



Policy Name:	IN-CUSTODY SERIOUS HARM OR DEATH		
Policy #:	OP 4.46.1	Last Updated:	2022-06-08
Issued By:	INVESTIGATIVE SERVICES BUREAU	Approved By:	SURREY POLICE BOARD
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RELATED POLICIES

AD 5.2 Critical Incident Aftercare Program

OP 2.4 IIO Notification

OP 4.13 Crime Scene Management

OP 7.5 Responsibility for Prisoners

1. PURPOSE

- 1.1. To provide Surrey Police Service (SPS) Members guidance when Serious Harm or the death of a person occurs who is in police custody.
- 1.2. To comply with the *Police Act* requirement to notify the Independent Investigations Office (IIO) and the Office of the Police Complaint Commissioner (OPCC) when a person has suffered Serious Harm or dies as a result, directly or indirectly, of the actions or inactions of a Member or the operations of SPS.
- 1.3. To preserve and manage the integrity of the incident scene, prevent contamination or deterioration of evidence, and to work with the IIO to ensure a comprehensive and unbiased investigation of the incident occurs.

2. SCOPE

- 2.1. This policy applies to all Members and Jail Staff.

3. POLICY

- 3.1. Where a person dies while in the custody or care of an SPS Member, an investigation by the IIO will be conducted immediately.
- 3.2. In all incidents where it appears that a person may have suffered Serious Harm or dies as a result, directly or indirectly, of the actions or inaction of a Member, SPS will immediately notify the IIO.
- 3.3. Once the IIO has asserted jurisdiction in relation to the circumstances surrounding the Serious Harm or death of a person, the IIO is responsible for that part of the investigation. SPS will remain responsible for investigating offences committed by the person who suffered Serious Harm or death.
- 3.4. The Chief Constable or designate will immediately report to the Police Complaint Commissioner (PCC) incidents where a person dies while in the custody or care of a Member or as a result of the actions of SPS.
- 3.5. SPS will support the IIO Chief Civilian Director (CCD), IIO investigators and the PCC in carrying out their powers and performing their duties in relation to an in-custody death.
- 3.6. Members will comply with IIO requirements under the *Police Act* and the IIO Memorandum of Understanding, including the duty to cooperate fully with the CCD and IIO Investigator in respect of the exercise of powers or performance of duties under the *Police Act* by the CCD and IIO Investigators.
- 3.7. SPS Employee Service Section and the Critical Incident Aftercare Team will be notified as soon as practicable for the Involved Member(s) to help facilitate access to support services.

4. PROCEDURE

SERIOUS HARM / DEATH IN THE CELLBLOCK JAIL FACILITY

Members / Jail Staff

- 4.1. Upon the discovery of a deceased Prisoner or a Prisoner in the Cellblock Jail facility who has suffered Serious Harm or dies as a result of a Member's or Jail Staff action, Members / Jail Staff must:
 - i. notify the Jail Nurse immediately;
 - ii. notify a Supervisor immediately;
 - iii. provide First Aid & CPR as necessary until relieved by medical personnel;
 - iv. lockdown the scene to everyone but essential medical personnel;
 - v. preserve evidence from loss or destruction; and

- vi. submit necessary reports and notes to the assigned investigator.

Jail Supervisor

4.2. When notified of the discovery of a deceased Prisoner or a Prisoner in the Cellblock Jail facility who has suffered Serious Harm, the Jail Supervisor must:

- i. report immediately to the location of the incident;
- ii. contact British Columbia Ambulance Services (BCAS), if required;
- iii. consult the Jail Nurse and determine if special life-saving measures are required for the prisoner;
- iv. assign Jail Staff / Members as hospital escorts if hospitalisation is required;
- v. ensure the area where the incident occurred is secured and protect all evidence in the cell or Cellblock area until the police investigation is completed;
- vi. immediately report all deaths, attempted suicides, and serious injuries to the Duty Officer;
- vii. and in the event of a death, ensure the Coroner is notified.

4.3. The Jail Supervisor must also comply with IIO notification requirements in section 4.6 below.

SERIOUS INJURY / DEATH WHILE IN POLICE CUSTODY

Member

4.4. When a person who is in a Member's custody (arrest / detention) or care suffers Serious Harm or dies, the Member(s) on scene must:

- i. immediately provide appropriate first aid and seek emergency medical response from BCAS;
- ii. notify their Supervisor of the incident immediately and provide them with the following information as soon as practicable:
 - a. the incident number;
 - b. a brief synopsis of the event; and
 - c. the nature of the injury, or how the person died, if known.

Supervisor

4.5. When notified a person has died or suffered Serious Harm due to the actions or inactions of a Member, the Supervisor will attend the scene and:

- i. ensure that any injured persons (including Members) receive immediate medical assistance;
- ii. notify the Duty Officer immediately and provide the information learned from an Involved Member;
- iii. ensure Involved Member(s) are not used for incident scene containment and evidence management (as required by OP 4.13 *Crime Scene Management*) and:
 - a. if practicable, separate witnesses, including Member witnesses and Involved Members;

- b. ensure the police vehicle of an Involved Member is not removed from the scene unless authorized by the IIO;
- c. ensure the physical locations of police transport, discarded use of force devices (e.g., conducted energy weapon spent cartridges) and other physical evidence at scene that may provide key information, are left where located until the scene is released by the IIO;
- d. direct Members to identify and account for all Involved witnesses and Members;
- e. ensure Members do not go off-duty until cleared by the Duty Officer; and
- f. ensure all Involved Members complete their notes and evidence statements in a PRIME-BC report prior to going off-duty.

IIO Notification

4.6. Regardless of the location of an in-custody incident involving Serious Harm or death, if a Member suspects that a person may have suffered Serious Harm or died as a result of his or her own actions or the actions of another Member, the following is required by OP 2.4 *IIO Notification*:

- i. the Member must notify their Supervisor;
- ii. the Supervisor must notify the Duty Officer;
- iii. the Duty Officer must notify the Professional Standards Sections (PSS) Inspector; and
- iv. the Duty Officer must notify the IIO Liaison Officer, Deputy Chief Constable, and the Chief Constable.

4.7. In the event of a death, the Duty Officer must also ensure the Coroner's Office is notified if the death occurred while detained by or in the custody of an officer, or in a custodial facility, or as a result, directly or indirectly, of actions of an officer performed in the course of their duty (see OP 2.4 *IIO notification*).

Duty Officer

4.8. The Duty Officer will:

- i. notify the IIO of the in-custody Serious Harm or death as soon as practicable once the nature of the incident has been learned;
- ii. ensure that oversight of and the prevention of the contamination of both physical and witness evidence, including that of the Involved Member(s) post-event, to ensure that they are provided appropriate medical care, as necessary;
- iii. immediately notify the Inspector, Major Crime Section;
- iv. if a Supervisor's current duty precludes their involvement with an Involved Member, consider using an appropriate resource who can assist the Involved Member from the scene;
- v. consider whether there may be evidence of a statutory offence committed by the Involved Member. If so:
 - a. ensure that a Supervisor or delegate is assigned to seize the Member's or Jail Staff employee's uniform, including duty belt as evidence as part of the investigation. This

- must be done in a sensitive manner away from other Members / staff, where practicable;
- b. ensure appropriate replacement clothing is provided to the Member / Jail Staff prior to the seizure of clothing; and
- c. designate a Supervisor to seize all intervention devices (e.g., duty belt, pistol, magazines, O.C. spray, conducted energy weapon) worn by the Involved Member(s);
- vi. notify the Inspector, Professional Standards Section immediately. The Duty Officer will copy the notification to the Involved Member's Inspector;
- vii. notify the SPS Communications Section Media Liaison officer; and
- viii. ensure an efficient investigational transition to the IIO including completing the IIO Notification template and forwarding a Briefing Note to the Executive Leadership Team.

4.9. The Professional Standards Section will:

- i. notify the OPCC of the Reportable Injury; and
- ii. maintain a record of Reportable Injury notifications made to the OPCC.

4.10. All media enquiries and releases will be the responsibility of the IIO. Prior to the IIO asserting investigational jurisdiction, the Duty Officer may notify the media there is a police incident currently underway and provide general and non-specific information.

4.11. Member-involved incidents of Serious Harm or death will result in a series of investigations, which may include investigations by the IIO, the OPCC, and potentially other legal processes. These investigations may include:

- i. statutory investigations into potential criminal actions of the Involved Member(s) including the *Criminal Code*, the *Firearms Act*, and the *Police Act*, to establish if the actions or inaction of the Member(s) were appropriate; and
- ii. in the event of a death, investigations by the Coroners Service.

4.12. Prior to the arrival of the IIO, the Duty Officer must ensure the investigation is handled impartially. Where appropriate, the Duty Officer must:

- i. ensure action is taken to secure evidence, maintain security of the scene, identify and locate Involved Members and Witness Officers, despite the involvement of the IIO;
- ii. document any contact with the Involved Member(s) by peers or Supervisors;
- iii. ensure that at any time, information or evidence suggests that the case is a criminal investigation, Members will be notified and provided all legal rights and warnings; and
- iv. ensure Members have been informed of their status (e.g., Involved Officer, Witness Officer, Subject Officer) at the time they speak with Supervisors and/or IIO investigators.

CRITICAL INCIDENT AFTERCARE TEAM (CIAT)

Members

- 4.13. In addition to the requirements under *OP 2.4 IIO Notification*, Members must immediately notify their Supervisor when an incident has occurred which creates, or may create, a Critical Incident reaction on behalf of themselves or other Employees.
- 4.14. If the Critical Incident Aftercare Team (CIAT) is called out, Involved Members will be transported to a safe and quiet place.
- 4.15. Involved Members are not to discuss the incident with the Member assigned to transport them since they could become a compellable witness in any *Police Act*, criminal or civil process.
- 4.16. If CIAT is called out, Involved Members are required to attend a Defusing session within eight (8) hours of the incident and led by at least two CIAT Members.
- 4.17. Members are reminded that CIAT Members are considered compellable witnesses for court purposes, and for this reason it is imperative that communication and interaction and any individual who may be in a position of legal jeopardy be focused on providing Critical Incident support and directed away from fact finding.
- 4.18. If necessary, the Critical Incident Aftercare Team Leader may require Members to attend a Psychological Debriefing at a future date and time (typically within 24 to 72 hours of the incident).

Supervisor and Duty Officer

- 4.19. When an Employee is involved in a Critical Incident, their Supervisor will notify the Duty Officer, who is responsible for making an assessment and determining if the Critical Incident Aftercare Team (CIAT) will be called out.
- 4.20. If the Duty Officer decides to deploy the CIAT, the Duty Officer will notify the CIAT Co-ordinator and request CIAT members attend either the SPS workplace, or a designated location (see AD 5.2 *Critical Incident Aftercare Program*).

APPENDIX A: DEFINITIONS

“Critical Incident” means a traumatic event that generates, or has the potential to generate, such intense emotional energy that it overwhelms an individual’s coping mechanisms, causing impairment in work personal activities.

“Critical Incident Defusing Session” (Defusing) means a structured confidential group discussion that is led by at least two members for the trained CIAT Team, within eight hours of the incident.

“Critical Incident Stress Psychological Debriefing Session” (Debriefing) means a further intervention to augment the Defusing. A psychological Debriefing is typically scheduled between 24 to 72 hours post-incident.

“Employee” means a sworn Member or Civilian Employee appointed by the Surrey Police Board.

“IIO” means the Independent Investigations Office of British Columbia established by the *Police Act*.

“IIO Liaison Officer” means the Member designated by the Chief Constable as the point of contact with the IIO regarding an investigation.

“Involved Officer” (or “Involved Member”) means a Member involved in or present during an incident that is within the jurisdiction of the IIO and includes Subject Officers and Witness Officers.

“Jail Staff” means non-sworn SPS Cellblock staff entrusted with the safekeeping of Prisoners under the general supervision of SPS.

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“NCO” means non-commissioned officer and includes the rank of Sergeant or Staff Sergeant or a sworn Member acting in that role.

“Prisoner” means a person who is lawfully detained / arrested and held in the SPS Cellblock Jail facility.

“PSS” means the Professional Standards Section.

“Reportable Injury” means as it is defined in the *Police Act*, “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*.”

“Serious Harm” means 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.”

“Subject Officer” means:

- i. An on-duty Member whose presence, action, or decision is reasonably believed to have been a contributing factor in the death of any person, including in-custody deaths;
- ii. An on-duty Member who has discharged a firearm, where there are reasonable grounds to believe that any person (including a Member) may have been injured by that discharge;
- iii. An on-duty Member whose presence, action, or decision is on reasonable grounds believed to have resulted in injury requiring emergency care by a medical practitioner or nurse practitioner and also requiring transfer to a hospital or community medical facility, or
- iv. An off-duty Member whose action is on reasonable grounds believed to have been a contributing factor in the death of any person, or is on reasonable grounds believed to have resulted in injury requiring emergency care by a medical practitioner or nurse practitioner and also requiring transfer to a hospital or community medical facility.

“Supervisor” means a Sergeant, Staff Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other person acting in a Supervisory capacity who is accountable for a particular area or shift on behalf of SPS.

“Witness Officer” means a Member involved in or present during the incident who is not a Subject Officer.

APPENDIX B: REFERENCES

Memorandum of Understanding Respecting Investigations Between the Independent Investigations Office of British Columbia (IIO) and the Royal Canadian Mounted Police, the Municipal Police Departments, and others (August 31, 2020)

Police Act, R.S.B.C. 1996, c. 367