



IC30

DETENTION, ARREST & POST-ARREST PROCESSING

IC30

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Contents

POLICY 2

REASON FOR POLICY 3

RELATED POLICIES 4

PROCEDURES..... 4

 Investigative (Reasonable Suspicion / Articulable Cause) Detention 4

 Effecting an Arrest & Advisement of Charter Rights 7

 Opportunity for Exculpatory Statement..... 7

 Obstructing a Peace Officer 8

 Arrest for Public Breach of Peace 8

 SIPP (State of Intoxication in Public Place) Arrests..... 9

 SIPP Arrest – Young Persons..... 10

 Arrest Without Warrant (CCC)..... 11

 Arrest with Warrant..... 12

 Arrest of Young Person 13

 Search Incidental to Lawful Arrest..... 13

 Continued Detention – Transfer to Surrey Cell Block 13

 Documentation & Report to Crown Counsel..... 14

 Mass or Group Arrests 15

 Arrest of Armed Forces Personnel 15

 Immigration & Refugee Protection Act 15

 Arrest of Police Officers..... 16

 Arrest of Merchant Sailors 17

 Arrest on Behalf of Other Agencies 17

 Extradition Warrant Arrests 17

 Extradition Warrant Applications 17

 Summons 17

 Appearance Notice & Undertaking to Appear (UTA) 18

 Appearance Notice Court Scheduling 19

 Appearance Notice for Judicial Referral Hearing..... 20

 Fingerprinting 20

 Affidavit of Service..... 20

 Young Person – Notifications 20

 Use of Force & Restraint 21

 Persons with Injuries or Other Medical Risks 21

IC30

IC30



POLICY

1. Police have a common law and statutory duty to investigate crimes and enforce the law, particularly the criminal law; however, discretion is an essential feature of the criminal justice system, and police necessarily exercise discretion, on the basis of law and the public interest, in deciding whether to arrest and recommend or lay a charge.
2. Detaining, arresting and processing individuals shall be performed in accordance with law, and members are responsible for understanding applicable statutes and the scope of the law.
3. Members may temporarily detain persons ('investigative detention') only if objectively discernible facts give a member reasonable cause to suspect the person is implicated in the commission of a specific criminal offence under investigation.
4. Specific to incidents involving Indigenous persons, members are to give consideration to the following public interest factors when deciding whether to exercise the discretion to arrest and seek prosecution:
 - a) the overrepresentation of Indigenous women and girls as victims of violent offences, as weighing in favour of arrest and seeking prosecution; and
 - b) weighing against arrest and seeking prosecution:
 - i. the Department's support for reducing the overrepresentation of Indigenous persons in the criminal justice system,
 - ii. bias, racism, or systemic discrimination that played a part in a person coming into police contact, and
 - iii. whether the public interest has been or can be served without detention or arrest, including through restorative justice methods, alternative measures, Indigenous community justice practices, or administrative or civil processes.
5. Members are required to make all practicable attempts to determine whether a person being dealt with identifies as an Indigenous person.



6. Members determining that a person is in possession of substances prohibited under the *Controlled Drugs and Substances Act* shall seize the drugs and process them accordingly, and subsequently consider whether it would be preferable to take no further action, to warn the person, or, with the consent of the person, to refer the person to a program, agency, or service provider, with consideration of the following principles:
 - a) problematic substance use shall be addressed primarily as a health and social issue;
 - b) interventions shall aim to protect the health, dignity and human rights of persons, reduce harm to those persons, and address the root causes of problematic substance use, including treatment and rehabilitation;
 - c) criminal sanctions imposed for possession of drugs for personal use can increase the stigma associated with drug use; and
 - d) judicial resources are more appropriate for offences that pose a risk to public safety.
7. A member acting under Section 6 shall keep a record of any warning given or referral made, including the identity of the person warned or referred.

REASON FOR POLICY

8. To promote a practice that the detention, arrest and processing of individuals accords with legal authorities and requirements, and thereby build and maintain public confidence in the criminal justice system.
9. To promote bias free policing, and reliance on discernable reasonable suspicion with respect to any investigative engagement with persons or any detention or prospective detention.
10. To promote a policing model absent of any practice, or the perception of a practice, of detaining persons unless officers have reasonable cause to suspect the person is implicated in the commission of a specific criminal offence under investigation.
11. To provide officers with an appreciation that Indigenous persons are impacted by unique and discriminatory circumstances that have resulted in



their overrepresentation in the criminal justice system, and the Department seeks to contribute to changing that status quo.

12. To support Department Procedures that:
 - a) provide instructive information for members when encountering complex, uncommon or unusual situations involving detention, arrest and search incident to the same; and
 - b) seek to ensure that all evidence, including inculpatory and exculpatory, is made available to Crown counsel for an effective review with respect to charge approval.

RELATED POLICIES

CS10 – Unbiased Policing & Vulnerable Persons
EA30 – Reportable Incidents of Injuries or Death (B.C. Police Act)
IC10 – Use of Force
IC32 – Search of Persons
IC40 – Transportation of Persons in Custody
IC50 – Cell Block Detention Facilities (Delta & Surrey)
IC60 – Young Persons
IR30 – Mental Health & Crisis Response
IR70 – Protests & Civil Disobedience
IR71 – Labour Disputes

PROCEDURES

Investigative (Reasonable Suspicion / Articulable Cause) Detention

13. Members shall be mindful that, whether or not engagement with a person(s) amounts to detention is based on the following three factors:
 - a) how are the circumstances giving rise to the encounter reasonably to be perceived by the individual;
 - b) does the nature of the member's conduct support a conclusion of being detained; and
 - c) given the characteristics, experiences and circumstances of the particular person being engaged with, would the person have reason to believe they are being detained.



14. A member's temporary detention of a person must:
 - a) be in furtherance of an investigation related to the commission or continuing commission of a criminal offence proximate in time and location to the person to be detained;
 - b) be based on a factually-based suspicion, i.e., on a pattern of objectively discernable facts, by the member, that the person to be detained is implicated in the commission of the offence;
 - c) necessitate the detention with respect to the investigating officer's duties;
 - d) be of a temporary duration no longer than the investigation reasonably requires and factually justifies; and
 - e) only interfere with the person's liberty to the extent proportional to the public interest.

15. A member shall not detain a person based on:
 - a) a mere hunch that the person may be implicated in the commissions of a criminal offence,
 - b) solely the member's operational intuition or past experience; or
 - c) on the member's local knowledge of crime trends specific to the neighborhood or location where the member engages the person.

16. Members shall not detain a person for any reason based on bias or social stereotype, and any such detention by a member will be deemed arbitrary and unlawful, and any search incident to such a detention unreasonable.

17. A consensual engagement by a member with a person, in which the member does not seek to detain the person, does not require that the member provide a Charter advisement or a 'statement caution'.

18. A 'statement caution' is to be provided by a member in advance, when seeking information from a suspect that has the potential to inculcate the suspect.

19. Any spontaneous utterance implying guilt, made to a member by a person before being cautioned, is required to be recorded in the member's



- notebook at the earliest opportunity, to the best of the member's recollection and 'in quotations' if able to be accurately recalled.
20. A member may only search a detained person if having reasonable grounds to believe the member's safety or the safety of others is at risk, and the search must be limited to seeking to locate and remove items creating the risk.
 21. If the member determines that there no longer exists a reasonable prospect of further information that may result in grounds for an arrest, the member must inform the detainee that they are free to go; and in such circumstances the officer has no authority to demand that the person identify themselves or to hold out providing identification as a condition for the detainee's release.
 22. A person fleeing from investigative detention may be arrested by a member for obstructing the investigation, pursuant to s. 129 of the *Criminal Code* (CCC), but not cooperating with an investigation, short of failing to comply with lawful commands or fleeing, does not constitute obstruction.
 23. A detained person who refuses to identify themselves is not obstructing a member's investigation unless the member requires identifying the person on the basis of a compelling public interest to advance the investigation and determining identity is essential to that purpose.
 24. A member must create notes and a PRIME report, adequate and proportional to the event, with respect to any investigative detention (whether or not such detention ultimately results in an arrest) for the purpose of enabling the member to refresh their memory as to the articulable grounds supporting the detention, and members should anticipate being vigorously cross-examined on their grounds for any detention, in the course of a prosecution or any review of the member's decision.
 25. In relation to a municipal bylaw or provincial statutory offence without arrest provision, a person may be detained for the purposes of identification and initiating process, but may not be arrested, unless the member has reasonable grounds to believe the person committed the offence and the person refuses to identify themselves and thereby obstructs a member's investigation.



Effecting an Arrest & Advisement of Charter Rights

26. A member who detains or arrests a person shall:
- a) effectively identify themselves as a police officer;
 - b) inform the person that they are being detained or arrested;
 - c) advise the person of the reason for being detained or arrested, and their right to retain and instruct counsel, as required by the *Charter of Rights and Freedoms* (Charter) and as worded in the Department issued 'Charter card';
 - d) provide any additional advisement from the Charter card or as may legally be required, and in particular the applicable advisements specific to impaired driving investigations (see related Policy IM62 – *Impaired Driving Investigations*), that apply in the circumstances; and
 - e) take physical custody of the person.
27. A member arresting a person shall:
- a) notify E-Comm that the member has a person in custody, their location, and the offence involved;
 - b) notify their supervisor whether the person is to be released or remain in custody; and
 - c) if the person is to remain in custody, take the required steps to have the person transported to the Surrey Cell Block (refer to related Policy IC50 – *Cell Block Detention Facilities (Delta & Surrey)*).
28. Where there is an indication that the person does not understand their right to counsel (for example, due to a language barrier, intoxication, level of development or other circumstance that may impact a person's understanding), a member must take steps to facilitate the necessary understanding. Access to counsel is to be provided as required in related Policy IC50 – *Cell Block Detention Facilities (Delta & Surrey)*.

Opportunity for Exculpatory Statement

29. A suspect is to be given an opportunity to provide an exculpatory statement, i.e., an innocent explanation, for the possession of contraband or other



prohibited things, e.g., stolen property, housebreaking instruments or explosives, and in the absence of one, the suspect may be arrested.

Obstructing a Peace Officer

30. A member intending to arrest a person for obstructing a peace officer, in accordance with section 129 of the CCC, must, unless circumstances exist to make such action unsafe, first:
- a) advise the person that, if they continue to obstruct, they may be arrested and charged with obstructing a peace officer; and
 - b) provide the person an explanation of the member's specific duty that the person is obstructing.

Arrest for Public Breach of Peace

31. Arrest for breach of the peace, pursuant to CCC s. 31, does not itself give rise to a charge or process that may protect a prospective victim or property.
32. In order to protect victims or property, members considering arrest for breach of the peace must first give consideration to whether grounds exist to arrest a person for a substantive offence that can be followed by process and a potential charge (e.g., threatening, assault, or causing a disturbance, i.e., interference with the ordinary or customary use of a public place or the peace and quiet of occupants of a dwelling-house), or, if applicable in the circumstances, seek a peace bond or apprehend pursuant to the *Mental Health Act*.
33. A member may apprehend a person for breaching the peace, if the member observes the person in public (not in the interior of a dwelling-house) causing, or reasonably believes the person will cause:
- a) violence or other imminent harm to another person;
 - b) harm to another person's property, in that person's presence; or
 - c) another person to be in fear of being imminently harmed through an assault, unlawful assembly, riot or other disturbance.
34. A member apprehending a person for breach of the peace must advise the person of their actions substantiating the breach and advise them of their right to retain and instruct counsel, as required by the Charter.



35. Members apprehending a person for breach of the peace are not required to transport the person to Surrey Cell Block, if the person's removal from the scene, or the departure of others from the scene, suffices to re-establish the peace, but in all instances of apprehension, the member must inform their supervisor, and the supervisor:
- a) has the final decision whether transport to Surrey Cell Block is necessary; and
 - b) if the person is to be released, must approve the place of release, such that the release location does not place the person at risk, nor creates any undue hardship or inconvenience for the person.
36. Persons apprehended must be released as soon as the need for their detention no longer exists, and if a person is transported to the Surrey Cell Block, the member or supervisor must advise the Surrey Cell Block Duty Sergeant when the person can be released.

SIPP (State of Intoxication in Public Place) Arrests

37. In accordance with the B.C. *Liquor Control and Licensing Act*, a member may only arrest a person for SIPP, if the member:
- a) assesses the person to be in a public place and intoxicated by liquor such that the person is a danger to themselves, others or is causing a disturbance; and
 - b) has inquired as to, and given consideration to any medical condition the person may be experiencing as a result of trauma or medication and consulted with their supervisor with respect to medical examination of the person.
38. A member apprehending a person for SIPP must advise the person of the reason for being detained or arrested, and their Charter right to retain and instruct counsel.
39. A member must grant a person apprehended for SIPP access to counsel, unless there are reasonable grounds to deny the request (e.g., the person is unable to move safely, there is a potential for violence or there exists an inability to understand), and any denial of access to counsel and the reasons must be documented.
40. Persons apprehended for SIPP and taken to the Surrey Cell Block are to be released by the Surrey Cell Block Duty Sergeant:



- a) into their own care, when their sobriety is at a level that the Duty Sergeant reasonably believes they are no longer a danger to themselves and able to care for themselves; or
 - b) into the care of another adult, if the Duty Sergeant reasonably believes the other adult is willing and capable of taking care and charge of the person.
41. A member arresting a person for SIPP may transport the person to the Quibble Creek Sobering and Assessment Centre, as an alternative to transport to Surrey Cell Block, and such transport is to be approved by the member's supervisor, if:
- a) space is available and Centre staff advise they are able to provide care necessary in the circumstances (call the Centre at 604-580-4965); and
 - b) the person does not appear to be a danger to others, experiencing withdrawal, or in need of acute medical or psychiatric treatment.

SIPP Arrest – Young Persons

42. Young persons, i.e., persons 12 but not yet 18 years of age (refer also to related Policy IC60 – *Young Persons*), arrested for SIPP may only be transported to Surrey Cell Block as a last resort and only if:
- a) all efforts to contact a parent or guardian, and to give the young person into their custody are unsuccessful and have been documented; and
 - b) no other adult in the immediate vicinity is able and willing to take custody of the young person.
43. A member arresting a young person must provide the same Charter rights as in relation to an adult, and the young person shall be released as soon as they are no longer a danger to themselves and able to care for themselves, or an adult is willing and capable of taking care and charge of the young person.
44. Where a young person is to be released after arrest, and previous efforts to contact a parent or guardian were unsuccessful, all reasonable efforts to contact a parent or guardian must again be made prior to release.



45. If contact with a parent or guardian cannot be made prior to the release of a young person, the release shall not be delayed unless there is a concern for the safety of the young person.
46. If there is a concern for the safety of the young person and a parent or guardian cannot be contacted, the Ministry of Children and Family Development (MCFD) must be contacted to arrange a safe location for the young person and the young person is not to be released until such arrangements have been made.

Arrest Without Warrant (CCC)

47. A member may arrest a person without warrant, as authorized by section 495(1) of the CCC when:
 - a) the person has committed an indictable [hybrid] offence or the member, on reasonable grounds, believes the person has committed or is about to commit an indictable offence;
 - b) the member finds a person committing a summary offence; or
 - c) the member has reasonable grounds to believe that a warrant of arrest or committal is in force in relation to the person.
48. Notwithstanding the above, as specified in section 495(2) of the CCC a member shall not arrest a person without a warrant:
 - a) if the accused is charged in an information with an indictable [hybrid] offence of theft, obtaining money or property by false pretenses, possession of property obtained from the commission of an indictable offence, fraud or mischief, all under five thousand dollars;
 - b) if the accused is charged in an information with an indictable offence of various gaming offences, fare fraud, breach of recognizance, probation or other order, providing false or misleading information, possession or trafficking of a controlled substance;
 - c) for an offence for which the person may be prosecuted by indictment, is punishable on summary conviction or either;
 - d) in any case where the member believes on reasonable grounds that the public interest may be satisfied without



arresting the person, having regard to all the circumstances including the need to:

- i) establish the identity of the person,
 - ii) secure or preserve evidence of or relating to the offence, or
 - iii) prevent the continuation or repetition of the offence or the commission of another offence, and
- e) the member has no reasonable grounds to believe that, if the person is not arrested, the person will fail to attend court.

Arrest with Warrant

49. A member making an arrest pursuant to a warrant must, in accordance with CCC section 29:
- a) have the warrant in their possession, if it feasible to do so, and produce the warrant when requested; and
 - b) serve notice of the warrant on person being arrested, where it is feasible to do so, and advise the person of the reason for the arrest.
50. An unendorsed warrant is a judicial order for the arrest of a named person and a member must arrest the person and no discretion exists for a member to subsequently release the person on police-issued process.
51. A member who arrests a person based of a warrant referenced on CPIC must confirm that the person arrested is the person named on CPIC and seek confirmation that the warrant on CPIC is valid by contacting the agency that entered the warrant and requesting confirmation or, if it is a Department warrant, having the warrant confirmed through the NCO.
52. A person arrested by a member on the basis of a warrant endorsed by a justice, may be released by the member's supervisor or the Duty NCO under the conditions also available for the release of persons arrested without a warrant.
53. A member requiring an arrested person to remain in custody must have the person transported to the Surrey Cell Block.



54. The Duty NCO or supervisor must ensure that, when a member arrests a person on a warrant:
 - a) the warrant has been properly endorsed by the arresting member, is stamped 'Executed' and removed from CPIC; and
 - b) the is file is completed and forwarded to the CPIC Supervisor for audit purposes.
55. When arrests are made on warrants from other jurisdictions, the appropriate CPIC entries shall be completed as soon as practicable and an assistance file initiated with all CPIC messages maintained in the file.

Arrest of Young Person

56. The arrest of young persons will be conducted in the same manner as adults while complying with the additional obligations imposed by the *Youth Criminal Justice Act* specific to statements, detention, release, records, notification and discharge. Refer to related Policy IC60 – *Young Persons*.

Search Incidental to Lawful Arrest

57. An arrested person should be searched as soon thereafter as possible to locate and remove:
 - a) items dangerous to the officer, the arrested person or others;
 - b) evidence to support a contemplated charge; and
 - c) anything that may aid in escape.
58. For further search requirements, refer to related Policies IC32 – *Search of Persons* and IC40 – *Transportation of Persons in Custody*.

Continued Detention – Transfer to Surrey Cell Block

59. A member requires lawful and articulable justification to continue to hold a person who has been arrested, pending court appearance; otherwise, the person must be released as soon as practicable once the relevant process has been completed or be brought before a justice as soon as practicable and no later than 24 hours from the time of arrest.
60. If a person arrested is not to be released, but instead brought before a justice, a delay with respect to the court appearance, up to the 24 hour limit,



may be justified on the basis of adequate preparation of 'show cause' submissions.

61. A member's authority to hold a person must comply with section 497 of the CCC which sets out the public interest conditions under which a person arrested shall not be released, including the need to:
- a) establish the identity of the person;
 - b) secure or preserve evidence of or relating to the offence;
 - c) prevent the continuation or repetition of the offence of the commission of another offence;
 - d) ensure victim/witness safety; and/or
 - e) detain a person who may be reasonably presumed to fail to attend court in order to be dealt with according to law.

Documentation & Report to Crown Counsel

62. It is the member's responsibility to make adequate notes relating to arrest and detention of persons, their authority, and the disposition of those persons.
63. A member's notes and Reports to Crown Counsel are to be devoid of any editorial language or terms that might imply bias or stereotyping.
64. A member who prepares a Report to Crown Counsel seeking charge approval shall:
- a) be thorough and detailed, applying their best professional effort, in seeking to establish the offence being alleged;
 - b) make all reasonable efforts to ensure that the report is submitted in time for court appearances; and
 - c) fulfill all elements required by Crown counsel, PRIME or other processes.
65. The Duty NCO and/or the members direct supervisor are required to provide quality control in relation to a Report to Crown Counsel submitted by a member.



Mass or Group Arrests

66. The Superintendent i/c Community Policing Bureau shall direct that an operational plan be prepared specific to any event that could result in the simultaneous arrest of numerous persons.
67. The Duty NCO shall inform the Duty Officer of any situations arising that may require the simultaneous arrest of numerous persons.
68. The Duty Officer shall authorize call-outs and/or request policing assistance from other jurisdictions, as determined by the Duty Officer to be required to assist in the possible need to simultaneously arrest numerous persons.
69. The Duty Officer may authorize and direct that events, that could result in the multiple arrest situations, be video or photo recorded for public safety or investigative purposes.

Arrest of Armed Forces Personnel

70. The Duty Officer may, where appropriate, notify the Military Police NCO at the Canadian Forces Area Support Unit when a person employed by the Canadian Armed Forces or by a foreign military is arrested and charged with an offence, and notify the Surrey Cell Block Duty Sergeant of the member coming into the cell block.
71. A member who arrests a person employed by a foreign military and recommends charges must advise Crown counsel of the person's country of citizenship, military status, serial number, unit and station, to allow Crown to determine the applicable criminal process, in light of international prosecution agreements.
72. If an employee of the Canadian Armed Forces or a foreign military is arrested, but not charged, the Duty NCO shall give consideration to the public interest in determining whether to notify the Military Police NCO at the Canadian Forces Area Support Unit of the arrest.

Immigration & Refugee Protection Act

73. A member who arrests a person on the basis of an immigration warrant shall ensure that the federal Immigration Division is contacted as soon as practicable (if the Immigration Duty Officer cannot be contacted, immediate assistance can be obtained through the Douglas / Peace Arch Immigration Centre), and the person arrested is not required, during their confinement,



- to be brought before a Justice in criminal courts, unless also charged with a criminal offence.
74. Under the federal *Immigration and Refugee Protection Act*, the Vancouver Police Department jail is designated an Immigration Detention Area and the Immigration Officer will make arrangements for escorting the detainee to that location.
 75. The *Immigration and Refugee Protection Act* does not give members the authority to require a person to submit fingerprints, but Department members and staff may fingerprint persons for purposes authorized by the *Act*, with the person's consent.
 76. Where a permanent resident or foreign national is arrested for an offence, other than an offence under the *Immigration and Refugee Protection Act*, the arresting member shall process the person in accordance with normal criminal procedures and also notify the Immigration Division.

Arrest of Police Officers

77. When a police officer, including a member of the Department, is arrested, the arresting member shall immediately advise the Duty NCO who shall, as soon as practicable notify the Duty Officer.
78. When advised that a police officer from another department has been arrested, the Duty Officer shall advise the Deputy Chief Constable and the Duty Officer of the arrested member's department, if the grounds for the arrest could constitute 'misconduct' as defined in the *Police Act*.
79. If a member of the Department is arrested, the Chief Constable shall be immediately notified.
80. A member arresting a police officer shall adhere to the same criminal process requirements as would apply in the circumstance to any other arrested person.
81. Where a member is engaged in an investigation of a police officer of another department, regarding a potentially serious criminal matter, the member shall consult with their Inspector and seek direction as to notifying the other department.



Arrest of Merchant Sailors

82. When a foreign national who is a crew member of a ship in harbour is arrested, the Duty NCO shall notify the ship's captain of the arrest, if the crew member:
- a) is being charged and not to be released by police; or
 - b) is charged and released, and the Duty NCO, in consultation with the Deputy Officer, deems it in the interests of the safety of the captain and crew, in light of the nature of the alleged offence.

Arrest on Behalf of Other Agencies

83. A member may arrest a person on behalf of another police agency, if reasonable grounds for the arrest exist, and the member must immediately escort the person to the police department requesting the arrest or hold the person in custody while awaiting immediate escort by the other police department.

Extradition Warrant Arrests

84. An arrest warrant issued pursuant to the federal *Extradition Act* is executable anywhere in Canada, without being endorsed, and a member arresting a person pursuant to such a warrant must bring the person before a judge or justice within 24 hours, or as soon as practicable if a judge or justice is unavailable in that time frame.

Extradition Warrant Applications

85. A member seeking an Extradition Warrant for a person outside of Canada, is required to consult with, and apply for the warrant through counsel for the federal Department of Justice, and requires the member to swear the 'Information to Obtain a Warrant' before a Judge.

Summons

86. Members are to be aware that:
- a) a summons simply compels a person to attend court and does not place conditions on the accused;



- b) charge approval and a request for issuance of a summons made to Crown normally involves significant delay, during which time the person is neither entered on CPIC nor subject to conditions; and
 - c) conditions help to protect the public, and allow for arrest upon breach and fingerprinting and photographing, which does not occur during the summary conviction process, including upon conviction.
87. Proceeding by summons should generally only occur for very minor offences or first time offenders, and whenever a member has reason to believe that there is a need for conditions to address public interest issues, members shall proceed by way of warrant.

Appearance Notice & Undertaking to Appear (UTA)

88. Subject to the grounds set out in the CCC the justify detention (refer to section 498(1.1)), members shall give primary consideration to the release of an arrested person at the earliest reasonable opportunity and on the least onerous conditions that are appropriate in the circumstances, including conditions that are reasonably practicable for the person to comply with, with particular attention to the circumstances of Indigenous persons and persons who belong to a population that is overrepresented in the criminal justice system and disadvantaged in obtaining release following arrest.
89. The Duty NCO or supervisor must ensure that Appearance Notices and Undertakings are in the required Form and include the requirements and conditions required by the CCC (refer to CCC sections 500 and 501).
90. The discretion to release an arrested person is intended to ensure the person is not arbitrarily deprived of their liberty; however, members must exercise the discretion to release only when appropriate, giving paramount consideration to the safety of victims and witnesses, and when a member is not confident that optional release conditions will ensure safety, the arrested person is to be held in order to show cause for their continued detention.
91. When a member has arrested a person and requires the person to subsequently appear before a justice, the Duty NCO or supervisor may approve release of the person subject to:
- a) an Appearance Notice, requiring the person to attend court on a specified later date; or



- b) additionally an Undertaking, if the terms of the Undertaking allowed in the CCC are deemed to adequately ensure the person's attendance in court and the safety of any victim of or witness to the alleged offence (refer to CCC section 501(3)).
- 92. The Duty NCO or supervisor may require the accused to enter into an UTA to comply with any of the conditions listed in Section 503(2.1) of the CCC.
- 93. The Duty NCO or supervisor will complete the Appearance Notice and Undertaking forms and serve a copy of the same on the accused and complete the statement of service.
- 94. The Duty NCO or supervisor may appoint a senior constable to act in place of the Duty NCO for the purpose of releasing the accused.

Appearance Notice Court Scheduling

- 95. Members will allow between four (4) and twelve (12) calendar weeks between the date of the release (e.g. Date of the Appearance Notice, Promise to Appear) and the initial court appearance.
- 96. For adult provincial court and domestic cases, the time and location on all Appearance Notices shall be 1400 hours, Surrey Provincial Court 14340 57th Avenue, Surrey, B.C.
- 97. For youth and federal court, the time and location on all Appearance Notices shall be 0930 hours, Surrey Provincial Court 14340 57th Avenue, Surrey, B.C.
- 98. Members shall select a first appearance court date for the accused person charged with any criminal or provincial offence for the day of the week based on the first letter of the accused's last name, as below. The only exception to this is youth. Youth will always appear on Wednesdays. If the day selected happens to be a statutory holiday, members shall select the same day in the following week.

A-C	Monday
D-G	Tuesday
H-L	Wednesday
M-R	Thursday



S-Z

Friday

99. When there are two or more accused persons charged jointly with the same offence or charged with offences arising from the same incident, all accused shall be given the same court date based on the first letter of the last name of the accused that appears first in the alphabet.

Appearance Notice for Judicial Referral Hearing

100. If a member has reasonable grounds to believe that a person has failed to comply with a summons, appearance notice, undertaking or release order or to attend court as required and that the failure did not cause a victim physical or emotional harm, property damage or economic loss, the member, without laying a charge, issue an appearance notice to the person to appear at a judicial referral hearing (refer to CCC section 523.1).

Fingerprinting

101. A member who releases an arrested person without identification fingerprinting and photographing, as required or authorized, shall direct the person to return to the Department for this purpose and shall provide a return date one week prior to the initial court appearance date (in order to allow time for the information to be sworn), and if the person fails to return for identification, the member shall advise the lead investigator who shall seek a warrant for 'Fail to Attend' (section 145(5) C.C.C.).
102. If the accused is fingerprinted prior to release, the member is to void the 'Print' section of the Appearance Notice by drawing a line through it.

Affidavit of Service

103. A member who issues an Appearance Notice shall swear the Affidavit of Service on the original copy signed by the accused.
104. The member shall require the accused to sign in blue ink in order to best confirm the original.

Young Person – Notifications

105. It is the arresting member's responsibility to take all steps to ensure that a parent or guardian has been advised that the young person was arrested and issued an Appearance Notice, and where practicable provide the parent or guardian with a copy, and the member must document in their report narrative the steps taken, when notified, and identity of parent or guardian.



Use of Force & Restraint

106. Members trained in the use of Department issued restraint devices (e.g., handcuffs, flex cuffs, modified leg restraints) are authorized to use the same in order to restrain persons being taken into custody.
107. A members with custody of a person must never position a person immobilized with leg restrains in a 'maximal prone position' (knees bent and ankles and wrists secured together), as this will place pressure on the diaphragm and inhibit respiration (commonly referred to as "positional asphyxia"), but instead must ensure that the person is in a recovery or a seated upright position that will facilitate respiration and not place undue pressure on the diaphragm.
108. The Duty NCO must ensure a person in custody who is secured with a modified leg restraint device is physically checked and re-assessed every thirty minutes.
109. A member restraining a person in custody must closely monitor the person for any medical concerns and seek medical attention, if required.
110. A member recognizing indicators of Agitated Medical Emergency shall immediately seek medical attention (refer to Policy IR30 – *Mental Health & Crisis Response*).

Persons with Injuries or Other Medical Risks

111. A member who detains, arrests or has taken custody of a person, and has reason to suspect the person is injured (whether or not visibly apparent), in medical distress or for any other reason may require medical assessment or attention, based on apparent visible indicia or abnormal responsiveness to verbal directions or physical stimulus, is required to:
 - a) provide emergency medical assistance, if required, to the best of their ability in the circumstances;
 - b) as soon as possible call for attendance of the British Columbia Ambulance Services (BCAS), provide personnel with all known information that may assist in the assessment and care of the person, and allow any recommended care to be performed; and
 - c) request the supervisor to attend the scene.



112. A supervisor who is advised that a person detained, arrested or in the custody of a member, is injured, in medical distress or for any other reason may require medical assessment or attention, is required to:
- a) advise the Duty NCO of the matter;
 - b) attend the scene and ensuring that medical attention is provided and seek to determine the cause of any injury; and
 - c) review the notes and narrative accounts of members involved with the person for completeness.

*Revised Dates:
06 November 2008
12 April 2012
27 May 2014
18 May 2017
20 February 2020
02 May 2023
03 April 2024