

# REPORT ON THE REVIEW OF VANCOUVER POLICE DEPARTMENT (VPD) JAIL

Policies and Procedures, Training, Leadership and Supervision

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## Executive Summary

In May 2019, the Director of Police Services (the “Director”) initiated a review of the Vancouver Police Department (VPD) Jail, under the authority of s. 42 of the *Police Act*. The review was in response to concerns raised by the Police Complaint Commissioner (PCC) in an August 2018 letter, in which the PCC recommended that the Director initiate a review, study or audit to assist the VPD to develop training or other programs to prevent recurrence of excessive use of force in the Vancouver Jail (the “Jail”).

In September 2018 the Director wrote to the Chair of the Vancouver Police Board to ensure that the Board was aware of the PCC’s concerns, and to invite any information that may assist the Director in considering the PCC’s request. In October 2018, the Chair of the Vancouver Police Board responded to the Director outlining the actions that had been taken.

Notwithstanding the Board’s response, the Director determined that the issues raised by the PCC warranted further examination by the office of the Director.

The purpose of the Director’s review was to verify the actions taken by the VPD and Vancouver Police Board in response to the concerns outlined in the PCC’s August 2018 letter, and to identify any additional changes to policies and procedures, training, and leadership and supervision within the Vancouver Jail that could be recommended to further enhance the prevention of excessive use of force.

The review team consisted of members of the Director’s staff of the Policing and Security Branch, and a consultant, Mr. Bert Phipps.

The review team’s activities were conducted between June and December 2019. The principal methodologies used in this review were interviews with Jail staff, review of documents, on-site visits and data analysis. The review of written documents included: the VPD Jail Manual of Operations (JMO), the VPD Regulations and Procedures Manual (RPM), and various training materials and records. Data was analyzed regarding VPD Jail use-of-force reports, and Jail complaints and injuries that had been reported to the Office of the Police Complaint Commissioner (OPCC).

Throughout this assignment, the review team received cooperation and support from staff at all levels of the VPD Jail, both current and former. Their commitment to the continuous improvement of the Jail was demonstrated on numerous occasions and the review team was grateful for their assistance.

Overall, the review team found that many substantive changes have been implemented at the Jail in the last two years, across a broad range of areas, such as supervision, physical environment, training, and policy and procedures. The review team also identified additional changes to recommend in some of these areas.

### **Supervision**

The leadership at the Jail has changed significantly since 2017 with the appointments of some emerging leaders to the positions of the Court and Detention Services Section (CDSS) Inspector and Staff Sergeant. This, as well as changes implemented to other aspects of the supervision and reporting structure, is changing the Jail environment itself and the wider

perception of working at the Jail among the VPD generally. It has been made clear throughout the organization that the Jail is a priority for the VPD.

### **Physical environment**

Near the end of 2018, significant renovations were undertaken to the Jail facility itself, which has created an improved environment for both staff and prisoners. Despite this, building-maintenance issues continue to be an ongoing problem for the Jail. The CDSS Staff Sergeant continues to spend a significant amount of time managing building maintenance issues which detracts from the Staff Sergeant's ability to focus on the operation and supervision of the Jail.

### **Policy**

The review team found that in the past, staff in the Jail had not been provided with updated policy, and that VPD staff had been attempting to rewrite the JMO for several years. This task was completed in December 2018, with the provision that the JMO will be updated and revised as necessary.

Overall, the review team found that the December 2018 version of the JMO presented comprehensive policy and procedures for the operation of the Jail. However, the review team noted some sections of both the JMO and the RPM that could benefit from further review and updating. These relate to: ensuring clear direction on use-of-force reporting and the use of restraint devices and spit masks; ensuring physical checks on prisoners are required at least once every 20 minutes, without exception; and correcting outdated or inconsistent references to legislation or Provincial directives governing use-of-force reporting.

The CDSS Inspector was very receptive to the review team's observations regarding the JMO and it is the review team's understanding that at the time of writing this report the JMO was being updated to address these observations. The CDSS Inspector also forwarded the review team's feedback regarding the RPM to the VPD's Planning, Research, and Audit Section for review.

### **Training**

Given the challenging work that Jail Guards are required to perform in a high-risk, high-liability environment, the training of Jail Guards is a critical area. The review team noted recent improvements that had been implemented to the training or will be implemented in 2020, both to the initial training that Jail Guards receive as Special Municipal Constables (SMCs) as well as refresher training provided to Jail Guards. In addition, the review team noted a general increased emphasis on employee health and wellness at the Jail.

The review team also identified some opportunities to further improve training. These involve increased emphasis on Crisis Intervention and De-Escalation (CID) training to reinforce this critical skill and ensure compliance with provincial policing standards; and improvements to training documentation for consistency with VPD practices and the Provincial Learning Strategy.

## Other accountability mechanisms

The review team noted several additional mechanisms currently in place for the VPD Jail that provide for useful, ongoing monitoring, and has recommendations on how to enhance some of them. These involve further incorporating use-of-force incidents in the VPD's Early Intervention Program (EIP), ensuring that the Vancouver Police Board receives Jail-specific information about complaints, and enhanced monitoring and use of information available from use-of-force reports, complaints, and surveillance video.

## Recommendations

Overall, the VPD and Vancouver Police Board have implemented significant, positive changes to the VPD Jail. The review team makes the following 27 recommendations to maintain and further build on these efforts:

1. *That the VPD continue to ensure that the arrival and departure of Sergeants at the Jail is staggered for continuity of leadership and supervision.*
2. *That the VPD continue to ensure the Jail is viewed as a desirable career path for senior leadership positions in the VPD.*
3. *That the VPD continue to require the CDSS Inspector position to report to a Superintendent in the Operations Division.*
4. *That the VPD seek an alternative solution to building-maintenance issues being handled by the Staff Sergeant, so that the Staff Sergeant can focus on policing-oriented Jail issues.*
5. *That air quality is routinely checked each year, and that the results are communicated to staff working in the Jail.*
6. *That the VPD acquire a third restraint chair or schedule regular maintenance of the chairs to ensure that there are always at least two chairs in working order and available for use.*
7. *That the VPD continue to consider options for implementing mandatory routine wellness debriefs for Jail staff; as well as continuing to provide training and information or other strategies for maintaining mental health.*
8. *That, in recognition of the limited career path and the challenges of working in the Jail environment, the VPD continue to explore avenues to provide more career mobility and/or opportunities for more varied work experiences for SMCs.*
9. *That the VPD review the JMO and RPM to update and clarify relevant sections regarding the use of force and application of restraints, as well as how to report force.*
10. *That the VPD review the existing JMO requirements for the frequency of in-person checks, to ensure alignment with the Policing and Security Branch policy directive, Interim Continuation of Policing Standards Established by the Former British Columbia Police Commission, which requires such checks at least every 20 minutes.*
11. *That the VPD continue the recently approved additions of more Jail-specific training to the SMC program, including the additional week of field training for SMCs who will be Jail Guards.*
12. *That the VPD continue to maintain the two full days of Jail-Guard refresher training per year.*

13. *That the VPD continue the secondment of select Guards to the TTC.*
14. *That the VPD continue the planned implementation of micro training sessions, with the caveat that their development and delivery is overseen by qualified SUFIC instructors.*
15. *That the full provincial CID training course be integrated into the initial SMC program.*
16. *That the VPD ensures that all Jail Guards complete their provincial CID re-certification on time.*
17. *That the TTC work to ensure CID is fully integrated into use-of-force training; including linking the NUFF and CID models (as per new BCPPS 1.9.1).*
18. *That the TTC work with the VPD Learning & Development Unit to ensure use-of-force training is developed and documented consistent with the Provincial Learning Strategy.*
19. *That additional training/coaching sessions specifically for Jail Sergeants be administered within a few months after they start working in the Jail.*
20. *That the VPD continue to require Jail Guards to complete SBOR reports.*
21. *That the VPD continue to include Jail Guards in the EIP process.*
22. *That the VPD continue to have someone other than the CDSS Inspector act as the Discipline Authority for the Jail.*
23. *That the VPD distinguish Jail-related complaint summaries in their in-camera reporting to the Vancouver Police Board.*
24. *That the VPD include more use-of-force incidents in the EIP for all SMCs and police officers.*
25. *That a Jail Sergeant review each of their team's SBORs.*
26. *That the VPD monitor Jail-specific data, including complaints, reportable injuries, and SBORs on an ongoing basis, including tracking overall numbers and checking for patterns and themes (e.g. among individuals, teams, processes, or locations).*
27. *That in addition to reviewing video from specific incidents that warrant it, the Sergeant, Staff Sergeant and/or Inspector review video from use-of-force incidents on an occasional but ongoing basis (e.g. one video per team each month).*

## Glossary of Terms

<b>CCC:</b>	<i>Criminal Code</i> of Canada
<b>CDSS:</b>	Court and Detention Services Section
<b>CEW:</b>	Conducted Energy Weapon
<b>CID:</b>	Crisis Intervention and De-escalation
<b>DA:</b>	Discipline Authority; the person deciding whether there is a finding of misconduct
<b>EIP:</b>	Early Intervention Program
<b>FOTU:</b>	Force Options Training Unit
<b>IIO:</b>	Independent Investigations Office of BC
<b>JMO:</b>	Jail Manual of Operations
<b>NUFF:</b>	National Use of Force Framework
<b>OC Spray:</b>	Oleoresin Capsicum Spray
<b>OPCC:</b>	Office of the Police Complaint Commissioner
<b>PCC:</b>	Police Complaint Commissioner
<b>PLS:</b>	Provincial Learning Strategy
<b>PSB:</b>	Policing and Security Branch
<b>PSS:</b>	Professional Standards Section
<b>RPM:</b>	Regulations and Procedures Manual
<b>SBOR:</b>	Subject Behaviour/Officer Response (“use-of-force”) report
<b>SMC:</b>	Special Municipal Constable
<b>TOR:</b>	Terms of Reference
<b>TTC:</b>	Tactical Training Centre
<b>VPD:</b>	Vancouver Police Department

# 1. Introduction

## 1.1 Background

Section 177(4)(d) of the *Police Act* provides for the Police Complaint Commissioner (PCC) to make recommendations to the Director of Police Services (the Director) or the Minister that a review, study or audit be undertaken to assist any police agency within the PCC's purview in developing training or other programs to prevent recurrence of problems revealed by the complaint process.

On August 8, 2018 the PCC wrote to the Director, recommending that the Director initiate a review, study or audit to assist the Vancouver Police Department (VPD) to develop training or other programs to prevent recurrence of excessive use of force in the Vancouver Jail (the "Jail"). The PCC enclosed five examples of recent serious misconduct investigations in support of the PCC's concerns. Three of the five incidents took place in 2016, one occurred in May 2017, and the most recent of these five occurred in May 2018.

In response, on September 6, 2018, the Director wrote to the Chair of the Vancouver Police Board to ensure that the Board was aware of the PCC's view that the complaint process had revealed a problem of excessive force in the Vancouver Jail, and to invite any information that may assist the Director in considering the PCC's request, including what remedial actions were taken or contemplated in response to the issue.

On October 24, 2018, the Chair of the Vancouver Police Board wrote to the Director outlining the actions taken and conveying the Board's confidence that all concerns raised had been, or were being, addressed. Actions highlighted in the letter included changes to:

- Policies and procedures;
- Training for Vancouver Jail staff;
- Changes to supervision and reporting structures;
- Employee wellness strategies; and
- Improvements to the physical environment of the Jail.

After considering the Board's response, the Director determined that the issues raised by the PCC warranted further examination by the office of the Director, in part because the Vancouver Police Board did not initiate an independent review of reported VPD actions.

## 1.2 Section 42 of the BC *Police Act* – Studies by Director

Under s.42 of the *BC Police Act*, the Director has the authority to study, investigate and prepare reports on matters concerning policing, law enforcement and crime prevention in British Columbia. Under this authority the Director initiated a review of the VPD policies and procedures, training, and leadership and supervision related to the use of force within the VPD Jail.

The Vancouver Police Board and the VPD were notified of the review on May 21, 2019 and provided with its Terms of Reference (TOR; see [Appendix 1](#)). A review team was established to conduct the review on the Director's behalf. The review team consisted of Policing and Security Branch (PSB) staff, in consultation with Bert Phipps (former Assistant Deputy Minister for BC Corrections and former Chief Civilian Director of the Independent Investigations Office of BC (IIO)), working under contract.



The purpose of the review was to verify the actions taken by the VPD and Vancouver Police Board in response to the concerns outlined in the PCC's August 8, 2018 letter to the Director, and to identify any additional changes to policies and procedures, training, and leadership and supervision within the Vancouver Jail that could be recommended to further enhance the prevention of excessive use of force. The review did not include investigating individual use-of-force incidents or complaints for the purpose of determining whether the use of force was appropriate in any particular instance, as this is within the jurisdiction of the Office of the Police Complaint Commissioner (OPCC) or the IIO.

The review team commenced its review activities in June 2019, and first met with the VPD Jail Inspector during an on-site visit to the Jail on July 23, 2019. The review team submitted a draft report to the Director in December 2019 and submitted its final report to the Director in January, 2020.

The review team would like to acknowledge the excellent cooperation it received from every member of the VPD's Jail staff and their supervising chain of command, who were all forthcoming with information and engaged with the review process.

### 1.3 Methodology

The scope of a s.42 review varies. This review focused on particular aspects related to the use of force within the VPD Jail. The principal methodologies used in this review were interviews with staff, review of documents, on-site visits and data analysis.

In total 29 people were interviewed, as follows:

- Twelve Guards, three of whom were supervisors;
- Four Jail Sergeants;
- The Trainer Guard and the Trainer Sergeant;
- Two of the Jail's Nurses;
- The Jail's current Staff Sergeant, Inspector, and the Superintendent they now report to;
- The Jail's previous Inspector and previous Staff Sergeant (who also acted as interim Inspector);
- A member of the Vancouver Police Board, as well as the Board's Executive Director; and
- The Police Complaint Commissioner and Deputy Police Complaint Commissioner.

The Guards and Sergeants who were interviewed were selected in order to represent a mix of male and female staff, both new and more experienced, from all four Jail teams. The staff interviewed constituted approximately one third of the full-time Jail staff.

The review of written documents included: the VPD Jail Manual of Operations (JMO), the VPD Regulations and Procedures Manual (RPM), and various training materials and records.

Data was analysed regarding VPD Jail use-of-force reports, Jail complaints and reportable injuries.

## 2. The VPD Jail

This section of the report briefly describes the organizational structure of the Jail and provides some key information about the context in which it operates.

### 2.1 Organizational structure

The VPD Jail operates under the leadership of the Inspector in charge of the Court and Detention Services Section (CDSS), who currently reports to the Superintendent of North Command. Prior to October 2018, the CDSS Inspector reported to a civilian manager in the Information Services Section of the Support Services Division (see Section 4.1). The chain of command for the Vancouver Jail consists of five ranks: Inspector; Staff Sergeant; Sergeants; Jail Guard Supervisors; and Jail Guards. In addition, there is an administrative Sergeant position and an Administrative Jail Guard who plan and organize training. All Guards are Special Municipal Constables (SMCs). Pursuant to s. 35 of the *Police Act*, SMCs are appointed by a municipal police Board in consultation with the agency's Chief Constable, to assist the municipal police department in the performance of its duties. Subject to any restrictions that the Board specifies in the appointment, an SMC has, while carrying out the duties of his or her appointment, the powers, duties and immunities of a municipal constable.<sup>1</sup> Since August 1, 2016, SMCs also fall within the purview of the OPCC.

There are four Jail teams in the VPD Jail each consisting of three Sergeants and ten Jail Guards (one of these is a Supervisor Guard, and one is a Records Supervisor). One team operates on each shift. A shift consists of 12 hours, and teams work two day-shifts followed by two night-shifts followed by four days off. Any Guard absences are filled by a casual pool of SMCs.<sup>2</sup>

The VPD Jail always has two Nurses on duty at all times, a Physician on site each day to conduct rounds, as well as an on-call Physician at all times.

### 2.2 Context

The VPD Jail is a very busy and challenging work environment. It is a maximum-security facility with a high turnover of prisoners. The VPD Jail has a total of 52 cells on three floors.<sup>3</sup> According to data provided by the VPD, the Jail processes approximately 14,700 prisoners a year. The total number of VPD Jail Bookings between January 1, 2015 and December 31, 2018 was 58,933.<sup>4</sup> A significant proportion (11%) of these were people struggling with mental health issues, and over one quarter (26.5%) of all bookings were for people breaching the peace<sup>5</sup>:

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<sup>1</sup> [http://www.bclaws.ca/civix/document/id/complete/statreg/96367\\_01#section35](http://www.bclaws.ca/civix/document/id/complete/statreg/96367_01#section35)

<sup>2</sup> Email dated July 16, 2019 from CDSS Inspector re SBOR and other stats.

<sup>3</sup> In addition, the VPD has access to an additional 21 Sheriff cells for overflow purposes if ever necessary.

<sup>4</sup> Email dated August 20, 2019 from CDSS Inspector providing Jail statistics.

<sup>5</sup> Per the VPD's RPM, there are two types of Breach of the Peace Arrests: a) Found committing: A breach of the peace has been defined by the courts as an act or actions which result in actual or threatened harm to someone (also known as having a "tenor of violence"), or where a threat of harm against a person's property occurs when the person who owns the property is present; and b) Apprehended Breach of the Peace: Police Officers have a common law power of arrest for an "apprehended breach of the peace". This occurs when the police officer has not witnessed a breach of the peace, but the officer believes on reasonable grounds that a breach will take place unless an arrest is effected.

Table 1: Breakdown of Type of Jail Bookings from 2015-01-01 to 2018-12-31

Types	Number of Bookings	Percentage
State of Intoxication in Public Place	1,468	2.5%
Violent Crimes	7,479	12.7%
Breach of Peace	15,605	26.5%
Other	34,381	58.3%
<b>All Bookings</b>	<b>58,933</b>	<b>100%</b>
Mental Health a Factor	6,617	11.2%

The Jail staff operate in a very challenging environment where their daily work involves routinely interacting with many people in negative circumstances, who may be at a low point in their lives or struggling with significant life challenges. It is common for Jail staff to be verbally abused, sometimes threatened and assaulted, exposed to unsanitary and/or infectious materials, all while working long shifts within an undesirable physical environment (e.g., dated building with no windows and low ceilings).

### 3. Data on VPD Jail complaints, use of force and reportable injuries

This section of the report presents data on complaints, use of force, and reportable injuries at the VPD Jail.

#### 3.1 Complaint data

Data provided by the VPD Professional Standards Section (PSS)<sup>6</sup> shows the number of documented complaints received about the Jail in the last five years, from January 1, 2015 to December 20, 2019.

Table 2: Number of PSS Complaints against VPD Jail staff (incl sworn officers)

Year	2015	2016	2017	2018	2019 (Jan-Dec. 20)
PSS Complaints:	1	3	18	14	9

Note: years above are based on PSS file date, not necessarily the incident date, and additional complaints regarding events occurring in 2019 may be filed in 2020.

The data shows there was a large increase in complaints from 2016 to 2017, followed by a slight decrease in 2018. Data for 2019 (up to December 20<sup>th</sup>) indicate a second consecutive year of fewer complaints after the high of 18 in 2017.

All complaints involving VPD SMCs, including Jail Guards, are handled by the VPD PSS. Between 2012 and August 1, 2016, the Office of the Police Complaint Commissioner (OPCC) did not have oversight over complaints involving SMCs, as they are not regular police officers. However, internally at VPD, the SMC complaints were still handled by the VPD PSS, without OPCC oversight. During this time period, the complaints were dealt with under labor processes with the Superintendent of Support Services being informed of all outcomes. The Discipline Authority (DA<sup>7</sup>) at that time was the Inspector of CDSS.

In August 2016 the OPCC resumed oversight of complaints against SMCs, following an amendment to the *Police Act*. As noted in the Introduction, the five serious cases included in the

<sup>6</sup> Emails dated August 20, 2019 from CDSS Inspector, and December 20, 2019 from PSS Inspector.

<sup>7</sup> The person who decides whether there is a finding of misconduct.

PCC's August 2018 letter to the Director occurred between October 2016 and May 2018. The large increase in overall complaint numbers in the years immediately after the OPCC resumed oversight (shown in the table above) suggest that PSS may not have been tracking complaints accurately when there was no such oversight. This highlights the importance of independent oversight of the complaints process. After the OPCC resumed jurisdiction over SMCs the DA for Jail complaints was also changed from the CDSS Inspector to the Inspector of PSS.

### 3.2 Use-of-force data

Jail Guards, as SMCs, are "peace officers" for the purposes of the *Criminal Code* of Canada (CCC) and the *Offence Act* of British Columbia, while they are carrying out jail-guard duties. Section 25 of the CCC authorizes peace officers to use reasonable force where it is reasonably necessary in order to carry out their lawful duties.

More specifically, VPD Jail Guards are trained in the use of a number of physical control techniques, vascular neck restraint, and the use of batons and oleoresin capsicum (OC) spray.<sup>8</sup> Guards are not trained in the use of conducted energy weapons (CEWs) or firearms.

Jail Guards have always been required to report their use of force in some format. However, until recently VPD Jail Guards were not required to utilize the use-of-force reporting template that all police officers in BC are required to complete (i.e. the Subject Behavior/Officer Response or SBOR template). Jail Guards instead were required to write notes of any reportable use-of-force incidents in their notebook or on the Prisoner Record form. While this provided some accountability for the specific incident, it did not lend itself to any data analysis of use of force in the Jail generally. Such analysis can be useful for monitoring force events at the Jail overall, as well as providing useful information to inform ongoing training.

Jail Guards are now required by the VPD JMO to report force using the SBOR template. The requirement to complete SBORs was included in the JMO for the first time in the December 2018 edition. However, some Jail staff were using SBOR prior to that, but it was unclear when instructions had been given for Guards to start using SBOR prior to the direction in the JMO. Clearly the lack of SBOR use by Jail Guards in previous years limits the usefulness of any conclusions based on existing SBOR data.

Nevertheless, the review team conducted an analysis of all VPD SBOR data, focusing on reports involving Jail staff that were completed by either Guards or police officers in the years 2015 to 2018 (2019 data was not yet available). Some key results were:

- In total, there were 138 SBORs between 2015 and 2018 (inclusive) involving VPD Jail staff included for analysis. These 138 SBORs represent 3.5% of the total 4,377 VPD SBORs in that time period.

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<sup>8</sup> Historically, OC spray and batons were not carried by Jail Guards, and batons are still not. On December 17, 2019, a pilot program was starting at the Jail evaluating a gel-based OC spray, specifically designed for Jail environments. Personal issue, belt pouch canisters will be carried by select staff; i.e., the Jail NCOs, Jail Guard Supervisors and specific Jail Guards who have received higher levels of use-of-force training than other guards. Use will be tracked and monitored to determine its effectiveness and evaluate the need for a wider (or narrower) span of personal carry.

- Consistent with the recent policy direction for Jail Guards to complete SBORs, the number of Jail SBORs increased from 28 in 2017 to 50 in 2018, by far the most in that timeframe.<sup>9</sup>
- 2018 was also the first year during this timeframe where a majority (60%) of Jail SBORs were about Jail Guards using force rather than police officers; prior to that, the highest proportion was 11% in 2015.
- Both Jail and non-Jail SBORs contained the same proportions of subjects listed as being under the influence of drugs and/or alcohol (41.3% vs. 41.5%, respectively).
- Jail SBORs contained a much higher proportion of subjects classified as emotionally disturbed persons (54%) than did non-Jail SBORs (37%).
- As would be expected, Jail SBORs contained a much lower proportion of subjects listed as being armed (4%) than did non-Jail SBORs (49%). When armed, subjects in the Jail were usually armed with weapons of opportunity from the Jail.
- A large proportion of the Jail SBORs, particularly prior to 2018, pertained to the use of restraint chairs. In total 87 (or 63%) of the 138 Jail SBORs documented the use of a restraint chair with or without higher levels of force, primarily to stop prisoners from harming themselves. In 2018 the proportion of restraint-chair SBORs was 28%, compared to 81% in 2015.
- One Jail team was found to have completed many more SBORs than the other teams, but on further examination this appears to be because that team's Sergeants were much more likely to fill out SBORs for restraint-chair applications. The review team notes that the simple use of a restraint chair is technically not required by current Provincial direction to be recorded via SBOR if no reportable<sup>10</sup> force is used. However it may be useful for any police department to record restraint chair use as part of its internal monitoring processes.

It is also worth noting that during interviews with Jail staff the review team found a clear and consistent perception that uses of force in the Jail are decreasing over time, and that this is due in significant part to an increased emphasis on de-escalation strategies by the current supervising Sergeants. At the same time, several interviewees observed that some Guards or teams were quicker to use force than others. As described above, SBOR reports are increasing, but the review team believes this is due to better documentation. Both these issues (whether use of force is decreasing or increasing and whether certain teams/individuals use more force than others) were difficult to verify due to changes in reporting practices.

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<sup>9</sup> SBOR data for 2019 was not available at the time this report was written.

<sup>10</sup> Reportable force is soft physical force (e.g. wrist locks) only if it results in an injury, any hard physical force (e.g. stun/strikes), vascular neck restraints, and the display or discharge of any intermediate weapons, weapons of opportunity, or firearms.

### 3.3 Reportable injury data

Section 76 of the *Police Act* mandates that all injuries meeting a certain threshold are to be reported to the OPCC. A reportable injury does not have to be caused by police action. In addition, this is separate to the requirement to report incidents of serious harm or death — a higher threshold — to the IIO.

A 'reportable injury' to the OPCC is defined as any of the following:

- (a) an injury caused by discharge of a firearm;
- (b) an injury requiring emergency care by a medical practitioner or nurse practitioner **and** transfer to a hospital; ...

VPD reportable-injury data was provided by VPD PSS,<sup>11</sup> and is shown in Table 3 below. The table presents the number of: total recorded VPD reportable injuries in each year; the number of reportable injuries that occurred in the Jail due to Jail staff actions; and reportable injuries that were reported by Jail staff but were not due to Jail staff actions (e.g. self-harm or the discovery of a pre-existing injury that required transfer to hospital).

Table 3: VPD Reportable injuries (RIs) 2015 - 2019

YEAR	RIs from Jail Staff Actions	RIs Reported by the Jail, but not from Jail Staff Actions	Total VPD RIs
2015	8	11	246
2016	4	10	244
2017	3*	7	158
2018	2*	19	223
2019 (to Dec. 19 <sup>th</sup> )	1	17	208

\*Note: in both 2017 and 2018 one of the above injuries was investigated by the IIO.

The data shows that:

- The total number of recorded VPD reportable injuries has fluctuated in the last five years between a high of 246 in 2015 and a low of 158 in 2017.
- Overall, Jail-reported reportable injuries (combination of reportable injuries due to staff action and other reportable injuries reported by the Jail) make up under 10% of all VPD reportable injuries (varying from 5.7% in 2016 to 9.4% in 2018).
- There has been a gradual decrease in recorded reportable injuries caused by staff actions from 2015 to 2019. In 2015 there were eight such reportable injuries, whereas in 2019 (to December 19, 2019) there has been only one.

<sup>11</sup> Emails dated December 4, 2019, from CDSS Inspector, and December 19, 2019, from PSS Inspector.

## 4. Findings

This section of the report summarizes the review team's findings with respect to the key topic areas outlined in section "C" of the review's TOR (see [Appendix 1](#)):

- 4.1 Supervision, staffing and reporting structure
- 4.2 Physical environment
- 4.3 Employee health and wellness
- 4.4 Policy and procedures, including measures to promote awareness and compliance
- 4.5 Training
- 4.6 Other accountability mechanisms, including measures to monitor and respond to the use of force

It is important to note that a new Staff Sergeant and, subsequently, a new Inspector were appointed to the VPD Jail in 2017. This marked the beginning of many substantial and varied changes being implemented at the Jail, which are described under various headings throughout Section 4 of this report. Although these individuals have since moved on to different roles, the review team found that the current Inspector and Staff Sergeant who were appointed in 2019 are maintaining these changes as well as implementing further improvements.

Recommendations are touched on in various places throughout this section. However, due to overlap in the issues that some recommendations are intended to address, recommendations are formally presented in Section 5 Conclusion and Recommendations.

### 4.1 Supervision, staffing and reporting structure

#### Supervision

The supervision of the Jail has improved significantly in the last two years, following changes to reporting lines as well as changes in the individuals holding critical roles, as noted above.

The review team consistently heard in interviews that the VPD Jail is now seen quite differently within the VPD compared to just two years ago. The recent appointments of some emerging leaders from within VPD's sworn membership to the positions of CDSS Inspector and Staff Sergeant are changing the Jail environment itself, as well as the wider perception of working at the Jail among the VPD generally. It has been made clear throughout the organization that the Jail is a priority. This recognizes that the Jail is a high-risk, high-liability environment, and that the Jail staff perform a critical and challenging role under difficult conditions.

As noted in the Vancouver Police Board's October 2018 letter to PSB, previously the CDSS Inspector<sup>12</sup> reported to a civilian manager in the Information Services Section of the Support Services Division. This meant that the reporting line of the Jail was outside the standard VPD operational reporting lines, and, in addition, a civilian manager would potentially not have had a full understanding of the complexities of the Jail environment within the police operational context. This reporting structure has now changed. Since October 2018, in light of concerns raised about the Jail, the CDSS Inspector reports directly to the Superintendent of North Command in the Operations Division. This helps to bring the Jail staff fully into the VPD

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<sup>12</sup> Ultimately the long-term Inspector resigned from the VPD prior to a misconduct hearing for an incident tangential to the Jail, although prior to that he had already been removed as the CDSS Inspector: <https://www.cbc.ca/news/canada/british-columbia/john-de-haas-opcc-suspension-1.4830237>

operational side and ensures that the CDSS Inspector reports to someone with a full understanding of operational policing, and is also preferable for incident-reporting purposes.

### Staffing

The VPD SMC program consists of Jail Guards, Traffic Authority Members, and Community Safety Personnel. Jail Guards book, search, guard, and escort prisoners in the VPD Jail; Traffic Authority Members direct traffic at large events; and Community Safety Personnel assist police officers with lower-risk tasks such as tagging property and providing outside perimeter security at police incidents.<sup>13</sup> After completing the overall 20-week SMC training program, new SMCs move into the three streams, depending on the availability of vacancies.

The VPD SMC program is used not only to fill these important roles, but also as a training ground for future prospective police officers. Many police recruits begin their career with the VPD as an SMC. There is always a significant rate of turnover in the newer Jail Guards, as many are subsequently hired as police officers in the department, or recruited for positions in other parts of the criminal justice system. This means that the training (see section 4.5) must adequately prepare any new SMC immediately for the demanding role of a Jail Guard, and also, that those SMCs who do not get hired as police officers may be left disappointed (see section 4.3), with limited additional employment opportunities in the Jail environment itself.

### Sergeants

As briefly described in section 2.1, each Jail team is made up of three VPD Sergeants and 10 Jail Guards who are SMCs. The 12 Jail-team Sergeants who are posted to supervise the Jail teams are all newly-promoted Sergeants. The review team heard that a key advantage of Sergeants being assigned to the Jail when they have just been promoted is that they are motivated to succeed, and to seek opportunities to mentor and coach the staff.

A disadvantage that was occurring in the past was that when a group of new Sergeants were promoted they began their rotations and all arrived at the Jail more or less at the same time, and therefore also all left at more or less the same time, usually within one year. This meant that there was frequently a complete turnover in supervisors and periods of time without experienced supervisors. As one interviewee stated about the previous system, “it took three months for the Sergeants to get a handle on what they were doing at the Jail, and then the next seven months they were planning their exit strategy...”

As of 2019, steps have been taken to ensure that the arrival and departure of Sergeants is staggered throughout the year so there is no significant gap or knowledge vacuum created. In addition, the review team heard that the Sergeants are required to stay for a minimum of one year, but ideally two. After the first year, although they may apply to other positions, whether they are released is up to the CDSS Inspector.

The review team found all of the Sergeants interviewed to be enthusiastic and knowledgeable, and they understood their responsibilities well — in particular with regard to the duty of care owed to every person held in the Jail, the risks of exposing the VPD and themselves to liability, and the importance of de-escalation and communication skills in the Jail environment.

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<sup>13</sup> <https://joinvpd.ca/special-municipal-constable/>



## Supervision processes

There are some recently implemented strategies to further promote appropriate supervision. For example, quarterly Sergeant meetings and quarterly Jail Guard Supervisor meetings are now held. These provide a regular, ongoing format where supervisors are able to discuss issues and exchange information.

An important change that the Staff Sergeant and Inspector implemented in 2017 was to require the completion of “overnight reports” for the Jail — a requirement that was already in place throughout the rest of the department. At the end of every shift at the Jail, a report must be completed by the Sergeants and forwarded to the Inspector. The overnight report documents any noteworthy issues and incidents according to specified criteria, such as: use of force, exceptional behavior, anything that the next Jail team coming in should be aware of. Filing the report is mandatory, even if the report simply confirms that no noteworthy issues occurred.

The overnight reports enable the Inspector to read the report, be aware of what occurred during each shift, and if necessary follow up by speaking to a Sergeant, reading the occurrence report(s), watching the video, or advising the Executive. This also improved and clarified the Sergeants’ leadership and expectations about reporting processes.

The Inspector who implemented the overnight reports found that, at the very beginning, there were items that should have been in the overnight report that were not documented. However, it only required a few times when the Inspector asked people about why something was not in the overnight report before people started including everything, as required. This signalled to all Jail staff that the Inspector was not only reading the overnight reports and assuming everything was in there, but also that other avenues would be checked. It did not take long before the Inspector was confident that everything was being documented in overnight reports. Similarly, initially there were occasions where incidents were not characterized properly in the overnight report. This was also addressed quickly.

The current Inspector is confident that events are being properly documented in overnight reports at this point in time. The review team shares this point of view, but also believes that ongoing accountability measures, such as those discussed in section 4.7, need to be monitored.

## Recommendations:

1. *That the VPD continue to ensure that the arrival and departure of Sergeants at the Jail is staggered for continuity of leadership and supervision.*
2. *That the VPD continue to ensure the Jail is viewed as a desirable career path for senior leadership positions in the VPD.*
3. *That the VPD continue to require the CDSS Inspector position to report to a Superintendent in the Operations Division.*

## 4.2 Physical environment & facilities

The Vancouver Police Board’s October 2018 letter described renovations that were underway to improve the Jail facility. The Vancouver Jail is housed in an old building which the VPD rents from the provincial government. The building itself has some irreparable problems including a lack of natural light, lack of fresh air, and low ceilings that make it easy for prisoners to access cameras, sprinklers, and lights. This latter problem has been a factor in some use-

of-force incidents that occurred in response to property damage such as breaking sprinklers or lights.

When the new Inspector and Staff Sergeant arrived in 2017, they recognized that the physical environment has a profound impact on the work being conducted. It impacts the health and wellness of the staff — who spend their entire working hours inside the facility — and creates a negative environment for prisoners. Concerned by the ongoing hygiene and maintenance problems in the Jail, the Inspector and Staff Sergeant initiated a Workers Compensation Board complaint, by-law enforcement action, and a change in cleaning service provider. The review team was also told of efforts of individual staff to improve the cleanliness and appearance of their physical work environment. In 2017, the Sergeants' office in the Jail was in such poor shape that the Inspector and Staff Sergeant and some others came in on their day off to thoroughly clean and paint the office.

Near the end of 2018, more significant renovations were undertaken, including replacing all the floors and acquiring new office furniture. Accomplishing these renovations was a major undertaking within the context of a fully operational jail.

Despite this, building-maintenance issues continue to be an ongoing problem for the Jail, even though Jail staff routinely document concerns that are brought forward to the maintenance company. The CDSS Staff Sergeant continues to spend a significant amount of time managing building maintenance issues including the breakdown of essential equipment (e.g. the elevator) and dealing with the contracted cleaners regarding issues related to recognizing and properly cleaning biohazards. This detracts significantly from the Staff Sergeant's ability to focus on the operation of the jail and supervision of Jail staff, which this position ideally should be focusing on. In April 2020, the Province will begin using a different maintenance intermediary company for Provincially-owned buildings, including the Vancouver Jail.

Overall, issues regarding building maintenance and cleanliness affect the Jail operations in numerous ways:

- The Staff Sergeant has much less time to spend on all the other duties that are the responsibility of that position.
- The health and wellness of staff is exposed to risk, as they spend their entire working days and nights in the building.
- The health and wellness of prisoners is similarly exposed to risk, albeit for much shorter periods of time.
- If essential equipment is not working properly it creates a higher risk to everyone, e.g. moving unwilling prisoners up and down stairs if the elevator does not work.<sup>14</sup>

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<sup>14</sup> In correspondence dated February 4, 2020, BC's Real Property Division (RPD) advised that annual maintenance is completed on both elevators in the Jail as part of the provincial certification process. RPD also provided information about service requests for the past three years, advising that seven reports were found, five of which were related to one of the elevators not functioning properly and which were resolved quickly. Nonetheless, in the review team's view, it is important to recognize the elevated risk whenever prisoners must be escorted by staircase.

The review team also noted potential air quality concerns during an on-site visit. Dark particulate matter could be seen on vents and ceilings. While the review team was advised that air is checked whenever construction is conducted (due to risk of asbestos), staff on site could not recall any routine checks being conducted. In correspondence to Policing and Security Branch dated February 4, 2020, BC's Real Property Division (RPD) advised that air quality testing outside the context of renovations or construction can be arranged through the maintenance intermediary company's Facility Manager.

#### Restraint equipment

Another item with regard to equipment was noted. This concerned the restraint chairs that are in use at the VPD Jail. These chairs are used when prisoners are at risk of causing themselves significant harm. Their use is authorized by a Sergeant and then requires ongoing monitoring while the person is in the chair. The VPD Jail has two restraint chairs, both of which are occasionally required at the same time. However, the review team was advised that due to use, the chairs are occasionally in need of repair, which can take some time, and that there is no regularly-scheduled maintenance. This could lead to occasions where a chair is needed but is not available. It was proposed to the review team that this situation could be mitigated by either purchasing a third chair or scheduling regular maintenance on the chairs.

#### Recommendations:

4. *That the VPD seek an alternative solution to building-maintenance issues being handled by the Staff Sergeant, so that the Staff Sergeant can focus on policing-oriented Jail issues.*
5. *That air quality is routinely checked each year, and that the results are communicated to staff working in the Jail.*
6. *That the VPD acquire a third restraint chair or schedule regular maintenance of the chairs to ensure that there are always at least two chairs in working order and available for use.*

### 4.3 Employee health and wellness

Employee health and wellness is an important consideration in any organization, but it is particularly so when the job itself or the specific working conditions can have a significant negative impact on staff health and wellness, which can in turn also have potential negative effects in how the staff carry out their duties (e.g. the likelihood of using force).

The review team consistently heard in interviews that until recently — following substantial changes to all aspects of the operation of the Jail — the staff routinely felt undervalued, not part of the VPD team, “forgotten about,” with little training and recognition, and that they were having to work in poor physical conditions.

All Jail staff who were interviewed spoke in a positive manner about the improvements undertaken by the previous Inspector and previous Staff Sergeant, as well as the fact that this positive trajectory is continuing under the leadership of the current Inspector and Staff Sergeant. According to interviews, there now exists a greater feeling of professionalism at the Jail and of Jail Staff being a valued part of the VPD team.

Some of the recent changes that the review team heard about which have had a positive impact on employee health and wellness include:

- Improvements to the physical environment (see section 4.2);
- Improved training (see section 4.5);
- Being provided with SMC badges (like non-Jail SMCs had been given);
- Being invited to and included in VPD events, such as SMC recognition dinners, Lunch with the Chief, and Indigenous ceremonies;
- The provision of health and wellness information;
- Commendations;
- Recognition of long-service plaque/pins (e.g. every 5 years); and
- Opportunities to perform other duties, such as training secondments.

No matter how well the Jail is managed, it nevertheless requires Jail staff to continuously work in a high-stress environment where they are frequently verbally abused and sometimes assaulted, and within a limited, relatively unvaried role. The review team was consistently told during interviews that working in the Jail is quite stressful. While staff have access to mental-health resources through their medical coverage, there still exists potential stigma around taking the initiative to seek such help. Mandatory, routine psychological visits may help ensure that every full-time Jail Guard receives this support.

The VPD is considering such a strategy, but the costs of mandatory visits for over 40 staff is a limiting factor. However, Jail staff are being educated and encouraged to access their benefits under their medical plan. The Inspector and Staff Sergeant are working to remove stigmatization for psychological visits and to enable on-duty appointments to be taken as required.

According to the review team’s examination of training records from July 2019, a “Road to Mental Readiness” course was taken by Jail Guards in 2016 and 2017. Since then there has been significant turnover in staff, and it appears that there has not been anything similar taken subsequently, either by the newer Guards or as a refresher for the existing Guards. The SMC training program does dedicate a day to health and wellness however, including an hour session on dealing with stress, and the recent annual training day for Guards (a new initiative; see section 4.5) also included a presentation on wellness strategies by a psychologist.

During interviews the review team heard consistently that there were three general profiles of VPD Jail Guards: a) long-term Jail staff who are satisfied with their job and who take pride in this important and challenging role; b) new, enthusiastic Guards who are SMCs for a comparatively short time until they are accepted as recruit police officers; and c) Jail Guards who joined with aspirations of being selected as recruit police officers, but have not been successful in fulfilling that goal. The review team heard that the latter group repeatedly witness newer Guards being accepted as recruit police officers and that some — though certainly not all — struggle to find satisfaction in their work and can be challenging to manage.

Given the limited career path of a Jail Guard, the review team heard that greater opportunities for more varied work experiences, such as secondments to other sections, or other roles within the VPD SMC program could provide greater job satisfaction for Jail Guards overall.

#### Recommendations:

7. *That the VPD continue to consider options for implementing mandatory routine wellness debriefs for Jail staff; as well as continuing to provide training and information or other strategies for maintaining mental health.*

8. *That, in recognition of the limited career path and the challenges of working in the Jail environment, the VPD continue to explore avenues to provide more career mobility and/or opportunities for more varied work experiences for SMCs.*

#### 4.4 Policy and procedures

The policy and procedures guiding the operation of the VPD Jail are set out in the JMO. Further, the JMO also refers to various sections of the VPD Regulation and Procedures Manual (RPM), which sets out the overarching policy of the VPD.

The JMO has existed in various draft formats for a number of years, and the OPCC has previously expressed concern regarding the lack of a finalized JMO. The Vancouver Police Board's October 2018 letter to the Director acknowledged that in the past, staff in the Jail had not been provided with clear, accessible and updated policy, and that VPD staff had been attempting to rewrite the JMO for several years. This task was completed in December 2018, with the provision that the JMO will be updated and revised as necessary.<sup>15</sup>

Overall, the review team found that the December 2018 version of the JMO presented comprehensive policy and procedures for the operation of the Jail. While previous versions of the JMO did contain references to the 'duty of care', the December 2018 JMO has more prominent references to that duty. For example, Section 1.3 Responsibilities to Prisoners now explicitly references Jail staff's duty of care to all prisoners. In addition, there are new requirements that "the Jail Guard supervisor shall regularly review each Prisoner Record to ensure that checks occur consistently and that the duty of care owed to prisoners is properly met."

The review team did note some parts of the JMO in need of updating however. For example, Section 6.3.3 of the JMO, under Monitoring of Cells, stated that:

*(2) Jail Guards shall: (a) conduct in-person checks on prisoners in cells:*

- (i) every 15 minutes; or*
- (ii) up to a maximum of 30 minutes when authorized by a Jail Guard supervisor*

All staff interviewed were aware that VPD policy required prisoners to be checked every 15 minutes, and interviews consistently indicated that this requirement is being met. During an on-site visit the review team noted the documenting of these 15-minute checks on the Prisoner Record sheet on each occupied cell's door.

The VPD requirement to physically check on prisoners every 15 minutes meets and exceeds the 20-minute interval identified in the Policing and Security Branch policy directive *Interim Continuation of Policing Standards Established by the Former British Columbia Police Commission*.<sup>16</sup> However, this requirement does not provide for an exemption to be authorized, extending the interval between checks to 30 minutes.

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<sup>15</sup> In addition, PSB received a letter from the OPCC on September 20, 2019, requesting that the review team examine the use of personal recording devices in the VPD Jail, following a complaint that the OPCC had received. The review team notes that, effective July 2018, section 2.2.3 of the JMO states that "Under no circumstances shall personal audio/video device[s] be used by Jail staff to take photos or record audio or video inside the Jail."

<sup>16</sup>E1.7.2, which requires that "...each prisoner be physically visually checked at least every 20 minutes" which "...does not include video surveillance."<sup>16</sup> [Emphasis added.] <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/standards/addendum-1-2017-12-01.pdf>

There were also areas concerning the use of force which could benefit from further revision in the JMO. In particular, there still existed some inconsistencies or lack of clarity regarding how to report the use of force. Different sections of the JMO referred to different ways of reporting force (i.e. SBOR vs. the Prisoner Record). There was no section in the JMO that provided the threshold for what was reportable force; instead, the JMO referred to the RPM. Providing the threshold directly in the JMO would make such guidance more easily accessible to Jail staff.

The review team also found that there could be greater clarity with regard to restraint equipment procedures. For example, one section of the JMO stated that Guards can use a restraint chair or body cuff “when necessary.” In subsequent sections there is a statement that if there are no exigent circumstances then Jail Guards must obtain NCO (Sergeant) approval prior to using such restraints. It may be useful to integrate these instructions into one section for greater clarity, as well as give guidance as to what is “necessary” and “exigent.” Additionally, not all types of restraint equipment that are available to be used in the VPD Jail (e.g. spit hoods) were covered by the JMO in terms of when to use them, or whether it is appropriate to leave a prisoner unattended while wearing the equipment and how frequently they must be monitored.

While examining the JMO, the review team also noted that there were numerous sections of the overarching RPM regarding the use of force, which also contained outdated and sometimes contradictory guidance. For example, different sections of the RPM refer to: the *Use of Force Regulation* (which was repealed in 2012); a previous use-of-force report that was in existence prior to the SBOR form; and present contradictory thresholds for the reporting of force.

The CDSS Inspector was very receptive to the review team’s observations regarding both the JMO and RPM. It is the review team’s understanding that at the time of writing this report the JMO was being updated to address these observations. The CDSS Inspector advised that once changes to the JMO are finalized, they are both immediately emailed to Jail staff by the Staff Sergeant and flagged in an internal policy-tracking system that requires staff to electronically acknowledge having read the changes. Compliance is then monitored by the chain of command.

#### Recommendations:

9. *That the VPD review the JMO and RPM to update and clarify relevant sections regarding the use of force and application of restraints, as well as how to report force.*
10. *That the VPD review the existing JMO requirements for the frequency of in-person checks, to ensure alignment with the Policing and Security Branch policy directive, Interim Continuation of Policing Standards Established by the Former British Columbia Police Commission, which requires such checks at least every 20 minutes.*

## 4.5 Training

This section provides an overview of key aspects of the basic training for all SMCs, the refresher training given to Jail Guards, and the significant additions that have taken place with regard to training in the last two years. The section then highlights some areas the review team believes would benefit from further improvements.

As noted, Jail Guards perform very challenging work in a high-risk, high-liability environment. Training is critical to ensure Jail Guards are equipped to carry out their work appropriately and

effectively. With the high turnover of Jail Guards each year as many move on to become police officers, it is also important that training be accessible and efficient.

All staff who were interviewed spoke positively about the recent improvements to training. During interviews people spoke highly of the staff at the VPD Tactical Training Centre (TTC) and the quality of use-of-force training they are providing, and that it has improved and become more Jail specific over time. However, many interviewees also said that the training they receive is still not as frequent or Jail-oriented as Jail staff would prefer. VPD has planned improvements (outlined in sections 4.5.1 and 4.5.2 of this report) which are designed to address this, beginning in 2020. Briefly, these improvements are the substantial addition of Jail-specific training in the initial SMC program; an increase to two full refresher training days each year; and the planned implementation of on-duty, micro-training sessions.

#### 4.5.1 SMC basic training program

Before someone can be appointed as a VPD SMC, they must successfully complete a comprehensive 20-week training program.<sup>17</sup> This program covers the three streams of the SMC program (i.e. Jail Guards, traffic authority personnel and community safety), and provides training in many areas including the use of force, communication, report writing, crisis intervention and de-escalation (CID), mental health, and Jail Guard procedures and searches.

The review team examined the training program outline for the Fall 2019 SMC class, as well as lesson plans covering use of force. Based on the training program outline, in total there were approximately 90 hours dedicated to use-of-force training, including several hours on use-of-force report writing. Topics included theory, legal authority, joint manipulations/locks, handcuffing, pressure points, physical control tactics, team takedown and leg control, spontaneous assault theory, striking techniques, tactical communication, defensive ground fighting, batons, OC spray, bar takedown, vascular neck restraint, edged weapons defences, and lethal force response.

Approximately 15 of the 90 use-of-force hours were specific to the Jail. This included cell extraction and use of restraint equipment. The review team was advised<sup>18</sup> that during the initial recruit SMC training, one day was dedicated to training of Jail-specific restraint devices (i.e. restraint chair and body cuff). Recruits were broken into small groups and shown how to use each device. They were then required to apply the device to a role player several times, each time having the role player increase the resistance that they may face.

According to the training program outline there were approximately 6 hours (3 hours online & 3 hours in the classroom) of the SMC program dedicated to CID training. The outline stated that this is an “adapted version of provincial course (will not receive certification at the end)”. The provincial CID training program consists of a 3-4 hour online component and 7 hours of face-to-face classroom training.

Following completion of the training course, SMCs who will be Jail Guards were given four shifts (i.e. 48 hours) of practical field training, shadowing an existing Jail Guard, after which they were deemed ready to perform as a Jail Guard.

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<sup>17</sup> SMC Class Schedule: Auxiliary Class 10. September 2019 – January 2020.

<sup>18</sup> Email from CDSS Inspector sent on September 11, 2019, forwarding information from Guard Trainer.

### *Improvements*

While conducting on-site visits and interviews, the review team was advised that approval had just been granted for some important additions to the basic Jail Guard training. These additions will be implemented in future SMC training courses starting in 2020.

The additions are as follows:

- 1) *20 additional hours of Jail-related instruction:*
  - IntelliBook (the Jail booking system) training over two 4-hour sessions
  - 4 hours of fingerprint training
  - Additional 8 hours of force options training, including exposure to dynamic situations with role players where participants will be required to demonstrate the following:
    - De-escalation
    - Use of all restraint devices
    - Searching in a variety of positions and situations, varying the degrees of aggressiveness
    - Management of prisoner property after a search
    - Accurate completion of the required forms.
  
- 2) *48 additional hours of practical field training (doubling the past allotment to a total 96 hours of practical Jail field training):*
  - Each recruit receives verbal feedback every shift and a written report and feedback once per 48-hour block
  - Field trainers enter daily notes and record any feedback provided in their written reports
  - Process includes at least two written evaluations.

The review team believes these to be very important additions to the existing training. Not only is such training inherently beneficial for the trainee Guard, but enhanced training in topics such as fingerprinting and booking can also decrease use-of-force incidents, as such incidents are at risk of occurring if a prisoner becomes frustrated with the process. This is particularly important because the review team consistently heard that since the introduction of the new IntelliBook system the booking process has been taking much longer than in the past due to the complexities of this system. The additional training is anticipated to improve the booking process times.

#### 4.5.2 Refresher training

There was little refresher training available for Guards in the past. While VPD policy has required annual training for all VPD SMCs on aspects of use of force, according to interviews a significant part of that focused on recertifying in baton use and OC spray, neither of which were historically carried by Jail Guards. As noted in section 3.2 (footnote #8), a pilot program was started on December 17, 2019, providing a gel-based OC spray to select Guards.

Overall, it was clear from the interviews that Jail Guards did not think that they had been given sufficient ongoing training. A common sentiment from the interviews was that staff would like more Jail-specific use-of-force training, particularly for the newer Guards, and preferably at the Jail. The interviewed Guards consistently spoke well about the relatively new team training days which focus on Jail-specific skills, and also mentioned that it would be helpful to have mini training sessions at the Jail throughout the year, focusing on topics like restraint chairs, cell



extractions, or uses of force in the confined spaces of the Jail (rather than on a large mat at the TTC). These ideas are being implemented, as described below.

#### *Improvements*

There have been a number of key improvements made to the ongoing training program of Jail Guards. These are: a) the addition of annual, Jail-specific training days; b) seconding selected Guards to the VPD's Force Options Training Unit (FOTU) at the Tactical Training Center (TTC); and c) planned on-duty training exercises.

##### *a) Annual Jail-specific training days*

In 2018, annual departmental funding of \$25,000 was secured to fund a training day for full-time Jail Guards each year. The Vancouver Police Board's October 2018 letter to the Director advised that this consisted of classroom instruction on the *Police Act*, duty of care, and use-of-force reporting requirements as well as practical training on cell extraction and searching prisoners.

Another annual training day was subsequently held in the fall of 2019, and was observed by a member of the review team. The training day covered rights and requirements under the *Canadian Charter of Rights and Freedoms*, wellness strategies for staff, and use-of-force training focusing on how to safely extract prisoners from cells when necessary.

At the time of writing this report, the review team was advised that an additional \$25,000 has been secured to enable full-time Jail Guards to receive a second training day each year, beginning in 2020.

These training days will continue to consist of a blend of topical, classroom-based material and practical, use-of-force instructional components to reinforce the Jail-related concepts and tactics delivered through SMC training. It had become apparent to the Jail managers that eight additional hours per year are required to adequately reinforce (and recertify on) the use-of-force tactics and concepts critical to Jail Guard duties.

##### *b) FOTU TTC secondments*

As per the Vancouver Police Board's October 2018 letter, another training enhancement that was implemented in 2018 was seconding selected Jail Guards (two from each team) to the VPD TTC. This was done in order to have some Guards in each team at the Jail who have a higher level of skill in the use of force, who could coach or guide their colleagues — particularly newer guards — on techniques, as well as potentially act as leaders in planned use-of-force incidents like cell extractions or restraint chair applications.

An additional benefit was that the secondments provided the TTC instructors with more detail about the Jail environment, so that Jail-Guard training could be tailored to this unique environment (e.g. confined spaces) rather than focusing on tactics more likely to be used by police officers on the road.

The practice of embedding selected Jail Guards with the TTC instructors is continuing.<sup>19</sup> The review team was advised that these select Guards will now also assist the TTC instructors in

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<sup>19</sup> Another benefit of these secondments was the opportunity for some Jail Guards to receive more varied work experience.

use-of-force training for the SMC recruit program, as well as the ongoing annual cycle training for all VPD officers.

*c) Planned on-duty 'micro' training*

The review team was advised that starting in 2020, it was planned to also hold additional training on a regular basis (e.g. monthly) within the on-duty Jail environment. The concepts and tactics introduced in SMC training and revisited on annual team training days will be reinforced on a more regular basis within the on-duty team environment. It is planned that the select Guards who have been seconded to the TTC, will deliver short, micro training sessions with small groups of Jail Guards while on-duty within the Jail, time-permitting; and that TTC instructors will attend the Jail as required to supervise and monitor the team-based instruction. These sessions will be tracked and recorded in the Jail Guard training spreadsheet.

4.5.3 Jail Sergeant training

New Sergeants arriving at the Jail have already received extensive training as police constables, have just passed the VPD's Sergeant qualifications, and are given an introductory presentation covering key aspects of Jail operations. They also have easy access to the JMO, an "NCO Orientation Guide," and the Jail Sergeant Trainer to help answer any questions that may arise. Sergeants who were interviewed felt confident that their pre-Jail police training and the well-organized nature of the current policies and procedures available to them helped them to do their jobs well. However, some Sergeants also expressed that there was a steep learning curve upon arriving at the Jail, that there is a big difference between theory and practice, and that it is hard to fully understand many Jail-specific tasks before you do them. There are many particularly complex administrative tasks required at the Jail that do not occur elsewhere, such as those related to reviewing and approving documentation for court. The review team heard that formalizing additional short training sessions specifically for Jail Sergeants, to be administered a few months after they start working in the Jail, may help enhance Jail operations.

4.5.4 Issues regarding training

The review team identified a number of areas where the training for Jail staff could be further improved. These included further integrating CID into the training overall as well as ensuring that any training developed is consistent with the Provincial Learning Strategy (PLS). A discussion of identified concerns regarding training and some recommendations to address these are described below.

**a) CID Training**

Jail Guards work every day in an environment with challenging clients. Being adept and skilled at CID is an essential component of their job. The review team heard during interviews that Guards acknowledged receiving CID training but that it was mostly theoretical, and that it would be beneficial to have more practice applying those techniques.

It was clear from interviews that the current Jail Sergeants are consistently emphasizing and modelling appropriate communication and de-escalation strategies, and that this is having a positive impact on the Jail teams. As noted previously, interviews with Jail staff found a clear perception that uses of force in the Jail are decreasing.

However, the emphasis on de-escalation being provided by the current Sergeants does not appear to be reflected in the formal training that Jail Guards receive, particularly within their use-of-force training.

### Initial CID training

As noted in section 4.5.1, the initial SMC training program has six hours devoted to CID training (3 hours online & 3 hours in the classroom), compared to approximately 90 hours on the use of force. The SMC program outline stated that the CID training is an “adapted version of provincial course (will not receive certification at the end)”.

The provincial CID training program is a blended learning course consisting of a 3-4 hour online component and one day (7 hours) of face-to-face classroom training and scenarios. The BC CID course was developed in collaboration with subject matter experts including both police and mental health professionals, and successful completion of this course is required for all frontline police officers and supervisors in BC. This CID training is designed to ensure officers will be able to use crisis intervention communication techniques to effectively de-escalate crises, including cases involving intervention in a mental health crisis.

Jail Guards work with many people in crisis, as potentially do non-Jail SMCs (who work in public wearing readily-identifiable uniforms). The existing CID training scenarios are geared toward people in crisis, and therefore appropriate to the whole SMC group. In addition, there is flexibility to adapt scenarios further for the target audience.

If the BC CID course is not being delivered the way it was intended, it is likely that key learning objectives may not be met if critical components of the training have been removed. The course should ideally be delivered in its entirety to maintain the integrity of the BC CID training program, and to ensure alignment with the *BC Provincial Policing Standards (BCPPS)*.

The BC CID course is mandated training under *BCPPS 3.2.2* for all frontline officers and their supervisors.<sup>20</sup> The Standard defines a “front-line police officer” as “any police officer ... regularly interacting with the public and may be in contact with persons in crisis situations,” and further defines an “officer” as “a constable appointed under the *Police Act*.”

The *Police Act* has an expansive definition of “officer,” which includes “a provincial constable, special provincial constable, designated constable, municipal constable, special municipal constable, auxiliary constable or enforcement officer...”<sup>21</sup>

As VPD Jail Guards are Special Municipal Constables, they fall within the purview of *BCPPS 3.2.2*.

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<sup>20</sup> <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/standards/3-2-2-cid-training.pdf>

<sup>21</sup> [http://www.bclaws.ca/civix/document/id/complete/statreg/96367\\_01#section1](http://www.bclaws.ca/civix/document/id/complete/statreg/96367_01#section1)

### CID recertification

BCPPS 3.2.2 also requires that “every front-line police officer or front-line supervisor ... has updated their skills by successfully completing [provincially approved CID training] once every three years.” The minimum refresher requirement is to repeat the on-line portion of the training.

In July 2019 the review team examined training records<sup>22</sup> which showed that although all Guards had received CID training at some point, as of July 2019 there were 19 out of 42 Jail Guards who had not received CID training within the past three years. Re-training was overdue by 12 months or less for 16 of these Guards, and overdue by more than 12 months for three Guards.

It is possible that some of those overdue for re-training may have been working in parts of the Jail that require less direct “contact with persons in crisis situations,” and/or that the VPD’s training documentation was missing information.

The review team raised this issue in a November 2019 meeting with the Inspector and Staff Sergeant, who noted that they had taken action in the previous few months to ensure every Guard was completing their required training.

### CID integration into use-of-force training

As noted, the Jail staff interviewed by the review team consistently spoke highly of the TTC instructors and the quality of use-of-force training that they are currently providing to Jail staff. It was stated that the TTC emphasizes the need to articulate and document using force, and that the TTC is increasingly teaching non-strike physical control techniques. Some Jail staff stated during interviews that being well versed in these non-strike physical control techniques can help the Jail Guards avoid getting into more dangerous altercations with prisoners.

The review team however noted that there could be more CID integrated into use-of-force training. Use-of-force instructors train every officer in their agency, and directly influence the culture of the organization, so it is important that the CID component is delivered consistently.

It is of course important that Guards are trained and competent in the actual application of force, and skilled in the specific techniques. Physical techniques are easily perishable skills and therefore ideally are practiced regularly. It is not beneficial to either staff or prisoners to have Jail Guards who are unsure of when to apply force, or what to do when force is required. Such uncertainty could create a potential risk to everyone. Appropriate force at the appropriate time can prevent some situations from deteriorating further.

It is also understood that CID is not appropriate in every situation, and will not be successful every time it is used. However, it is important that the use of CID be interwoven throughout use-of-force training, and not be taught in isolation or only occasionally. The review team is satisfied that this can be added without impacting the length of training, as the observed training day finished an hour earlier than scheduled.

The review team noted that:

- Use-of-force training materials contained little reference to CID, but did have repeated references to tactical communication (not explained, but sometimes described as using

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<sup>22</sup> VPD document. Documented training received by Jail guards from 2006, received July 16, 2019.

a “clear, loud voice to instruct /command the prisoner”.<sup>23</sup> Training materials also referred to verbal judo (no explanation), rather than CID.

- Training material referred to the NUFF (National Use of Force Framework), but not linked to the CID model.<sup>24</sup>
- There was little inclusion of CID in the annual refresher day. There was no discussion of CID or inclusion of CID in the use-of-force scenario that was being rehearsed
- The review team heard from some staff that they have been specifically trained by TTC Instructors to not say “please,” to not ask questions of prisoners, but rather to give clear, concise commands because it is a Jail. Guards appear to be trained to give commands rather than to de-escalate.
- One scenario exercise (part of the SMC training) which was called “Communication Exercise,” involved a prisoner dropping his belongings on the ground in anger while leaving the Jail and yelling “you pigs take all my money and leave me with my empty bag”. The desired outcome listed for this scenario was that “the recruit uses tactical communication skills (clear, loud voice) to instruct /command prisoner to pick up and take his belongings or throw them away in the trash.” While the lesson notes state that “Recruits must be comfortable in giving commands to prisoners at the same time not be too hasty in going hands on with non-combative prisoners”, this struck the review team as another missed opportunity to practice de-escalation techniques, to potentially resolve the prisoner’s concerns.

#### ***b) Secondments to TTC and ‘micro’ training sessions***

As previously described, select Jail Guards have been seconded to the TTC in order to have Guards in each Jail team who have a higher level of skill in the use of force; and who could then coach their colleagues on techniques, as well as potentially act as leaders in use-of-force incidents. Beginning in 2020, it is planned that these select Guards will deliver short, ‘micro’ training sessions with small groups of Jail Guards while on-duty within the Jail. TTC instructors will attend the Jail as required to supervise and monitor the team-based instruction.

The expected benefit is that this provides for Guards within the Jail environment who have a higher level of skill to help coach other Guards, and to provide the opportunity for more frequent training. During interviews the review team heard that some Jail Guards found these seconded Guards to be beneficial, as they were described as more skilled and confident in their application of force techniques, and were able to guide or coach others on techniques.

The review team believes the secondments and planned micro sessions to be of potential benefit to the Jail, but with certain caveats.

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<sup>23</sup> A review of SBOR narratives involving the application of force also found that giving clear, loud commands was consistently the type of communication used, and that there were no descriptions of attempts to de-escalate. While this was a noted theme, it is also acknowledged that de-escalation will not always be successful, and that such attempts may have been made prior to the escalation of force, but not necessarily reported in the SBOR.

<sup>24</sup> While the provincial Standardized Use of Force Instructor Course (SUFIC) has always included use of a linked NUFF-CID model, a newly amended *BCPPS 1.9.1*, which comes into effect in February 2020, will mandate the incorporation and graphical depiction of CID techniques into a police agency’s use of force model.

According to *BCPPS* 3.2.3, all use-of-force instructors in a police department must complete provincially-approved training in instructional skills, as well as the Standardised Use of Force Instructors Course (SUFIC), and meet other specified requirements (e.g. not have any substantiated use-of-force complaints) before being authorized to instruct the use of force.

The intent of this standard is to ensure only suitably qualified and experienced persons are used, and that these instructors are not only competent in the application of force, but that they have also completed training in adult learning, instructional skills and the development of lesson plans.

This *BCPPS* does not preclude the use of assistants, however these must work under the direction and supervision of instructors who meet all the requirements of *BCPPS* 3.2.3, to ensure a consistent quality of instruction. The review team thus has some concerns about the potential for training standards to decrease if the Jail Guard 'coaches' end up being given a larger role than that.

At the time of writing this report, the planned 'micro' training sessions had not yet been developed into concrete action. It was still not completely clear as to who would develop the lesson plans, exactly what would be covered, and how the TTC SUFIC instructors would monitor the sessions. The review team supports the idea of micro-training in principle, however, it needs to be developed and monitored by fully-qualified instructors to ensure standards to not decrease over time.

### **c) Provincial Learning Strategy**

Policing and Security Branch set out a provincial learning strategy for police training in 2009. The principles of the Provincial Learning Strategy (PLS) are to ensure that training is defensible, effective and accessible (see [Appendix 2](#), *The Provincial Learning Strategy*).

It is important that Jail Guard training be designed in accordance with the PLS to ensure that such training is defensible and effective, and meets the knowledge and skills requirements of Jail Guards. It is important that the training be built for the specific learners, environment and tasks of a VPD Jail Guard.

A number of the improvements that have been implemented, or are being implemented, to the training address certain aspects of the PLS, such as increasing accessibility, and targeting Jail-specific training. However, there are other aspects of the training that the review team finds could be improved to ensure consistency with the PLS.

Examination of use-of-force training documents provided to the review team found one lesson on "Use of Force Authorities" provided by the VPD Learning & Development Unit, Training and Recruiting Section. This contained a detailed and well-structured lesson plan, containing learning outcomes, and with accompanying documents and pre-reading.<sup>25</sup>

The lessons from the TTC that covered the daily physical skills training and scenarios on use-of force for the SMC course did not appear to be similarly documented in proper lesson plans. The TTC materials did not appear to flow in a logical manner and did not contain sufficient detail that another instructor could easily teach the materials. It was difficult to get a sense of how the

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<sup>25</sup> The review team noted, however, that some of the content appeared to be out of date (e.g. reference to the *Use of Force Regulation* which was repealed in 2012). This is consistent with outdated material found in the RPM, as noted previously in section 4.4 of this report.

training progresses. This lack of proper lesson plans was also noted for the use-of-force lesson at the refresher training day.

Comprehensive lesson plans with clear learning objectives and evaluations which are detailed enough so that another instructor could teach the materials are important to ensure consistent and defensible training. A lack of appropriate and detailed lesson plans make it more likely for training to vary significantly between different instructors, and to let required standards decrease.

The staff at the TTC may wish to consider adopting the VPD Learning & Development Unit's lesson plan template or using the JIBC lesson plan templates provided to SUFIC participants and work together with VPD Learning & Development Unit personnel to develop appropriate lesson plans.

#### Recommendations:

11. *That the VPD continue the recently approved additions of more Jail-specific training to the SMC program, including the additional week of field training for SMCs who will be Jail Guards.*
12. *That the VPD continue to maintain the two full days of Jail-Guard refresher training per year.*
13. *That the VPD continue the secondment of select Guards to the TTC.*
14. *That the VPD continue the planned implementation of micro training sessions, with the caveat that their development and delivery is overseen by qualified SUFIC instructors.*
15. *That the full provincial CID training course be integrated into the initial SMC program.*
16. *That the VPD ensures that all Jail Guards complete their provincial CID re-certification on time.*
17. *That the TTC work to ensure CID is fully integrated into use-of-force training; including linking the NUFF and CID models (as per new BCPPS 1.9.1).*
18. *That the TTC work with the VPD Learning & Development Unit to ensure use-of-force training is developed and documented consistent with the Provincial Learning Strategy.*
19. *That additional training/coaching sessions specifically for Jail Sergeants be administered within a few months after they start working in the Jail.*

## 4.6 Other accountability mechanisms

The previous sections of this report described the substantive changes that have taken place at the Jail in the last two years, across a broad range of areas, such as supervision, physical environment, training, and policy and procedures. There are some additional mechanisms, some which have also recently been implemented, that can help ensure continued accountability.

### 4.6.1 Ongoing monitoring of complaints, SBOR and Reportable Injuries

The data shown in section 3.1 highlight some key measures that can be monitored by supervisors or management, both with regard to individual incidents, as well as data trends overall.

The recent requirement to have Jail Guards complete SBORs is a critical step in bringing Jail-Guard practices in line with the rest of the department. The review team believes it is important that Jail Team Sergeants review each individual SBOR, as well as ensure that every reportable force incident is documented in a SBOR.

With regard to complaints, the review team noted that although the VPD has always publicly reported quarterly to the Vancouver Police Board about overall complaint numbers, Jail-related complaints were not categorized separately as was done for some other sections of the department. In addition, until the review team began conducting its interviews, the Board had not seen a copy of the OPCC's five-case summaries with still photos, although the Board had received a copy of the OPCC's letter that referred to the summaries.

Beginning in the first quarter of 2019 however, the VPD began to separate Jail complaint data in their reporting to the Board, providing for a clearer overview. Ideally the same should be done with the brief complaint summaries that are provided to the Board *in camera*.

Another change that was recently implemented was in regard to the Discipline Authority (DA) for Jail-related complaints. Before the OPCC resumed jurisdiction over SMCs in August 2016, the DA was the Inspector of the CDSS. After the OPCC resumed jurisdiction over SMCs the DA for Jail complaints was changed to the Inspector of PSS. It is preferable to have someone other than the supervisor/manager of the person who is being disciplined as the DA, in order to maximize objectivity.

In conducting this review, it became clear that separating out Jail-specific SBORs and reportable injuries required time-consuming processes. In order to effectively monitor such Jail-related data, these reports must be easily coded and retrievable as having occurred in the Jail. Policing and Security Branch will be conducting a review of the provincially-mandated SBOR template in 2020, and will include this aspect as part of the review.

With regard to reportable injuries, the CDSS Inspector advised that as part of another initiative, Jail Nurses will independently track every hospital transport. The PSS Inspector will be copied on this list to cross reference with reportable-injury reporting, which will provide another aspect to the supervision and review of events in the Jail.

#### 4.6.2 Early Intervention Program

The Early Intervention Program (EIP) was initiated in the VPD in 2008. In August 2017 all SMCs were added to the program, which includes the Jail Guards<sup>26</sup>. The EIP is a confidential forum where the Inspectors for each unit attend and are provided with potential high-risk factors pertaining to their employees. Some of the categories include assaults against them, traffic accidents, PSS complaints, sick time, and amount of overtime worked.

High levels in any one category or a combination of categories may indicate a higher risk factor and the Inspectors then are encouraged to look more closely. Frequently, there are indicators flagged where there are not actual problems present, but the system is designed to provide early high-risk warnings to managers.

The CDSS Inspector advised that she attends these meetings, and that generally the matters that have been brought to her attention are things that have already been reported to her

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<sup>26</sup> Email dated November 14, 2019, from CDSS Inspector regarding VPD's EIP.



directly by other means. Nevertheless, the recent inclusion of the Jail Guards in the EIP process is another important mechanism to help managers be aware of particular challenges their staff may have faced, or to be aware of a potential problem with a staff member.

Currently, the EIP tracks 10 different categories<sup>27</sup>, but not all use-of-force incidents are captured. The review team believes that the EIP is an excellent tool to assist managers monitoring the wellbeing of staff. The review team also believes that the EIP could benefit from the inclusion of more use-of-force incidents, and that SBOR data could be used for this purpose.

#### 4.6.3 Video

In July 2019, the VPD completed a significant upgrade to the Jail's video-surveillance system. There are no more blind spots aside from privacy screens of the cell toilets, and all cameras inside the Jail are high definition. These enhancements were clearly messaged to all staff, as was the fact that video will be reviewed as required.

The review team was advised that some staff have welcomed the updated video cameras because it helps protect against false allegations against the Jail staff, and video can also demonstrate that people were acting appropriately when they used force. Video however does not capture every possible movement, nor subjective perspectives, so it is still emphasized that staff need to articulate what happened to them and why they took the actions they did.

In 2017 a new Inspector was assigned to the Jail who implemented a process whereby a significant amount of surveillance video was routinely reviewed. This was a positive step in so far as it uncovered a number of incidents that were referred to PSS and helped to cultivate a culture of accountability. However, it also risked having a negative impact on the work environment (e.g., feelings of 'big brother'). Currently, video is not routinely reviewed or "spot checked" however video is used to review specific types of incidents (e.g., injuries) or other events that are brought to the attention of the Inspector, Staff Sergeant and/or Sergeants. The review of video is also used to coach particular Guards after incidents.

Two recent examples of video review were provided to the review team. One involved a Guard being punched in the face, and the Jail team reviewed the video to determine whether there could be a criminal charge of 'assault a peace officer'. The other involved someone falling in the Jail. The Inspector advised that staff had proactively sent her the video of these incidents.

The review team believes that it would be beneficial if, in addition to reviewing video from specific incidents that warrant it, that the Sergeant, Staff Sergeant and/or Inspector also review video from use-of-force incidents on an occasional but ongoing basis (e.g. one video per team each month).

#### Recommendations:

20. *That the VPD continue to require Jail Guards to complete SBOR reports.*
21. *That the VPD continue to include Jail Guards in the EIP process.*
22. *That the VPD continue to have someone other than the CDSS Inspector act as the Discipline Authority for the Jail.*

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<sup>27</sup> These include: sick leave; callouts; police pursuits; CEW and beanbag incidents; PSS resolutions; overtime leave used; assault police officer; police motor vehicle incidents; PSS complaints; and reportable injuries.

23. *That the VPD distinguish Jail-related complaint summaries in their in-camera reporting to the Vancouver Police Board.*
24. *That the VPD include more use-of-force incidents in the EIP for all SMCs and police officers.*
25. *That a Jail Sergeant review each of their team's SBORs.*
26. *That the VPD monitor Jail-specific data, including complaints, reportable injuries, and SBORs on an ongoing basis, including tracking overall numbers and checking for patterns and themes (e.g. among individuals, teams, processes, or locations).*
27. *That in addition to reviewing video from specific incidents that warrant it, the Sergeant, Staff Sergeant and/or Inspector review video from use-of-force incidents on an occasional but ongoing basis (e.g. one video per team each month).*

## 5. Conclusion and Recommendations

By all accounts, leading up to 2017 the VPD Jail was not receiving the level of attention it needed. However, since 2017 this has changed significantly, with substantive improvements being implemented by the VPD across a broad range of areas such as: supervision and reporting; the physical environment; training; and policy and procedures. This positive trajectory is continuing under the current leadership.

The review team found all the staff who were interviewed to be impressive in their candor, constructive comments, and genuine concern for the people under their care. There were numerous examples noted of staff going above and beyond their duty to help prisoners in need.

The review team noted aspects of the Jail operation that could be further improved to support the important and challenging work that the Jail staff perform. These were discussed in the various sections of this report, and the recommendations are repeated below. These recommendations are intended to help the VPD and Vancouver Police Board to continue to build on the improvements already implemented. In total, the review team has made 27 recommendations, many of which involve continuing to maintain a new practice, policy or procedure.

### Recommendations

1. *That the VPD continue to ensure that the arrival and departure of Sergeants at the Jail is staggered for continuity of leadership and supervision.*
2. *That the VPD continue to ensure the Jail is viewed as a desirable career path for senior leadership positions in the VPD.*
3. *That the VPD continue to require the CDSS Inspector position to report to a Superintendent in the Operations Division.*
4. *That the VPD seek an alternative solution to building-maintenance issues being handled by the Staff Sergeant, so the Staff Sergeant can focus on policing-oriented Jail issues.*
5. *That air quality is routinely checked each year, and that the results are communicated to staff working in the Jail.*

6. *That the VPD acquire a third restraint chair or schedule regular maintenance of the chairs to ensure that there are always at least two chairs in working order and available for use.*
7. *That the VPD continue to consider options for implementing mandatory routine wellness debriefs for Jail staff; as well as continuing to provide training and information or other strategies for maintaining mental health.*
8. *That, in recognition of the limited career path and the challenges of working in the Jail environment, the VPD continue to explore avenues to provide more career mobility and/or opportunities for more varied work experiences for SMCs.*
9. *That the VPD review the JMO and RPM to update and clarify relevant sections regarding the use of force and application of restraints, as well as how to report force.*
10. *That the VPD review the existing JMO requirements for the frequency of in-person checks, to ensure alignment with the Policing and Security Branch policy directive, Interim Continuation of Policing Standards Established by the Former British Columbia Police Commission, which requires such checks at least every 20 minutes.*
11. *That the VPD continue the recently approved additions of more Jail-specific training to the SMC program, including the additional week of field training for SMCs who will be Jail Guards.*
12. *That the VPD continue to maintain the two full days of Jail-Guard refresher training per year.*
13. *That the VPD continue the secondment of select Guards to the TTC.*
14. *That the VPD continue the planned implementation of micro training sessions, with the caveat that their development and delivery is overseen by qualified SUFIC instructors.*
15. *That the full provincial CID training course be integrated into the initial SMC program.*
16. *That the VPD ensures that all Jail Guards complete their provincial CID re-certification on time.*
17. *That the TTC work to ensure CID is fully integrated into use-of-force training; including linking the NUFF and CID models (as per new BCPPS 1.9.1).*
18. *That the TTC work with the VPD Learning & Development Unit to ensure use-of-force training is developed and documented consistent with the Provincial Learning Strategy.*
19. *That additional training/coaching sessions specifically for Jail Sergeants be administered within a few months after they start working in the Jail.*
20. *That the VPD continue to require Jail Guards to complete SBOR reports.*
21. *That the VPD continue to include Jail Guards in the EIP process.*
22. *That the VPD continue to have someone other than the CDSS Inspector act as the Discipline Authority for the Jail.*
23. *That the VPD distinguish Jail-related complaint summaries in their in-camera reporting to the Vancouver Police Board.*
24. *That the VPD include more use-of-force incidents in the EIP for all SMCs and police officers.*
25. *That a Jail Sergeant review each of their team's SBORs.*

26. *That the VPD monitor Jail-specific data, including complaints, reportable injuries, and SBORs on an ongoing basis, including tracking overall numbers and checking for patterns and themes (e.g. among individuals, teams, processes, or locations).*
27. *That in addition to reviewing video from specific incidents that warrant it, the Sergeant, Staff Sergeant and/or Inspector review video from use-of-force incidents on an occasional but ongoing basis (e.g. one video per team each month).*

## Appendix 1: Terms of Reference

**Terms of Reference: Review of Vancouver Police Department (VPD) Policies and Procedures, Training, and Leadership and Supervision related to the use of force within the Vancouver Jail**

### **A. BACKGROUND**

Section 177(4)(d) of the *Police Act* provides for the Police Complaint Commissioner to make recommendations to the Director of Police Services or the Minister that a review, study or audit be undertaken to assist any police agency within the Commissioner's purview in developing training or other programs to prevent recurrence of problems revealed by the complaint process.

The Police Complaint Commissioner so wrote to the Director of Police Services on August 8, 2018, recommending that the Director of Police Services initiate a review, study or audit to assist the Vancouver Police Department (VPD) to develop training or other programs to prevent recurrence of excessive use of force in the Vancouver Jail. The Commissioner enclosed five examples of recent misconduct investigations in support of the Commissioner's concerns.

On September 6, 2018, the Director of Police Services wrote to the Chair of the Vancouver Police Board to ensure that the Board was aware of the Commissioner's view that the complaint process has revealed a problem of excessive force in the Vancouver Jail, and to invite any information that may assist the Director in considering the Commissioner's request, including what remedial actions were taken or contemplated in response to the issue.

On October 24, 2018, the Chair of the Vancouver Police Board wrote to the Director of Police Services outlining the actions taken and conveying the Board's confidence that all concerns raised have been, or are being, addressed. Actions highlighted in the letter included changes to policies and procedures, changes to staffing and reporting structures, additional training for Vancouver Jail staff, facility renovations, employee wellness strategies, and data analysis and outreach with community partners in an effort to increase diversions from Vancouver Jail to health care facilities where appropriate.

Notwithstanding the Board's response, the Director has determined that the issues raised by the Commissioner warrant examination by the office of the Director of Police Services.

The Director is initiating a review of Vancouver Police Department policies and procedures; training; and leadership and supervision related to the use of force within the VPD Jail. The review is being conducted under the authority of section 42 of the *Police Act*, which authorizes the Director to study, investigate and prepare a report on matters concerning policing, law enforcement and crime prevention in British Columbia.

### **B. PURPOSE OF THE REVIEW**

The review will examine the actions taken by the Vancouver Police Department and Vancouver Police Board in response to the concerns outlined in the Police Complaint Commissioner's August 8, 2018 letter to the Director of Police Services. The purpose of the review is to verify the actions described were taken, and identify any additional changes to policies and procedures, training, and leadership and supervision within the Vancouver Jail that are recommended to further enhance the prevention of excessive use of force.

### C. SCOPE

The review will include:

- Examining the changes to Court and Detention Services Section (CDDS) outlined in the Board's letter of October 24, 2018 and assessing their adequacy to prevent excessive use of force. These include changes to:
  - Policy, including revisions to the Jail Manual of Operations (JMO), and policy and procedures related to Breach of the Peace and State of Intoxication in a Public Place arrests;
  - training, including training on the newly revised JMO, *Police Act* responsibilities, duty of care, use of force reporting requirements, force options, de-escalation techniques, police judo, prisoner escort, cell extraction, search and seizure, and Indigenous cultural competency/safety training;
  - staffing, including the appointment of a new commanding officer and the removal of a jail staff member involved in five of the incidents referenced in the Police Complaint Commissioner's August 8, 2018 letter;
  - reporting structure, including transfer of CDDS to North Command in the Operations Division;
  - scheduling;
  - employee health and wellness, including professional assessment of psychological wellness;
  - and the physical environment of the Vancouver Jail.
- Examining measures in place to promote awareness of and compliance with policy and to address non-compliance;
- Examining measure in place to proactively monitor use of force within the Vancouver Jail and processes for responding to incidents of excessive use of force, including the role of senior management and the police board.
- Identifying additional ways that policies and procedures, training, and leadership and supervision within the Vancouver Jail could be enhanced to prevent excessive use of force.
- Identifying areas of good practice for the Director's consideration in determining provincial policing standards.

The review will not include investigating individual use of force incidents or complaints for the purpose of determining whether the use of force was appropriate in any particular instance. However, the review team may require access to information about individual use of force incidents for the purpose of assessing the overall level of compliance with use-of-force reporting requirements and other policies and procedures regarding the use of force, within the Vancouver Jail.

### D. APPROACH AND METHODOLOGY

Approaches used to conduct the review will primarily consist of site visits, examining written records, conducting selected interviews, and data analysis.

Records will include but are not limited to:

- policies and procedures,
- course training materials,
- job descriptions, shift schedules and organizational charts, and

On-site observation will include a tour of all areas of the detention facility, guided by a VPD officer.

Interviews will be conducted with:

- a sample of Vancouver Jail staff including guards, supervisors and nurses,
- Other VPD staff, as recommended to and/or determined by the review team,
- A representative of the police board,
- A representative of the OPCC,
- Other stakeholders or individuals as recommended to and/or determined by the review team

Data analysis will include:

- Analysis of Subject Behaviour Officer Response (SBOR) reports and data related to use of force incidents in the Vancouver Jail,
- Analysis of data related to excessive force complaints in the Vancouver Jail,
- Analysis of prisoner booking data, as needed to provide context for other analyses, and
- Analysis of training records.

#### **E. RESOURCES/INPUTS AND ACCOUNTABILITIES**

Under the overall direction of the Director of Police Services, the review team will include staff from the Policing and Security Branch and consultant resources.

In conducting the review, the review team shall have access to the documents and persons described under section D above, and other documents and persons as identified by the review team.

The Vancouver Police Board will identify a primary contact person within the VPD to facilitate the review team's access to VPD records and staff for interviews, and other information requests as needed.

Policing and Security Branch will identify a primary contact person for the review team.

Requests for information will be communicated through the primary contact persons.

The review team will maintain an inventory of all records provided to the review team. At the completion of the review, the review team will return or destroy records provided. The review team will substantiate its findings by including detailed references to source documents in its final report (e.g., document title, version/date, and page numbers).

#### **F. DELIVERABLES AND SCHEDULE**

The review team will prepare a written report that describes the methodology used and the review team's general findings and analysis, and makes recommendations to further enhance the prevention of excessive use of force. The recommendations may also include suggestions for the Director's consideration in the development of *British Columbia Provincial Policing Standards*.

A penultimate report will be submitted to the Director by October 31, 2019. A final report will be submitted to the Director by November 30, 2019.

Consideration may be given to extending the timeline for the penultimate and/or final report, upon mutual agreement between the consultant(s) and the Director.

The Director will provide a copy of the final report to the Solicitor General, as required by the *Police Act*, and to the Chair of the Vancouver Police Board, the Chief Constable of the VPD, and the Commissioner.

## Appendix 2: The Provincial Learning Strategy

The principles of the *Provincial Learning Strategy* are to ensure that training is defensible, effective and accessible.

**Defensible:** Defensible training means that the training a learner receives will stand up to legal scrutiny. This refers both to the legal defensibility of the content and the manner in which the course is constructed. Serious consequences could arise if Jail Guards are not able to perform required tasks to the required competency level. Serious consequences can also arise if it cannot be proven that Jail Guards had access to the necessary learning opportunities to achieve and maintain that competency. Ways to promote defensibility include:

- Designing the training through an established method such as the Systematic Instructional Design (SID) process. This process includes the following steps:
  - Analyzing the tasks, learners and context
  - Designing performance objectives, test creation and instructional methods
  - Developing learning materials (instructor and learner guides and job aids)
  - Implementing a pilot run and revising final training materials
  - Evaluating the course and the learners and making any necessary revisions.
- Ensuring that materials used to develop the curriculum content are evidence-based and rely on peer reviewed research or evidence of best practice
- Ensuring that any legal content of the course is reviewed and endorsed by a qualified legal expert
- Assessing learner performance and course effectiveness using reliable methods and on a regular basis, and
- Ensuring materials are properly archived.

**Effective:** Effective training is training that does what it is supposed to do. In order to build effective training, sound educational strategies must be used. These strategies include but are not limited to:

- Building training that is supported by the necessary learning objectives
- Building performance-based training that is designed to improve performance in the field
- Ensuring that the principles of adult education and the most effective instructional strategies are used
- Testing to ensure that the learning objectives are being achieved, and
- Assessing to see that desired performance is occurring in the field.

**Accessible:** Accessible training means that training is available to all learners who need it. There are a number of factors that must be balanced when considering optimal training accessibility. These include:

- Characteristics of the target learners and the learning environment
- Ensuring that the desired level of learning can be conveyed effectively through the selected delivery method (e.g. eLearning may not be suitable to physical skills training), and
- Maximizing training efficiencies and leveraging economies of scale (e.g. having students travel to a training facility is expensive and difficult to schedule, when it may be possible to bring the training to the agency).