



## TRANSIT POLICE

### PHYSICAL CONTROL

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Office of Primary Responsibility: Inspector Operations Support

## POLICY

[See also policy chapters [OH020 – Use of Force](#) and [OH070 – Independent Investigations Office](#)]

### Definitions

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 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.

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

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

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 of the South Coast British Columbia Transportation Authority Police Service.

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 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.

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*.”

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's 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”.

### **Authority**

1. As Police Officers, Members are authorized by law to use force in the lawful execution of their duties.

### **General**

2. The Transit Police will promote defusing tactics and commits to using the minimum level of force necessary in all of its actions.
3. Pursuant to the [BCPPS](#), only weapons approved by the Director – Police Services may be authorized for use within the Transit Police.

### **Force Options**

4. 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.
5. Only firearms, ammunition and other weapons authorized by the Chief Officer will be issued to and carried by Members. [See policy chapters OH010 – Firearms, OH020 – Use of Force; OH030 – Conducted Energy Weapons, OH050 – Oleoresin Capsicum Aerosol, OH060 – Impact Weapons, and appendices.]
6. Only Members trained, current and demonstrating proficiency in the approved weapons may be allowed to carry and use such weapons.
7. 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.

### **Reporting of Critical Incident (Death, Serious Harm and Injury)**

8. When a Member's application of Physical Control or 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 notify the Watch Commander.

9. A Supervisor must attend the scene for all Critical Incidents and, as appropriate, attend the scene of other use of force related incidents following ROR guidelines and assessment of the circumstances.
10. In the event that the Member's application of Physical Control or use of force has resulted in death, serious harm or injury (a Critical Incident), the Member must, when so directed, surrender equipment and other items for investigative purposes [refer to policy chapter [OH070 – Independent Investigations Office](#)].
11. 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 Deputy Chief Officer Administrative Services.
12. In the event that the application of Physical Control 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, where appropriate.
13. 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].
14. 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 Force Reporting – SBORR

15. 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.
16. 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.
  17. Multiple Members involved in one event will each need to submit a SBORR if their actions impacted subject behaviour.
  18. An observing Member will not be required to complete a SBORR.
  19. 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.
  20. A SBORR will be completed prior to completion of the Member's shift, or as otherwise directed by the assigned Supervisor to the event.

### **Training and Qualifications**

21. Only Members currently qualified in the use of Transit Police approved physical control measures are authorized to use these measures in the course of their duties.
22. All Members will receive periodic physical control 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.
23. 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. Members who have not met the training and testing standards approved by the Chief Officer may be deemed as operationally non-deployable.

## PROCEDURES

### Duty of Member

#### Vascular Neck Restraint

24. A Member may use Vascular Neck Restraint when:
- (1) the Member has been trained to apply the hold; and
  - (2) it is appropriate based on the Member's risk assessment, taking into consideration the event specific factors related to the arrest and control of a subject.
25. The Vascular Neck Restraint will not be used as a "come-along" hold or as a method of evidence recovery.
26. If the application of the Vascular Neck Restraint renders a subject unconscious, the Member will:
- (1) undertake appropriate first aid;
  - (2) monitor the subject's breathing and pulse;
  - (3) consider placing the subject in a position to aid breathing, such as a recovery position;
  - (4) request BC Ambulance Service (BCAS)/medical assistance;
  - (5) notify their Supervisor; and
  - (6) follow the reporting process in accordance with this policy.

#### Physical Control

27. Once a subject has been controlled, Members will follow these procedures, where appropriate and reasonable:
- (1) tell the subject what is occurring;
  - (2) when the scene is safe and it is practicable, utilize appropriate de-escalation strategies in order to further stabilize the situation;
  - (3) monitor the subject to ensure their safety; and
  - (4) apply immediate first aid within capability and seek BCAS/medical assistance support to a subject who shows signs of injury or appear to be in medical distress.

#### Medical Attention

28. When the Member has found it necessary to apply physical control that causes an injury requiring medical attention, the Member will notify the Supervisor. The Supervisor will then notify the Watch Commander.

*NOTE: Police agencies in BC have specific obligations and timelines in these types of incidents.*

29. The Watch Commander (or Transit Police Supervisor in charge) will report the event to senior officers as outlined in s. 11 of this policy.

### **Key References**

BC Ministry of Justice SBOR Provincial Reporting Requirements – FAQs [January 1, 2014]  
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  
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]  
Transit Police Training Syllabus for Physical Control  
Subject Behaviour Office Response Reporting Lesson Plan – Justice Institute of British Columbia [May 2009]