



Policy Name:	RESPONSIBILITY FOR PRISONERS		
Policy #:	OP 7.5	Last Updated:	2022-03-03
Issued By:	COMMUNITY POLICING BUREAU	Approved By:	SURREY POLICE BOARD
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RELATED POLICIES

- OP 2.1 Use of Force*
- OP 2.3 Authority to Use Force to Provide Medical Assistance*
- OP 2.4 IIO Notification*
- OP 3.1 Arrest and Detention*
 - OP 3.1.1 Handcuffing*
- OP 3.2 Searches of a Person*
- OP 4.46.1 In Custody Death*
- OP 7.1 Booking and Fingerprinting of Prisoners*
- OP 7.2 Escape of Prisoners*
- OP 7.3 Transportation of Prisoners*
- OP 7.4 Guarding Prisoners in Hospital*
- OP 7.6 Searching Prisoners*

1. PURPOSE

1.1. To ensure that the care and processing of individuals in Surrey Police Service (SPS) custody complies with legal authorities and requirements, and thereby builds and maintains public confidence in the criminal justice system.

1.2. To ensure the safety of the public, the safety of SPS Members, and the safety of persons in custody.

1.3. To provide direction to Members of their responsibilities for prisoners in their custody.

2. SCOPE

2.1. This policy applies to all SPS Members.

3. POLICY

3.1. Detaining, arresting and processing individuals shall be performed in accordance with the *Criminal Code*, federal and provincial statutes, and provincial policing standards. Members are responsible for understanding applicable statutes and the scope of the law.

3.2. SPS is responsible for the well-being and protection of persons in its custody.

3.3. SPS will provide for the special handling of prisoners who are: Young Offenders; of the opposite sex of the handling Member; mentally or physically disabled; violent or self-destructive; sick or injured; transgender; or non-binary (see OP 3.2 *Searches of a Person*, OP 7.6 *Searching Prisoners*).

4. PROCEDURE

Handcuffing and Restraining

4.1. Incident to lawful arrest and subsequent transport of a prisoner, Members will take physical custody of the person, which will include handcuffing where the circumstances justify handcuffing the person, taking into account their surroundings and the need to ensure police officer safety, prisoner safety and safety of the public. Members must be able to articulate in each circumstance their reasons (upon risk assessment) in applying any restraint device to a prisoner (see OP 3.1 *Arrest and Detention*; OP 3.1.1 *Handcuffing Persons*).

4.2. Members are responsible for an ongoing assessment of whether it is necessary or appropriate to continue a person's restraint with handcuffs or other restraint device.

4.3. The arresting Member must:

- i. maintain visual continuity over the person they have restrained until they are released or the Member has transferred care of the person to the safekeeping of another Member; and
- ii. be aware of the length of time the person remains restrained and be responsive to the potential need to remove the handcuffs or other restraint device when appropriate.

4.4. Spit Hood/Mask:

- i. must not be used on any person who is unconscious, vomiting or noticeably bleeding from the mouth or nose causing a risk of respiratory distress or asphyxiation, or in obvious need of medical attention;
- ii. shall be immediately removed from a subject who loses consciousness or develops any difficulties mentioned in subsection (i); and
- iii. anyone wearing a Spit Hood must be kept under constant supervision and their observations of the subject wearing the Spit Hood must be recorded in writing in five-minute intervals (see OP 2.1 *Use of Force*).

Search Responsibility

- 4.5. The arresting Member is responsible for searching a prisoner (the level of the initial search may be limited based on gender) and each additional Member to whom control or custody of the prisoner is given to, prior to the prisoner being lodged in cells.
- 4.6. The arresting Member is responsible for searching, recovery of evidence, and cataloguing of all personal property associated to the prisoner prior to turning them over to transport. It is the responsibility of the Member who seizes property from a prisoner to account for that property.

Transporting Prisoners

- 4.7. Members must monitor the physical well-being of prisoners during transport. Particular attention must be directed to persons reported or suspected of being under the influence of drugs and/or alcohol or who have a history or propensity for violence.
- 4.8. Members must not leave prisoners unattended during transport under any circumstances (see OP 7.3 *Transportation of Prisoners*).

Prisoner Booking Procedures

- 4.9. The transporting Member is responsible for their prisoner throughout the booking process (See OP 7.1 *Booking and Fingerprinting of Prisoners*).
- 4.10. A secondary search of all prisoners brought into the Surrey Cell Block must be conducted by the Surrey Cell Block Constable prior to the prisoner being lodged in the cell.
- 4.11. The Member must assess prisoner responsiveness and consider a medical assessment if a prisoner is a known or suspected drugs or substances user.

Sick or Injured Prisoners

- 4.12. Prisoners who display symptoms or complain of an illness, or excited delirium, or are suffering from an injury, are to receive an initial medical assessment from BC Ambulance Service (BCAS) personnel. The Member must immediately notify a Supervisor (see OP 3.1 *Arrest and Detention*).

- 4.13. Prisoners who are unconscious or who become unconscious or display questionable consciousness or who have suffered an apparent head injury must be immediately transferred by BCAS to the hospital. The Member must immediately notify a Supervisor.
- 4.14. In the event a prisoner is admitted to a hospital, it is SPS's responsibility to provide staff to guard the prisoner until such time as an Information has been sworn, when security of the prisoner becomes the responsibility of BC Corrections (see OP 7.4 *Guarding of Prisoners in Hospital*).
- 4.15. Members must respect a competent adult's right to refuse medical treatment but must ensure that a person in custody who refuses medical treatment has the capacity to make a rational decision to refuse medical treatment. In assessing whether a person in custody is capable of making a rational decision regarding the need for medical treatment, Members must record their personal observations as appropriate in the circumstances (see OP 2.3 *Authority to Use Force to Provide Medical Assistance*).
- 4.16. If a person in custody refuses medical care and is capable of making a rational decision regarding the need for medical care, Members must make careful notes of the refusal and, where practicable, have the refusal witnessed.
- 4.17. If a person in custody who is Medically Unfit refuses medical care but is not capable of making a rational decision regarding the need for medical care, Members must make a decision on behalf of the person in custody.
- 4.18. When released from the hospital, and where the prisoner is being transported to the Surrey Cell Block, the transporting Member must ensure that all hospital treatment instructions and medication directions are given to the Surrey Cell Block Guard and the Surrey Cell Block Duty Sergeant is notified.

Escape of Prisoner

- 4.19. Any prisoner escape must immediately be reported to the Operations Communications Centre, a district Supervisor, and the Duty Officer, including a complete description of the fugitive, mode and direction of travel, original charge and propensity for violence, if known (see OP 7.2 *Escape of Prisoners*).
- 4.20. A Frontline Policing Member will be assigned to investigate the escape.

Reporting Requirements

- 4.21. If a Reportable Injury, Serious Harm or death occurs while a prisoner is in SPS custody, the Duty Officer must notify the Independent Investigations Office (IIO) Liaison Officer (see OP 2.4 *IIO Notification*; OP 4.46.1 *In Custody Death*).
- 4.22. If a death occurs while a prisoner is in SPS custody, the Duty Officer must immediately notify the Chief Constable through the chain-of-command.

APPENDIX A: DEFINITIONS

“BCAS” means the British Columbia Ambulance Service.

“Duty Officer” means the Frontline Policing Inspector on duty.

“Employee” means a sworn Member or Civilian Employee appointed by the Surrey Police Board.

“Guard” refers to a Surrey Cell Block staff member entrusted with the safekeeping of prisoners under the general supervision of SPS.

“Handcuffs” means Restraint devices designed to secure an individual’s wrists in proximity to each other. Comprised of two ring-shaped cuffs, linked together by a short chain. Each cuff has a rotating arm which engages with a ratchet that prevents it from being opened once closed around a person’s wrist. Once applied, the cuff can only be removed by a key.

“IIO” means the Independent Investigations Office of British Columbia established pursuant to the *Police Act*.

“IIO Liaison Officer” means the Member designated by the Chief Constable as the point of contact with the IIO regarding an investigation.

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

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

“Non-Binary” means an individual who identifies as non-binary and may live without gender assignment (agender) or may move between genders (gender-fluid).

“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*.”

“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.”

“Spit Hood/Mask” means a device intended to cover the mouth, face and sometimes the head of a restrained person in order to prevent them spitting bodily fluids at or biting others.

“Supervisor” means Sergeant or Staff Sergeant, or Member acting in that role, having the responsibility for first level supervision of Employees under their direction.

“Transgender” is an umbrella term referring to a person born with the physical characteristics of one sex who emotionally and psychologically identifies as a person of the opposite sex. The term includes but is

not limited to people who identify as transgender, trans women (male-to-female MTF), trans men (female-to-male FTM), transsexual, or gender non-conforming, gender variant, gender queer, or non-binary.

APPENDIX B: REFERENCES

Criminal Code, R.S.C. 1985, c. C-46