



TRANSIT POLICE

USE OF FORCE

Effective Date: March 28, 2005

Revised Date: May 9, 2005, May 7, 2007, April 18, 2008/Board Directive, May 12, 2008, June 29, 2011, November 24, 2011, February 2, 2012, February 22, 2013, September 30, 2016

Reviewed Date:

Review Frequency: 1 Year

Office of Primary Responsibility: Inspector Operations Support Services

POLICY

[See also: [OH010 – Firearms](#), [OH030 – Conducted Energy Weapons](#), [OH040 – Physical Control](#), [OH050 – Oleoresin Capsicum Aerosol](#), [OH060 – Impact Weapons](#), [OH070 – Independent Investigations Office](#)]

Definitions

Ammunition – A projectile intended for use with a firearm. (For the purposes of this policy a projectile consists of all the components necessary for one firing of a gun; and should include projectile, casing, propellant and primer.)

BCPPS – The British Columbia Provincial Policing Standards issued pursuant to the *Police Act*.

Bodily Harm – As defined in s. 2 of the *Criminal Code of Canada (Criminal Code)*, “any hurt or injury to a person that interferes with the health or comfort of the person and that is more than merely transient or trifling in nature”.

Chief Officer – The Transit Police Chief Officer or delegate.

Conducted Energy Weapon (CEW) – A weapon designed to use a conducted electrical current in order to incapacitate a person or to generate compliance through pain.

Crisis intervention and de-escalation (CID) techniques – Includes verbal and non-verbal communications that are designed to de-escalate a crisis.

Critical Incident – Pursuant to the *Police Act* and 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.

Director - Police Services – The director of police services, Ministry of Public Safety and Solicitor General.

Firearm – A firearm as defined in s. 2 of the *Criminal Code of Canada (Criminal Code)*.

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

Intermediate Weapon – A weapon whose normal use is not intended or likely to cause serious injury or death. Impact weapons, aerosols and CEWs fall within this category. Intermediate weapons may also be referred to as less-lethal weapons.

Less-Lethal Force – Any use of force that is deployed that is not intended to be lethal.

Lethal Force – Any use of force that is deployed that could reasonably be expected to cause bodily harm or death. [In accordance with the *Criminal Code* and standards found in appropriate case law.]

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

OCC – Operations Communication Centre at the Transit Police.

OPCC – Office of the Police Complaint Commissioner established pursuant to s. 47 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.

Reportable Injury – As defined in the *BC Police Act (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 s. 184(2)(c) of the *Police Act*.”

Reasonable Grounds – Includes both subjective and an objective component and means that the officer must personally believe that the decision or action is necessary, and in addition, the decision or action must be able to stand the test of whether an objective third person, who is acting

reasonably – and is informed of the officer’s training, experience and the factual circumstances at the time – would also reach the same conclusion.

Restraint or Restraint System – Any mechanical device or system of mechanical devices that when used in their ordinary and intended manner restricts the normal physical activity or range of motion of an individual in part or in whole.

ROR – Reasonable Officer Response: ROR is a use of force post-incident, plain language articulation tool to support a reasonable perception and response by a Member. ROR is supervisor oversight to assist the Member in articulation and reporting of use of force. ROR is NOT a model for force application based on classification of observed behaviours.

SBORR – Subject Behaviour Officer Response Report; a Ministry of Public Safety and Solicitor General use of force reporting form.

Serious Harm – As defined in the *Police Act*, “injury that may result in death, may cause serious disfigurement, or, may cause substantial loss or impairment of mobility of the body as a whole or of the function of any limb or organ”.

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

Authority

1. As Police Officers, Members are authorized by law to use force in the lawful execution of their duties. Members will be governed by s. 25 of the *Criminal Code of Canada (Criminal Code)*, case law and the *Police Act*.
2. Members must comply with the BCPPS, and policies and procedures within this policy chapter. In the event of and to the extent there is any conflict between the provisions of this policy chapter and the law, the law will supersede the policy.

General

3. The Transit Police will promote defusing tactics and commits to using the minimum level of force necessary in all of its actions.
4. Pursuant to the BCPPS, only weapons approved by the Director – Police Services may be authorized for use within the Transit Police.
5. The Chief Officer must ensure that all use of force related policies and procedures are consistent with the BCPPS.
6. The use of force model used by the Transit Police must be as approved by the Director – Police Services or as otherwise permitted by the BCPPS.

Force Options

7. The Transit Police uses the National Use of Force Framework (NUFF) as a use of force training aid. The following force options are set out in NUFF: officer presence, communication, physical control (hard and soft), intermediate weapons and lethal force. The Transit Police accepts that the RCMP Incident Management Intervention Model is consistent with NUFF.

8. As so determined by the Chief Officer, the Transit Police may utilize supplemental training aids (e.g., ROR) to augment Members' professional use of force training and articulation.
9. Only firearms, ammunition and other weapons authorized by the Chief Officer will be issued to and carried by Members. [See policy chapters OH010 – Firearms, OH030 – Conducted Energy Weapons, OH040 – Physical Control, OH050 – Oleoresin Capsicum Aerosol, OH060 – Impact Weapons and appendices.]

[See also: [AC150 – Uniforms, Insignia and Dress Standards](#)]

10. Only Members trained, current and demonstrating proficiency in the approved weapons may be allowed to carry and use such weapons.
11. Pursuant to the BCPPS, Members will be tested and need to re-qualify at least once every calendar year in the following areas:
 1. Vascular Neck Restraint;
 2. Conducted Energy Weapons (CEWs); and
 3. Firearms.
12. Members will be tested and need to re-qualify at least once every three (3) calendar years in the following areas:
 1. Empty Hand Compliance Techniques; and
 2. Intermediate Weapons.
13. Effective January 1, 2017, pursuant to BCPPS 1.1.2(4) to (6), any Member authorized to carry and use a firearm is also required, every three years at a minimum, to:
 1. articulate to the satisfaction of a use-of-force instructor as to when lethal force is justified;
 2. complete the mandatory Crisis Intervention and De-escalation Training [and be in compliance with BCPPS 3.2.3(1)]; and
 3. complete practice training, as determined by the Transit Police, regarding firearms tactics and use-of-force decision making, and shooting at distances of 25 metres and greater.
14. In the absence of a specific Transit Police qualifying standard, those endorsed by, in priority, the Director – Police Services or the Justice Institute of British Columbia Police Academy will be the benchmark.

1. respond to the location of a Category II event and provide oversight for the investigation;
2. promptly inform the Watch Commander if an OPCC “Reportable Injury” or IIO “Critical Incident”, and follow procedures outlined ss. 30 to 34 of this policy (refer to Appendix B for Use of Force Reporting Flow Chart);
3. review Members’ reports for completeness, proper articulation, authenticity and plain language;
4. complete the Transit Police Form [OZ520 - ROR Supervisor Checklist for Category II event](#);
5. refer to s. 33 of this policy for change to protocol when IIO assumes command of the investigation; and
6. add the Category I or II use of force to the Daily Duty Report (DDR).

Reporting of Firearm Discharge, Application of Intermediate Weapons and Critical Incidents

21. A Member who discharges a firearm or uses an Intermediate Weapon while on duty must immediately notify their Supervisor of the event occurring and the circumstances surrounding the weapon use. The Supervisor will inform the Watch Commander.
22. The Watch Commander will inform the Inspectors for Operations, Operations Support, and Support Services/Professional Standards of the weapon discharge/use.
23. In the event of a discharge of a firearm or use of an Intermediate Weapon, the Member must be prepared to surrender their weapon and related equipment as instructed.
24. A Supervisor must attend the scene in the event of discharge of a firearm and an Operational CEW Discharge, as set out in s. 20 of this policy. As applicable to the event, the assigned Supervisor will ensure that the following actions are taken, or assist the responsible external investigator with their investigation as requested:
 1. ensure that medical attention is obtained where needed;
 2. assess the scene and report the firearm discharge or use of the Intermediate Weapon in accordance with policy;
 3. if reasonable, photograph any injuries to the subject;
 4. photograph the scene (consider the use of Forensic Identification Services);
 5. prepare a sketch of the scene, including any applicable measurements, or assist external investigator (consider use of Forensic Identification Services or a Member trained in crime scene mapping and scale drawing);
 6. seize the weapon and related equipment and process as an exhibit, and ensure the seizure is documented and reported internally as set forth in policy;
 7. request transit system video (or other available video);

8. ensure witnesses are identified and interviewed, and it is recommended that audio or video recorded statements are taken);
9. ensure that reports are forwarded for future review in accordance with policy.

No Injury

25. In cases where no injury has resulted from discharge of the firearm, the Chief Officer will:
 1. via the Inspector Professional Standards, immediately report to the OPCC in accordance with requirements of s. 89 of the *Police Act*, so that any investigation can be monitored, and take all appropriate measures to support any investigation of the matter; and
 2. assign the personnel who will be responsible for the investigation and supervision of the investigation, and forwarding of a complete report, with recommendations, to the appropriate Deputy Chief Officer for review and submission to the Chief Officer.
26. Members will refer to policy chapter OH030 – Conducted Energy Weapons for the requirements regarding a CEW discharge with no injury.

Critical Incident (Death, Serious Harm or Injury)

27. When a Member's discharge of a firearm or application of use of force is within the parameters of a Critical Incident or the incident is otherwise a SBORR reportable matter, the Member must immediately contact their Supervisor (or as soon as is feasible given the dynamics of the event). The Supervisor will contact the Watch Commander.
28. A Supervisor must attend the scene for all Critical Incidents.
29. When a Member's discharge of a firearm or Intermediate Weapon has resulted in death, serious harm or injury (a Critical Incident), the Member must immediately surrender the firearm or Intermediate Weapon for investigative purposes.
 1. The Member may be required to surrender other items, subject to the requirements of the IIO Investigator [refer to policy chapter OH070 – Independent Investigations Office].
 2. The surrender of a Member's Firearm will be handled with due regard for the Member's safety, privacy and dignity.
30. In event of a Critical Incident, the Watch Commander will promptly notify the Inspectors for Operations, Operations Support, and Support Services/Professional Standards, and the Deputy Chief Officer Operations. The Deputy Chief Officer Operations will then promptly inform the Chief Officer and other Deputy Chief Officer.
31. In the event that the discharge of the firearm or Intermediate Weapon, or use of force has caused death, serious harm or injury of a person (including a police officer), or otherwise considered a reportable injury under the s. 184(2)(c) of the *Police Act*, the Chief Officer (or designate by policy) will:

1. immediately notify the IIO in accordance with requirements of the *Police Act*, so that an investigation can be initiated, and take all appropriate measures to support any investigation of the matter [refer to policy chapter OH070 – Independent Investigations Office];
 2. immediately report to the OPCC in accordance with requirements of s. 89 of the *Police Act* so that an investigation can be initiated, and take all appropriate measures to support any investigation of the matter [refer to policy chapter AC140 – Complaints]; and
 3. notify the Police Board (via Chair) and Director – Police Services of the matter and action taken, as soon as practicable [BCPPS 1.7.1(4)].
32. The Police Board may, on receiving a notification under s. 31 of this policy, make any further inquiries into the incident that the Police Board considers necessary [BCPPS 1.7.1(5)].
33. Members will be required to comply with IIO requirements, including but not limited to scene integrity and preservation of evidence, and officer submission of notes, reports or data requested by the IIO investigator [refer to policy chapters OH020 – Use of Force and OH070 – Independent Investigations Office for additional information].
34. The IIO reporting requirements do not replace or change the Transit Police current obligations for reporting injuries to subjects or use of force reporting such as SBORR. However, when the IIO assumes responsibility for a Critical Incident investigation, the ROR - Category II administrative review by the Supervisor will be suspended.

Use of Weapons by Chief Officer

35. Pursuant to BCPPS s. 1.7.1, the Chief Officer will immediately submit a report to the Police Board (via Chair) if he/she discharges a firearm while on duty.
36. The Police Board Chair will immediately report to the OPCC in accordance with s. 89 of the *Police Act* so that any investigation can be monitored, and take all appropriate measures to support any investigation into the matter.
37. The Chief Officer will immediately surrender his/her firearm for investigative purposes if he/she discharges a firearm and a person is killed or injured as a result.
38. The Chief Officer will immediately notify the Police Board (via Chair), and Director – Police Services if a person is injured or killed as a result of the discharge of his/her firearm or proximate to his/her use of an Intermediate Weapon.
39. The Police Board Chair will immediately report to the IIO in accordance with requirements of the *Police Act* so that any investigation can be initiated, and take all appropriate measures to support any investigation into the matter.
40. The Police Board may make inquiries into an incident under s. 35 above that the Police Board considers necessary.

Use of Force Reporting – SBORR

41. Members will complete a SBORR under any of the following conditions:

1. when physical control – hard, intermediate weapons, or a firearm are used in response to actual or anticipated assaultive behaviour, grievous bodily harm or death;
2. where the simple presentation by the Member of a weapon, influenced or changed the subject behaviour;
3. when force is used at the physical control – soft level, if that force response resulted in injury to the Member or the subject.

When deciding if the reporting threshold has been met, Members will consider the totality of the event. Further:

- a. Members may submit an SBORR at any time they believe it is appropriate.
 - b. Members should consider submitting a SBORR if the use of force is subject to an unusual event, high profile, or believed to be subject to a police conduct complaint, even if the reporting threshold is not met.
 - c. The Transit Police may request/direct that a SBORR be prepared/submitted.
42. When dealing with multiple subjects in one event where the SBORR threshold has been met and where the response of the subjects is uniform, only one SBORR needs to be prepared by the Member(s), listing the particulars for each subject directly involved in the event. Where there is not uniform response, the Member will complete a SBORR for each person where an individual threshold for SBORR preparation has been met.
 43. Multiple Members involved in one event will each need to submit a SBORR if their actions impacted subject behaviour.
 44. An observing Member will not be required to complete a SBORR.
 45. A Member injured or involved in a high stress event may not be required to complete a SBORR. A Supervisor or Member of the investigative team may complete the initial report.
 46. A SBORR will be completed prior to completion of the Member's shift, or as otherwise directed by the assigned Supervisor to the event.

Use of Force Review – SBORR

47. The Inspector Operations Support will ensure that a semi-annual review of the SBORRs is conducted or such frequency as determined by the Chief Officer and as required to fulfill Ministry of Public Safety and Solicitor General requirements.
48. The review scope will be determined in consultation with the Deputy Chief Officers. The Inspector Operations Support will involve subject matter experts, a Member who represents the union, and Transit Police personnel in conducting the reviews, as appropriate.

Provincial Use of Force Reporting

49. Transit Police will submit to the Director – Police Services at the end of each calendar year, and at any time on the request of the Director – Police Services, a statistical report containing the information requested by the Director – Police Services about use of force in the police service.

Inspections

50. Transit Police weapons will be inspected periodically, as set out in the policy related to specific weapons or as deemed necessary by the Chief Officer or designate.
51. For the purposes of inspection, a police armourer is a person certified in the inspection or repair of police service weapons.

Parameters and General Consideration

52. In responding to a subject's actions, Members are guided by s. 25 of the *Criminal Code*, other relevant *Criminal Code* sections, and the case law interpreting those sections.
53. In an effort to control the behaviour of a subject, Members may use force based on a risk assessment. It is accepted that the degree of risk assessment detail will be based on and influenced by a multitude of factors including, but not limited to: how rapidly the event unfolds, the environment, officer training, experience, and ability to perceive and recall details of the event.
54. Members' use of force skills and weapons will only be utilized consistent with the accepted training and standards.
55. In all cases following use of force, consideration must be given to providing appropriate medical care and continuous monitoring after arrest and control of the subject.
56. Following use of force, Members will complete notes and submit a detailed duty report of the event.
57. Members will carry only authorized weapons and ammunition. A Member's operational status, and continued safety of the public and other police officers requires that a Member demonstrate proficiency in their issued weapons as a *bona fide* employment requirement.
58. All Members will receive periodic use of force training, as programmed by the Transit Police, in order to refresh tactics, techniques and procedures, or to introduce new weapons, tactics, techniques and procedures. Members will not be considered currently qualified until they have met the training and testing standards approved by the Chief Officer.
59. At the conclusion of each qualification session, participating Members will demonstrate the acquired skill to the satisfaction of the instructor. Members may also be required to successfully complete a written exam, when so directed.
60. A Member failing to re-qualify as required (see ss. 11 to 13 of this policy) will be deemed as operationally non-deployable and assigned administrative duties until such time as the Member re-qualifies or other administrative actions taken in accordance with Transit Police policy.

61. In the event of a firearm discharge or use of Intermediate Weapon, the Member may, following completion of the investigation, be required to complete re-qualification or other remedial action(s) prior to re-issuance of the weapon and being operationally deployable.
62. The Transit Police will maintain written records of the use of force/weapons training and re-qualification completed by each Member.

Service Response – Lethal Force Incident

63. Where a Member uses force that causes bodily harm or death, the Member may be provided with appropriate leave from duty for the purpose of receiving Post Critical Incident care from an appointed psychologist or psychiatrist with expertise in police mental health matters.
64. The Chief Officer will immediately determine if retaliation is possible on the Member or others of significance to the Member and, if retaliation is likely, steps will be taken to protect the Member or others of significance to the Member.
65. Prior to returning to work, the Member will be examined by an appointed medical practitioner to obtain a certificate verifying the Member's fitness to return to active duty and/or potential conditions of employment (temporary or permanent).
66. Once the Chief Officer is satisfied that the Member is medically fit for duty, the Member may be re-assigned to previous duties or other duties consistent with the recommendation of the medical practitioner.

[See also: [OD270 – Threats to Members](#), [AB220 – Critical Incident Stress Management](#)]

67. Once the Member is cleared for return to duty, or as otherwise determined by the Chief Officer, the Member is subject to firearm qualification prior to return to duty, including a scenario based training session.

High Risk Stops

68. There are occasions when Members are involved in High Risk/Code 5 incidents, apprehensions or takedowns where force is used, and the person subjected to the procedure is later released without charges.
69. In order to ensure that persons who have been the subject of High Risk/Code 5 incidents but who have subsequently been released without charges are dealt with appropriately, a Watch Commander or designate will be advised of the stop and attend the scene.
70. Persons subject to the stop will be provided a business card with the file number for the event by the Supervisor or a designated Member. The Supervisor will speak with the persons to explain the reasons for the police action, address any arising concerns, and consider whether first aid, victim services or other assistance needed. All actions taken are to be documented. The Supervisor or designate will record any concerns regarding damage to property caused by the police action so they may be addressed.
71. A PRIME file will be opened and documented to capture what occurred, and the Professional Standards Unit will be informed.

Use of Force Instructor

72. The Deputy Chief Officer Administrative Services will be responsible for:

1. authorizing of a person(s) to instruct Members in the use of force [BCPPS 3.2.3(1)];
2. ensuring that the authorized person(s) meets the BCPPS requirements for use of force instructors [BCPPS 3.2.3(2) to (7)]; and
3. ensuring that required written records are maintained of the use of force instructor qualification and maintenance of qualification [BCPPS 3.2.3(8) to (9)].

Key References

BC Ministry of Justice SBOR Provincial Reporting Requirements – FAQs [January 1, 2014]

BC Ministry of Public Safety and Solicitor General E-mail on Firearms Requalification Period [March 27, 2012]

BC Ministry of Public Safety and Solicitor General Letter on Use of Force reporting and SBOR Evaluation Report [July 7, 2011]

BC Police Act, [RSBC 1996], c. 367

BC Provincial Policing Standards [including May 2016 notice of amendments]

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

Memorandum of Understanding Respecting Investigations between Independent Investigation Office of BC (IIO) and Jurisdictional Police [July 16, 2012]

National Use of Force Framework

Police Executive Forum (PERF) – Critical Issues in Policing Series – Use of Force: Taking Policing to a Higher Standard [January 29, 2016]

Subject Behaviour Office Response Reporting Lesson Plan – Justice Institute of British Columbia [May 2009]

Reasonable Officer Response – Professionalism in Policing Training Unit and Patrol Lecture [January 8, 2014; approved by Chief Officer, March 6, 2014]

Reasonable Officer Response – Supervisory Oversight/Category I and II Oversight Training Unit, and Supervisor Lecture [January 8, 2014; approved by Chief Officer March 24, 2014]

APPENDIX “A” STARTS ON NEXT PAGE

LIST OF TRANSIT POLICE AUTHORIZED WEAPONS