



Policy Name:	USE OF FORCE		
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RELATED POLICIES

AD 7.1 *Training Standards – Use of Force*

1. PURPOSE

1.1. To provide requirements pertaining to the use of force by Surrey Police Service (SPS) Members, and to ensure that Members’ use of force is legally compliant and consistent with the *Criminal Code*, the *Police Act*, and *British Columbia Provincial Policing Standards* (BCPPS).

2. SCOPE

2.1. This policy applies to all SPS Members.

3. POLICY

3.1. In accordance with the law, SPS Members:

- i. Are required and authorized to preserve the peace, prevent crime and offences against the law, enforce the law, and protect life and property;
- ii. May use reasonably necessary force in carrying out their obligations and authorities; and,
- iii. may be found criminally responsible for any excess use of force according to the nature and quality of the act that constitutes the excess.

3.2. The Chief Constable, or designate, must ensure that Members may only use issued Firearms, Weapons and other means of force in accordance with:

- i. the legal requirements of the *Criminal Code*;
- ii. the *British Columbia Provincial Policing Standards* (BCPPS);
- iii. the *Canadian National Use of Force Framework* (NUFF); and,

iv. the Members' relevant training, experience, and qualifications.

3.3. Members may only use force against another person for the purposes of establishing and maintaining lawful Physical Control of the person, or to protect the person, the Member or anyone else from harm.

3.4. Prior to graduating from the Police Academy, and every three years thereafter, Members must successfully complete Crisis Intervention and De-escalation (CID) training, in accordance with BCPPS.

3.5. Only Firearms, Intermediate Weapons, and Conducted Energy Weapons (CEWs) approved by the Director of Police Services and authorized by the Chief Constable or by the head of a law enforcement agency to which a Member is seconded, may be issued to and deployed by SPS Members in the performance of their duties.

3.6. SPS will maintain a list of Firearms, Intermediate Weapons, and CEWs currently authorized for use by Members.

3.7. Only Members qualified, as per BCPPS and SPS training, in the use of authorized Weapons may be issued and authorized to carry and use such Weapons.

4. PROCEDURE

Crisis Intervention and De-escalation

4.1. Whenever reasonably appropriate based on the totality of circumstances, Members are to consider using verbal and non-verbal communication CID techniques to de-escalate a situation, prior to the application of any force response option or in conjunction with the application of any force response option, as a means to diffuse a hostile situation or to negate the need to use higher levels of force to establish control.

4.2. Whenever warranted, and reasonably practicable, Members should seek the assistance of a trained Negotiator, subject matter expert in crisis intervention, or interpreter to assist with communication if the person involved does not appear to understand or appreciate a Member's demands.

4.3. In deciding on the level of force that is reasonable and appropriate in a given circumstance, a Member must consider whether:

- i. lawful authority exists for the degree of force intended to be used;
- ii. the Member has Reasonable Grounds to believe that the amount of force to be used is reasonable; and
- iii. a reasonable person (standing in the Member's place) would believe that the level of force used was reasonable.

4.4. Members are to follow the Canadian National Use of Force Framework (NUFF) and Crisis Intervention and De-escalation (CID) models (see Appendix C) as a transactional use of force decision making model, in which subject behaviours and corresponding levels of force response are set out as follows, while using CID techniques where applicable:

- i. cooperative - Member presence;
- ii. passive resistance – communication;
- iii. active resistance - Physical Control (Hard and Soft);
- iv. assaultive - Intermediate Weapons; and,
- v. grievous Bodily Harm or death - Lethal Force.

4.5. Requirements in all use of force situations:

- i. A Member's use of force must be reasonable and necessary in the circumstances, and Members must be able to fully and accurately report and articulate the reasons for the force, as used.
- ii. Members should always attempt to continue to de-escalate a use of force situation through CID techniques regardless of the level of force required.
- iii. Members should not Display a Weapon, except Oleoresin Capsicum (OC) spray unless satisfied on Reasonable Grounds that the situation has some potential for Bodily Harm.
- iv. Members are to issue a verbal warning prior to using or discharging a Weapon against a person, unless such a warning would place any person at further or imminent risk of Bodily Harm.
- v. Members are prohibited from using or discharging a Weapon against a person, except OC spray, unless the Member has Reasonable Grounds to believe that:
 - a) the person is causing Bodily Harm to either themselves, the Member, or a third party; or the person's behaviour will imminently cause Bodily Harm either to themselves, the Member, or a third party;
 - b) Crisis Intervention and De-escalation techniques have not been or will not be effective in eliminating the risk of Bodily Harm;
 - c) no lesser force option has been, or will be, effective in eliminating the risk of Bodily Harm; or the subject will cause death or grievous Bodily Harm to the Member or another person.

4.6. Members may Display authorized Weapons only:

- i. to protect the Member, the public or the subject from Bodily Harm;
- ii. as a tactical consideration for the purpose of gaining a subject's compliance; or,
- iii. to assist in establishing lawful Physical Control of a subject.
 - a) Members will ensure that a CEW display is not a replacement for Crisis Intervention and De-escalation (CID) Techniques.

4.7. Members shall not discharge their Firearms in the performance of their duties unless:

- i. they have Reasonable Grounds to believe that they or another person is in imminent danger of death or grievous Bodily Harm;
- ii. it is necessary to destroy an animal that poses an immediate and serious threat to a Member or another person or is badly injured and requires release from further suffering; or,
- iii. during range practice or SPS sanctioned competitive sporting events.

4.8. Members must identify themselves as a police officer before applying force against a person, unless it is:

- i. not immediately possible due to the urgency of the situation; or,
- ii. inappropriate based on the totality of circumstances and the tactical considerations of the Member at that moment.

4.9. If a Member does not identify themselves before using force, identification must take place as soon as reasonably practicable thereafter.

Use of Force and “SBOR” Reporting Requirements

4.10. A Member who performs any of the following actions must report the same using a PRIME Subject Behaviour Officer Response (SBOR) Report:

- i. use of Physical Control-Soft, if an Injury occurred to either the person or the officer from the application of that force;
- ii. use of Physical Control-Hard;
- iii. application of Vascular Neck Restraint;
- iv. Weapon Display, discharge or application;
- v. Firearm Display or discharge;
- vi. while in charge of a police dog, the dog bites a person’s body or clothing (intentionally and unintentionally); or,
- vii. uses a Weapon of Opportunity.

4.11. A Member who performed any of the actions as directly above must document in an SBOR narrative the following:

- i. the Members who were involved;
- ii. the Member’s authority for engaging;
- iii. the CID techniques used or the reasons for not doing so;
- iv. the tactical communications engaged in;
- v. the tactical considerations;
- vi. the force option used;
- vii. the environmental, subject and officer factors;
- viii. if a verbal warning was not given before using force, the reasons for not doing so; and,

ix. identify anyone else present.

4.12. Within 48 hours following the incident, a Member who performed any of the actions above must:

- i. Complete contemporaneous notebook notes documenting the details of the incident listed above; and,
- ii. Use plain language in their notes and reporting to describe their perception of and response to the subject's behaviour.

4.13. Multiple Members involved in one event will each need to submit an SBOR Report if their actions affected subject behaviour.

4.14. An observing Member will not be required to complete an SBOR Report.

4.15. Members required to complete an SBOR report will do so within 48 hours of the incident, unless there are exceptional circumstances that warrant an extension. Extensions are to be approved by the Deputy Chief Constable, Community Policing, or designate.

4.16. A Weapon drawn where no subject is encountered (e.g., a building search with Firearm drawn) does not require a SBOR report or other report specific just to the Draw.

4.17. In support of an investigation under the jurisdiction of the Independent Investigations Office (IIO), Members must submit copies of their notes, reports, records and data concerning a use of force event, in accordance with SPS Policy and the *Police Act*.

4.18. The Operational Skills Unit will create, maintain and provide reports specific to the use of force by Members, including the number, frequency and types of force used, the number of reports by individual officers, Injury outcomes, and any other measures and within the required times frames, as directed by the Chief Constable or the Director of Police Services.

4.19. The Chief Constable must submit to the Director of Police Services, at the end of each calendar year and at any time on the request of the Director, a statistical report containing the information requested by the Director about the use of force in the SPS.

Notification and Reporting Uses of Force or Weapons Use Resulting in Injuries or Fatalities

4.20. The Chief Constable must ensure that if a Member uses or discharges a Weapon and a person is injured or killed as a result, the Member immediately surrenders the Weapon for investigative purposes and the following agencies are notified:

- i. the Independent Investigations Office (IIO);
- ii. Office of the Police Complaint Commissioner (OPCC);
- iii. Director of Police Services; and,
- iv. the Chair of the Surrey Police Board.

- 4.21. The Chair of the Surrey Police Board may, on receiving a notification above, make further inquiries into the incident that the Chair considers necessary. See related policy B.C. *Police Act* – Reportable Incidents of Injuries or Death.
- 4.22. If a person is injured or killed as a result of a Member’s use of a Weapon or other use of force, the Chief Constable must promptly initiate an investigation into the incident and submit a report of the investigation to the Chair of the Surrey Police Board.
- 4.23. In every case where a Member’s use of a Weapon or other use of force results in death, Serious Harm or Reportable Injury, the Member must immediately notify their Supervisor who will inform the Duty Officer and the Inspector Professional Standards. The Duty Officer will also:
- i. contact the IIO Liaison Officer who will notify the IIO;
 - ii. attend the incident scene;
 - iii. ensure the incident scene is preserved and secured;
 - iv. call out Forensic Identification Services (“FIS”) to the scene to conduct a comprehensive investigation, unless the IIO has asserted jurisdiction and control of the incident scene;
 - v. ensure the collection and securing of any Weapon, Munitions, Ammunition, Restraints, or equipment used, deployed or otherwise relevant to the investigation in accordance with related Policy;
 - vi. In the event of a death, ensure the Coroner’s Office is notified;
 - vii. immediately notify the Chief Constable or designate of the incident; and,
 - viii. ensure after incident critical care is initiated via the Critical Incident Stress Management Team.
- 4.24. The IIO has statutory authority in Member-involved shootings and other use of force investigations involving Serious Harm or death and must take over and conduct the investigation of the incident.
- 4.25. Where practicable, the seizure of a Member’s Firearm or other Weapon is to be discreet and the Member may be given a replacement Firearm or Weapon, as approved by the Chief Constable.
- 4.26. The IIO Liaison Officer will, as soon as practicable, contact the Inspector Investigative Services to plan to have them assume conduct of the SPS’s officer-involved shooting investigation.
- 4.27. The Lead Agency conducting a concurrent investigation will coordinate with the IIO through the SPS’s Liaison Officer.
- Supervisor Requirements**
- 4.28. If a Supervisor was present during, or involved in, a reportable use of force event by providing planning, guidance or direction specific to the use of force or participated in the use of force, an uninvolved Supervisor shall attend to conduct an incident review.

4.29. The responsible Supervisor shall ensure that each Member involved in a reportable use of force event completes all required reports, including the SBOR template, notes and attachments, in accordance with above.

4.30. Assigned Supervisors are to:

- i. ensure Members submit an SBOR report whenever the Member has engaged in a reportable use of force;
- ii. review reports for adherence to applicable policies as soon as practicable;
- iii. ensure the use of force was in accordance with the law, BCPPS, SPS policy and training; and,
- iv. ensure the incident is properly documented and the applicable WorkSafeBC forms are completed, if an Injury to any Member occurs because of a reportable use of force.

4.31. When a Supervisor review identifies any concerns about the use of force, or the use of force requires mandatory reporting in accordance with s. 89 *Police Act*, the Supervisor shall set out the concerns in writing to the attention of the Professional Standards Inspector and the Inspector(s) of the Member(s) involved.

Reporting Discharge of a Firearm – No Injuries or Death to Person

4.32. Where a Member discharges a Firearm that does not result in Injury or death, the Member must, as soon as practicable:

- i. notify their immediate Supervisor; and,
- ii. turn over their Firearm and ammunition to their Supervisor, as well as any used casings if those are not part of the scene to be investigated. If the casings are part of the scene, they shall be treated as evidence and gathered in the appropriate manner.

4.33. In the event a Member discharges a Firearm in a situation involving a dangerous or injured animal, the Supervisor will decide if it is necessary for the Member to turn over their Firearm.

4.34. The Firearm will be returned or replaced if and as directed by the Chief Constable.

4.35. The Member must document the incident and the Supervisor must conduct an investigation in accordance with the BCPPS.

4.36. This section does not apply to intentional discharge during training or for the purpose of maintenance.

Chief Constable – Firearm Discharge

4.37. In the event the Chief Constable discharges his or her Firearm, other than in training or for the purpose of maintenance:

- i. the Chair of the Surrey Police Board must be notified, and may delegate the role of the Chief Constable to a Deputy Chief Constable for accountability purposes, and make inquiries into the incident that the Chair considers necessary; and,
- ii. the Chief Constable will be subject to the same processes and procedures as any other Member, in the event a person is killed or injured as a result of a discharge.

Reporting Unintentional Discharges of Weapons

4.38. A Member who unintentionally discharges a Weapon, that is, does not deliberately cause the discharge, whether or not damage or Injury results, is required as soon as possible to:

- i. notify their immediate Supervisor and provide the circumstances surrounding the discharge;
- ii. turn over the Weapon, casings, projectiles, Cartridges, and any other munition parts, if those items are not part of the scene to be investigated; and,
- iii. complete a report of the incident.

4.39. A Member is not required to complete a report of the incident or turn over the Intermediate Weapon, if the unintentional discharge occurred during sanctioned supervised training and no damage or Injury is caused.

4.40. In the event of an unintentional discharge, the responsible Supervisor is required to:

- i. notify the Duty Officer of all reportable unintentional discharges;
- ii. notify Professional Standards in circumstances where damage or Injury occurs; and,
- iii. conduct an investigation and submit a report and recommendations to the Deputy Chief Community Services or designate.

Reporting Excessive Use of Force

4.41. A Member who has Reasonable Grounds to believe that they have witnessed excessive use of force by another Member must report the incident to their own Supervisor as soon as reasonably practicable.

4.42. A report of possible excessive use of force must be reported, as soon as practicable, through the chain of command to the Deputy Chief Constable Community Services and the Chief Constable.

4.43. The Chief Constable shall cause the reported incident to be investigated and any required further action to be taken.

Medical Requirements

4.44. A Member who has used a Weapon or force against a subject, or the Supervisor if the Member is not able to, is required to obtain medical assistance for the subject, by requesting the attendance of BC Ambulance Service as soon as practicable post incident, if:

- i. the subject has any apparent medical issues or physical injuries;

- ii. the subject is in distress; or,
- iii. the subject requests medical assistance.

4.45. If a medical issue or physical Injury or affliction is claimed or observed, the Member who used a Weapon or force, or the Supervisor if the Member is not able, is required to make note on the investigative file of any Injury they observe as well as any Injury or medical issue described by the subject and, where practicable, photograph the Injury.

4.46. If practicable, a Member who plans or anticipates use of a Weapon, or the Supervisor, is to request BC Ambulance Service to attend and hold at the perimeter of the scene until the situation is stable.

4.47. When a subject has been sprayed with oleoresin capsicum (OC), the Member who sprayed the subject, or Supervisor, must ensure that the subject receives medical assistance.

4.48. If a CEW discharge is necessary, before the arrival of medical personnel, or if medical assistance was not initially requested, Members should obtain medical assistance as soon as practicable post incident (see section 4.85 below).

Automated External Defibrillators (“AEDs”)

4.49. Patrol Sergeants must ensure that their vehicle is equipped with an SPS issued AED.

4.50. In accordance with the BCPPS, all Members who are authorized to use an AED must receive and maintain training in accordance with Emergency and Health Services Commission consent requirements for police use of an AED.

4.51. Any Member who uses an AED on a person must, as soon as practicable, subsequently seek emergency medical assistance, either from paramedics or a hospital.

Use of Force Options

4.52. Authorized Less Lethal Force options include the following:

- i. Physical Control (Hard and Soft) tactics;
- ii. Vascular Neck Restraint (VNR);
- iii. batons;
- iv. oleoresin capsicum spray;
- v. CEWs;
- vi. approved Extended Range Impact Weapons and associated Munitions; and,
- vii. Weapons of opportunity, if use of issued Weapons is not practicable.

Physical Control

4.53. Members must be qualified in the use of Physical Control (Soft and Hard) tactics in accordance with the BCPPS and as directed by the Chief Constable.

4.54. A Member must assess a given situation and may subsequently apply the Less Lethal Force option reasonably necessary to establish control of the person, stop the person's behaviour, or prevent harm to the Member or any other persons.

Restraints

4.55. Members may only use Restraints that have been approved by the Director of Police Services, as required by BCPPS 1.2.3 (1) APPENDIX "A".

4.56. The Operational Skills Unit is responsible for ensuring that every Member authorized to carry and use a specific Restraint has successfully qualified to do so and that every Member authorized to carry and use a Restraint is requalified to use that restraint at least once every three years and that training contains the safety considerations outlined in 4.58 (i) to (iv).

4.57. Members are responsible for ensuring that issued Restraints and those under their control are maintained and in good working order.

4.58. Members must ensure that any use of a Restraint must include the following safety components:

- i. Handcuffs, Leg Restraints, and Whole-Body Restraint Devices:
 - a) A Member must check each applied Restraint device for a safe level of tightness, in that circulation will not be dangerously restricted;
 - b) The double lock mechanism must be immediately engaged in all applications; and,
 - c) When the Member reasonably perceives that violent subject behaviour makes engaging the double lock mechanism too difficult at that time, the Member shall engage the mechanism as soon as is practicable after the violent behaviour subsides or the Member(s) have established sufficient control of the subject.
- ii. Disposable Restraint Device:
 - a) The Member must check each applied Restraint device for a safe level of tightness, in that circulation will not be dangerously restricted; and,
 - b) At least one Member present with a subject(s) wearing a Disposable Restraint Device must have a tool suitable for cutting and removing the device in their possession.
- iii. Leg Restraints:
 - a) Can be used in conjunction with Handcuffs and full body Restraints, but the two devices cannot be joined by any means to complete a maximal Restraint or "Hog-tie".
- iv. Spit Hood/Mask:
 - a) Must not be used on any person 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;

- b) Shall be immediately removed from a subject who loses consciousness or develops any difficulties mentioned in subsection (a); and,
- c) Anyone wearing a Spit Hood shall be kept under the constant supervision of a person assigned to keep custody of that person and their observations of the subject wearing the Spit Hood must be recorded in writing in five-minute intervals.

4.59. Members shall only carry their issued Restraints when on assigned duty, unless otherwise authorized in writing by the Chief Constable.

4.60. Members must ensure that each Restraint is securely stored when not in use.

Vascular Neck Restraint (VNR)

4.61. Members shall use a VNR only when the following criteria are met:

- i. The situation demands immediate control over a violent person;
- ii. No lesser use of force option is available;
- iii. There is no reason to believe that the person being subdued will suffer any Injury; and,
- iv. The Member has been trained to apply the hold correctly.

4.62. Members must requalify annually to remain authorized to use the technique.

4.63. Members are prohibited from the intentional use of chokeholds, unless the officer has Reasonable Grounds to believe that Lethal Force is justified.

Intermediate Weapons

4.64. Intermediate Weapons in the following categories, as issued, are authorized to be used by Members who are trained and qualified in their use:

- i. batons;
- ii. oleoresin capsicum (OC) spray;
- iii. Conducted Energy Weapons; and
- iv. Extended Range Impact Weapons (e.g., beanbag shotgun, ARWEN).

4.65. The Chief Constable, or designate, must ensure that each Intermediate Weapon in the SPS inventory is maintained in good working order.

Oleoresin Capsicum (OC) Spray

4.66. Oleoresin capsicum (OC) spray may be deployed as an intermediate force option to:

- i. control active resisters as defined by the Canadian National Use of Force Framework;
- ii. control assailants as defined by the Canadian National Use of Force Framework;

- iii. control a person or crowd when lesser means have failed, and higher levels of force are not yet required; and
- iv. control attacks or threats of attacks from assailants or animals.

Impact Weapons

4.67. The use of an impact Weapon is consistent with that of hard Physical Control (striking) on the Canadian National Use of Force Framework and delivers impact pressure (blunt force) in the form of kinetic energy.

4.68. The use of an impact Weapon is typically a dynamic event with many variables and Members may not always be able to specifically target certain areas of the subject while avoiding others.

4.69. If practicable, when using a baton, Members are to avoid targeting the following areas, unless the Member has Reasonable Grounds to believe that the subject presents an imminent or immediate risk of death or grievous Bodily Harm to themselves, the Member, or another person:

- i. head;
- ii. neck;
- iii. spine;
- iv. clavicle;
- v. testicles; and
- vi. abdomen on visibly pregnant women.

Extended Range Impact Weapons

4.70. Members should take a team tactics, layered force response options approach to resolving high risk situations. When an Extended Range Impact Weapon is deployed operationally, consideration should be given to having a cover Member paired up to provide Lethal Force over-watch.

Post Discharge Requirements

4.71. After an operational Extended Range Impact Weapon discharge, the Member's Supervisor will ensure that:

- i. the component pieces (expended casing and projectile) of the discharged munition are recovered and entered as an exhibit;
- ii. any injuries observed on the subject are photographed; and
- iii. if serious Injury or if death occurred proximate to the discharge, the Weapon is seized for investigative purposes and secured as an exhibit.

Bodily Target Areas

4.72. Before discharging an Extended Range Impact Weapon, proper sighting must be attempted by the Member, and acquired as best as possible, to avoid the possibility of strikes to areas where there is a risk of death or grievous Bodily Harm. See section 4.66 above and section 4.72 below.

4.73. When discharging an Extended Range Impact Weapon, a Member should continually evaluate the effectiveness of each round delivered.

4.74. In order to only incapacitate, and seek to avoid the potential for serious Injury, the preferred target areas for Members using Extended Range Impact Weapons are:

- i. the front and back of the subject's legs; and
- ii. the front and back of the subject's arms (below the elbow).

4.75. Extended Range Impact Weapon higher risk target areas, having a higher Injury potential, are:

- i. the upper arms (because of close proximity to the chest);
- ii. the abdomen;
- iii. the groin;
- iv. the chest;
- v. the lower or upper back; and
- vi. the head or neck.

4.76. If practicable, Members discharging an Extended Range Impact Weapon are to avoid targeting higher risk target areas, unless the Member has Reasonable Grounds to believe that the subject presents an imminent or immediate threat of death or grievous Bodily Harm to themselves, the Member, or a third party.

Conducted Energy Weapons (CEWs)

4.77. Members are prohibited from discharging a CEW against a person unless:

- i. The person is causing Bodily Harm to either themselves, the Member, or a third party;
- ii. The Member is satisfied, on Reasonable Grounds, that the person's behaviour will imminently cause Bodily Harm either to themselves, the Officer, or a third party;
- iii. Crisis Intervention and De-escalation (CID) Techniques have not been or will not be effective in eliminating the risk of Bodily Harm; and
- iv. No lesser force option has been, or will be, effective in eliminating the risk of Bodily Harm.

4.78. Members are prohibited from discharging an electrical current from a CEW on a person for longer than five (5) seconds or exposing a person to an additional CEW discharge, unless the Member is satisfied, on Reasonable Grounds, that:

- i. the initial five second discharge was not effective in eliminating the risk of Bodily Harm; and
- ii. a further discharge will be effective in eliminating the risk of Bodily Harm.

CEW Records

4.79. The Operational Skills Unit will maintain a record of testing for each CEW showing:

- i. the dates testing occurred;

- ii. the unit tested (e.g., by serial number); and
- iii. the results.

CEW Responsibility for Member

4.80. At the start of each shift, Members must examine the CEW and probe Cartridges for any damage and, in accordance with their training, conduct a CEW spark-test, of either their issued CEW or a signed-out CEW.

4.81. Members must sign out/sign in CEW using Equipment Tracker and record the serial number of the CEW in their notebook.

CEW Discharge

4.82. Members should not discharge a CEW near flammable, combustible or explosive material, including alcohol-based oleoresin capsicum (OC) spray, where there is a risk of these igniting.

4.83. When discharging a CEW in any mode, members are required to:

- i. Issue a verbal warning prior to discharging a CEW against a person, unless such a warning would place any person at further risk of Bodily Harm or imminent Bodily Harm;
- ii. Consider the backdrop prior to discharging a CEW against a person, to assess the potential risk to bystanders or other Members if probes miss the intended subject;
- iii. make every effort to take control of the subject as soon as possible following the deployment of a CEW and if possible during the CEW deployment;
- iv. not discharge a CEW against a person where the person is at risk of a fall from an elevated height, unless the Member has Reasonable Grounds to believe that the potential for death or grievous Bodily Harm is justified;
- v. not discharge a CEW against a person in water where there is a danger of the person drowning due to incapacitation from the CEW, unless the Member has Reasonable Grounds to believe that the potential for death or grievous Bodily Harm is justified;
- vi. not discharge a CEW against a person operating a vehicle or machinery in motion, unless the Member has Reasonable Grounds to believe that the potential for death or grievous Bodily Harm is justified; and
- vii. not to discharge more than one CEW simultaneously against a person unless the Member has Reasonable Grounds to believe that the potential for death or grievous Bodily Harm is justified.

CEW – Target Areas

4.84. The preferred target zones for the CEW are the lower centre of mass (below the chest) for the front of the body, and below the neck for the back. The reasons for this are:

- i. consistency in targeting for all CEWs; and
- ii. shots to the chest, particularly at close range are frequently ineffective because of the lack of major muscle groups in the chest area.

4.85. Members are to avoid a person's head, neck or genitalia as target zones for discharge of the CEW, unless the Member has Reasonable Grounds to believe that the potential for death or grievous Bodily Harm justifies such a deployment.

Post CEW Discharge Requirements

4.86. The CEW probe Cartridge component pieces include:

- i. the expended CEW probe Cartridge with the attached wires and probes;
- ii. a sample of the Anti-Felon Identification ("AFID") markers which have the serial number of the CEW probe Cartridge printed on them;
- iii. the CEW probe Cartridge blast doors; and
- iv. the plastic retaining clips from the CEW probe Cartridge which secures the insulated wire.

4.87. After an operational CEW discharge, the Member's Supervisor will ensure that:

- i. the CEW is removed from service and secured in exhibits;
- ii. the available component pieces of the CEW probe Cartridge are entered as an exhibit;
- iii. the SPS Operational Skills Unit is advised of the CEW discharge and the location of the CEW;
- iv. the SPS Operational Skills Unit retrieves the CEW and conducts a data download of the CEW;
- v. a copy of the data download is forwarded to the involved Member for inclusion in the file; and
- vi. Cartridges no longer required for criminal, civil, or *Police Act* investigations are to be disposed of. Where possible, probes are to be disposed of in a sharps container.

4.88. If serious Injury or death occurred proximate to the discharge, the CEW is not to be returned to service until it is tested, repaired and re-tested, if required.

Medical Assistance and Probe Removal

4.89. A Member deploying a CEW in probe mode must ensure that any Injury to a subject is assessed by either B.C. Ambulance Service personnel or at a hospital.

4.90. In addition to the requirements for ensuring medical assessment and care previously set out in the Policy, specific to CEW use, Members must request paramedic attendance, if practicable before or as soon as possible after a discharge in:

- i. probe mode across the person's chest;
- ii. any mode for longer than five seconds; or
- iii. any mode against:
 - a) an emotionally disturbed person;
 - b) an elderly person;
 - c) a person who the Member has reason to believe is pregnant;
 - d) a child; or

- e) a person who the Member has reason to believe has a medical condition (e.g., heart disease, implanted pacemaker or defibrillator).

4.91. Probes located in sensitive areas such as the head, face, neck, groin or breast are to be removed by medical personnel.

4.92. Removal of probes in other areas may be done by Members, at the direction of the Supervisor.

4.93. Members shall exercise caution when removing probes and do so in a safe manner.

4.94. Members shall ensure:

- i. the subject is appropriately restrained; and
- ii. a cover Member is present.

4.95. Probes should be removed in the manner prescribed in the Member's CEW operator training course.

4.96. After the probe is inspected, it is to be secured inside the expended Cartridge, and if probes have been removed from skin they shall be treated as Bio-Hazards "sharps" and wrapped in the Member's nitrile gloves as means of bio-hazard protection, and then secured in the Cartridges.

4.97. Supervisors shall ensure that photographs are taken of probe impact sites and any other related injuries.

4.98. The Operational Skills Unit will ensure that each CEW in use by the SPS is tested in accordance with the following schedule:

- i. two years after the CEW was acquired;
- ii. every year thereafter; and
- iii. immediately after a CEW is used in an incident where either serious Injury or death occurs proximate to its use.

4.99. The Operational Skills Unit will ensure that:

- i. testing is conducted in accordance with the protocols described in the BCPPS Test Procedure for CEWs;
- ii. testing is conducted independent of the manufacturer; and
- iii. the test procedure has been verified to meet the Test Procedure for CEWs by a professional engineer.

4.100. If, after testing, a CEW does not meet all the manufacturer's testing and safety specifications, the CEW is required to be either destroyed, or repaired and retested, before being put back into service. The CEW must:

- i. Not have a monophasic charge higher than 180 μC for any individual Pulse; and
- ii. Meet the manufacturer's specifications for the following:
 - a) Pulse Repetition Rate,
 - b) Peak Voltage,
 - c) Peak Current,
 - d) Net Charge, and
 - e) Pulse Duration.

Firearms and Lethal Force

4.101. Members may use Lethal Force when they have Reasonable Grounds to believe that they or another person is in imminent or immediate danger of death or grievous Bodily Harm. That is, serious physical injury, and the Member's purpose in using lethal level of force is to preserve their own life or the life of another person.

Drawing of Firearm

4.102. A Member's decision to Draw a Firearm should be based on the totality of circumstances in any given situation, including the Member's Reasonable Grounds that they are entering into a potentially dangerous situation, such as entering premises where there may be armed suspects. Drawing the Firearm and having it at the ready in these circumstances is proper and recommended. Members will not Draw their Firearm unless they believe on Reasonable Grounds that:

- i. it may be necessary for the protection of the Member's life or the life of another person; or,
- ii. it is necessary for the apprehension or detention of a person believed to be dangerous.

Discharge of Firearms

4.103. A Member who discharges a Firearm as a response option shall shoot with the intent to stop the threat of death or grievous Bodily Harm as effectively as possible.

4.104. The discharge of a warning shot is not permitted.

4.105. Members are justified in discharge of a Firearm against an occupant of a moving vehicle, if seeking to prevent grievous Bodily Harm or death to themselves or another person, and it is the most reasonable use of force in the circumstances and given potential risks posed by continued vehicle travel.

APPENDIX A: DEFINITIONS

“BCPPS” means the British Columbia *Provincial Policing Standards* issued pursuant to the *Police Act*.

“Bodily Harm” means any Injury or hurt to a person that interferes with the health or comfort of the person and is more than merely transient or trifling in nature.

“Conducted Energy Weapon” (“CEW”) means a Weapon designed to use a conducted electrical current in order to incapacitate a person, or to generate compliance through pain.

“Constable” means a sworn police constable appointed by the Surrey Police Board.

“Crisis Intervention and De-Escalation (CID) techniques” mean verbal and non-verbal communication techniques applied to seek to prevent the requirement to use force.

“Director of Police Services” means British Columbia’s Director of Police Services referred to in section 39(1) *Police Act*.

“Display” means the act of pointing, aiming or showing an Intermediate Weapon or a Firearm at or to a person without discharging it, for the purpose of generating compliance from a person.

“Disposable Restraint Device” means designed to be a back-up Handcuffs and a fast means of securing prisoners 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 subject’s wrists using an appropriate cutting tool.

“Draw” means the act of un-holstering or removing an Intermediate Weapon or a Firearm from the holster without discharging it, as a precautionary step so that it is ready for use should it become necessary.

“Duty Officer” means the Frontline Policing Inspector on duty at any given time.

“Extended Range Impact Weapons” (also includes Kinetic Energy Impact Projectile) means a device firing a special projectile designed to gain compliance, overcome resistance, or prevent serious injury or death. It includes flexible or non-flexible projectiles, which are intended to gain compliance or incapacitate a subject through pain compliance, with a reduced potential for causing death or serious Injury when properly used.

“Firearm” means a barrelled Weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious Bodily Harm or death to a person.

“Handcuffs” means Restraint devices designed to secure an individual's wrists in proximity to each other. Comprised of two ring-shaped cuffs, linked together by a short chain. Each cuff has a rotating arm which engages with a ratchet that prevents it from being opened once closed around a person’s wrist. Once applied, the cuff can only be removed by key.

“Hog-tie” means to restrain a person with hands behind their back, legs bound together, and the legs and hands bound together by any means. Hog-tying a person is prohibited.

“Injury” means an injury requiring emergency care by a medical practitioner or nurse practitioner and transfer to a hospital.

“Intermediate Weapon” or “Less Lethal Weapon” means a Weapon whose normal use is not intended or likely to cause serious Injury or death, including Extended Range Impact Weapons, aerosols, and Conducted Energy Weapons.

“Leg Restraint” means a device used to restrict the movements of an individual's legs when exhibiting violent behavior. They can also be used on a subject's legs during transport when a greater risk of violence or escape is suspected.

“Less Lethal Force” means a degree of force, including the use of Intermediate Weapons, which is not intended or likely to cause serious Injury or death.

“Lethal Force” means a degree of force and any force option that is likely or has a high probability to cause serious physical Injury or death.

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

“Munitions, Ammunition or Cartridge” mean a projectile intended for use with a Firearm or other thing intended to be fired or forcefully released by a Firearm or other Weapon during operational use.

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

“Physical (Hard and Soft) Control Tactics” means techniques of applying force to control a person without use of a Weapon, with soft tactics (e.g., Restraint techniques, joint locks, non-resistant Handcuffing) intended to control a person's behavior with a lower probability of causing Injury, and hard tactics (e.g., empty hand strikes/punches, kicks) intended to stop a person's behaviour and having a higher probability of causing Injury.

“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.

“Reportable Injury” means 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) [regulations under Parts 9 and 11]” of the *Police Act*.

“Restraint” means any mechanical device or system that when used in its 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* means, “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”.

“Spit Hood/Mask” means a device intended to cover the mouth, face and sometimes the head of a restrained person in order to prevent them spitting bodily fluids at or biting others.

“SBOR” means “Subject Behavior Officer Response”, for which a report template is provided in the PRIME records management system.

“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.

“Training Cartridge” means anything intended to be fired or forcefully released by a Firearm or other Weapon during training use, and by design intended to be less than lethal or inert, including blue simulation air Cartridges for scenario-based training.

“Vascular Neck Restraint” means 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.

“Weapon” means anything designed, intended or used for inflicting physical Bodily Harm and includes Firearm and the following Intermediate Weapons:

- oleoresin capsicum (OC) spray;
- impact Weapons, specifically batons;
- Extended Range Impact Weapons (e.g., beanbag shotgun, ARWEN); and,
- Conducted Energy Weapons.

“Weapon of Opportunity” means an ordinary object that in its regular use is not intended as a Weapon, but in a specific encounter is at hand for improvised use as a Weapon (e.g., flashlight).

APPENDIX B: REFERENCES

British Columbia Provincial Policing Standards

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)

Criminal Code, R.S.C. 1985, c. C-46

National Use of Force Framework (NUFF) and Crisis-Intervention and De-escalation Techniques Model

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

Subject Behaviour Officer Response Reporting Lesson Plan – Justice Institute of British Columbia (May 2009)

APPENDIX C: National Use of Force Framework (NUFF) and Crisis Intervention and De-escalation (CID)

