



Serious Incident and Section 46.1 Notification Policy

Purpose:

To ensure members respond appropriately and conduct the necessary notifications when a matter requiring notification under Section 46.1 of the *Police Act* occurs. This policy applies to sworn members.

Statement of Principle:

In addition to notification required under Section 46.1 of the *Police Act*, the EPS has internal procedures to respond to Section 46.1 matters until ASIRT takes command, or if the investigation is left with the EPS to complete. This is to ensure:

1. public and officer safety are addressed as a priority,
2. the integrity of any investigation is maintained, and
3. any emotional reactions officers may have to the incident are managed.

Definitions:

Definitions listed in this section apply to this document only with no implied or intended organization-wide or EPS Policy and Procedure Manual wide use.

Matters of a Serious or Sensitive Nature – Include incidents likely to bring the administration of justice, and more particularly the EPS, into disrepute.

1. Factors to consider in determining whether a matter may be serious or sensitive in nature include:
 - a. nature of alleged incident,
 - b. extent of alleged loss or damage,
 - c. impact on alleged victim,
 - d. number of alleged victims,
 - e. number and frequency of similar allegations,



- f. potential for perception of significant conflict of interest,
 - g. impact on community, police and justice system,
 - h. impact on public confidence in police, both local and general,
 - i. potential for high media interest, and
 - j. potential for bringing the police service or justice system into serious disrepute.
2. Matters of a serious or sensitive nature include, but are not limited to, allegations of:
- a. firearm was discharged at a person by a police officer,
 - b. sexual assault by a police officer,
 - c. aggravated assault by a police officer,
 - d. criminal fraudulent activities by a police officer,
 - e. serious breach of trust by a police officer,
 - f. potential systemic racism or discrimination, and
 - g. potential systemic fraud or corruption.

Serious Incident – A Serious Incident occurs when the actions of a police officer may have resulted in a serious injury to, or the death of, a person.

Serious Injury – Includes injuries likely to interfere with the health or comfort of the complainant and is more than merely passing or trivial in nature. Serious injury is presumed when:

- 1. the complainant is admitted for a stay in hospital, not including out-patient or walk-in care, or
- 2. a prolonged delay is likely before the nature and seriousness of injury can be assessed; or
- 3. sexual assault is alleged, or
- 4. a gunshot wound of any degree of severity is sustained by a person as a result of a firearm discharged by a police officer, or
- 5. a person suffers severe trauma to the body, including but not limited to:
 - a. fracture of any bone,



- b. fracture and severe trauma to a limb, rib or vertebrae or the skull including the probability of a head injury,
- c. burns or abrasions to a major portion of the body,
- d. loss of any portion of the body,
- e. loss of hearing or vision,
- f. injury to any internal organ, and
- g. loss of consciousness brought about by a state of extreme mental distress, prolonged agitation or combative behaviour which collectively may be classified as symptoms of a state of excited delirium.

Policy Statement:

When a serious incident occurs, EPS members must follow **OP16-2PR Serious Incident Response Procedure**. EPS members involved in other events or matters that do not meet the criteria of serious incident, but require notification under Section 46.1 of the *Police Act*, including matters of a serious or sensitive nature must follow **OP16-1PR Section 46.1 Notification Procedure**.

EPS members must provide their full cooperation and assistance to ASIRT or EPS investigators conducting an investigation under Section 46.1 of the *Police Act*.