



TRANSIT POLICE

RESTRAINTS

Effective Date: February 18, 2022

Revised Date:

Reviewed Date:

Review Frequency: As required

Office of Primary Responsibility: Inspector Administrative Support

POLICY

[Refer also 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*.

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; and
- 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: [REDACTED]

NOTE 2: [REDACTED]

Designated Constables – The Transit Police Officers appointed by the Police Board under s. 4.1 of the *Police Act*.

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

Disposable Restraints – Designed to be a back up to handcuffs and a fast means of securing people in a mass arrest situation. These one-time use handcuffs can be made from various materials and are disposable after one use, as they must be cut from the person's wrists using an appropriate cutting tool.

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*.

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.

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.

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.)

Authority

1. 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*, case law and the *Police Act*.
 - (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. Pursuant to the BCPPS, only restraints approved by the Director – Police Services may be authorized for use within the Transit Police.
3. Only restraints authorized by the Chief Officer will be issued to and carried by Members (which may vary for Designated Constables and Designated Law Enforcement Officers). [Refer to Transit Police policy chapter [OH020 – Use of Force](#).]
4. Only Members trained, currently qualified by the Transit Police and demonstrating proficiency in the use of restraints may be allowed to carry and use such tools.
5. Members will follow the use of force parameters as set out in Transit Police policy chapter OH020 – Use of Force.
6. Members must be able to articulate the specific circumstance necessitating the use of restraints on a person. Relevant considerations provided by statute and common law are, the objectively reasonable need to:
 - (1) Protect the Member(s), the public, or the person from harm;
 - (2) Prevent the person from attempting to leave;
 - (3) Locate and preserve evidence related to the reason for the person’s arrest; or
 - (4) Where the law permits, facilitate the search of a detained or apprehended person.

In the absence of subsections (1) through (4) above, a Member’s knowledge of past behavior alone is not sufficient to justify the use of restraints.
7. When a Member’s application of a restraint is within the parameters of a Critical Incident or the incident is otherwise a Use of Force Report reportable matter, Members and Supervisors will follow the reporting and review procedures set out in Transit Police policy chapter OH020 – Use of Force.

PROCEDURES

Authorized Restraints, Training and Qualifications

8. Members will only carry authorized Transit Police restraints, as issued specific to their position. A Member’s operational status, and continued safety of the public and other peace officers requires that a Member demonstrate proficiency in the Transit Police issued restraints as a *bona fide* employment requirement.

Off Duty Carry

9. A Member may only carry their Transit Police restraints when on assigned duty, unless otherwise authorized in writing or as set out in Transit Police policy chapter OH020 – Use of Force. [BCPPS 1.2.2(5.1) and 1.2.3 (7)]

Training

10. 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 restraints, 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.
11. 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.

Application and Safety

12. Member training and qualifying on the use of restraints will be in consistent with the BCPPS 1.2.3 and this policy. Members will comply the safety components as set out below in this policy.

(1) Handcuffs, Leg Restraints, and Whole-Body Restraints:

- a. The Member must check each applied restraint for a safe level of tightness, in that circulation will not be dangerously restricted; and
- b. The double lock mechanism must be immediately engaged in all applications (*where applicable to the restraint type*); or
- c. When the Member reasonably perceives that violent subject behaviour makes engaging the double lock mechanism too difficult at that time, the Member will engage the mechanism as soon as is practicable after the violent behaviour subsides or the Member(s) have established sufficient control of the subject.

(2) Disposable Restraint:

- a. The Member must check each applied restraint for a safe level of tightness, in that circulation will not be dangerously restricted (*if the tightness of the device cannot be locked, the Member will need to periodically check the tightness and circulation*); and
- b. If a disposable restraint was applied, at least one Member present must have a tool suitable for cutting the device free.

(3) Leg Restraints:

- a. Can be used in conjunction with handcuffs and whole-body restraints; however, the two devices cannot be joined by any means to complete a maximal restraint or “hog tie”.

(4) Spit Hood/Mask:

- a. Members may only apply the spit hood to arrested persons who are already handcuffed and in situations where there is reasonable risk to the Members or others of being spat on;

- b. Members may use the spit hood for the length of time appropriate for removing the risk of being spat on;
 - c. Members must not use a spit hood on any subject who is unconscious, vomiting or noticeably bleeding from the mouth or nose causing a risk of respiratory distress or asphyxiation, or in obvious need of medical attention;
 - d. Members will immediately remove the spit hood from a subject who loses consciousness or develops any difficulties mentioned above in s. 12(4)c;
 - e. In a situation of s.12(4)d regarding a question of well-being, after removal of the applied spit hood, the Member will consider if the subject requires first aid treatment or assessment by a medical practitioner (and obtain, if so);
 - f. Any subject wearing a spit hood will be kept under the constant supervision of trained personnel and their observations of the subject wearing the spit hood must be recorded in writing in five-minute intervals;
 - g. As a consequence of the constant supervision and five-minute record keeping (s. 12(4)f above) required of a subject wearing a spit hood, Transit Police will require two Members in the police transport vehicle to ensure the necessary monitoring of the subject;
 - h. When custody of the subject is transferred to Jurisdictional Police (e.g., cells, police wagon, or incident transfer), then Members are to either remove the spit hood or ensure that that the police agency taking over custody understands their responsibility arising from the BCPPS and that the Transit Police Member makes notes on this;
 - i. Members will not reapply a used spit hood. If subsequent application is required for the same individual, a new spit hood must be used; and
 - j. As soon as is practicable, used spit hoods will be disposed of within a bag and then placed within a garbage bin (preferably a biohazard bin, if available).
13. If circumstances require use of a restraint that the Member has not been issued or trained on (e.g., leg restraint), or is unfamiliar with, except under exigent circumstance, the Member should only do so under supervision of someone qualified on the restraint.

Duty of Member

14. 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 de-escalation strategies in order to further stabilize the situation;
 - (3) Monitor the subject to ensure their safety and consider ongoing whether it is necessary or appropriate for continued application of the restraint on the subject (this includes being

aware of the length of time the subject remains in the restraint and be responsive to the potential need to remove them, when appropriate);

- (4) Apply immediate first aid within capability and seek Emergency Health Services/medical assistance support to subjects who show signs of injury or appear to be in medical distress;
- (5) Respond promptly to a subject's complaint about applied restraints, with a physical and visual inspection (unless unsafe to conduct);
- (6) Notify the Supervisor; and
- (7) Document the use of the restraint (and any arising actions in relation to the restraint) in police notebook and General Occurrence ("GO") report and a Use of Force Report, if applicable).

NOTE: Documentation to include, for example, reason for use, manner in which the handcuffs were applied (back or front of torso, if they were standing/seated/on ground), if the cuffs were checked for tightness and double locked, and if a complaint that they were too tight - that they were checked (or reason why not checked).

15. Members will advise their Supervisor when they have released a subject from restraints in the following circumstances: instances of an apparent mistaken identity; a mistaken belief about the restrained person's involvement in an offence; or a mistaken belief as to the commission of an offence (e.g., no offence was committed).
 - (1) The Supervisor will make a record of being notified in their daily duty report and take such actions as necessary/appropriate to the situation (e.g., notifying Inspector Patrol Services and Media Relations Officer/Communications Team, and ensuring victim services support).
16. The Member will be responsible for ensuring that:
 - (1) Each issued restraint is maintained in good working order [BCPPS 1.2.2(2.1) and 1.2.3(2)]. (This includes conducting on a regular basis function checks, and care and cleaning of restraints, as appropriate); and
 - (2) Each issued restraint is securely stored when not in use [BCPPS 1.2.2(2.2) and 1.2.3(3)].
17. Where the Member identifies defects to a restraint that may cause unintended/unexpected injury or be beyond repair, the restraint is to be replaced through the Transit Police Purchase and Inventory Coordinator or other Transit Police issue supply mechanism. Replacement will be on a one-to-one basis.
18. There will be no unauthorized alterations made to any Transit Police restraints.

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 Impact Weapons

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

Vancouver Police Board – Independent Review and Approval of Interim VPD *Use of Handcuffs* Policy, October 21, 2021