



## TRANSIT POLICE

# PHYSICAL CONTROL

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## POLICY

[Refer also to Transit Police 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.

Chokehold – A physical control technique that applies pressure to the front of the neck and trachea/windpipe and restricts a person’s ability to breath.

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, inaction 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 1:

NOTE 2:

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

Designated Law Enforcement Officers – The enforcement officers appointed to the Transit Police by the Police Board under s. 18.1 of the *Police Act*.

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 – For the purpose of this policy, Designated Constable (all ranks), Chief Officer, Deputy Chief Officer and Designated Law Enforcement 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 – Physical techniques used to control a person that do not involve the use of a weapon.

Physical Control – Soft: Soft techniques are control oriented and have a lower probability of causing injury. They may include restraining techniques, joint locks and non-resistant handcuffing.

Physical Control – Hard: Hard techniques are intended to impede a subject’s behaviour or to allow application of a control technique and have a higher probability of causing injury. They may include empty hand strikes such as punches or kicks.

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.

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”.

Use of Force Report – The information that must be provided, in a provincially approved format, when an officer applies force against a person. (Also known as a SBORR – Subject Behaviour Officer Response Report.)

Vascular Neck Restraint (“VNR”) – A physical control technique which applies compression of the vascular tissue along the lateral aspects of the neck, which results in temporary decreased cerebral blood flow and may result in temporary loss of consciousness.

### Authority

1. Members are authorized by law to use force in the lawful execution of their duties.
  - (1) Use of force by Designated Law Enforcement Officers at the Transit Police is subject to their function as a ‘Peace Officer’ and any restrictions within their peace officer appointment and as so determined by the Chief Officer.

### General

2. Members will endeavour to use a reasonable level of force, in consideration of all the circumstances they are presented with.
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 will follow the National Use of Force Framework (NUFF) for use of force training of Members. The following force options are set out in NUFF: officer presence, communication (supplemented by crisis intervention and de-escalation techniques), 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. [BCPPS 1.9.1(1)]
5. Only firearms, ammunition and other weapons authorized by the Chief Officer will be issued to and carried by Members. [See Transit Police 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, currently qualified by Transit Police 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 Use of Force Report 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, where possible, all other use of force related incidents.
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 Transit Police policy chapter OH070 – Independent Investigations Office].
11. In event of a Critical Incident, the Watch Commander will promptly notify all Inspectors (Patrol Services, Operations Support, Administrative Support and 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.
  - (1) The Watch Commander or designate will ensure that the duty officer for the Jurisdictional Police is also informed, as soon as is practicable.
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 Transit Police 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 Transit Police policy chapter AC140 – Complaints]; and
  - (3) Notify the Police Board (via Chair), as soon as is practicable.
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 Transit Police policy chapters OH020- Use of Force and OH070 – Independent Investigations Office for additional information].

- (1) Following the direction of the Watch Commander or attending Supervisor (or other Member so delegated by the Inspector Patrol Services with responsibility for scene security) to ensure that any weapons at the scene of an IIO reportable incident are not moved, and firearms not unloaded, unless required to mitigate legitimate safety concerns. In such a case, all movements and actions taken will be fully and accurately documented, and video recorded where possible [refer to Transit Police policy chapter OH070 – Independent Investigations Office].
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.

### Internal Use of Force Reporting

15. Members will complete a Use of Force Report for all of the following uses of force on a person [BCPPS 1.7.2(1)]:
  - (1) Use of physical control – soft, if an injury occurred to either the person or the Member from the application of that force;
  - (2) Use of physical control – hard;
  - (3) Vascular neck restraint;
  - (4) Intermediate weapon display or discharge/application;
  - (5) Firearm display or discharge;
  - (6) Police Dog Bites (intentional and unintentional);
  - (7) Use of specialty munitions; and
  - (8) Use of Weapons of opportunity.
16. The Transit Police may request/direct that a Use of Force Report be submitted by the Member.
17. When dealing with multiple subjects in one event where the Use of Force Report threshold has been met and where the response of the subjects is uniform, only one Use of Force Report 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 Use of Force Report for each person where an individual threshold for Use of Force Report preparation has been met.
18. Multiple Members involved in one event will each need to submit a Use of Force Report if their actions impacted subject behaviour.
19. An observing Member will not be required to complete a Use of Force Report.
20. A Member injured or involved in a high stress event may not be required to complete a Use of Force Report. A Supervisor or Member of the investigative team may complete the initial report.
21. The Use of Force Report will be completed within 48 hours of the incident, unless there are extenuating circumstances that warrant an extension [BCPPS 1.7.2(3)]. (In exceptional circumstances, such as an in-custody death incident, a longer time period may be appropriate.) Extensions are to be approved by the Inspector Patrol Services (designated by Chief Officer) or a higher rank. [BCPPS 1.7.2(3) and annotation]
22. Members will complete the Use of Force Report template as provided on PRIME and ensure that the Use of Force Report is linked to the relevant PRIME files. [BCPPS 1.7.2(3) and (4)]

## Training and Qualifications

23. 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.
24. 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.
25. 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 (“VNR”)

26. A Member may use VNR 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.
27. VNR will not be used as a “come-along” hold or as a method of evidence recovery.
28. If the application of the VNR 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.
29. Members are prohibited from the intentional use of a chokehold, unless the Member has reasonable grounds to believe that lethal force is justified. [BCPPS 1.5.1(3)]

### Physical Control

30. 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**

31. 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.*

32. 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 [August 2020]  
National Use of Force Framework and Crisis-Intervention and De-Escalation Techniques Model 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]