



Policy Name:	CHILD UNDER 12 ACTING CONTRARY TO LAW		
Policy #:	OP 4.51.1	Last Updated:	2022-01-27
Issued By:	COMMUNITY POLICING BUREAU	Approved By:	SURREY POLICE BOARD
		Review Frequency:	AS REQUIRED

RELATED POLICIES

OP 4.51.2 *Arrest and Charges of a Young Person*

OP 4.51.3 *Protection and Removal of a Child*

1. PURPOSE

1.1. To ensure a standardize approach employing best practices for responding to incidents involving Children under the age of 12 years who are acting contrary to law.

2. SCOPE

2.1. This policy applies to all Surrey Police Service (SPS) Members.

3. POLICY

3.1. SPS will provide initial response and conduct preliminary investigations in all incidents of a Child under the age of 12 years acting contrary to law.

4. PROCEDURE

4.1. When a Child is under 12 years of age and has acted in a manner prohibited by law or has failed or refused to act in a manner required by law, a Member may:

- i. take charge of the Child; and
- ii. deliver the Child to a Parent ,Guardian, or Responsible Adult.

4.2. The Ministry of Children and Family Development (MCFD) must be notified in all instances where:

- i. where the Parent(s) or Guardian indicate total disregard or lack of concern;
 - ii. the Parent or Guardian shows despair or cannot act for some reason; or
 - iii. the Child is involved in a crime of violence, extreme vandalism, repeated incidences of criminal behaviour, or exhibits indications of severe underlying behavioural or mental health problems.
- 4.3. If a Parent or Guardian indicates the Child will be subjected to abuse by way of excessive discipline, the Member shall immediately take custody of the Child and deliver the Child into the custody of the Director, MCFD, or a Responsible Adult as directed by the Director, MCFD.
- 4.4. All incidents where the Child has killed, seriously assaulted, or endangered the life of another person, or the Child continues to pose a risk of such harms, the investigating Member must:
- i. take charge of the Child, and physically restrain the Child if necessary (i.e., the Child poses an immediate and on-going physical risk to themselves or others);
 - ii. immediately notify their Supervisor;
 - iii. immediately notify the Director or designate of MCFD and await further instruction as to whether the Child should remain with a Parent, Guardian, a Responsible Adult or taken into the custody of MCFD; and
 - iv. document the incident in a General Occurrence Report, including the notification to the Director or designate of MCFD.

APPENDIX A: DEFINITIONS

“Child” means a person under 12 years of age.

“Director” means a person designated by the Ministry of Children and Family Development under section 91 of *Child, Family and Community Service Act*.

“Guardian” means a person to whom guardianship or custody of a Child has been granted by a court of competent jurisdiction or by an agreement; a person with whom a Child resides and who stands in place of the Child's parent; or guardian but does not include a caregiver, prospective adoptive parent, or director.

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

“MCFD” means the Ministry of Children and Family Development.

“Parent” means the biological mother or father; adoptive mother or father; individual(s) with legal custody; or individual(s) with legal guardianship.

“Responsible Adult” means a person 19 years of age or older who the Director, Ministry of Children and Family Development approves to take charge of a Child.

APPENDIX B: REFERENCES

Child, Family and Community Service Act, R.S.B.C. 1996, c. 46

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