

USE OF FORCE

OH020

Effective Date: March 28, 2005
Revised: May 9, 2005, May 7, 2007

OH020

POLICY

[See also: OH010 – Firearms, OH030 - Tasers]

Use of Force

1. Police officers (Members) in the Greater Vancouver Transportation Authority Police Service (GVTAPS) are authorized by law to use force in the execution of their duties, Members must use the minimum level of force necessary, guided by, and complying with, provision of the Criminal Code of Canada (CCC), and the Use of Force Regulation (B.C. Reg. 203/98) passed pursuant to the Police Act.
2. The Member who uses force in the execution of their lawful duties is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess. Members may be required to justify the level of force used in various legal forums, including criminal court, civil court, and Police Act proceedings.

Definitions

"Lethal Force" means any use of force that is likely to cause death or serious bodily harm.

"Less-Lethal Force" means any use of force other than that which is considered Lethal Force.

"Intermediate Weapon" means Electro-Muscular Disruption (EMD) device, Oleoresin Capsicum (OC) Spray, or a Baton. Intermediate weapons fit into the Force Options Context between Empty Hand Control Tactics and Lethal Force. The primary objective of intermediate weapons is to create temporary motor dysfunction of a resistive subject, in order to gain control.

"Taser" means an Electro-Muscular Disruption device using propelled wires, or direct contact, to conduct energy to affect the sensory and motor functions of the nervous system, causing involuntary muscle contractions, resulting in temporary incapacitation.

"Taser Probes" means the metal darts propelled by compressed nitrogen from a Taser Cartridge when activated, which are intended to transmit an electrical current throughout the contact area of the body or clothing.

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Parameters for Use of Less-Lethal Force**(Refer to Part I CCC)**

14. Where lethal force is not justified, Members will assess the incident in order to determine which less-lethal technique or weapon will best de-escalate the incident and bring it under control in a safe manner.
15. The Service supports the use of intermediate weapons by Members qualified to use them when lower levels of force (including other specific intermediate weapons) have been ineffective, or are inappropriate, and the use of higher levels of force (including other specific intermediate weapons) may not be justified or appropriate. Members may use these intermediate weapons for resolution of an incident as follows:
1. to protect themselves or others from physical harm,
 2. to restrain or subdue a non-compliant, suicidal, potentially violent, or violent individual, or
 3. to bring an unlawful situation safely and effectively under control.

Oleoresin Capsicum (OC) Aerosol

16. OC Aerosol may be utilized by Members when the following conditions are present:

1. the situation demands control over a non-compliant suicidal, potentially violent, or violent individual, and
2. lower force options were ineffective in controlling the individual or were inappropriate given all the circumstances.

17. Once a subject has been sprayed and controlled with OC Aerosol, Members will follow these procedures, where appropriate and reasonable:

1. tell the subject they have been sprayed with OC Aerosol and the effects are short term,
2. monitor the subject to ensure their safety,
3. as soon as is practicable, allow the subject to de-contaminate using fresh water, and
4. provide proper medical attention to subjects who show no signs of improvement.

Taser

18. The Taser may be utilized by Members when the following conditions are present:

1. the situation demands control over a non-compliant, suicidal, potentially violent, or violent individual,
2. lower force options were ineffective in controlling the individual, or were inappropriate given all the circumstances,
3. lethal overwatch is present,
4. the warning "Taser Up" is given to other police officers at the scene prior to deployment, and

5. consideration has been given to the proximity of flammable substances and the uniqueness of the GVTAPS operational environments.
19. Once the subject has been controlled by the application of the Taser, the Member will follow these procedures, where appropriate and reasonable:
 1. notify Emergency Health Services (EHS) to attend, and have EHS personnel determine if the subject should be transported to a hospital, and, if not, have the EHS personnel remove the probes if the skin has been punctured,
 2. notify the patrol Supervisor as soon as is practicable, and
 3. complete the appropriate use of force report, and other reports required or applicable.

Lateral Neck Restraint

20. The Lateral Neck Restraint will only be used by a Member when the following conditions are present:
 1. the situation demands immediate control over a violent person,
 2. lower force options were ineffective in controlling the individual or were inappropriate given all the circumstances,
 3. there is no reason to believe that the person will suffer injury as a result of the restraint hold.
21. The Lateral Neck Restraint will not be used to:
 1. subdue a subject who is merely uncooperative, or
 2. as a "come-along" hold.
22. If the application of the Lateral Neck Restraint renders a subject unconscious, the following procedure is to be followed:
 1. place in a $\frac{3}{4}$ prone, recovery position and monitor breathing and pulse,
 2. if no response and recovery appears abnormal, request EHS to attend.

Reporting Use of Force

23. A written report will be submitted by the Members involved immediately after the following circumstances:
 1. an intermediate weapon has been used,
 2. Lateral Neck Restraint applied, or
 3. whenever a Member applies force to a person and an injury occurs as a result of the force used.

* File 2007-7650 offence-Cause a Disturbance. Subject refused to obey officers' commands after being evicted from a local restaurant. The Taser was deployed and subject taken under control. Internal review re; the Use of Force was conducted by the Supervisor and the Inspector of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.

* File 2007-7818 offence-Obstruct Peace Officer. Subject ran from officers during a 'fare blitz' (no proof of fare paid while in a fare paid zone). Taser was deployed as the subject fled, however the Taser was ineffective due to the subjects clothing and escaped the custody of the officers. Internal review re; the Use of Force was conducted by the Supervisor and the Inspector of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.

* File 2007-8347 offence-Transit-Fare Paid Zone and Outstanding Warrant. Subject was checked on Skytrain and had no valid fare receipt to ride the train. Further records check showed an outstanding warrant for the subject. Once subject heard there was an outstanding warrant for an arrest, the subject fled from the officers. During the attempt to escape the Taser was deployed and subject was stopped, subdued and handcuffed. Internal review re; the Use of Force was conducted by the Supervisor and the Inspector of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.

✍ File 2007-9099 offence-Breach/Bail Violations. Officers observed subject consuming a beer on the Skytrain. Subject was checked on police records and information received revealed that subject was not to possess or consume alcohol. During the arrest procedure the subject became combative and the Taser was deployed. Subject was taken into control and handcuffed. Internal review re; the Use of Force was conducted by the Supervisor and the Inspector of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.


✍ File 2007-9671 offence-Mental Health Act/Attempt Suicide. Officers had information of a male acting erratically, yelling at people and running into traffic. Officers near New Westminster Skytrain Station located subject. Subject attempted to tackle one member and another member deployed the Taser and the subject was brought under control and handcuffed. Internal review re; the Use of Force was conducted by the Supervisor and the Inspector of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.

✍ File 2007-11422 offence-Obstruct Peace Officer. Officers were checking fares on Skytrain and found subject without proof of fare paid. Subject was asked off train at the next stop. On the Skytrain platform Officers were completing a violation ticket when the subject attempted to flee. Subject became combative and the Taser was deployed and subject was taken into control. Internal review re; the Use of Force was conducted by the Supervisor and the Inspector of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.

★ File 2008-157 offence-Obstruct Peace Officer. Officers were checking subject who fit the description and matched surveillance video camera footage of an assault suspect. During an attempted search of the subject, the subject reached into his pocket with his back to the officers. Subject refusing to listen to the officers' commands and the subject becoming combative the Taser was deployed and the subject was taken into control. Internal review re; the Use of Force was conducted by the Supervisor and the Inspector of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.

File 2008-1909 offence-Assault Against a Police Officer. Officers assisting Vancouver Police with a very combative subject had to deploy the Taser after the subject struck a Vancouver Police Officer in the face. Internal review re; the Use of Force was conducted by the Supervisor and the Inspector of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.

File 2008-2683 offence-Assault-Aggravated. Officers, while checking fares on the Skytrain platform encountered two subjects. When asked to provide proof of fare paid one subject attempted to flee the police. Subject was confronted by one of the officers and subject elbowed the officer in the face causing a five-centimeter laceration over the officer's right eye. The Taser was deployed but had no affect on the subject nor did the vascular neck restraint have any affect. It took the assistance of RCMP members to take the subject into control and handcuffed. Internal review re; the Use of Force was conducted by the Supervisor and the Inspector of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.

 File 2008-3246 offence-Obstruct Peace Officer. Officer were checking subject for no fare paid on Skytrain. Subject refused to identify self and was placed under arrest. During the arrest procedure the subject became uncooperative and grabbed onto the platform railing and refused to let go. After several warnings, to the subject, to stop resisting arrest and the subject failing to comply with the officers' commands, the Taser was deployed and the subject was taken into control. Internal review re; the Use of Force was conducted by the Supervisor and the Inspector of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.