



# 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,



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- 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,



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- 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*.