



VANCOUVER POLICE DEPARTMENT
Planning, Research & Audit Section

Date: June 1, 2007

To: Executive Committee

From: Volker Helmuth, Director
Planning, Research and Audit Section

Subject: Coroner's Jury Recommendations - McLachlan

RU2007- 023

Richard William McLachlan was attended to by EHS, on the street in the DTES, on 2003-08-09. He was deemed to be intoxicated, with a minor head abrasion. He refused transport to hospital, was refused admittance to Detox, and eventually was transported to cells. The Jail Arrest Report noted the head abrasion. Due to his behaviour, he was later taken by EHS to St. Paul's and certified under the Mental Health Act. Serious head injuries were later identified, of which he subsequently died.

The following Coroner's Jury recommendation was made:

"Ensure relevant information follows the individual when they are moved from one location to another. This would help in the assessment of the individual."

This recommendation was previously studied in April 2005 (PR#2005-023), leading to the implementation of RPM S. 25.03: *Responsibility for Prisoners*, which states that, whenever a person in custody is transferred, all injuries, and any medical condition(s), must be clearly explained to the receiving agency .

At the time of Mr. McLachlan's death, the Vancouver Jail was being operated by Corrections. Now that the VPD is in charge, **I recommend the following amendment to the RPM:**

25.06: *Transportation of Persons in Custody* should be amended as follows:

23. Whenever a prisoner requires hospitalization, the Jail NCO shall ensure:
- a. the Jail Nurse completes a medical report for the prisoner; and
 - b. the report accompanies the prisoner to hospital.

The proposed amendment reflects current practices in the Jail.

I further recommend that, by letter, the Planning, Audit and Research Section advise the Coroner of the proposed change to policy and other relevant provisions of the RPM.



VANCOUVER POLICE DEPARTMENT PLANNING & RESEARCH SECTION

May 28, 2007

To: Volker Helmuth, Director
Planning, Research & Audit Section

From: Shelley Horne, Constable 1791
Planning, Research & Audit Section

Subject: **Coroner's Jury Recommendations – McLachlan** **PR2007-023**

In February 2007 the Office of the Chief Constable received a letter from the Office of the Chief Coroner along with a copy of the formal Verdict at Inquest in relation to the Inquest into the death of Richard William McLachlan. The Verdict contained a synopsis of the events leading to Mr. McLachlan's death. A summary of this synopsis is as follows:

On 2003-08-09 at approximately 0240hrs EHS attended to Mr. Richard William McLachlan near Main and Broadway. He was found to be conscious with normal vital signs and a minor abrasion to his head. He also appeared to be intoxicated and refused to be transported to hospital. The Vancouver Police Department (VPD) was requested and eventually transported Mr. McLachlan to the Vancouver Jail after he was refused admittance to Vancouver Detox due to uncooperative behaviour.

The Jail Arrest Report accompanying Mr. McLachlan noted that he had a bump on his head and that he did not remember why he was laying in the street. Mr. McLachlan was placed in a cell and monitored at regular intervals. When he was checked at 1045hrs he roused to touch, had normal vital signs, but was refusing to answer questions. At 1056hrs Mr. McLachlan was released to EHS for transport to St. Paul's Hospital where he was admitted. Information pertaining to his pre-existing head injury was not relayed between the jail and hospital.

On 2003-08-11 Mr. McLachlan was medically certified under the Mental Health Act. He received a CT scan the following day that revealed serious inoperable head injuries. He was then transferred to Vancouver General Hospital (VGH) where his condition continued to deteriorate until he died on 2003-08-17.

The Coroner's inquest into the death of Mr. McLachlan occurred in February 2005 and resulted in the following Coroner's Jury recommendation:

"Ensure relevant information follows the individual when they are moved from one location to another. This would help in the assessment of the individual."

This recommendation was previously studied in April 2005 (PR#2005-023) by Sergeant Ruben Sorge at the request of Catherine Kinahan, City of Vancouver Law Department. At that time it was

determined that the existing policies and procedures in the Regulations and Procedures Manual (RPM) were sufficient to address this recommendation. RPM Section 25.06: *Transportation of Persons in Custody* contains information directing members to obtain EHS crew reports and hospital reports when taking injured persons into custody or returning injured prisoners from hospital. In addition, RPM S. 25.03: *Responsibility for Prisoners* states that members shall ensure that whenever a person in custody is transferred to the charge of another person or facility, all injuries, and any medical condition(s), are clearly explained to the person or agency taking charge of the prisoner.

A report outlining this information was forwarded to the Executive Committee and subsequently approved. At the time of Mr. McLachlan's death the Vancouver Jail was being operated by BC Corrections so the recommendation was also addressed to the Provincial Director, Adult Custody, BC Corrections.

In April 2006, the Vancouver Police Department (VPD) took over the operations of the Vancouver Jail from BC Corrections. Now that the VPD is in charge of operations at the Jail, the RPM requires a housekeeping amendment in order to ensure that all relevant medical information accompanies the prisoner should he/she remain in the custody of the VPD and require transfer to hospital due to illness or injury. RPM Section 25.06: *Transportation of Persons in Custody* should be amended as follows:

Whenever a prisoner requires hospitalization, the Jail NCO shall ensure:

- c. the Jail Nurse completes a medical report for the prisoner; and
- d. the report accompanies the prisoner to hospital.

Staff Sergeant Shayne Apostoliuk, Court and Detention Services, advised that the proposed amendment accurately reflects current practices in the Jail. When a prisoner is transferred to hospital, the Jail Nurse fills out a medical report that goes with the prisoner for the receiving hospital. Amending the RPM at this time to include this information is appropriate given that the VPD is now responsible for the operations of the Jail.

I recommend that:

1. The amendments to Regulations and Procedures Manual S. 25.06: *Transportation of Persons in Custody* be approved as a housekeeping change;
2. A response for the Office of the Chief Coroner be drafted outlining the relevant sections of the RPM; and
3. This file is closed.

Existing Procedure

Section 25.06 - Transportation of Persons in Custody

Policy

Members are responsible for the safe and timely transportation of persons in their custody. A police wagon is the primary method of transporting people in custody. The Department recognizes that wagon drivers may be diverted to an emergent situation while in the process of transporting persons in custody. Wagon drivers must therefore consider the time delay involved and continue with the transport as soon as practicable.

Procedure

1. Whenever possible, a person in custody shall be transported by police wagon. Members should consider transporting people in custody in a police car where conditions such as advanced pregnancy, disability or infirmity exist. Members must also make an assessment of the person in custody to determine whether officer safety concerns limit their ability to transport in a police car. When people are transported in a police car, they will be placed in the rear right seat of the vehicle, and shall be accompanied by a member who will sit behind the driver. When two members are provided for escort, the person in custody will be seated between the escorts.
2. Every person transported by the wagon shall have an accompanying Vancouver Jail Arrest Report completed.
3. For all parties being transported to the Jail: the wagon driver shall ensure that the arresting members have completed the Vancouver Jail Arrest Report (VPD 602) prior to transporting any person in the wagon.
4. For all other transportation (Breaches, Impaired Drivers, or others): the wagon driver shall ensure that the arresting members have completed the Vancouver Jail Arrest Report listing the pertinent information, including the reason for the transportation prior to transporting any person in the wagon. The wagon driver will record the release location.
5. It is the responsibility of the arresting member to ensure that all Descriptors, Prisoner Alerts, Medical Remarks, Circumstances of Arrest and Prisoner Effects and Property are completed on the Vancouver Jail Arrest Report, PRIOR to transportation of the person in custody. This report will be reviewed by the wagon driver to ensure that the report is complete.
6. The wagon driver shall confirm that the arresting member(s) have conducted a body search and that those member(s) have recorded their PIN numbers in the appropriate field on the Vancouver Jail Arrest Report.
7. The wagon driver shall conduct a field search and ensure that every person is checked with a metal detector prior to that person entering the wagon.
8. Prior to the end of their shift, the wagon driver will take all non-Jail related Vancouver Jail Arrest Reports (Breaches, Impaired Drivers, or others) and all Detox Forms and place those reports in the 215/ Vancouver Jail Arrest Reports depository at the 312 or 2120 Public Service Counter. The Public Service Counter staff will submit these forms to the Archive Unit on a monthly basis.

9. Members transporting a person in custody in a police car shall search the rear seat area before and after the transport.
10. Males and females shall not to be transported in the same wagon compartment.
11. Persons in custody who are handcuffed shall not be transported in the same compartment of a police wagon as persons who are not handcuffed.
12. All persons in custody transported by police wagon shall be handcuffed, unless pregnancy, infirmity, disability or other circumstance would make handcuffing impractical. Anyone placed in the Wrap restraining device shall not be transported in the same compartment with other prisoners and must be transported directly to the Jail. The Police Jail Supervisor and Jail Nurse must be advised of anyone who been transported to the Jail while restrained in the Wrap (see also Section 31.01).
13. When there are two or more persons in custody in the same incident, they should be transported separately.
14. Members are encouraged and expected to check on the well being of persons in their custody, particularly when a considerable delay has interrupted the transportation of prisoners, or the prisoner being transported has been injured or suffers from a medical condition. (Refer to Section – 2.08, Arrests of Injured Persons).
15. Under no circumstances shall a young person be transported in the same compartment as an adult in a police wagon. For additional procedures on transporting young persons, refer to RPM S. 34.02 Young Persons – Charges and Arrests.
16. Members shall search the wagon compartment before and after the transport of any person(s) in custody.

15(1)

15(1)

15(1)

15(1)

21. If EHS attends to a prisoner, a copy of the EHS Crew Report is to be attached to the Vancouver Jail Arrest Report, for the Jail Nurse. If a prisoner is returned from the hospital, a copy of the hospital medical treatment and/or release form must be delivered to the Jail Nurse.

Hospital Transfers

22. Any prisoner of the Vancouver Jail, who requires transport to hospital for medical treatment, shall be transported to the hospital by EHS (Refer to Section 31.02: Use of Force to Provide Medical Aid). Prisoners, other than those arrested for "Hold SIPP", shall be guarded at all times until they are returned to the jail.
23. If a prisoner is returned from the hospital, a copy of the hospital medical treatment and/or release form must be delivered to the Jail Nurse.

Proposed Procedure

FOI Recommendation: For Public Release

Section 25.06 - Transportation of Persons in Custody

Policy

Members are responsible for the safe and timely transportation of persons in their custody. A police wagon is the primary method of transporting people in custody. The Department recognizes that wagon drivers may be diverted to an emergent situation while in the process of transporting persons in custody. Wagon drivers must therefore consider the time delay involved and continue with the transport as soon as practicable.

Procedure

1. Whenever possible, a person in custody shall be transported by police wagon. Members should consider transporting people in custody in a police car where conditions such as advanced pregnancy, disability or infirmity exist. Members must also make an assessment of the person in custody to determine whether officer safety concerns limit their ability to transport in a police car. When people are transported in a police car, they will be placed in the rear right seat of the vehicle, and shall be accompanied by a member who will sit behind the driver. When two members are provided for escort, the person in custody will be seated between the escorts.
2. Every person transported by the wagon shall have an accompanying Vancouver Jail Arrest Report completed.
3. For all parties being transported to the Jail: the wagon driver shall ensure that the arresting members have completed the Vancouver Jail Arrest Report (VPD 602) prior to transporting any person in the wagon.
4. For all other transportation (Breaches, Impaired Drivers, or others): the wagon driver shall ensure that the arresting members have completed the Vancouver Jail Arrest Report listing the pertinent information, including the reason for the transportation prior to transporting any person in the wagon. The wagon driver will record the release location.
5. It is the responsibility of the arresting member to ensure that all Descriptors, Prisoner Alerts, Medical Remarks, Circumstances of Arrest and Prisoner Effects and Property are completed on the Vancouver Jail Arrest Report, PRIOR to transportation of the person in custody. This report will be reviewed by the wagon driver to ensure that the report is complete.
6. The wagon driver shall confirm that the arresting member(s) have conducted a body search and that those member(s) have recorded their PIN numbers in the appropriate field on the Vancouver Jail Arrest Report.
7. The wagon driver shall conduct a field search and ensure that every person is checked with a metal detector prior to that person entering the wagon.
8. Prior to the end of their shift, the wagon driver will take all non-Jail related Vancouver Jail Arrest Reports (Breaches, Impaired Drivers, or others) and all Detox Forms and place those reports in the 215/ Vancouver Jail Arrest Reports depository at the 312 or 2120 Public Service

Counter. The Public Service Counter staff will submit these forms to the Archive Unit on a monthly basis.

9. Members transporting a person in custody in a police car shall search the rear seat area before and after the transport.
10. Males and females shall not to be transported in the same wagon compartment.
11. Persons in custody who are handcuffed shall not be transported in the same compartment of a police wagon as persons who are not handcuffed.
12. All persons in custody transported by police wagon shall be handcuffed, unless pregnancy, infirmity, disability or other circumstance would make handcuffing impractical. Anyone placed in the Wrap restraining device shall not be transported in the same compartment with other prisoners and must be transported directly to the Jail. The Police Jail Supervisor and Jail Nurse must be advised of anyone who been transported to the Jail while restrained in the Wrap (see also Section 31.01).
13. When there are two or more persons in custody in the same incident, they should be transported separately.
14. Members are encouraged and expected to check on the well being of persons in their custody, particularly when a considerable delay has interrupted the transportation of prisoners, or the prisoner being transported has been injured or suffers from a medical condition. (Refer to Section – 2.08, Arrests of Injured Persons).
15. Under no circumstances shall a young person be transported in the same compartment as an adult in a police wagon. For additional procedures on transporting young persons, refer to RPM S. 34.02 Young Persons – Charges and Arrests.
16. Members shall search the wagon compartment before and after the transport of any person(s) in custody.

15(1)

15(1)

15(1)

21. If EHS attends to a prisoner, a copy of the EHS Crew Report is to be attached to the Vancouver Jail Arrest Report, for the Jail Nurse. If a prisoner is returned from the hospital, a copy of the hospital medical treatment and/or release form must be delivered to the Jail Nurse.

Hospital Transfers

22. Any prisoner of the Vancouver Jail who requires transport to hospital for medical treatment, shall be transported to the hospital by EHS (Refer to Section 31.02: Use of Force to Provide Medical Aid). Prisoners, other than those arrested for "Hold SIPP", shall be guarded at all times until they are returned to the jail.

24. Whenever a prisoner requires hospitalization, the Jail NCO shall ensure:
- a. the Jail Nurse completes a medical report for the prisoner; and
 - b. the medical report accompanies the prisoner to hospital.
23. If a prisoner is returned from the hospital, a copy of the hospital medical treatment and/or release form must be delivered to the Jail Nurse.