



# TRANSIT POLICE

## FIREARMS

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Office of Primary Responsibility: Inspector Operations Support

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## POLICY

[See also policy chapters: [OH020 – Use of Force](#), [OH070 – Independent Investigations Office](#), [AC100 – Relinquishment of Issue Equipment](#)]

### Definitions

Ammunition – Includes the projectile, casing, propellant and primer used with a firearm. (BCPPS defines as: “A projectile intended for use with a firearm.”)

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

Bodily Harm – As defined in s. 2 of the *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.

Criminal Code – Criminal Code of Canada [RSC 1985, c. C-46], as amended from time to time.

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
- iv. were no medical intervention.
- v. 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 barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily harm or death to a person, and includes any frame or receiver of such a barreled weapon, and anything that can be adapted for use as a firearm [as per s. 2 of the *Criminal Code*]. *Note: A Conducted Energy Weapon is not considered a firearm for the purposes of BCPPS 1.1.1 and 1.1.2.*

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

Lethal Force – This use of force option involves the use of any weapons or techniques that are intended to, or are reasonably likely to cause grievous bodily harm or death. [In accordance with the *Criminal Code* and standards found in appropriate case law.]

Member – Designated Constable (all ranks), the Chief Officer or a Deputy Chief Officer of the Transit Police.

Metro Vancouver Transit Police (“Transit Police”) – The operating name for the South Coast British Columbia Transportation Authority Police Service.

OCC – Operations Communication Centre at the Transit Police.

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

Physical Control – Any physical technique used to control the subject that does not involve the use of a weapon, as follows:

- a. “Soft” techniques are control oriented and have a lower probability of causing injury.

- b. “Hard” techniques are intended to stop a subject’s behaviour or to allow application of a control technique and have a higher probability of causing injury.

Police Armourer – A person certified in the inspection or repair of South Coast British Columbia Transportation Authority Police Service (Transit Police) weapons.

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

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.

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 s. 184(2)(c) of the *Police Act*.”

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.

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”.

Unintentional Firearm Discharge – The event of a firearm discharging at a time not intended by the user; an unintended discharge may be produced by an incompatibility between firearm design and usage, such as a mechanical malfunction, user induced due to training issues or negligence, or a simple accident.

## **Authority**

1. As Police Officers, Members are authorized by law to use force in the lawful execution of their duties and to carry and use firearms. Members will be governed by s. 25 of the *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 its actions.
4. Pursuant to the BCPPS, only weapons approved by the Director – Police Services may be authorized for use within the Transit Police.

**Force Options**

5. 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.
6. Only firearms, ammunition and other weapons authorized by the Chief Officer will be issued to and carried by Members. [See policy chapters OH020 – Use of Force, OH030 – Conducted Energy Weapons, OH040 – Physical Control, OH050 – Oleoresin Capsicum Aerosol, OH060 – Impact Weapons and appendices.]
7. Only Members trained, currently qualified and demonstrating proficiency in the approved weapons may be allowed to carry and use such weapons. (No persons other than Members are permitted to use a Transit Police weapon, unless authorized by the Chief Officer or delegate.
8. In 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.

Off Duty

9.



(1)

Police Sanctioned Firearms Events

10. A Member wishing to participate in a police sanctioned firearm event will submit a request, using the prescribed form, through the chain of command to the Chief Officer. The request will include the following information:
  - (1) Event name;
  - (2) Event date, time and location;

- (3) Event contact name and phone number;
  - (4) Make, model and serial number of the Member's issued duty firearm;
  - (5) Scope/nature of event and benefit to the Transit Police; and
  - (6) If travel time is required, the Member should also include the travel dates required.
11. When using a Transit Police firearm at the police sanctioned firearm event, the Member will ensure that all ammunition used is factory-made (no reloads) and it meets the ammunition standards set by the BCPPS.
  12. The Member will provide feedback (using prescribed form) through the chain of command to the Chief Officer, no later than two weeks after completion of the event.

### **Authorized Firearms**

13. Only firearms and ammunition authorized by the Chief Officer, and as permitted by the BCPPS 1.1.1, will be used by Members in the performance of their duties. [Refer to policy chapter [OH020 – Use of Force/Appendix A.](#)]

### **Inspections and Maintenance**

14. The designated Firearms Officer must maintain an up-to-date inventory of all Transit Police firearms [BCPPS 1.1.1(6.1)].
15. All Transit Police firearms will be maintained in good working order and a maintenance log retained for each firearm by the designated Firearms Officer.
16. The Member will be responsible to ensure that firearm function checks, and care and cleaning are conducted on a regular basis.
17. All firearms will be inspected annually. Issue firearms may be inspected during annual qualification, pre-scheduled routine maintenance, at random, or on request of the Member.
18. All firearms will be subject to a full service every five years or after 3000 rounds of live fire, whichever occurs first.

### **Authorized Repairs**

19. Any approved repair, adjustment, or alteration to an issue firearm will be made only by an authorized person. The designated Firearms Officer must retain a record of all firearm repairs, adjustments or alterations, and issuance of a substitute firearm.
20. A defective firearm must be brought to the immediate attention of the Member's Supervisor.

21. The Member will be issued with a substitute firearm while the original issue firearm is repaired. Spare firearms will be held by the Watch Commander for such purpose.
22. Duty ammunition will be replaced every year, and as otherwise determined by the Inspector Operations Support.
23. Members will be issued 50 rounds of duty firearm ammunition annually.

### No Alterations

24. A Member must not in any way alter or carry any firearm or ammunition that has been altered from the original design by the manufacturer, and/or which may not be safe or in need of repair, unless approved by the Chief Officer and inspected by a designated armourer. A written record of approved alteration(s) will be maintained by the designated Firearms Officer.

### Duty Uniform

25. Members working in uniform will carry a service pistol [REDACTED], and have ready access to their other force options and a restraint device.

(1) [REDACTED]

### Plain Clothes

26. A Member on duty and in civilian clothes will take [REDACTED]
27. Members conducting operational plain clothes duties may [REDACTED]
28. Members attending court are on duty and will be armed with a firearm [REDACTED] and have access to handcuffs, as a minimum.

(1) A Member will need to obtain written approval from their Supervisor for exemption from this requirement.

29. Members assigned to plain clothes duties will have a police identification badge and police identification card on their person.

[See also policy chapter: [OD010 – Covert Operations](#)]

### Drawing and Discharge of Firearms

30. Members will only draw and/or discharge their firearms based on an event specific

risk assessment considering totality of the event.

31. Members involved in a discharge of a firearm (including an unintentional firearm discharge) will provide an accounting of the event to allow for continued management of the risk to public safety and officer safety, and determining the initial steps of the investigation at the scene.
32. Warning shots are not permitted.
33. Members will not discharge their firearm from a moving vehicle, unless exigent circumstances exist.
34. Written reports, including SBORR, will be submitted in a reasonable time after the event, allowing time for the Members involved to address health and initial recovery related matters.

#### Discharge of Firearms at Vehicles

35. Members will not discharge a firearm at a vehicle, stationary or moving, with the intent to disable it.

*NOTE: Firearms, in particular handguns, are not effective at stopping vehicles. Discharge of a firearm at vehicle generally presents significant risk to the public and peace officers.*

36. Considering the above, Members may be justified in using an appropriate level of force, including lethal force, against the driver or other occupant(s) of a vehicle, where consistent with s. 25 of the *Criminal Code*.

#### Other Circumstances

37. A Member may also discharge a firearm under the following circumstances:
  - (1) during range practice or competitive sporting events; or
  - (2) in accordance with the [Wildlife Act](#) and [Livestock Act](#), to destroy an animal that represents a threat to public safety or livestock; or
  - (3) in accordance with the *Wildlife Act* and *Regulations*, to destroy an animal, as a humanitarian measure, where an animal is seriously injured.

#### **Reporting of Discharge of Firearm**

38. Reporting of a Member discharging a firearm will be in accordance with the *Police Act*, BCPPS, provincial directives/policing standards, and Transit Police policy and procedures.
  - (1) For the purpose of BCPPS 1.7.1 (1), (2) and (6), a discharge does not include discharge of the firearm in accordance with rules of the Transit Police during training, target practice, testing, assessment, or ordinary firearm maintenance.

39. Pursuant to BCPPS s. 1.7.1, a Member who discharges a firearm while on duty must notify their immediate Supervisor of the discharge and the circumstances surrounding the discharge. This same reporting requirement applies to unintentional firearm discharges. The Supervisor will inform the Watch Commander.
40. The Watch Commander will inform the Inspectors for Operations, Operations Support, and Support Services/Professional Standards of the firearm discharge.
41. A Supervisor will attend the scene of a firearm discharge and take such actions as outlined in this policy and policy chapter OH020 – Use of Force.

#### No Injury

42. In cases where no injury has resulted from discharge of the firearm, the Chief Officer will:
  - (1) via the Inspector Support Services/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 its supervision, and forwarding of a complete report, with recommendations, to the appropriate Deputy Chief Officer for review and submission to the Chief Officer.

#### Critical Incident (Death, Serious Harm or Injury)

43. 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 inform the Watch Commander.
  - (1) In a circumstance where the Member is not capable of promptly making the required Supervisor notification, the Member's partner or another delegate of the Member may perform this notification.
44. A Supervisor must attend the scene for all Critical Incidents.
45. 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.
46. In the event that the Member's discharge of a firearm has resulted in death, serious harm or injury (a Critical Incident), the Member must immediately surrender the firearm for investigative purposes.

- (1) The Member may be required to surrender other items, subject to 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, dignity and privacy.
47. In the event that the discharge of a firearm 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 s. 184(2)(c) or the *Police Act*, the Chief Officer (or designate by policy) will:
- (1) immediately report to 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 is practicable.
48. The Police Board may, on receiving a notification under s. 47 of this policy, make any further inquiries into the incident that the Police Board considers necessary.
49. 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].
50. 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.
51. Reporting of a discharge of a firearm or use of an intermediate weapon by the Chief Officer will be as set forth in policy chapter OH020 – Use of Force ss. 35 to 39.

### **Member Support and Critical Incident Stress Management**

52. When a Member's discharge of a firearm has resulted in death, serious harm or injury (a Critical Incident), or if the Member has been traumatized by the drawing of their firearm, the Watch Commander will seek support for the Member(s) involved as is appropriate to the circumstances, including activation of the Transit Police Critical Incident Stress Management Team [refer to policy chapter [AB220 – Critical Incident Stress Management](#)].

**Use of Force Reporting – SBORR**

53. 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.
54. 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.
55. Multiple Members involved in one event will each need to submit a SBORR if their actions impacted subject behaviour.
56. An observing Member will not be required to complete a SBORR.
57. 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.
58. A SBORR will be completed prior to completion of the Member's shift, or as otherwise directed by the assigned Supervisor to the event.

**Duty of Supervisor**

59. After a firearm discharge (including an unintentional firearm discharge), the Supervisor will be responsible for:

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- (1) confirming that the firearm and related equipment is surrendered for investigative purposes;
- (2) ensuring that notes and required reports (e.g., complete operations file, SBORR) are submitted by the Member concerning the discharge and event, including those reports requested by the person and/or agency investigating the firearm use [refer to ss. 24 and 31 of policy chapter OH020];
- (3) ensuring that the firearm is not returned to service until authorized and repaired/tested if required;
- (4) ensuring that the Member completes re-qualification and/or remedial requirements and that the Member is not re-issued a firearm until authorized; and
- (5) reporting completion of the above actions through the chain of command to the Chief Officer, as appropriate to the event.

### Cell Blocks

60. Members will be familiar and comply with the Jurisdictional Police Department (JPD) and institution specific policies when entering a facility. [REDACTED]

### Training and Proficiency

61. Only Members trained and demonstrating a current proficiency in the use of Transit Police authorized firearms will be allowed to carry those issued firearms.
62. Members will be required to attend testing sessions and each year qualify on each firearm that the Member is authorized to use, as set out in policy chapter OH020 – Use of Force.
  - (1) Pursuant to BCPPS 1.1.2(2), any Member authorized to carry and use a firearm, as described under BCPPS s. 1.1.1(1), is required to be qualified on the use of the firearm in accordance with the protocols described in the “BC Pistol Qualification” as set forth in BCPPS 1.1.2 Appendix A, or as otherwise endorsed by the Director – Police Services.
  - (2) Pursuant to BCPPS 1.1.2(3), any Member authorized to carry and use a firearm or ammunition other than a firearm or ammunition described under BCPPS s.1.1.1(1) and (2), is required to be qualified on the use of the firearm each year, in accordance with qualifications approved by the Chief Officer.
63. When attending firearms training/testing sessions at the range, Members will, [REDACTED]

- (1) [REDACTED]

[Redacted]

64. Member will be held strictly accountable for the condition of Transit Police issue firearms, and must be thoroughly familiar with the use of:

- (1) gun belt and holster; and
- (2) ammunition and ammunition pouch.

**Shots Fired or Heard – Operations Communications Center**

65. If an operator in the OCC hears shots fired over the police radio, the operator(s) will, until such time the event is confirmed as accidental, handle the event as 'Officer Needs Assistance' and take the following action:

- (1) [Redacted]
- (2) [Redacted]
- (3) [Redacted]
- (4) [Redacted]
- (5) [Redacted]
- (6) [Redacted] file phone to reconfirm the accidental incident in order to conclude the event;
- (7) [Redacted]
- a. [Redacted]
- b. [Redacted]
- c. [Redacted]
- d. [Redacted]
- e. [Redacted]
- f. [Redacted]
- g. [Redacted]
- h. [Redacted]
- i. [Redacted]
- j. [Redacted]

(8) create file on CAD and record all actions taken; and

(9) notify the JPD and stakeholders as applicable to the event and as directed by South Coast British Columbia Transportation Authority Police Service Policies and Procedures Manual

the Watch Commander or delegate.

### Storage of Firearm

[See also policy chapter: [AC100 – Relinquishment of Equipment](#)]

66. All Members will comply with the *Public Agents Firearms Regulations*, federal *Storage, Display, Transportation and Handling of Firearms by Individuals Regulations* and *BC Provincial Firearm Act*, as applicable.
67. When off-duty, a Member's firearm(s) will be stored, unloaded, with a trigger or cable lock, and placed inside a locked receptacle, or as set out in the *Public Agents Firearms Regulations* respecting firearms stored on a public agency work site.
68. When a Member is authorized to store their firearm(s) away from the duty location, the Member's firearm(s) will be stored according to the federal *Storage, Display, Transportation and Handling of Firearms by Individuals Regulations* and the *BC Provincial Firearm Act*, as applicable.

### Carrying Firearms aboard Canadian Registered Aircraft

69. In the event of an operational requirement (i.e., special project) for a Member to carry a firearm aboard a commercial aircraft, the Member will:
  - (1) seek appropriate approval from the chain of command; and
  - (2) contact the air carrier in advance and complete all processes requested by the air carrier and/or ground agent.

*NOTE: The airline ground agent has the first right of refusal to authorize carrying of a firearm on the aircraft. The Captain is in control of the aircraft and has the right to decline carrying of firearm(s) on the aircraft.*

### Review of Firearm Use

70. The Inspector Operations Support, in collaboration with the Inspectors for Operations and Use of Force Coordinator, will conduct at least quarterly (or facilitate the conducting of) an internal review of firearm use by Members to determine compliance with the BCPPS and the Transit Police policy on same, and to identify potential training or policy development issues. At minimum, the review should examine and document (both at the officer level and for the Transit Police overall) the circumstances and manner in which firearms are being used; and the reporting of firearm use by Members.
71. The Inspector Operations Support will submit through the chain of command, the results of the firearm reviews to the Chief Officer.

### Records

72. The Inspector Operations Support will be responsible for ensuring that written records are maintained of the firearm qualification test(s) completed by each

Member, including: the training date, the identity of officer, the testing conducted, the testing results and, the name of the qualifying instructor [BCPPS 1.1.2(7)].

73. The Inspector Operations Support will be responsible for ensuring that written records are maintained of the firearms training completed by each Member, including: the training date, the identity of officer, the type of training conducted (including the purpose and learning objectives for the session) and, the name of the instructor [BCPPS 1.1.2(8)].
74. The Use of Force Coordinator (or designated Firearms Officer if different) will maintain the Firearms records in a secure location as identified to the Inspector Operations Support. Upon being relieved of duties as the Use of Force Coordinator, the Member must turn over all records to the Inspector Operations Support or as otherwise directed by the Deputy Chief Officer Administrative Services.

### **Key References**

BC Firearm Act, [RSBC 1996], c. 145  
BC Livestock Act, [RSBC 1996], c. 270  
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 new BCPPS 1.1.2 on Firearms Training and Appendix A - BC Pistol Qualification issued May 2016]  
BC Wildlife Act, [RSBC 1996], c. 488  
Criminal Code of Canada [RSC 1985, c. C-46]  
Firearms Act [SC 1995, c.39]  
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]  
Public Agents Firearms Regulations [SOR/98-203]  
Transit Police/Jurisdictional Police Memorandum of Understanding [June 2011]  
Transit Police Training Syllabus for Firearms  
Storage, Display, Transportation and Handling of Firearms by Individuals Regulations [SOR/98-209]  
Subject Behaviour Office Response Reporting Lesson Plan – Justice Institute of British Columbia [May 2009]