

<b>Policy Name:</b>	<b>INTOXICATED YOUNG PERSONS</b>		
<b>Policy #:</b>	OP 4.51.4	<b>Last Updated:</b>	2022-01-27
<b>Issued By:</b>	COMMUNITY POLICING BUREAU	<b>Approved By:</b>	SURREY POLICE BOARD
		<b>Review Frequency:</b>	AS REQUIRED

**RELATED POLICIES**

OP 3.1 *Arrest and Detention*

OP 7.3 *Transportation of Prisoners*

OP 7.6.3 *Young Persons (Detention Services)*

**1. PURPOSE**

1.1. To ensure Surrey Police Service (SPS) Members provide for the well-being and safety of Young Persons who are unable to care for themselves due to their state of intoxication by alcohol and/or drugs.

**2. SCOPE**

2.1. This policy applies to all SPS Members.

**3. POLICY**

3.1. Members must ensure Young Persons who are unable to care for themselves due to intoxication are cared for. Two statutes that assist a police officer in meeting this obligation are:

- i. Section 74 of the *Liquor Control and Licensing Act* (LCLA) authorizes a peace officer to arrest any person found to be intoxicated in a public place; and
- ii. Section 91(1) of the *Offence Act* provides peace officers the authority to take into custody a person who is intoxicated in a public place.

3.2. Section 91(3) of the *Offence Act* provides Members the authority to hold a person arrested under s. 74 LCLA or s. 91(1) of the *Offence Act* in custody without charge until such time as the person is able to take care of themselves and have recovered sufficient capacity so as not to cause a nuisance.

3.3. Members must provide a Young Person under arrest for intoxication their Charter warning and police caution.

3.4. The Young Person must be released sooner, if an application is made by an adult who appears to be capable of taking charge of the person, into the care of the applicant.

#### **4. PROCEDURE**

4.1. A Member who has taken an intoxicated Young Person, who is 12 years to 18 years of age, into custody must release them to their Parent, Guardian, or other Responsible Adult if the Young Person has not committed a criminal offence or there is no other lawful reason to have them held in custody.

4.2. When a Member cannot contact a Parent, Guardian, or other Responsible Adult of the Young Person, the Member will:

- i. contact Ministry of Children and Family Development (MCFD) at 1-800-663-9122 and speak to an on-call worker if it is after hours;
- ii. contact British Columbia Ambulance Service (BCAS) to ensure that the Young Person is not in medical distress (e.g., diabetic);
- iii. request MCFD to attend to the Member's location to take over care of the Young Person, or use BCAS to transport the Young Person to MCFD's location; and
- iv. if MCFD is unavailable, transport the Young Person to the designated Surrey Sobering Centre at Quibble Creek [REDACTED] who will accept cooperative Young Persons if the parent, guardian or another responsible adult cannot be located.

4.3. If the Young Person is displaying violent behaviour, the Young Person will be transported to Surrey Cell Block.

4.4. If the Young Person is rejected from the Surrey Sobering Centre due to current or previous violent behaviour, the Young Person must be transported to Surrey Cell Block. These reasons must be documented in the Member's General Occurrence report.

#### **Unconscious Intoxicated Young Person**

4.5. When a Member finds a Young Person who is intoxicated by drug and/or alcohol and is unconscious or unresponsive, the Member must have BCAS attend to assess and treat the Young Person. If BCAS transports the person to hospital, Members may be requested to assist if the person becomes violent.

4.6. If BCAS advises that the Young Person does not require further medical attention, Members must take custody of the Young Person and follow the procedures to detain or release the Young Person as outlined above.

## **APPENDIX A: DEFINITIONS**

“BCAS” means British Columbia Ambulance Service.

“Guardian” means a person to whom guardianship or custody of a Child has been granted by a court of competent jurisdiction or by an agreement; a person with whom a Child resides and who stands in place of the Child's parent; or guardian but does not include a caregiver, prospective adoptive parent, or director.

“Intoxication” means the condition of being stupefied or drunk from the consumption of alcohol or a drug to such a marked degree that the person is a danger to themselves or others or is causing a disturbance.

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

“Parent” means the biological mother or father; adoptive mother or father; individual(s) with legal custody; or individual(s) with legal guardianship.

“PRIME” means the Police Records Information Management Environment, the provincial police records management system.

“Responsible Adult” means an adult relative or other adult known to the Young Person who is likely to provide assistance to the Young Person (e.g., Indigenous Elder).

“SPS” means the Surrey Police Service.

“Young Person” means a person who is between 12 and 18 years of age at the time the Young Person is believed to have committed an offence.

**APPENDIX B: REFERENCES**

*Liquor Control and Licensing Act*, S.B.C. 2015, c. 19

*Offence Act*, R.S.B.C 1996, c. 338