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*The Victoria Police Department's Response  
to the Bevan Report Recommendations and  
Action Items*

November 2012  
Submitted by Inspector Penny Durrant

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The Bevan Report Recommendations and Action Items are listed below. Each one has been reviewed and responded to in this report. The following terms have been used to describe the decisions made or the actions taken by our organization:

- Implemented – The recommendation has been implemented partially or in its entirety.
- Reviewed – The recommendation has been reviewed but not implemented.
- Not complete – The recommendation has been reviewed and is ongoing for further assessment and/or implementation.

### 3.30 Schedule of Recommendations – Jail Operations

The following Schedule of the 60 Recommendations that pertain to Jail operations has been compiled for easy reference.

## 2.0 Findings – Policy Development

2.1.1 Vic PD move to fill the vacancy created by the departure of Constable Whitaker; and

- Implemented. A Research and Audit Unit was created and the position was filled.

2.1.2 Vic PD amend their Policy Development cycle to include elements of Audit and Reassessment; and

- Implemented. This was implemented by the Policy Sergeant.

2.1.3 Vic PD adopt a “checklist” approach to Policy for use by members in the Field.

- Reviewed. Checklists are maintained in policy where it is deemed a benefit or is necessary to achieve a suitable overall response. This approach is applied on a case by case manner in regards to policy review and development. Using a strict checklist approach to policing practices is not always the best approach.

### 3.2 Organizational Structure

3.2.1 Vic PD should amend the existing Organizational Structure so that the responsibility to oversee the detention facility falls to an Operational Support Service; and

- Reviewed. The decision was made to maintain the status quo under the Operations / Patrol Division as all staff in the Jail, Jailers and NCO's, work directly under the Patrol Staff Sergeant. The oversight of the entire Jail facility is managed by the Patrol Administrative Staff Sergeant.

3.2.2 Rename the "Jail" to "Arrested Persons Processing Unit" or a similar name.

- Reviewed. It has been decided that the current name of the Jail Facility is appropriate.

### 3.3.1 Tenure of a Jail Sergeant

3.3.1.1 Vic PD continue to appoint qualified Sergeants to serve as supervisors in the Jail. A set of selection criteria should be developed to assist with the identification of persons with the necessary skills and attributes. Tenure should be for a minimum period of one year. Candidates should be drawn from a pool larger than just the 12 Sergeants assigned to duties on the 4 Watches; and

- Implemented. The Jail Sergeant tenure is now one year. All Patrol NCO's have a solid understanding of the Jail Facility through working as a Road Sergeant or as a Constable previously. All Jail Sergeant's receive specialized training prior to working in the Jail as the supervisor. Expanding the pool of NCO's is unrealistic due to training requirements and supervisory positions in other sections. All Acting Supervisors receive the same Jail Sergeant training prior to being assigned to the jail.

3.3.1.2 Senior Management continue to foster the necessary change in culture which was successfully introduced into Jail operations when the Sergeants were assigned to duties there in early 2009; and

- Implemented. A culture of care versus detention is now entrenched within the organization. This has been done through the Jailer and Jail Supervisor training. They are educated in this philosophy through jail policy review (Policy Governing the Medical Care of Prisoners), access to written materials outlining risk management (Paul Ceyssens), and through first aid and level of consciousness training which all focus on care in addition to custody.

3.3.1.3 In the future, once the necessary cultural shift has occurred, Vic PD consider replacing Sergeants with professional supervisors who have the requisite skills and attributes to supervise in such an environment and are trained to an EMR standard and can function as a Special Constable; and

- Reviewed. The current model of having a police officer working as the Jail Sergeant provides better oversight in the jail as it relates to specific jail duties and responsibilities. In addition to the basic duties, the Jail Sergeants are responsible for a number of other duties that relate directly or indirectly to the Jail. Examples: Workflow and file accountability; domestic abuse victim notifications; investigative oversight; forensic oversight; file management; prisoner release; leadership development of acting supervisors; greater integration of the jail into the patrol division, resulting in better accountability and partnership.

3.3.1.4 This Review is not recommending that Nurses be hired for duties in the Jail at this time. Further study may identify specific times of the week when high risk prisoners are brought to the cells and this may provide the information to hire and staff on a targeted basis. Sergeants trained to an appropriate level and supported by a partnership with VIHA, the Sobering Centre and Emergency Department of the Royal Jubilee Hospital should meet the need in this area.

- Not complete. The review has shown that due to the dynamic nature of policing there is no imperial data to clearly determine when there are more high risk prisoners in cells. During pre-determined peak periods Jail Sergeant's will call-out additional jail staff. The mandatory Jail Sergeant training now includes level of consciousness and first-aid training. All prisoners displaying a medical concern are assessed by PAS before being lodged in cells.
- There are ongoing meetings with health professionals to strategize other approaches. In addition, with the decrease in remanded prisoners who are generally higher risk, this has lessened the risk concerns in the jail facility.
- ACTION: Insp. Durrant and Staff Sgt Hamilton to follow-up.

### 3.4 Training of Jail Sergeants

3.4.1 As mentioned in this section and previously in this Report, adequate training of Sergeants to prepare them for this assignment is crucial to minimizing the risk associated with persons in custody. Not only must the Sergeants be trained, but those who replace them during vacations or other absences must be trained as well; and

- Implemented. All supervisors are given a 4 hour training block by an identified trainer prior to being assigned to work in cells. This includes all acting supervisors.

3.4.2 In addition to the training provided by the Department on operating procedures and philosophy, each Sergeant should be trained to the Occupational First Aid Level 3 ticket or EMR standards including the application of the Glasgow Coma Scale. These qualifications should be maintained as long as the Sergeant may be called to duties in the Jail. Policy, adequate operational training and the above mentioned qualifications should mitigate the need to hire Nursing staff in the Jail.

- Reviewed. The OFA 3 training relates to the transport of medical patients. All jail staff are trained to OFA 2 which is identical but without the transport component. The Provincial Ambulance Service conducts any transports we require. It was deemed unnecessary to train our staff to the OFA 3 level.
- Not complete. Further discussions are underway with medical professionals to determine the best screening protocol that fits the needs of the Department and is acceptable to the local medical community. The GCS and rousability scales are currently in use by members and supervisors to assist them with screening. These tools will remain in place subject to the outcome of these discussions.
- ACTION: Staff Sgt. Hamilton and Sgt. Hollingsworth to follow-up

### 3.6 Training of Jail Guards

3.6.1 Initial training of Jail Guards requires improvement and should be to a level comparable to Jail Guards at Vancouver PD; and

- Reviewed. The Vancouver Police Department jail guards receive approximately 115 hours of training. All Victoria Police Department jailers receive approximately 130 hours of training. This includes their basic jail guard training, first-aid training and use of force training.

3.6.2 Vic PD implement annual requalification training for all Jail Guards, to include Use of Force training; and

- Implemented. All Jail staff re-certify in first-aid on an annual basis. In 2012 the Human Resources Division implemented a 4 hour Use of Force training session for all jailers. This training will be ongoing and will be customized to reflect for the duties of the Jailers.

3.6.3 Jail Guards be required to maintain their Occupational First Aid Level 2 ticket as a condition of employment.

- Implemented. Jail guards recertify annually for their OFA Level 2 and it is a condition of their employment.

### 3.7 Physical Checks of Prisoners

3.7.1 Vic PD immediately adopt the use of prisoner forms which are tacked to cell doors to record prisoner checks and comments. Samples have been collected from Vancouver PD and provided to Vic PD; and

- Implemented. These forms were developed and are now secured to cell doors to record prisoner checks. The prisoner checks are conducted every 15 minutes and the specifics of each check (prisoner's condition and actions) are recorded on the forms.

3.7.2 In the future, when renovations occur in the detention facility, Vic PD should consider the installation of technology at each cell to assist Guards in recording prisoner checks.

- Reviewed. Due to budget limitations there are no immediate plans to renovate the jail facility. The current prisoner check system (Recommendation 3.7.1) adequately addresses this process and ensures timely and thorough documentation.

### 3.8 Segregation of Female Prisoners and Young Offenders

3.8.1 Vic PD must ensure that the necessary changes are written into Policy.

- Implemented. The Jail policy has been amended to reflect the segregation of females and youth.

### 3.10 Prisoners with Questionable Consciousness or Medical Issues

3.10.1 Vic PD train Jail staff to provide them with a set of guidelines for assessing persons who present with medical and / or injury issues; and

- Implemented. Level of consciousness and first aid training are both now mandatory for all jail staff and Jail Sergeant's prior to being assigned to work in the jail facility.

3.10.2 Further, Vic PD train front-line Patrol officers to provide them with a set of guidelines for assessing persons who present with medical and / or injury issues; and

- Reviewed. If a front-line officer recognizes a medical issue or injury with a person, the officer will contact the Provincial Ambulance Service for a full medical assessment to take place on scene or at the jail facility.

3.10.3 Vic PD Policy be amended to stipulate that any person arrested should be assessed by the arresting officer for medical and / or injury issues and then be assessed again upon arrival at the Vic PD Jail; and

- Reviewed. As per 3.10.2, arresting officers assess the medical needs of an arrested person prior to transporting the person to the jail facility. When these persons arrive at the jail facility, the jailers complete a Prisoner Medical Information Form while specifically enquiring about a person's medical condition, illnesses, and medications. Ongoing assessments by the Jail Sergeant and the Jailers are conducted during the intake procedure and throughout the prisoners stay in the jail facility.
- Not complete. The Medical Care of Persons in Custody Jail Policy addresses the handling of in custody persons. By extension and through training, this policy has been used in practice to require an ongoing assessment of a subject's medical condition from first contact onward. The intent is to modify and add to this policy taking it out of jail policy and making it overall Department policy. We are in meetings with Dr. Hall(RJH Emergency Room Physician) who is working with us to identify appropriate medical protocols that could be used to assess prisoners before being lodged and for the duration of custody.
- ACTION: Sgt. Hollingsworth and Staff Sgt. Hamilton to follow-up.

3.10.4 Vic PD establish a relationship with VIHA agencies such as the Sobering Centre / Detoxification Centre / E.R at the Royal Jubilee Hospital and seek out a community-based strategy to reduce the number of Hold SIPP's brought to Jail; and

- Implemented. We have regular ongoing meetings with the Sobering Center to address persons on a case by case basis as well as any process issues that arise. Ongoing dialogue now takes place with the RJH Emergency Room Nurse Manager and the Director of Physicians at the Royal Jubilee Hospital to address issues stemming from intoxicated persons taken to hospital for assessment and



treatment. (See recommendation 3.10.6 below regarding an alternative approach).

3.10.5 In memory of Kevin John Vigar who was arrested 87 times for public intoxication, Vic PD undertake a study of the chronic alcoholics who regularly come to their attention in order to build a business case to persuade provincial authorities that the provisions contained in section 91 and 92 of the BC Offence Act be authorized for use within this jurisdiction; and

- Not complete. We are identifying a list of persons who have been lodged in our jail facility for more than 12 times a year. This will continue to be used to address 3.10.6 below, which is already in practice.
- Executive Services has been consulted and is researching possible legislative and / or policy changes in relation to Section 91 and Section 92 of the Offence Act.
- In addition, efforts are being made to work with VIHA regarding Section 91 and 92, for their use of a “confirming order”, which allows for the involuntary detention of these persons by medical professionals. Dr. Hall to review Sections 91 and 92 from a medical perspective to determine the possibility of using these sections.
- ACTION: Inspector Durrant to follow-up.

3.10.6 To further complement work done in response to the Vigar matter, Vic PD set up a process whereby persons frequently arrested for public intoxication are flagged for follow-up under sections 91 and 92 of the Offence Act. Efforts should be made to identify chronic alcoholics and get them into treatment. Changes to Policy should be added to the Prisoner Booking Policy in those sections which specifically refer to SIPP arrests.

- Implemented. A new procedure was put in place in April 2012. The Jail Sergeant and the Patrol Administrative Staff Sergeant identify and flag (In PRIME) high risk individuals who should not be in our jail facility due to chronic alcohol or medical conditions. These individuals are referred to VICOT for possible follow up. Thorough documentation is made in the PRIME flag file documenting concerns with the individuals that make them unsuitable for our jail facility.

### 3.11 Prisoners Who May Have an Infectious Disease

3.11.1 Vic PD provide training and annual updates to educate Jail staff on how to deal with prisoners who have infectious diseases; and

- Implemented. The Policy Governing the Medial Care of Persons in Custody Section 8.0 outlines the special handling / close observation of infectious persons and processes to employ. This information is provided to all jailers upon being hiring by the Police Department. Further training is not necessary in this area but if a new infectious threat is identified, then follow-up and appropriate response protocol would be implemented and provided to all staff. Jail Sergeants are provided with the same policy(along with all jail policies) when assigned to work in the Jail Facility.

3.11.2 Cleaning in the Jail must be done diligently.

- Implemented. Better lines of communication have been developed between the jailers and the cleaning staff. All cleaning staff are required to report to the jailer upon completion of their duties to ensure it was done to standard.

### 3.12 Rubberized Flooring

3.12.1 Vic PD upgrade the flooring in defined areas of the Vic PD Jail to a new generation „cushion“ flooring.

- Implemented. The main booking area, jail wings A and B, women's wing and four interview rooms have been upgraded to include rubberized/cushion flooring. In addition, the beds have been covered with the same rubberized material.

### 3.13 Padded Cell

3.13.1 Because of recurring problems with the current padded cell, Vic PD upgrades the room to a newer generation material durable enough to keep the padded cell available for use.

- Implemented. The main walls of the padded cell were inspected and found to be in excellent condition. The rubberized material on the inside of the door was found to be damaged and has been replaced.

### 3.14 O/C Spray Decontamination

3.14.1 Vic PD standardize their approach to OC Spray decontamination and further, implement a new tool - a sprayer similar to that used by Peel Regional Police; and

- Reviewed. The Peel Regional Police department was contacted regarding their sprayer. It was determined to be a garden sprayer filled with water. Our police department has policy (Policy OH20 – Use of Force – Oleoresin Capsicum After Care) that deals directly with the practices for decontamination requiring the use of water. We have deemed it more appropriate to use fresh water as per current practice which has been working effectively for us, than to rely on a sprayer. If the person suffers severe after effects, medical attention will be obtained.

3.14.2 During the weekly inspections, Vic PD ensure that the sprayer is filled with fresh water and note that fact on the weekly report.

- Not applicable – A/A.

### 3.15 Air Quality in the Jail

3.15.1 Vic PD conduct periodic air quality checks in the facility; and

- Implemented. In 2010 an “Indoor Air Quality Assessment” was conducted, which included the jail area. This assessment was specific to “particles in air”. All particle counts recorded inside the police building, including the cell block, were less than those recorded outside on Caledonia. Future air quality checks will be conducted as required.

3.15.2 Vic PD examine the possibility of venting the Jail to the exterior of the building or installing air filters to control the quality of the air in the Jail; and

- Reviewed (already in place). The venting of the cell block already meets this recommendation. Explanation: In the cell block, air from outside is pumped into the area to attempt to pressurize it or to keep it in a small positive pressure. The air is brought in from the roof, as it enters AHU #5 (air handling unit) it passes through electronic filters and UV lights. The air then enters the cell block. Each room, office, corridor and cell has at least one inlet in the ceiling. Just as there is an inlet there is an outlet. There are (5) five exhaust fans that remove air, each from different parts of the cells and as with inlet air the exhaust air is removed from each room,

office, corridor and cell and dumped outside. This helps keep the air fresh and no recirculating of the bad air.

3.15.3 Vic PD establish partnerships with community service organizations that would provide clean clothing, outerwear and footwear for distribution to prisoners in need; and

- Implemented. Necessary clothing is purchased through the jail budget or by department employee donations.

3.15.4 Vic PD recognize the efforts of staff across the Department who have been involved in the collection and distribution of clothing to prisoners for several years.

- Implemented. Internal recognition occurs throughout the organization for the generous actions of employees in this area and others.

### **3.16 Fire Safety Plan and Evacuation Plan**

3.16.1 Vic PD plan and hold a Table Top exercise to test the fire and evacuation plans that are currently in place. Lessons learned from that test should be used to make any necessary adjustments.

- Reviewed. The fire and evacuation plan as it relates to the Jail Facility is up to date and deemed appropriate. All jailers and Jail Sergeants are trained in and familiar with the jail evacuation process as part of their training and certification to work in the jail facility. Considering that police department personnel are experienced in emergency response, a yearly table top is not deemed to be necessary.

### **3.17 Exiting the Facility**

3.17.1 The procedures in place for the release of prisoners from the facility be amended as soon as possible. Persons must be escorted to the top of the ramp. Vehicles entering or leaving the facility should be warned of the presence of a pedestrian(s) on the ramp by means of a flashing amber light visible to such traffic; and

- Implemented. The Prisoner Release Policy was updated to reflect the escort of prisoner(s) to the top of the vehicle ramp. The current policy on the release of the prisoners to the top of the ramp, under escort, is deemed sufficient and thus a red flashing light is not required.

3.17.2 Vic PD ensure that details of undercover vehicle are protected from the view of prisoners leaving the facility.

- Reviewed. Undercover police vehicles are stored on L2, which is not the level where the Jail facility is located. These vehicles are hidden as much as possible for the public's view. These vehicles routinely exit the building via the L1 ramp and are viewable by anyone from the public, so complete control is not possible.

### 3.18 Cell Checks for Weapons or Contraband

3.18.1 Vic PD Policy be amended to require that the practice of searching all cells at the start of each shift and again prior to a prisoner being placed in a cell be documented. Documentation is required by provincial standard; and

- Implemented. The cells and interview rooms are checked at the start of each shift, in addition to prior to placing a prisoner into a cell or interview room. This is then documented in a log that is kept in the jail facility.

3.18.2 Vic PD amend Policy to formalize the requirement to conduct weekly inspections by the officer in charge and describe the expectations in detail as per the example from the Edmonton Police Service. Further, there be a requirement that these Reports be reviewed and signed off by an Inspector or equivalent rank.

- Implemented. The weekly inspections are conducted by the Jail Sergeant and the results recorded on a check sheet. Any deficiencies are corrected and noted on the inspection report. A copy is sent to the Patrol Divisional Staff Sergeant for review and follow-up if required.

### 3.19 Video Cameras

3.19.1 Vic PD continue to use the hand held digital video camera and download clips containing audio / video to prisoner's file where warranted. A high quality digital video camera has been acquired and is kept in the Sergeant's office for such situations. All Sergeants should be trained in its use; and

- Implemented. A high quality digital video camera has been acquired and is kept in the Jail Sergeant's office for such situations. Sergeants and officers are capable of using the video camera.

3.19.2 Vic PD post warning signs in the Sally Port and Booking area to notify prisoners that they may be video and audio taped.

- Implemented. The signs have been installed in these locations.

### 3.20 Prisoner Intake Forms

3.20.1 Prisoners be processed one at a time. The Jail Sergeant be present in each case and a Jail Guard complete and sign the admission Forms. The Sergeant must be present to assess the prisoner's condition, validate the grounds for arrest, be vigilant for Charter of Rights issues and otherwise ensure that the duty of care of that prisoner is met. Jail Guards should be responsible for completing an assessment on persons who present with medical and / or injury issues.

- Implemented. Prisoners are processed one at a time. The Jail Sergeant oversees and assesses the suitability of each prisoner prior to being lodged. The Jailers conduct a suitability assessment of each prisoner brought to cells and complete a Prisoner Intake and Medical Report.

### 3.21 Family / Lawyers Visiting Prisoners

3.21.1 As identified in the provincial Audit, amendments to Policy are required in relation to visitors. Visitors must be required to identify themselves and Policy should provide guidelines on searching visitors. Further, as an assist to Jail Sergeants, Policy should list circumstances and category of persons who will be admitted for visits to prisoners. Prisoners should have the right to refuse visits; and

- Implemented. The policy now identifies those persons authorized to enter the jail facility escorted or not escorted. In addition, the visitation will be up to the discretion of the Jail Sergeant who will do an assessment, obtain consent of the prisoner, conduct a voluntary search and oversee the visitation process.

3.21.2 In addition, the Plexiglas window separating prisoners from visitors be upgraded to provide a more secure space.

- Reviewed. The visitor room is rarely ever used, and if used, is only used when prisoners are extremely cooperative. The quality of the window is deemed to be sufficient. In the event the room is used, prisoners are not left without oversight by a police officer.

### 3.22 Physical Checks by Jail Guards of the Same Sex

3.22.1 Vic PD introduce minimum staffing numbers of each gender so that male and female Guards are on duty in the Jail.

- Reviewed. The care and supervision of prisoners is conducted by the Jailers under the direction of the Jail Sergeant. Policy dictates a minimum of one male jailer and one female jailer be working at all

times. Our policy allows for any jailer, regardless of gender, to conduct cell checks, unless in the opinion of the Jail Sergeant, the check should be conducted by a jailer of the same gender.

- This allows for two things:
  1. The extra (3<sup>rd</sup>) jailer who works during peak times, Thursday to Saturday night, will conduct all cell checks.
  2. When the jailer of the same sex is busy with other urgent duties, the other jailer can conduct the cell check to ensure safety of the prisoner is monitored.

### 3.23 SBOR Reports by Jail Staff

3.23.1 Jail Sergeants and Jail Guards submit SBOR Reports as prescribed by VIC PD Policy; and

- Implemented. Departmental policy requires SBOR reports be submitted into PRIME by Jailers and Jail Sergeants when they use force.

3.23.2 Information collected on these SBOR Reports be used to inform the annual requalification training for Jail staff.

- Implemented. The Human Resources Control Tactics Coordinator uses information obtained from SBOR reports to assist in the type of and delivery of training for all staff.

### 3.24 Prisoners From Other Agencies

#### 3.24.1 Sheriff's Department

3.24.1.1 Vic PD limit the amount of time they will house prisoners on a Remand and initiate discussions with provincial authorities to opt out of the current arrangement totally by December 31, 2012; and

- Implemented. Effective September 3<sup>rd</sup>, 2012 our agency will only house female remands for a maximum of 1 night. This will greatly limit the number of female remands housed in our jail facility. The decision was made to not completely opt out of providing this service.

3.24.1.2 Work with Crown Counsel and the Sheriff's Department to reduce the time women are held at the Vic PD Jail on Remand. Prisoners on Remand should have their matters dealt with in a timely fashion each day so they can be transported to detention facilities on the mainland.

- Implemented. This has been addressed through meetings with Crown Counsel, the Administrative Judge and the Sheriff's Services Division. As a result, a significant decrease in the number of female remands held over the weekend or during the week on consecutive nights has resulted.

### 3.24.2 Neighboring Police Departments

3.24.2.1 Vic PD initiate discussions with neighboring police departments to opt out of the current arrangements with them that permits Vic PD to house their prisoners. Except in exigent circumstances, Vic PD should not house prisoners for neighboring departments after December 31, 2011; and

- Reviewed. It has been decided that the current practice of holding prisoners for neighboring police departments will continue. The Jail Sergeant retains the right to refuse any prisoner after conducting a risk assessment based on the prisoner's background and current condition. No policy change required.

3.24.2.2 Vic PD adopt Policy that persons will not be kept longer than 24 hours and clearly list exceptions, ex: Remands or Immigration.

- Reviewed. Prisoners held over the weekend from neighboring police departments are assessed by the Jail Sergeant at intake as well throughout the duration of the prisoners stay. The Jail Sergeant reserves the right to refuse the prisoner or if during the prisoner's stay in the Jail it is determined the prisoner's risk level has increased, the prisoner can be returned to the neighboring police agency. Weekend arrests of females (Remands initiated by a police agency) generally stay longer than 24 hours. The Jail Sergeant as a matter of course can check the prisoner status on PRIME for neighboring agencies to ensure it is appropriate to house the prisoner at our Jail facility, rather than at the originating agencies jail facility. No policy change required.



### 3.24.3 Immigration

3.24.3.1 Vic PD limit the amount of time they will house prisoners for Immigration authorities. Except in exigent circumstances, Vic PD should not house prisoners for periods longer than 24 hours.

- Reviewed. Prisoner's held on behalf of Immigration authorities are rare. The Jail Sergeant retains the right to refuse any prisoner after conducting a risk assessment based on the prisoner's background and current condition. Given that these immigration prisoners are rare, we accept this responsibility and will manage the length of stay and work with Immigration authorities to mitigate any risk.

### 3.24.4 Parole Violators

3.24.4.1 Vic PD limit the amount of time they will house prisoners for Parole authorities. Except in exigent circumstances, Vic PD should not house prisoners for periods longer than 24 hours.

- Reviewed. Prisoner's held on behalf of Parole authorities are rare. The Jail Sergeant retains the right to refuse any prisoner after conducting a risk assessment based on the prisoner's background and current condition. Given that these Parole prisoners are rare, we accept this responsibility and will manage the length of stay and work with Parole authorities to mitigate any risk.

### 3.25 Methodology of Processing Prisoners

3.25.1 Vic PD must make every effort to persuade local Crown Counsel to prosecute Fail to Comply charges in this jurisdiction. There must be consequences for offenders who do not attend to be photographed and fingerprinted as required by law; and

- Reviewed. Information Manager Darlene Perry followed up and determined that in 2011 our police department had 2 occurrences of fail to attend for fingerprinting. This is very low.

3.25.2 Assuming that support from Crown Counsel is received, Vic PD implement a Field Release program similar to that now in place in Vancouver. Designated officers will be trained and deployed on each Watch for the purpose of releasing eligible offenders at the scene. Further, to assist officers, Vic PD develop guidelines, similar to the Flowchart produced by Edmonton Police Service; and

- Reviewed. This was discussed at Senior Management, and determined not to be feasible for our agency size and resources.

The jailers now fingerprint all prisoners, which increases our efficiency in processing prisoners. A flow chart is not deemed to be necessary considering the low number of prisoners being processed simultaneously.

3.25.3 Vic Pd test a “Drop and Go” system whereby officers who have made an arrest deliver their prisoner to the Jail and leave the prisoner and the necessary paperwork with Jail staff who will then assume responsibility to fingerprint and photograph the accused; arrange for phone calls and Completed the required paperwork in preparation for the prisoner’s release. The “Drop and Go” system may require the addition of a Special Constable on each Watch so it is further recommended that a workload assessment be conducted to determine the amount of added labor actually required and the amount of officer time recovered through this system; and

- Reviewed. This was discussed at Senior Management, and determined not to be feasible for our agency size and resources.

3.25.4 In future, Vic PD examine the costs and benefits of implementing a “curbside pick-up system” for prisoners, similar to that currently in operation in Vancouver. Such a system may improve efficiency and reduce pressures on front-line staff.

- Reviewed. This was discussed at Senior Management, and determined not to be feasible for our agency size and resources.

### 3.26 Prisoner Transport

3.26.1 Vic PD replace the Sprinter vans with vans which are better suited to the task of transporting prisoners.

- Implemented. The new patrol vans purchased in 2012 fit into the jail sally port and provide enough room to open the van’s rear doors during prisoner processing.

### 3.27 Prescription Medications

3.27.1 Vic PD update its Policy on dispensing prescription medications to ensure that a second person witnesses and verifies that the correct medication and dosage was administered to the prisoner.

- Implemented. This is now current practice and is properly documented.

### 3.28 Prisoner's Use of the Telephone

3.28.1 Vic PD review their current practice of providing unrestricted, private access to prisoners who wish to make a telephone call.

- Implemented. The phones in the interview rooms in the Jail facility do not allow for direct dial outside access. The investigating officer or Jail Sergeant facilitates all phone calls. A change was made to the Policy Respecting the Security of Prisoners in Cells, Sections 4.38 through 4.45.

### 3.29 Search Policies

3.29.1 Vic PD should consider amending their Policy Respecting the Security of Prisoners in Cells to include specific guidelines for members who may encounter an intersexed person.

- Implemented. The Policy OD85 Arrest Detention and Search of a Transgendered Person addresses these concerns.

### 4.14 Schedule of Recommendations – Use of Force

The following Schedule of the 20 Recommendations that pertain to Use of Force has been compiled for easy reference.

### 4.5 Reporting and Counting

4.5.1 Vic PD request the PRIME – BC Regional Users Committee to put forward amendments to the current methods of collecting SBOR data to better ensure that information is captured in future; and

- Implemented. The new SBOR template has been agreed upon by all provincial agencies and is in use.

4.5.2 Vic PD request the PRIME – BC Regional Users Committee to put forward amendments to the system which will route SBOR forms collected by the system directly to the attention of the Control Tactics Coordinator.

- Reviewed. The PRIME system does not allow for routing of information or files based on a text page, which is what the SBOR information is found on. Routing is accomplished by a study flag or offence code. Best practice for our agency is to have the Control Tactics Coordinator conduct a browse for SBOR text pages to obtain these statistics.

## 4.6 CEW Program

4.6.1 Vic PD undertake an evaluation of the effectiveness of their current CEW program given the state of training of members; and

- Implemented. In accordance with BC Policing Standards recently enacted, the entire agency is currently going through Crisis Intervention and De-Escalation training which is a necessary prerequisite to CEW qualification training. Given that there was essentially a moratorium on CEW training in BC since the Braidwood Enquiry, the effectiveness of the Vic PD CEW program has suffered. No new training has occurred since 2005. Some existing CEW trained members, are no longer carrying the CEW, partly due to fears and/or misunderstandings of the new requirements for CEW deployment. (This should be rectified with the Standardized CEW training from Police Services).
- As mentioned above, VicPD has just completed the CID training as a prerequisite to the BC CEW Standardized Training as outlined by Police Services. HR is about to roll out RFT's for CEW training (4 hour on-line, and 8 classroom/scenario) to the membership. There will be 10 days/sessions of CEW training prior to the January 31, 2013 deadline, and 2 more in February 2013. More training will be scheduled as required.

4.6.2 Subject to the dictates of the Regulations forthcoming from the Ministry on CEW use, Vic PD identify a core group of officers who will be trained and certified as operators and who will carry the weapon in support of front-line operations, as per the CEW Training Transition Plan submitted by Constable Mike Massine; and

- Implemented. Any CEW training plan was essentially trumped by the BC Policing Standards, with the standardized CID and CEW training from Police Services. We considered a "Less Lethal Operator's" program (combining CEW and Bean Bag), however, the Human Resources Division (Training Section) has reconsidered this option, and will continue to offer CEW only training to the membership. The "Less-Lethal Operator's" program may not be sustainable by the nature of the numbers in this department. Also, some members may benefit from CEW training, but may not be suitable for shotgun/Bean Bag training.
- The Human Resources Division (Training) has discussed, as a starting point, of having at least 6 members per watch (for Patrol)

and a selection of FET and other uniform positions trained to the new CEW standards by the end of January 2013.

4.6.3 Vic PD establish a regular schedule for downloading data from the X-26 CEWs currently in service and the information downloaded should be analyzed; and

- Implemented. The Firearms Training Officer has been assigned this duty and has access to the necessary computer equipment. Legislation now requires a CEW data download after each use with a copy of that download being associated with the SBOR report for that deployment.
- In addition, all CEW's will be downloaded annually (whether or not they were operationally deployed) and downloaded records will be kept on file.
- All these administrative and internal controls are covered under Section 1.3.3 of the BC Policing Standards. (Sec 1.3.3 Use of Force – Conducted Energy Weapons – Internal CEW controls and Monitoring)

4.6.4 Vic PD develop a strategy to control the issuance and return of weapons and equipment. This could be the responsibility of a clerk.

- Implemented. The issuance of weapons and equipment is administered through the Exhibit Control and Purchasing Section. Pooled weapons (Conducted Energy Weapons (CEW), Bean Bag Shotguns, etc) are managed through the Patrol Division equipment room. The Firearms Coordinator checks the condition, and status of pooled weapons (incl. CEW cartridges) on a weekly basis, in addition to checking the Patrol equipment log sheets maintained by the Watch Commanders and Patrol Administrative staff.
- Not Complete. An automated AFIS system has been installed and is in the testing and troubleshooting phase.
- ACTION: Sgt. Lewis to follow-up.

## 4.7 Training and the Role of the Control Tactics Coordinator

4.7.1 Vic PD conduct periodic audits of the SBOR reports to ensure compliance with Departmental Policy and Ministry Directives; and

- Implemented. Reports are being reviewed by the Control Tactics Coordinator on a monthly basis to ensure compliance, and are forwarded to the Ministry of Justice as required in legislation. Annual reporting is currently the legislated standard.

4.7.2 Vic PD review the time and resources allocated to the role of the Control Tactics Coordinator. Given the frequency that Force is used by the Department, the expectation of the Coordinator to count, review and analyze SBOR reports and develop informed and effective training is too large to be done “off the corner of a desk”. It may be appropriate to allocate additional time and resourcing to the Coordinator’s position; and

- Reviewed. SBOR reports are reviewed by the Control Tactics Coordinator on a monthly basis and use of force training is designed around this analysis. A yearly report is formulated and analyzed to determine any potential trends for training opportunities or Department policy changes. At this time no current plans are in place to expand the Control Tactics Coordinator position based on an assessment of overall organizational priorities and risk assessment needs.

4.7.3 Vic PD include the following elements in the Job Description of the Control Tactics Coordinator:

i. review all Use of Force Reports to identify training issues;

Implemented. Issues that are identified by the Control Tactics Coordinator are incorporated in future increment training sessions.

ii. follow-up on any concerns identified by an officer’s supervisor;

Implemented. Concerns raised by a supervisor or concerns identified from the SBOR reports are brought forward to the officer and his/her supervisor by the Coordinator.

iii. identify any training issues for review and possible further action;

Implemented. Points (i) and (ii) address this recommendation sufficiently.

iv. maintain a record of all Use of Force incidents adhering to confidentiality and Retention Schedules, for use internally;

Implemented. The SBOR reports do form part of the PRIME file and are retained in accordance with the PRIME retention schedule.

v. prepare monthly summaries of all Use of Force incidents for the Office of the Chief Constable;

Reviewed. The decision was made by the Human Resources Division to provide quarterly reporting on Use of Force incidents for the Chief Constable and the Police Board.

vi. prepare and forward the required Use of Force Statistical Reports to the Police Service Division as required/requested;

Implemented. This is done on a monthly basis.

vii. no later than March 31st in every calendar year, produce a Report, including analysis of Use of Force trends for the Department, which does not contain data that identifies the officers involved; and

Implemented. The Human Resources Annual Report contains this information.

viii. according to the Departmental Retention Schedule, maintain an electronic database of Use of Force data from all SBOR reports.

Not complete. The Human Resources Division is following up with establishing a suitable method to store these reports and ensure retention schedules are followed.

ACTION: Human Resources to follow-up.

4.7.4 Vic PD ensure that the Control Tactics Coordinator has access to a computer system which can receive downloads of SBOR data from the PRIME system; and

- Reviewed. The PRIME system does not allow for downloads of this information, and this is beyond our influence.
- Not complete. Police Services has indicated that IPDMA has the capability to receive downloads of SBOR data. This item requires further exploration by the Department's I.T. Section and the IPDMA developer.
- ACTION: The Human Resources Division to follow-up.

4.7.5 Vic PD conduct annual reviews to ensure that the data collected through the SBOR forms is meeting the information needs of the Department.

- Implemented. Reports are being reviewed by the Control Tactics Coordinator on a monthly basis, and forwarded to the Ministry of Justice as required in legislation. Annual reporting is currently the legislated standard. The Control Tactics Coordinator reports out on areas of concern and adapts training to address concerns and meet the needs of officers. The current RETRAINT study will also assist in identifying any areas of concern.

## 4.8 Key Role of Supervisors

4.8.1 Supervisors responsible for reviewing reports must ensure that SBOR reports are included where applicable as required by Vic PD Policy; and

- Implemented. The supervisors conducting PRIME file review are responsible for ensuring a SBOR report is in the file and they are also responsible for approving the SBOR text page.

4.8.2 Supervisors inspect notebooks or, where notes are included as part of the Occurrence Report, the Report, to ensure officers have made notes to justify the level of Force used; and

- Implemented. When supervisors are reading the entire PRIME file, various text pages, including the main occurrence narrative, are expected to reflect the actions of the subject and the actions of the police, as it relates to force. Supervisors read the file in its entirety and determine if the force is appropriate and documented properly. Traditional “notebook” entries may not be in the file at the time of file approval as these “notebook” pages are scanned later by the Records Division staff.

4.8.3 In cases where officers are unable, due to injury or illness, to file an SBOR form with the incident report, the supervisor should collect as much information as possible and submit the details to the Inspector in charge; and

- Implemented. Officers, despite injury, can generally complete the SBOR text page upon return to work. In the event this is not possible, the primary and secondary investigators can capture the overall essence of incident to meet charge approval. The Watch Commander or the Road Supervisor is notified regarding incidents of force on a regular basis.



4.8.4 Jail Sergeants and Jail Guards be reminded that use of force beyond mere handcuffing, even in the Jail, requires an SBOR report.

- Implemented. This is reinforced in the Jailer training and through messaging through the Control Tactics Coordinator. The supervisors conducting PRIME file review ensure that the SBOR text page is completed for all police officers and Jailers.

#### 4.9 Reasonable Officer Response

4.9.1 Vic PD examine the Reasonable Officer Response framework to determine if such a program is suitable for use in Victoria.

- Reviewed. The Reasonable Officer Response framework was examined. The framework is sound, but would necessitate acceptance by Police Services and organizational wide retraining to implement. The decision was made to continue with the use of the National Use of Force Framework as it is equally as effective and is court tested. Components of the Reasonable Officer Response framework were used during the Spring 2011 Increment Training in regards to Tactical Communication.

#### 4.10 Integrated Police Data Management Application

4.10.1 Vic PD use the IPDMA to record details relating to firearms and Use of Force training received by officers. Review of Vic PD Jail and Use of Force.

- Implemented. The new Human Resources program (IPDMA) is used to record all training including use of force and firearms.

#### 4.11 Annual Reporting of Use of Force Statistics

4.11.1 Vic PD include a Summary of Use of Force applications in their annual Report to the Police Board and make that information available to the community.

- Reviewed. At this time the British Columbia Provincial Policing Standards require a statistical report be submitted at the end of the calendar year (and upon request of the Director) containing information requested by the director about the “use of force” in the police force. There are no other requirements to provide a report as suggested in this report.
- Other reporting requirements include:

- 1) Section 89 of the BC Police Act requires police to notify the OPCC whenever a person dies, suffers serious harm or a reportable injury while in the custody or care of the police, and
  - 2) Victoria Police Members are required as per section 4.67 and 4.68 of OH20 Use of Force policy to document and complete a SBOR report in PRIME whenever force is administered beyond compliant handcuffing.
- At this time PRIME is ineffective to pull out statistics related to “use of force.” The SBOR is a text page that is not conducive to the collection of data on types or force used, location and so on. To compile a summary of force used in the jail facility each report containing an SBOR would have to be reviewed and the information compiled. Human Resources is also considering an effective means to provide information to the police board regarding the use of force by our members – whether it would be possible to break it down further to the location (i.e. jail facility) is unknown.
  - ACTION: Human Resources Division to follow-up.

## 4.12 Policy Updates

4.12.1 Vic PD amend Policy OH20. Use of Force to specifically include a section on Weapons of Opportunity.

- Implemented. The Policy OH20 has been amended to include weapons of opportunity.

## 4.13 Research Partnerships

4.13.1 Vic PD establish a Research Partnership with one or both local Universities.

- Implemented. The Department is currently involved in a North American Restraint Study in conjunction with the Canadian Police Research Center (CPRG) and Emergency Medical Research Group (EMRG). The study is called “Risk of death in Subjects That Resist: Assessment of Incidence and Nature of fatal events”. This is a prospective study of individual and situational characteristics and risk of sudden death proximal to police restraint in 5 urban centers in Canada and the United States.