will reassign to the oncoming shift.

Notification Next-of-Kin

59. When the Transit Police has been assigned responsibility for the sudden death matter, the notification of the deceased’s next-of-kin is the responsibility of the investigating Member. The name of the deceased must not be released to any news agency until the next-of-kin have been notified, and this is to only occur after consultation with the Watch Commander.
60. As soon as possible, the immediate family, or nearest relative, of the deceased should be located.

61. Notification of the next-of-kin will be made, in person, by the investigating Member or by another police officer (e.g., JPD officer or other police officer outside of Metro Vancouver area). An indirect notification of death (e.g., made by telephone) is not acceptable, except in extraordinary circumstances, and this is only occur after consultation with the Watch Commander.
 1. All efforts to make personal contact with next-of-kin by the Transit Police or other JPD will be fully documented.
62. Members conducting the notification will provide the next-of-kin with the contact information for the Watch Commander and the Coroners Service. Members are to advise the Coroner once notification has occurred and will provide the Coroner with contact information for the next-of-kin. In routine sudden death investigations, after the initial notification has been completed, it is the responsibility of the Coroners Service to provide follow-up information to the next-of-kin if further facts regarding the death become known.
63. The Members should try to have a friend or relative (or in the absence of these options, the JPD Victim Services Unit) attend to help comfort the immediate next-of-kin, and if at all possible, should not leave the next-of-kin alone.
64. If the next-of-kin live in a distant jurisdiction, the investigating Members will:
 1. send a CPIC message to the appropriate police jurisdiction;
 2. provide suitable details of the death (ensuring integrity of any investigation of the death is not compromised);
 3. request a police officer to make the notification in as timely a manner as possible; and
 4. supply their name and contact number and the Coroner's name and contact number so the next-of-kin can obtain further details.
65. Where a next-of-kin notification cannot be made in a timely manner by an outside jurisdiction, the investigating Members will consult with their patrol supervisor to determine the appropriate manner in which to proceed. Where consideration is given to dispatching a Transit Police unit to an outside jurisdiction to conduct the notification, the following will be taken into account:
 1. additional resources which may be required at the notification site, such as victim services, emergency medical assistance or other police members for security reasons;
 2. staff deployment and resources available to respond to calls for service to the Transit Police; and
 3. location of the other jurisdiction in relation to the Transit Police facilities and the Transportation Service Region.

66. In the event that the deceased is a foreign national and there is no next-of-kin available in Canada, or a next-of-kin cannot be readily contacted, the patrol supervisor will consider, in consultation with the Coroners Service, contacting the Embassy/Consulate of the deceased and request assistance.
67. If the notification cannot be made by the end of the investigating Member's shift, the Watch Commander coming on shift will reassign the file to another Member.

No Next-of-Kin

68. If after the completion of the initial investigation, the deceased is unidentified or the next-of-kin is not located and advised, the Watch Commander will consult with the JPD on possible JPD specialized resources to assist in the identification. In cases of delayed identification, the JPD-FIS will be requested to photograph and fingerprint the body to assist in identification.
69. The investigating Member will notify the Coroners Service if there is no next-of-kin.

NOTE: The Coroners Service informs office of the Public Guardian and Trustee, or the Ministry of Children and Family Development if a child is the deceased. In both cases, disposition of the remains and the estate is the responsibility of either the Public Guardian and Trustee or the Ministry of Children and Family Development.

Notification of Family Physician

70. The staff of the jurisdictional hospital is responsible for notifying a family physician concerning the sudden death of his/her patient.
71. A Member investigating the death will not contact the family doctor of the deceased, unless necessary, as this could cause duplication.

Disclosure of Information and Press Releases

72. Disclosure of the deceased personal Information between the Coroner and the police, and with third parties, will be in accordance with the law and the Memorandum of Understanding between the Coroners Service and police agencies in British Columbia (MOU). Members should refer to the MOU for sample request and disclosure letters.
73. Any release of information to the press or news agencies must be authorized by the Transit Police Media Relations Officer or by a senior officer.
74. Members will make every effort to ensure that the next-of-kin are notified prior to any media release.

[See also: OM010 – Media Relations]

Documentation

75. All sudden death investigations will be fully documented in a GO report on PRIME, including completion of Sudden Death details page and the NOK screen, and will include the actions taken by investigating Members, and any follow-up required by Court Liaison. Members will also document if the next-of-kin notification was successful, and if so, the identity of the person notified.
76. The Watch Commander will ensure that the TransLink Revenue and Risk Section is notified of each sudden death incident attended by Members.

Key References

British Columbia Police Act [RSBC 1996, Chapter 367] (As Amended November 11, 2011)

British Columbia Coroners Act [SBC 2007, c.15]

Criminal Code of Canada [RSC 1985, c. C-46]

Memorandum of Understanding Between the Office of the Chief Coroner and the Royal Canadian Mounted Police and Independent Municipal Police Departments in British Columbia [2009]

Memorandum of Understanding between the Transit Police and Jurisdictional Police [May 2011]

Correspondence from Chief Coroner to police agencies regarding "Coroners Taking Possession of Deceased Persons" [May 21 and June 12, 2014]