



<b>Policy Name:</b>	<b>POLICE-INVOLVED COLLISIONS</b>		
<b>Policy #:</b>	OP 4.36.5	<b>Last Updated:</b>	2022-01-27
<b>Issued By:</b>	SUPPORT SERVICES BUREAU	<b>Approved By:</b>	SURREY POLICE BOARD
		<b>Review Frequency:</b>	AS REQUIRED

**RELATED POLICIES**

*AD 5.8.2 Occupational Health and Safety: Workplace Injuries*

*AD 2.2 Complaints and Professional Standards*

*OP 2.4 IIO Notification*

*OP 4.36.1 EVO*

*OP 4.36.2 Police Pursuits*

*OP 4.36.3 Stopping Suspect Vehicles*

*OP 4.36.4 MVI / Collision Investigation*

**1. PURPOSE**

- 1.1. To ensure public confidence and accountability is maintained in motor vehicle incidents (MVIs) where a Surrey Police Service (SPS) Member has been involved in an MVI with another motor vehicle, cyclist, pedestrian, or has damaged property.
- 1.2. To ensure that the subsequent investigation of the MVI determines the appropriate classification of the collision.
- 1.3. To determine:
  - i. the mechanical fitness of the vehicle(s) involved;
  - ii. whether additional training of the Member involved is required;
  - iii. whether the Member involved was in compliance with the *Motor Vehicle Act (MVA)*, the *Emergency Vehicle Driving Regulation (EVDR)*, BC Provincial Policing Standards *Pursuit Guidelines*, and SPS policies.

## **2. SCOPE**

2.1. This policy applies to all SPS Members.

## **3. POLICY**

3.1 In the course of their duties, whether routine operations or during an emergency response, Members may become involved in MVIs with other motor vehicles, cyclists, pedestrians, or physical property. Unless otherwise authorized by the Collision Investigation Unit (CIU) NCO, these MVIs must be investigated by CIU.

3.2 CIU's findings of the police-involved MVI investigation will be reviewed by the Collision Review Board.

3.3 The Collision Review Board is comprised of:

- i. a designated CIU Supervisor; and
- ii. the Inspector, Road Safety Section.

3.4 The Collision Review Board will classify a Member's involvement in all police-involved MVIs as:

- i. No Blame;
- ii. Calculated Risk;
- iii. Intended Action; or
- iv. Error In Judgement.

## **4. PROCEDURE**

4.1. Whenever a Member operating an SPS police vehicle is involved in an MVI, the Member must report the MVI to their Supervisor as soon as practicable regardless of the amount of damage or extent of injuries.

4.2. Member(s) involved in an MVI shall make all reasonable efforts to secure the collision scene (ensuring the vehicles involved are not moved from their final resting place) considering the overall safety of the scene, the extent of the damage or injuries, the need to preserve evidence, and the totality of circumstances surrounding the collision.

4.3. Where practicable, the involved Member's Supervisor will attend at the scene. In circumstances where the Member's Supervisor is unavailable another field Supervisor will attend.

4.4. The attending Supervisor must inform the CIU Supervisor of the MVI and, in consultation with the CIU Supervisor, determine whether CIU will attend the scene. However, CIU will maintain conduct of the MVI investigation, regardless of whether CIU attends the scene.

- 4.5. If CIU does not attend the scene, the attending Supervisor will ensure that photographs have been taken of the collision scene and damages to any vehicle and property and any physical evidence has been collected and tagged in the Property Office.
- 4.6. The attending Supervisor will seize and maintain continuity of the police vehicle ignition key to ensure that the ignition has not been re-started post collision. The Supervisor will turn the key over to the attending CIU Member. If a CIU Member does not attend the scene, the key will be turned in at the Kiosk.
- 4.7. The attending Supervisor must immediately inform the Duty Officer of any police-involved MVI that results in a Reportable Injury or Serious Harm to any person.
- 4.8. In MVIs resulting in Serious Harm, the Duty Officer will contact the IIO Liaison Officer as per AD 2.4 *IIO Notification*.
- 4.9. In any police-involved MVI where the Independent Investigations Office (IIO) of BC or the Office of the Police Complaint Commissioner (OPCC) of BC has asserted jurisdiction, the CIU will suspend its investigation until the IIO or OPCC investigations are concluded.
- 4.10. A Member operating a police vehicle involved in an MVI must submit the following reports before the end of their tour of duty:
- i. a Police Statement (PS) page in the investigating Member's GO report outlining:
    - a. the circumstances of the collision;
    - b. damage, if any, to the police vehicle, other vehicle(s), and property; and
    - c. the current location of the police vehicle;
  - ii. complete and submit Form OP-43651 *SPS Motor Vehicle Incident (MVI) Report* and forward by email to:
    - a. Inspector, Road Safety Section; and
    - b. Manager, City of Surrey Fleet Services; and
  - iii. If the Member is injured or otherwise unable to complete Form AD-43631, the Member's Supervisor will ensure it is completed and forwarded to the above email addresses.

#### **Injuries to a Member**

- 4.11. If a Member sustains an injury as a result of a police-involved MVI, the Member will complete a Form AD-58201 *Incident Investigation WorkSafe BC Form*. The Member's Supervisor must complete the form and forward by email and hardcopy to the Employee Services Section (see Policy AD 5.8.2 *Occupational Health and Safety: Workplace Injuries*).
- 4.12. Where a Member has sustained injuries, the attending Supervisor must inform the Duty Officer as soon as practicable.

4.13. If an injured Member is to be transported to hospital, the attending Supervisor will:

- i. ensure portable radios are returned to the Kiosk; and
- ii. ensure the Member's firearm and use-of-force options (e.g., CEW, O.C. spray, baton) are seized. The firearm and use of force options tools must be taken to the Operational Skills Unit and properly secured.

#### **CIU Investigation**

4.14. The designated CIU Supervisor is responsible for all compiling all reports relating to police-involved MVIs. The CIU Supervisor will conclude the investigation and classify each police-involved MVI as one of the following:

- i. No Blame;
- ii. Calculated Risk;
- iii. Intended Action; or
- iv. Error in Judgement.

4.15. In accordance with the Collision Review Board process, the CIU Supervisor's recommendation will be forwarded to the Inspector, Road Safety Section for concurrence.

4.16. If the Inspector, Road Safety Section concludes that a Member's actions were deemed Error in Judgement, the Inspector will:

- i. forward a copy of the Concluding Report to:
  - a. the Member's Supervisor;
  - b. the Inspector, Employee Services Section to be placed in the Member's personnel file; and
  - c. to the Staff Sergeant, Operational Skills Unit to determine if additional driver training for the Member is required; and
- ii. determine whether the Member's Error in Judgement constitutes a breach of the MVA, EVDR, BC Provincial Policing Standards *Pursuit Guidelines*, or SPS policies.

4.17. If an Error in Judgement is determined to be a serious breach of policy or applicable laws, the Inspector, Road Safety Section will inform the Inspector, Professional Standards Section to notify the OPCC of the investigation's findings.

## APPENDIX A: DEFINITIONS

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

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

“MVI” means a motor vehicle incident involving a collision between a motor vehicle and another motor vehicle, bicycle, pedestrian, or property.

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

“OCC” means the Operational Communications Centre.

“Reportable Injury” means as it is 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) of the *Police Act*.”

“Supervisor” means 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 the SPS.

“Serious Harm” means as defined in the *Police Act*, “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.”

## **APPENDIX B: REFERENCES**

*Emergency Vehicle Driving Regulation*, B.C. Regulation 133/98

*Motor Vehicle Act*, R.S.B.C. 1996, c. 318

*Motor Vehicle Act Regulations*, B.C. Regulation 26/58