



IC10

**USE OF FORCE**

IC10

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**POLICY**

- Delta Police Department (Department) members are authorized to use force in the lawful execution of their duties, and that force must be reasonable, proportionate, and necessary based on the totality of circumstances.

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Criminal Code s. 25 (1)

2. The Chief Constable must ensure a use of force model approved by the Director of Policing & Law Enforcement Services (Director) is in use, including at least the following options:
  - a) member presence;
  - b) communication, including de-escalation;
  - c) physical control (hard & soft);
  - d) intermediate weapons; and
  - e) lethal force.

BC Provincial Policing Standards (BCPPS) 1.9.1 (1)

3. Members may only use force options (excluding in training):
  - a) in accordance with law, the BCPPS, Department approved training, this Policy and other related Department policies, and the National Use-of-Force Framework (NUFF); and
  - b) if they have successfully completed the required training, (re)certification or (re)qualification.

BCPPS 1.9.1 (2)

4. The Chief Constable shall provide Procedures, pursuant to this Policy, regarding the use of force and associated responsibilities.

## **REASON FOR POLICY**

5. To seek to ensure use of force by Department members is reasonable, proportionate, and necessary based on the totality of circumstances.
6. To provide guidance regarding the use of force and associated responsibilities.

## **RELATED POLICIES**

CS10 – Unbiased Policing & Vulnerable Persons  
DP51 – Weapons Issuance & Management  
EA30 – Reportable Incidents of Injuries or Death (Police Act)



- EM62 – Critical Incident Stress Management
- IC30 – Detention, Arrest & Post-Arrest Processing
- IC40 – Transportation of Persons in Custody
- IR20 – Note Taking & Notes Management
- IR30 – Mental Health & Crisis Response

## DEFINITIONS

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

**Bodily Harm:** any hurt or injury to a person that interferes with the health or comfort of the person and is more than merely transient or trifling in nature (BCPPS 1.3.1).

**De-escalation:** integrated strategies, communications, resources, and tactics used to lower the intensity of a given situation, conflict, or crisis, aiming to lower the level or reduce the need to use force while ensuring the safety of the public and police.

**Display:** the act of pointing, aiming or showing an intermediate weapon or a firearm at or to a person without discharging it, for the purpose of generating compliance from a person (BCPPS 1.7.2).

**Draw:** the act of unholstering or removing an intermediate weapon or firearm from the holster without discharging it, as a preparatory step so that it is ready for use should it become necessary (BCPPS 1.7.2).

**Weapon:** anything designed to be used to cause injury or death to or to temporarily incapacitate a person (*Criminal Code*, s. 2), including **intermediate weapons** (BCPPS 1.2.2) and **firearms** (BCPPS 1.1.1).

## PROCEDURES

### PART 1: GENERAL

#### De-escalation Techniques

8. Members must utilize Crisis Intervention De-escalation (CID) techniques and principles of Integrating Communication, Assessment & Tactics (ICAT), prior to or in conjunction with the application of any use of force option, whenever appropriate and safe to do so throughout the course of an interaction with a person.



Refer to Policy IR30 – *Mental Health & Crisis Response*.

### Identification & Warning

9. Prior to using force against a person, members must:
  - a) identify themselves as a police officer, except in exigent circumstances or if it is reasonably considered inappropriate based on the totality of circumstances, in which case the member must identify themselves as soon as practicable; and
  - b) issue a verbal warning, unless such a warning may reasonably place any person at risk of bodily harm.

BCPPS 1.1.2 (Appendix) & 1.3.1 (4)

## PART 2: RESPONSE

### Use of Force Incidents

10. Members must immediately notify their supervisor and provide them with all relevant details upon applying any of the following use of force options:
  - a) physical control (soft), if an injury occurred to either the person or the member from the application of that force;
  - b) physical control (hard);
  - c) vascular neck restraint (VNR);
  - d) intermediate weapon display or discharge;
  - e) firearm display or discharge;
  - f) police dog bites (intentional and unintentional), while in charge of the police dog;
  - g) specialty munitions (e.g., extended range impact weapon); and
  - h) use of a weapon of opportunity, i.e., an ordinary object that in its regular use is not intended as a weapon, but in a specific encounter is at hand for improvised use as a weapon (e.g., flashlight).

BCPPS 1.7.2 (1 & 8)



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### Scene Attendance

11. If any of the use of force options described in Section 10 above are applied, an uninvolved supervisor must immediately assess the circumstances and determine whether scene attendance and/or notification of the Duty Officer are required.
12. If attendance of an uninvolved supervisor is required they, or another member until their arrival, must:
  - a) secure and assess the scene;
  - b) obtain and document any relevant information related to the incident, including but not limited to:
    - i) identifying and interviewing witnesses, and
    - ii) photographing any injuries; and
  - c) obtain any relevant evidence, including any weapon used and the discharged munition or component pieces, to be seized and secured in accordance with Department policies.

Refer to Policy EA30 – *Reportable Incidents of Injuries or Death (Police Act)* if use of force results in serious harm or death.

### Medical Assessment & Assistance

13. The member or member's supervisor must contact British Columbia Ambulance Service (BCAS) to assess the need for treatment, or provide transportation to a hospital, of a person to whom:
  - a) use of force has been applied, and claims or appears to:
    - i) have a serious or significant injury,
    - ii) be unconscious or be of questionable consciousness, or
    - iii) otherwise require medical assistance;
  - b) a VNR is applied;
  - c) oleoresin capsicum (OC) spray is applied; or
  - d) an Automated External Defibrillator (AED) is used.



14. Any medical issues or injuries must be documented and described on the associated file, including, if applicable and practicable, a photograph of the issue or injury.
15. If practicable, a member who plans to apply or anticipates applying use of force that is likely or intended to cause injury shall request BCAS attendance to the perimeter of the scene.
16. Patrol Sergeants must ensure their vehicle is equipped with a Department-issued AED and that they maintain training in accordance with Emergency and Health Services Commission consent requirements for police use of an AED.

BCPPS 1.3.4 (2)

## PART 3: DOCUMENTATION & REPORTING

### Note Taking & Subject Behaviour Officer Response (SBOR) Reports

17. A member who has applied any of the use of force options described in Section 10 above must document the incident, including:
  - a) making detailed notes in accordance with Policy IR20 – *Note Taking & Notes Management*; and
  - b) completing an SBOR report, ensuring the narrative includes all specified ‘Narrative Headings.’

Note: A weapon drawn where no person is encountered (e.g., a building search with firearm drawn) does not require a SBOR report or other report specific just to the draw.

18. Notes and SBOR reports must be completed within 48 hours of the incident, unless exigent circumstances exist\*, in which case the attending supervisor must complete the notes and/or SBOR report, or an extension may be granted by the Chief Constable.

\*e.g., the member is injured or otherwise reasonably unable to complete the report within the time period, or, if the incident involves death or serious injury, the member may take a reasonable rest period up to 72 hours.

BCPPS 1.7.2 (3)

19. The Inspector i/c Operational Skills Unit (OSU) or delegate is responsible for reviewing all SBOR reports for completeness and compliance with Department policy, training, and the BCPPS, and if the use of force is



considered to be not compliant, they must submit a report to the Chief Constable.

BCPPS 1.7.2 (5)

### Reportable Incidents of Injuries or Death

20. If use of force is applied, members must adhere to Policy EA30 – *Reportable Incidents of Injuries or Death (Police Act)* and immediately notify the Office of the Police Complaint Commissioner (OPCC) and/or the Independent Investigations Office (IIO), as required.

Police Act s. 89 & 38.09  
BCPPS 1.7.2 (7)

### Excessive Use of Force

21. Any member using force against a person is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess.

Criminal Code s. 26

22. Any member who reasonably believes that they have witnessed excessive use of force by another member must report the incident to a supervisor as soon as practicable, who must notify the Chief Constable, and the Chief Constable shall appoint an uninvolved member to investigate.

BCPPS 1.7.2 (10 & 11)

### Unintentional Discharge of a Weapon

23. If a member unintentionally discharges a weapon, regardless of whether it resulted in damage or injury, the member must notify their supervisor.

24. The supervisor shall notify the Duty Officer, as soon as practical, who shall assess the circumstances of the unintentional discharge, and:

- a) determine whether the member must relinquish their weapon and related equipment;

Note: CEWs must be removed from service for data download for all discharges.

- b) notify the following, as required:

- i) IIO Liaison Officer,



- ii) Inspector i/c Professional Standards Section, and
- iii) Inspector i/c OSU or delegate, and provide them with the weapon and related equipment;
- c) direct an 'Incident / Accident Report' (Form 75) to be completed (any unintentional discharge is deemed a 'Near Miss' for purposes of the Form); and
- d) in consultation with the Inspector i/c Professional Standards and IIO Liaison Officer, as applicable, assess the circumstances and direct an investigation to be conducted, as appropriate.

## **PART 4: USE OF FORCE OPTIONS**

### **Physical (Hard & Soft) Control Tactics**

25. Physical (hard & soft) control tactics are techniques applied without use of a weapon, including:
- a) soft tactics (e.g., restraining techniques, joint locks, handcuffing), intended to control a person's behavior with a lower probability of causing injury; and
  - b) hard tactics (e.g., empty hand strikes/punches, kicks, VNR), intended to stop a person's behavior and having a higher probability of causing injury.
26. Members are prohibited from the intentional use of chokeholds, i.e., applying pressure to the front of the neck and trachea/windpipe to restrict a person's ability to breathe, unless the member reasonably believes that lethal force is justified.

BCPPS 1.5.1

### ***Restraints***

27. A restraint is any device or system designed or used to restrict a person's normal physical range of motion or activity, including:
- a) handcuffs;
  - b) disposable restraint devices (e.g., zip-ties);



- c) leg restraints;
- d) devices of opportunity (e.g., rope or belt); and
- e) spit hoods.

**Use of a Restraint**

28. The detention or arrest of a person does not in itself provide reasonable grounds to apply a restraint device, and members must be able to articulate why applying a restraint was necessary in order to:
- a) protect the member(s), the person, or any other person from harm;
  - b) reduce the risk of the person attempting to leave;
  - c) locate and preserve evidence related to the reason for the person's arrest; or
  - d) enhance the member's safety in conducting a lawful search.
29. A member's knowledge of a person's past behaviour, or detaining a person solely for investigative detention, are not reasonable grounds for applying a restraint to a person.
30. Members must further consider any relevant factors in determining whether to apply a restraint to a person, including but not limited to:
- a) age (e.g., youth or elderly);
  - b) mental or physical disabilities; or
  - c) medical conditions or injuries (e.g., pregnancy, injury).
31. Members shall not apply a restraint to a child who is or appears to be under the age of 12 unless:
- a) all other options have been exhausted or determined inappropriate (e.g., verbal communication, de-escalation techniques); and
  - b) the member reasonably believes that the child must be restrained in order to prevent immediate harm to the child or any other person.



### **Applying a Restraint**

32. Members shall seek to maintain the dignity of the person to whom the restraint is being applied, including, where practicable:
- a) advising the person that the restraint is going to be applied;
  - b) verbally describing each step of the process; and
  - c) escorting the person in a manner that minimizes visibility to the public.
33. A member applying a restraint to a person must:
- a) check the restraint for a safe level of tightness and ensure it is not dangerously restricting the person's blood circulation;
  - b) if a disposable restraint, ensure that at least one member present has a tool available for cutting the device free;
  - c) if a feature of the restraint, engage a double lock mechanism immediately after establishing sufficient control over the person to do so;
  - d) if using a leg restraint, not use it as a sole restraint and not in any manner join it to handcuffs;
  - e) not leave the person unsupervised, unless required by exigent circumstances, and assess their wellbeing at regular intervals; and
  - f) be aware of the length of time the restraint remains applied, remove it as soon as practicable, and be responsive to the potential need to remove it as appropriate.
- BCPPS 1.2.3 (4)
34. Members shall notify their supervisor as soon as practicable upon applying a leg restraint or spit hood, or if any restraint has been applied to a person in mistaken belief about the person's identity or involvement or commission of an offence.



### Documentation & Reporting

35. In addition to required SBOR reporting, members shall document the use of a restraint device in their notebook and initiate a PRIME file, and include the following information:
- a) the reason for applying the restraint and its removal;
  - b) details of how the restraint was applied and checked for tightness, fit, and security, as applicable to the restraint used; and
  - c) any relevant observations, including if the person complains the restraint is too tight and the member's response (e.g., that the restraint was inspected or why an inspection was not conducted).

### Spit Hoods

36. A spit hood may only be applied to a person who has, is attempting to, or is threatening to bite or contaminate the member or any other person with bodily fluids from their nose or mouth.
37. In applying a spit hood to a person, the member must:
- a) first ensure the person is under control and restrained using a restraint;
  - b) if practicable, remove any eyewear, head/face jewelry or other items that may hook on the hood, with consideration of cultural, religious or personal items (refer to Policy IC32 – *Search of Persons*);
  - c) adjust the hood so the mesh barrier does not descend below the person's nose, and check the fit to allow for vision; and
  - d) discontinue attempted use if the spit hood does not fit properly.
38. Spit hoods may not be applied to, and must be removed from, any person who is or appears to be:
- a) unconscious or of questionable consciousness;
  - b) vomiting;
  - c) noticeably bleeding from the mouth, nose, or head;



- d) having difficulty breathing;
  - e) experiencing effects of OC spray; or
  - f) in need of medical attention, if the spit hood may further harm the person or impede the administration of medical attention.
- BCPPS 1.2.3 (4)
39. While a person is wearing a spit hood, members must ensure:
- a) the person's airway, nose, and mouth are otherwise unobstructed at all times; and
  - b) the person is monitored and verbal confirmation of their wellbeing is sought at five-minute intervals, or more frequently as deemed necessary, and that these checks and statuses are recorded in CAD.
- BCPPS 1.2.3 (4)
40. Spit hoods may only be used once per person and must be safely discarded after use.
41. Members must be aware that spit hoods may increase the risk for medical distress, and shall avoid applying a spit hood to a person believed to be experiencing an Agitated Medical Emergency (AME), wherever practicable (refer to Policy IR30 – *Mental Health & Crisis Response*).

### Intermediate Weapons

42. Intermediate weapon options include:
- a) OC spray;
  - b) conducted energy weapons (CEWs), i.e., tasers;
  - c) impact weapons, i.e., batons and extended range impact weapons (ERIWs); and
  - d) weapons of opportunity.
43. Intermediate weapons may only be:
- a) drawn or displayed, if the member reasonably believes that the situation has the potential for bodily harm; or



- b) discharged, if the member reasonably believes that:
  - i) the person is causing or will imminently cause bodily harm to themselves, the member, or any other person, and
  - ii) de-escalation techniques or lesser force option have not been or will not be effective in eliminating the risk of bodily harm.

BCPPS 1.3.1 (1, 2 & 6)

### ***OC Spray***

- 44. Despite Section 43 above, OC spray may be applied against a person categorized as an 'Active Resister,' if appropriate based on the totality of circumstances.

### ***Conducted Energy Weapons (CEWs)***

#### **Use of CEW**

- 45. Members must not discharge a CEW against a person for longer than five seconds, or apply an additional discharge, unless the member reasonably believes that the initial discharge was ineffective in eliminating the risk of bodily harm and that a subsequent or longer discharge will eliminate that risk.

BCPPS 1.3.1 (3)

- 46. Members must not discharge more than one CEW simultaneously against a person, or in any of the following circumstances, unless the member reasonably believes it is justified to prevent grievous bodily harm or death:

- a) the person or the member is near flammable, combustible or explosive material, including alcohol-based OC spray;
- b) the person is at risk of a fall from an elevated height;
- c) the person is standing in or near water; or
- d) the person is operating a vehicle/machinery that is in motion.

BCPPS 1.3.1 (4)

- 47. Members discharging a CEW shall, if practicable, avoid targeting the following areas:



- a) head;
- b) neck;
- c) chest; and
- d) genitalia.

BCPPS 1.3.1 (4)

48. Upon the discharge of a CEW against a person, the member or the member's supervisor must request BCAS attendance as soon as practicable if the discharge was made:

- a) across the person's chest (in probe mode);
- b) for longer than five seconds, including a single discharge cycle that exceeds five seconds or an additional discharge where the total length of contact exceeds five seconds; or
- c) against a person who may be vulnerable due to age (e.g., youth or elderly), mental or physical disabilities, or known medical conditions or injuries (e.g., pregnancy, heart disease).

BCPPS 1.3.4 (5)

### Post-Discharge Requirements

49. Discharged probes may be removed with caution by a member at the direction of their supervisor, once the person is appropriately restrained, unless probes are located in sensitive areas such as the head, face, neck, groin, or breast, in which case they must be removed by medical personnel.

50. Discharged probes shall be secured appropriately, and if removed directly from a person's skin, they shall be treated as Bio-Hazards 'sharps.'

51. Following the discharge of a CEW against a person, the member must secure the CEW and related component pieces and submit them as an exhibit.

52. The Inspector i/c OSU or delegate must be notified following the discharge of a CEW, who shall ensure:

- a) the CEW is removed from service;



- b) if resulting in serious injury or death, that the CEW is not returned to service until it is tested, repaired and retested (refer to Policy DP51 – *Weapons Issuance & Management*);
- c) a data download is conducted and added to the PRIME file; and
- d) there are no discrepancies between the downloaded data and the SBOR report.

BCPPS 1.3.3 (5 & 6)

### **Monitoring & Reporting**

53. On an annual basis, the Inspector i/c OSU or delegate shall:
- a) conduct an administrative download for each CEW, and record and maintain that data;
  - b) conduct an internal review of CEW use to determine compliance with Department policy, training, and the BCPPS, and to identify potential training or policy issues, and the review must examine and document:
    - i) the circumstances and manner in which CEWs are being used (e.g., bodily harm threshold, number and duration of cycles, number of probes deployed), and
    - ii) the reporting of CEW use by members; and
  - c) submit an annual written report to the Director, and Delta Police Board, which must include:
    - i) aggregate counts of CEW displays and discharges, and
    - ii) a summary of the annual review conducted as described in (b) above.

BCPPS 1.3.3 (7-9)

### ***Impact Weapons***

54. Members using an impact weapon shall, if practicable, avoid targeting the following areas:
- a) spine;



- b) neck;
  - c) abdomen, if visibly pregnant;
  - d) clavicle;
  - e) kidneys;
  - f) head; and
  - g) genitalia.
55. Specific to ERIWs, members shall, if practicable, aim for the following bodily target areas:
- a) the front or back of the person's legs;
  - b) the front or back of the person's arms (below the elbow); or
  - c) buttocks.

### Firearms

56. Firearms may only be:
- a) drawn or displayed, if the member reasonably believes that there is potential for grievous bodily harm or death; or
  - b) discharged, if the person is to be lawfully arrested and the member reasonably believes that the force is necessary for the purpose of protecting the member or any other person from grievous bodily harm or death.

Criminal Code s. 25 (4)

57. Members may only discharge their firearm in exigent circumstances (e.g., Active Deadly Threat; refer to Policy IR42 – *Active Deadly Threat & Code 1 Protocol*):
- a) against an occupant of a moving vehicle;
  - b) from a moving vehicle; or
  - c) at the body or tires of a stationary or moving vehicle.



58. For all discharges of a firearm, except for training or testing purposes:
- a) the member must relinquish the firearm to the attending supervisor, which may be returned or replaced as directed by the Chief Constable or delegate;
  - b) the Chief Constable or delegate shall appoint an uninvolved member to investigate the reason for the discharge, who shall provide an investigative report to the Chief Constable; and
  - c) if discharged by the Chief Constable, the Chair of the Delta Police Board must be notified, who shall oversee an investigation.

BCPPS 1.7.2 (9)

Note: For (a) and (b) above, if a member discharges a firearm against an animal (refer to IM50 – *Animals*), the supervisor shall determine whether relinquishment of the firearm or investigation is required.

## PART 5: ADMINISTRATION

### Training

59. The Chief Constable or delegate is responsible for facilitating required use of force training, (re)qualification and (re)certification, and maintaining written records for each member and each session, including the session's date, type (e.g., make/model of weapon), purpose and learning objectives, instructor, and results.

Refer to Policies DP51 – *Weapons Issuance & Management* and EM21 – *Training*.

60. Use of force training may only be provided to members by a person who has received the necessary training and is fully qualified to instruct, as authorized by the Chief Constable, and the Chief Constable or delegate shall maintain a record of each instructor and their qualifications.

BCPPS 3.2.3

### Reporting to the Director

61. The Chief Constable or delegate shall maintain a record of the following data specific to the use of force by members:
- a) the number of SBOR reports submitted;
  - b) the frequency and types of force used;



- c) injury outcomes; and
  - d) any other measures, as determined by the Director.
- BCPPS 1.7.2 (12)
62. The Chief Constable or delegate shall submit to the Director, at the end of each calendar year, a complete data set of all SBOR reports and any other information as requested by the Director.

BCPPS 1.7.2 (13)

\*Revised Dates:  
10 October 2012  
09 March 2017  
22 January 2019  
17 June 2020  
31 May 2022