



EA30 REPORTABLE INCIDENTS OF INJURIES OR DEATH (POLICE ACT) EA30

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POLICY

1. The Office of the Police Complaint Commissioner (OPCC) must immediately be notified if a person has died, suffered ‘serious harm’ or a ‘reportable injury’:
 - a) while in the custody or care¹ of a Delta Police Department (Department) member; or

¹ The person was arrested or detained (or a member was attempting to do so) or was in a secured place or custodial setting under police supervision, including medical facilities where a member retains custody, or if a person was released from a member’s custody or care and medical attention was not offered where it reasonably ought to have been (OPCC Guideline #1 (2023)).



- b) where it reasonably could be seen to be the result of the conduct of a member² or operations of the Department.

Police Act s. 89

- 2. The Independent Investigations Office (IIO) must immediately be notified if a member is at the scene of an incident where it appears that a person may have died or suffered ‘serious harm’ as a result of, whether on or off-duty, the actions of a member or where a member may have contravened a prescribed provision of the *Criminal Code*.

Police Act s. 38.09

- 3. The Chief Constable shall notify the Delta Police Board of all incidents involving death or ‘serious harm.’
- 4. The Chief Constable shall provide Procedures, pursuant to this Policy, regarding the roles and responsibilities of Department employees for all incidents involving death, ‘serious harm,’ or a ‘reportable injury.’

REASON FOR POLICY

- 5. To seek to ensure incidents involving death, ‘serious harm,’ or a ‘reportable injury’ are effectively and efficiently reported and investigated.

RELATED POLICIES

- DP52 – Body Worn Cameras
- EC50 – Security & Privacy Management of Records, Information & Data
- IC10 – Use of Force
- IC30 – Detention, Arrest & Post-Arrest Processing
- IC40 – Transportation of Persons in Custody
- IC50 – Cell Block Detention Facilities (Delta & Surrey)
- IM20 – Sudden Deaths
- IR20 – Note Taking & Notes Management
- IR21 – Crime Scene

DEFINITIONS

- 6. For the purposes of this Policy, the following definitions will apply:

² Applies whether a member is on-duty or off-duty (OPCC Information Bulletin #1 (2023)).



Involved Member: a member who was involved in or present during any incident requiring notification of the IIO as described in Section 2.

Reportable Injury: an injury caused by the discharge of a firearm, or any injury that requires emergency medical care and transfer to a medical facility (*Police Act*, s. 76).

Serious Harm: an injury that may result in death or may cause serious disfigurement or substantial loss or impairment of mobility of the body or the function of any limb or organ (*Police Act*, s. 76).

PROCEDURES

Reporting Incidents Involving Death, Serious Harm or Injuries

7. If an incident occurs as described in Sections 1 or 2, attending or involved members must immediately notify their supervisor, and the following parties are to be notified through the chain of command:
 - a) Duty Officer;
 - b) Inspector i/c Professional Standards Section (PSS);
 - c) IIO Liaison Officer, i.e., the Superintendent i/c Community Policing Bureau (Liaison Officer);
 - d) Deputy Chief;
 - e) Chief Constable; and
 - f) Coroner's Office, for all incidents involving death.
8. If off-duty, involved members must identify themselves as a police officer to the on-duty members attending the incident.

Note: This is not considered to be using their position for an improper purpose in violation of the *Police Act*, s. 77(c)(iii).

IIO INVESTIGATIONS

Command

9. The Liaison Officer must immediately notify the IIO if an incident meets the criteria as described in Section 2, or if the Department has an interest in an



IIO investigation, and the IIO will take command in accordance with the IIO's *Guidelines & Expectations with Respect to the Conduct of IIO Investigations* and the Memorandum of Understanding (MOU).

10. The Liaison Officer shall assist in coordinating between the IIO and Department members throughout the investigation, as required.
11. Members shall comply with requirements under the MOU and provide support to the IIO, as appropriate.

Securing Information & Evidence

12. Prior to the IIO's arrival at the scene of the incident, the Liaison Officer or delegate, who must not be an involved member, shall collect the following as soon as practicable, and provide it to the IIO:
 - a) any relevant information related to the incident, including but not limited to:
 - i) a summary of the incident and the roles of all involved members,
 - ii) unlocated subjects or other dangers,
 - iii) injuries,
 - iv) parameters or boundaries of the scene,
 - v) status, location and identity of involved persons,
 - vi) location of all evidence to be protected or collected (e.g., objects, documents, identification information and statements of witnesses, forensic data),
 - vii) name(s) of any person(s) with whom any involved member has spoken since the incident; and
 - b) any relevant evidence, to be seized and secured in accordance with Department policies, which may include:
 - i) an involved member's uniform or items, with consideration of the member's dignity and privacy,



- ii) any firearm that was discharged or any weapon, restraint, or related equipment that was used or otherwise appears related to the incident (only at the direction of the IIO or as required for safety reasons),
 - iii) an involved member's Body Worn Camera,
 - iv) an involved member's Department-issued phone, if it is determined that communications may be relevant,
 - v) any involved police vehicle,
 - vi) blood and breath samples if impaired driving by a member is suspected, and
 - vii) any other perishable evidence.
13. The member responsible for scene security, who is designated by the Liaison Officer and is not an involved member, must ensure there is no unnecessary access to the scene and that details of any access is documented.
14. If circumstances prevent the Liaison Officer from complying with the IIO's request (e.g., weather, lack of resources, extraordinary costs), the Liaison Officer shall notify the IIO as soon as practicable and take all reasonable action to maintain scene integrity until their arrival.

Limits on Communications Amongst Members

15. Involved members must not communicate their accounts or recollections of the incident directly or indirectly to any other member while the incident is under IIO investigation, except as necessary for:
- a) reporting a use of force incident (*BC Provincial Policing Standards*, 1.7.2);
 - b) public safety and obtaining medical care for injured persons;
 - c) securing or identifying evidence;
 - d) furtherance of concurrent investigations;
 - e) obtaining advice from legal counsel or a union representative;



- f) obtaining health care for a member, including care provided by a specially trained peer support member or support from a loved one for a member experiencing the effects of a traumatic event;
 - g) gathering of evidence (by an uninvolved member); or
 - h) any other purpose that is agreed upon by the IIO investigator and the Liaison Officer.
16. The Liaison Officer is responsible for advising members of the limits of communication as set out above, as soon as practicable.

Subject & Witness Officer Designation

17. The IIO shall designate all involved members as either:
- a) a Subject Officer, i.e., on-duty or off-duty member whose presence, action, or decision is reasonably believed to have been a contributing factor in the serious harm to or death of any person, or who has injured any person in the discharge of a firearm; or
 - b) a Witness Officer, i.e., member who the IIO has reason to believe can provide material evidence with respect to the incident, and who is not a Subject Officer.
18. Witness and Subject Officers have an obligation under *Police Act* s. 38.101 to cooperate with the IIO's exercise of powers or performance of duties, subject to their rights under the *Canadian Charter of Rights and Freedoms*.

Notes

19. All involved members must complete their notes regarding the incident as soon as practicable, prior to consulting with legal counsel, in accordance with Policy IR20 – *Note Taking & Notes Management*.
20. Witness Officers must submit all notes and relevant information by the end of their shift, if on-duty, or as otherwise approved by the IIO.

Interviews

21. Interviews shall be video and audio recorded where practicable, including any demonstrations or reenactments of the incident, and no recordings are permitted by the interviewee or attending representative.



22. Prior to participating in an interview, a Witness or Subject Officer may communicate any sensitive circumstances (e.g., undercover operator) to the IIO, who will determine how the interview is to be conducted.
23. Witness Officers must participate and cooperate in all requested interviews, and unless otherwise directed or approved by the IIO, they must attend an interview before the end of their shift or within 24 hours of being contacted by the IIO.
24. Disclosure of evidence, notes, or any relevant information to a Witness Officer prior to an interview is at the discretion of the IIO.
25. Subject Officers may voluntarily participate in an interview, if requested by the IIO.

Disclosure of Records, Information & Data

26. Upon request from the IIO, and in a timely manner, the Liaison Officer or Inspector i/c PSS shall facilitate the disclosure of any records, information and data related to the incident under investigation (e.g., Department policy/procedures, training, investigative reports, Body Worn Camera recordings, records required by Crown counsel) and maintain a record of its transfer and receipt.
27. The Liaison Officer or Inspector i/c PSS may redact or refuse to disclose records, information or data to the IIO where disclosure may violate a statute or constitute an offence, or as otherwise required by the *Freedom of Information & Protection of Privacy Act* or common law.

Note: Subject to Policy EC50 – *Security & Privacy Management of Records, Information & Data*.

Concurrent Department Investigations

28. Concurrent investigations by the Department and the IIO may be required related to incidents as described under Section 2, in which case the Liaison Officer must consult with the IIO and:
 - a) provide them with the contact information of the lead investigator and/or Team Commander;
 - b) determine which investigation will take precedence and which agency will control the scene and evidence; and



- c) determine the order and manner of interviews for any civilian witnesses (note: interviews with a person in jeopardy shall proceed before an interview of the same person as a witness).
- 29. The Liaison Officer may request another police agency to assume control of the Department's investigation, concurrent with an IIO investigation, if appropriate with the approval of the Chief Constable.
- 30. In an incident involving death, the IIO is responsible for conducting the next-of-kin notification, unless otherwise delegated to the Department.

OPCC INVESTIGATIONS

- 31. The Inspector i/c PSS must immediately notify the OPCC if an incident meets the criteria as described in Section 1, and if there is any uncertainty as to whether an incident requires reporting, the OPCC must be consulted for further direction.
- 32. The Inspector i/c PSS must comply with any lawful directions or requests made by the OPCC in relation to the investigation.

Acting As an External Investigator

- 33. The OPCC may direct the Department to conduct an investigation as the external police agency in relation to the circumstances set out in Section 1.
- 34. If directed to conduct an investigation by the OPCC, the Chief Constable shall appoint a member to investigate, who does not have any connection with the matter and who is of equivalent rank to or higher rank than the subject member, and notify the OPCC of the appointment.
- 35. The appointed investigator must comply with any directions or requests made by the OPCC in relation to the investigation and in conjunction with the IIO (*Police Act*, s. 89; OPCC Information Bulletin #1).

*Revised Dates:
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