



Executive Committee	
DCC Operations	<input type="checkbox"/>
DCC Investigation	<input type="checkbox"/>
DCC Operational Support	<input type="checkbox"/>

Planning, Research & Audit Section Project Tracking Cover Sheet

To: Jim Chu, Chief Constable

Re:

PROJECT NO. 2008-061	REPORT AUTHOR: Cst. Wendy Sinclair	DATE: 2008/07/24
PROJECT TITLE: Housekeeping Amendments to Regulations and Procedures Manual Sections: 25.07: <i>Booking of Prisoners</i>; 25.31: <i>Jail Guards – Use of Force</i>; and 31.03: <i>Use of Force – Restraint Devices</i>		

From: Earl Andersen, A/Inspector #1507

Subject: Attachments

PROJECTS DISTRIBUTED TO THE EXECUTIVE COMMITTEE FOR THE FOLLOWING:

Executive Committee Meeting 2008.07.29
YMD

PR&A is directed as follows:

YMD

Chief Constable

INSTRUCTIONS

- (1) Executive Assistant to Chief Constable assigns meeting date; distributes to Executive Committee copies of VPD 13 for return to PR&A; and adds item to appropriate agenda
- (2) Following the Executive Committee meeting, Chief Constable completes directions to PR&A and dates, signs and returns original to PR&A



VANCOUVER POLICE DEPARTMENT

Planning, Research & Audit Section

Date: July 24, 2008

To: Executive Committee

From: Earl Andersen, A/Inspector #1507
Planning, Research and Audit Section

Subject: **Housekeeping Amendments to Regulations and Procedures Manual**
Sections: 25.07: *Booking of Prisoners*; 25.31: *Jail Guards – Use of Force*;
and 31.03: *Use of Force – Restraint Devices*

PR2008-061

Planning, Research and Audit was informed by Constable Dianne Howland that the WRAP restraint device had been used by the VPD but has since been phased out. Sections 25.07, 25.31 and 31.03 make reference to the use of the WRAP restraint device. The proposed housekeeping amendments remove reference to the WRAP device. The VPD now uses the BodyCuff and this change needs to be reflected in the RPM.

I recommend that the proposed housekeeping amendments to RPM Sections 25.07: *Booking of Prisoners*; 25.31: *Jail Guards - Use of Force*; and 31.03: *Use of Force - Restraint Devices* be approved.

Earl Andersen, A/Inspector #1507
Planning, Research and Audit Section



VANCOUVER POLICE DEPARTMENT PLANNING, RESEARCH & AUDIT SECTION

July 24, 2008

To: Earl Andersen, A/Inspector #1507
Planning, Research & Audit Section

From: Wendy Sinclair, Constable #1537
Planning, Research & Audit Section

Subject: Housekeeping amendments to Regulations and Procedures Manual
Sections: 25.07: *Booking of Prisoners*; 25.31: *Jail Guards – Use of Force*; and 31.03: *Use of Force – Restraint Devices*

PR2008-061

Assignment

To amend all sections within the Regulations and Procedures Manual (RPM) where it refers to the Wrap,TM a restraint device no longer used by the Vancouver Police Department (VPD), and replace its reference with the currently used BodyCuffTM device. RPM Sections: 25.07: *Booking of Prisoners*; 25.31: *Jail Guards – Use of Force*; and 31.03: *Use of Force – Restraint* apply.

Background

Constable Dianne Howland of the Human Resources Section brought the following information to the attention of the Planning, Research and Audit Section (P,R&A).

The WrapTM prisoner restraint had previously been in use by the VPD, but has since been phased out. In three sections of the RPM there are directives regarding the use of the wrap: 25.07, 25.31, & 31.03. The BodyCuffTM has replaced it and changes need to be made to the RPM.

Resources

Shane Apostoliuk, Staff Sergeant #1127, Vancouver Jail
Clive Milligan, Sergeant #1395, Force Options Co-ordinator
Dianne Howland, Constable #1706, Human Resources Section

Research and Analysis

This is a housekeeping amendment that reflects a use of force option change that the Department has made.

Financial Considerations

There are no financial implications associated with the proposed changes to the policy.

Conclusion

This is a housekeeping amendment to update the "*booking of prisoners*" policy and two "use of force" procedures. The Wrap™ is no longer used by the VPD and has been replaced with the BodyCuff™.

Recommendations

I recommend that:

1. The changes to the Regulations and Procedures Manual Sections: 25.07: *Booking of Prisoners*; 25.31: *Jail Guards – Use of Force*; and 31.03: *Use of Force – Restraint Devices* be approved; and
2. That this file be closed

Wendy Sinclair, Constable 1537
Planning, Research and Audit Section

Existing Procedure

25.07 Booking of Prisoners

(Effective: 2006.12.07)

1. All Vancouver Police members and peace officers from outside agencies presenting a prisoner to the Vancouver Jail shall:
 - a. Handcuff and search the prisoner (refer to Sections 25.04 Search Policy and 25.06 Transportation of Persons in Custody) prior to placing them in a pre-hold cell; and
 - b. Provide a completed Vancouver Police Arrest Report to the Jail Intake Officer. The arresting member shall note in the medical remarks or arrest narrative section of the Arrest Report whenever a prisoner:
 - Has received any injury or suffers from any illness;
 - Was placed in a vascular neck restraint; Is a known drug addict or has taken any drugs;
 - Requires, or is presently on, medication; Has received medical treatment (See Section 25.02 – Prisoners, Responsibility For if prisoner attended by EHS), or has refused such treatment;
 - Has a history of mental illness or suicide attempts;
 - Was placed in the Wrap™;
 - If Oleoresin Capsicum Spray, Conductive Energy Weapon, Bean Bag Shotgun, or a baton was used while placing him/her under arrest;
 - and Is wearing a medical bracelet, the contents of that Medical Bracelet.
2. Vancouver Jail staff shall retain and file all Vancouver Police Arrest Reports and advise the Jail Nurse of any of the conditions noted in the medical remarks or arrest narrative.
3. When the Vancouver Police Arrest Report indicates the prisoner has been attended to by EHS, Vancouver Jail staff will ensure the Jail Nurse receives the EHS Crew Report copy accompanying the Vancouver Police Arrest Report.
4. In the event a person is released to the custody of another facility or police agency, Vancouver Jail staff and/or VPD members shall:
 - a. advise the other facility or police agency of all relevant medical issues concerning the person in custody; and
 - b. note that advice in the Medical Information Form.
5. Ensure that CPIC forwards all documentation concerning the confirmation of warrants to the Jail.

Existing Procedure

Section 25.31 – Jail Guards – Use of Force

(Effective: 2006.12.08)

Authority to Use Force

Vancouver Police Department Jail Guards are “peace officers” for the purposes of the Criminal Code of Canada and the Offence Act of British Columbia, while they are carrying out jail guard duties.

In circumstances where it is reasonably necessary in order to carry out their duties, the Criminal Code authorizes Jail Guards to use reasonable force against prisoners. Examples of circumstances where reasonable force may be used include: in self defence against unprovoked assault; to prevent against a personal assault or assault against another; to prevent the commission of an offence; to suppress a riot; and as required or authorized by law in the administration or enforcement of the law. Jail Guards shall under no circumstances use excessive force, i.e., a greater level of force than is reasonably necessary in the circumstances to which it is applied.

Jail Guards who use force in the course of their duties are personally responsible for the force so applied and must themselves make the decision to use force or not. Jail Guards cannot rely on an administrative direction or order issued by the Vancouver Police Department, or any officer or supervisor within it, as authorization to use force in circumstances in which it is not otherwise authorized under the provisions of the Criminal Code or other statute. Jail Guards using force in the course of their duties may be required to justify their actions afterward in various legal forums, including criminal and civil court.

Definition

For the purpose of this procedure a “Use of Force” incident is defined as an incident where one or more of the following have been applied in order to gain physical control of a non-compliant subject:

- a. Oleoresin Capsicum (OC) Spray
- b. A Baton that causes injury to a person
- c. A Vascular Neck Restraint
- d. The Wrap™ restraining device
- e. Any physical force to a person that causes injury, resulting in medical attention being required or requested.

Application of Force

1. In the course of carrying out their duties, Jail Guards may only use force on prisoners in circumstances where all other reasonable means of control have failed or cannot be used.

2. In the context of performing jail guard duties, the authority to use force will generally only arise in circumstances in which it is reasonably necessary for self-defence, to prevent an assault or the commission of another offence, or to suppress a riot.
3. In rare circumstances Jail Guards may be required to use force on prisoners, in order generate compliance with the Jail Guard's or other person's duties to administer or enforce the law. Jail Guards finding themselves in situations where force might reasonably be necessary should proceed cautiously, keeping in mind that force may only be used in circumstances where it is authorized by law. Jail Guards should only proceed with the application of force after all reasonable non-physical means of obtaining compliance have been tried and exhausted, and then only to assist Vancouver Police Department police officers in carrying out lawful duties at the jail.
4. In all cases, a Guard may only use force on prisoners if the that Guard believes, on reasonable grounds, that using force is necessary in the circumstances. In other words, force may only be used for reasons that, in the same circumstances, a reasonable person in the Guard's position would accept as justifying the use of force.

Level of Force

5. The level of force to be used shall be limited to that which is reasonably necessary in the circumstances to achieve its purpose, and is to be discontinued as soon as possible thereafter.
6. Anyone authorized to use force is not expected to measure exactly the level of the force that is authorized in any given circumstance. Nevertheless, anyone using excessive force, i.e., force that is a greater level than is reasonably necessary in the circumstances, may be subject to criminal prosecution and/or civil action for the excessive force used.

Documentation

7. Jail Guards witnessing or taking part in any "Use of Force" incident shall submit a written incident report to the Jail NCO, and document the incident in their notebook.
8. All Jail Constables shall follow the documentation procedures specified for each weapon/restraint specified in Section 31.01: Use of Force – Justification, and record the details of the incident into the appropriate Jail Logs.
9. The Jail Nurse shall examine all prisoners who have been the subject of a "Use of Force" incident, and record in their clinical notes, all observations of injury and all forms of treatment given in respect thereof.

Inquiry into Use of Force

10. Immediately following any "Use of Force" incident within the Jail, all staff witnessing or taking part in any such incident shall immediately notify the Jail NCO. The Jail NCO shall carry out a preliminary investigation in respect thereof.
11. In the event of injury, the Jail NCO shall notify the Duty Officer.

12. The Jail NCO will review the submitted reports, attach their recommendations and submit them through the chain of command to the Inspector i/c Court and Detention Services.
13. In any circumstances where, based on the Jail NCO's submitted report, the Inspector i/c Court and Detention Services has reasonable grounds to believe that use of force by jail staff has been unjustified or excessive, a police investigation shall be initiated.
14. The Vancouver Police Department supports the use of intermediate weapons by Jail Guards who are qualified and/or certified to use them, when lower levels of force have been ineffective or are inappropriate, and the use of higher levels of force may not be justified and/or appropriate. The Baton and OC Spray are intermediate weapons that are authorized for use by trained and qualified Jail Guards. (See Section 56.01 - Qualifying Standards - Firearms, Baton, Vascular Neck Restraint and Oleoresin Capsicum Spray).
15. The Jail NCO, upon receiving notification that a person was killed or grievously injured as a result of the use of an intermediate weapon, shall refer to Section 31.01 Use of Force – Justification paragraph (14) and Section 25.24: Prisoner Death or Serious Injury for specific procedures to be followed.

Vascular Neck Restraints

16. The Vascular Neck Restraint shall only be used when the following criteria are met:
 - a. The situation demands immediate control over a violent person;
 - b. No less violent means are available;
 - c. There is no reason to believe that the person being subdued will suffer any injury; and
 - d. The Jail Guard has been trained and qualified in applying the hold.

Violent Prisoners

17. Jail Guards will assist Jail Constables and other VPD Police Officers in the handling of violent prisoners within the Jail, on verbal notice from, and as directed by, a VPD Police Officer.

Existing Procedure

31.03 Use of Force - Restraint Devices

(Effective: 2007.07.26)

Policy

When an officer arrests or detains a person, or when a person is restrained for officer safety and is transported by police wagon, police vehicle or on foot, the officer must consider their lawful authority for applying any restraint device(s), e.g. handcuffs, to the prisoner. The safety of the prisoner and the safety of the officer are two lawful reasons why restraint devices may be applied; however, an officer must articulate in each circumstance the reasons why they applied a particular restraint device(s) to the prisoner.

Handcuffs and plastic straps are two common approved devices used by members to restrain a person. When a member believes that a person is using, or is about to use their legs/feet to injure themselves or others, damage property, cause a disturbance, or escape, the member may, where appropriate and reasonable to do so, restrain the person by using a Modified Restraint Device (Hobble), Wrap™, or other approved device, in addition to applying handcuffs/plastic straps to the person.

Proposed Procedure

FOI recommendation: For Public Release

Section 25.07 Booking of Prisoners

1. All Vancouver Police members and peace officers from outside agencies presenting a prisoner to the Vancouver Jail shall:
 - a. Handcuff and search the prisoner (refer to Sections 25.04 Search Policy and 25.06 Transportation of Persons in Custody) prior to placing them in a pre-hold cell; and
 - b. Provide a completed Vancouver Police Arrest Report to the Jail Intake Officer. The arresting member shall note in the medical remarks or arrest narrative section of the Arrest Report whenever a prisoner:
 - Has received any injury or suffers from any illness;
 - Was placed in a vascular neck restraint; Is a known drug addict or has taken any drugs;
 - Requires, or is presently on, medication; Has received medical treatment (See Section 25.02 – Prisoners, Responsibility For if prisoner attended by EHS), or has refused such treatment;
 - Has a history of mental illness or suicide attempts;
 - Was placed in the BodyCuff™;
 - If Oleoresin Capsicum Spray, Conductive Energy Weapon, Bean Bag Shotgun, or a baton was used while placing him/her under arrest;
 - and Is wearing a medical bracelet, the contents of that Medical Bracelet.
2. Vancouver Jail staff shall retain and file all Vancouver Police Arrest Reports and advise the Jail Nurse of any of the conditions noted in the medical remarks or arrest narrative.
3. When the Vancouver Police Arrest Report indicates the prisoner has been attended to by EHS, Vancouver Jail staff will ensure the Jail Nurse receives the EHS Crew Report copy accompanying the Vancouver Police Arrest Report.
4. In the event a person is released to the custody of another facility or police agency, Vancouver Jail staff and/or VPD members shall:
 - a. advise the other facility or police agency of all relevant medical issues concerning the person in custody; and
 - b. note that advice in the Medical Information Form.
5. Ensure that CPIC forwards all documentation concerning the confirmation of warrants to the Jail.

Proposed Procedure

Section 25.31 – Jail Guards – Use of Force

(Effective: 2006.12.08)

Authority to Use Force

Vancouver Police Department Jail Guards are “peace officers” for the purposes of the Criminal Code of Canada and the Offence Act of British Columbia, while they are carrying out jail guard duties.

In circumstances where it is reasonably necessary in order to carry out their duties, the Criminal Code authorizes Jail Guards to use reasonable force against prisoners. Examples of circumstances where reasonable force may be used include: in self defence against unprovoked assault; to prevent against a personal assault or assault against another; to prevent the commission of an offence; to suppress a riot; and as required or authorized by law in the administration or enforcement of the law. Jail Guards shall under no circumstances use excessive force, i.e., a greater level of force than is reasonably necessary in the circumstances to which it is applied.

Jail Guards who use force in the course of their duties are personally responsible for the force so applied and must themselves make the decision to use force or not. Jail Guards cannot rely on an administrative direction or order issued by the Vancouver Police Department, or any officer or supervisor within it, as authorization to use force in circumstances in which it is not otherwise authorized under the provisions of the Criminal Code or other statute. Jail Guards using force in the course of their duties may be required to justify their actions afterward in various legal forums, including criminal and civil court.

Definition

For the purpose of this procedure a “Use of Force” incident is defined as an incident where one or more of the following have been applied in order to gain physical control of a non-compliant subject:

- a. Oleoresin Capsicum (OC) Spray
- b. A Baton that causes injury to a person
- c. A Vascular Neck Restraint
- d. The BodyCuff™ restraining device
- e. Any physical force to a person that causes injury, resulting in medical attention being required or requested.

Application of Force

1. In the course of carrying out their duties, Jail Guards may only use force on prisoners in circumstances where all other reasonable means of control have failed or cannot be used.

2. In the context of performing jail guard duties, the authority to use force will generally only arise in circumstances in which it is reasonably necessary for self-defence, to prevent an assault or the commission of another offence, or to suppress a riot.
3. In rare circumstances Jail Guards may be required to use force on prisoners, in order generate compliance with the Jail Guard's or other person's duties to administer or enforce the law. Jail Guards finding themselves in situations where force might reasonably be necessary should proceed cautiously, keeping in mind that force may only be used in circumstances where it is authorized by law. Jail Guards should only proceed with the application of force after all reasonable non-physical means of obtaining compliance have been tried and exhausted, and then only to assist Vancouver Police Department police officers in carrying out lawful duties at the jail.
4. In all cases, a Guard may only use force on prisoners if the that Guard believes, on reasonable grounds, that using force is necessary in the circumstances. In other words, force may only be used for reasons that, in the same circumstances, a reasonable person in the Guard's position would accept as justifying the use of force.

Level of Force

5. The level of force to be used shall be limited to that which is reasonably necessary in the circumstances to achieve its purpose, and is to be discontinued as soon as possible thereafter.
6. Anyone authorized to use force is not expected to measure exactly the level of the force that is authorized in any given circumstance. Nevertheless, anyone using excessive force, i.e., force that is a greater level than is reasonably necessary in the circumstances, may be subject to criminal prosecution and/or civil action for the excessive force used.
7. Jail Guards witnessing or taking part in any "Use of Force" incident shall submit a written incident report to the Jail NCO, and document the incident in their notebook.

Documentation

8. All Jail Constables shall follow the documentation procedures specified for each weapon/restraint specified in Section 31.01: Use of Force – Justification, and record the details of the incident into the appropriate Jail Logs.
9. The Jail Nurse shall examine all prisoners who have been the subject of a "Use of Force" incident, and record in their clinical notes, all observations of injury and all forms of treatment given in respect thereof.

Inquiry Into Use of Force

10. Immediately following any "Use of Force" incident within the Jail, all staff witnessing or taking part in any such incident shall immediately notify the Jail NCO. The Jail NCO shall carry out a preliminary investigation in respect thereof.
11. In the event of injury, the Jail NCO shall notify the Duty Officer.
12. The Jail NCO will review the submitted reports, attach their recommendations and submit them through the chain of command to the Inspector i/c Court and Detention Services.
13. In any circumstances where, based on the Jail NCO's submitted report, the Inspector i/c Court and Detention Services has reasonable grounds to believe that use of force by jail staff has been unjustified or excessive, a police investigation shall be initiated.

Use of Intermediate Weapons

14. The Vancouver Police Department supports the use of intermediate weapons by Jail Guards who are qualified and/or certified to use them, when lower levels of force have been ineffective or are inappropriate, and the use of higher levels of force may not be justified and/or appropriate. The Baton and OC Spray are intermediate weapons that are authorized for use by trained and qualified Jail Guards. (See Section 56.01 - Qualifying Standards - Firearms, Baton, Vascular Neck Restraint and Oleoresin Capsicum Spray).
15. The Jail NCO, upon receiving notification that a person was killed or grievously injured as a result of the use of an intermediate weapon, shall refer to Section 31.01 Use of Force – Justification paragraph (14) and Section 25.24: Prisoner Death or Serious Injury for specific procedures to be followed.

Vascular Neck Restraint

16. The Vascular Neck Restraint shall only be used when the following criteria are met:
 - a. The situation demands immediate control over a violent person;
 - b. No less violent means are available;
 - c. There is no reason to believe that the person being subdued will suffer any injury; and
 - d. The Jail Guard has been trained and qualified in applying the hold.

Violent Prisoners

17. Jail Guards will assist Jail Constables and other VPD Police Officers in the handling of violent prisoners within the Jail, on verbal notice from, and as directed by, a VPD Police Officer.

Proposed Procedure

31.03 Use of Force - Restraint Devices

Policy

When an officer arrests or detains a person, or when a person is restrained for officer safety and is transported by police wagon, police vehicle or on foot, the officer must consider their lawful authority for applying any restraint device(s), e.g. handcuffs, to the prisoner. The safety of the prisoner and the safety of the officer are two lawful reasons why restraint devices may be applied; however, an officer must articulate in each circumstance the reasons why they applied a particular restraint device(s) to the prisoner.

Handcuffs and plastic straps are two common approved devices used by members to restrain a person. When a member believes that a person is using, or is about to use their legs/feet to injure themselves or others, damage property, cause a disturbance, or escape, the member may, where appropriate and reasonable to do so, restrain the person by using a Modified Restraint Device (Hobble), BodyCuff™, or other approved device, in addition to applying handcuffs/plastic straps to the person.

- END -