



OFFICE: Kamloops	
Policy Number	A&W 001 SPM 5.3.1
Date Of Issue	July 5, 2017
Approved By:	Inspector Gannon
Date of Last Revision	
Last Revised by	

BC Sheriff Services

Local Operating Policies and Procedures

Subject: *Registry and Probation Arrests*

Purpose:

1. To provide staff with the procedures necessary when Sheriffs are notified of a person to be arrested in the Registry, Probation Office, or other locations within the Courthouse.

Policy Statement:

Sheriffs are routinely contacted to arrest people with outstanding warrants in the court registry and the probation office. The Sheriffs are to respond and affect an arrest in a safe and professional manner. This policy/procedure will ensure that staff are provided with an outline as to the steps to take before, during, and after the arrested person is brought into Sheriffs custody.

Procedure:

1. Upon the registry or probation contacting the Sheriffs holding cells regarding a person that has a warrant, the Sgt is to be advised immediately.
2. s.15

3. s.15

4. The Sheriffs attending will request a copy of the warrant from the registry or probation staff. If the warrant is not yet available, then the Sheriffs will be required to establish reasonable and probable grounds that there is a warrant before conducting the arrest.
5. Sheriffs shall confirm with the person that they are the person to be arrested.
6. The Sheriffs will restrain the person with handcuffs behind the back.
7. If available, The Sheriffs will read the warrant to the person being arrested.
8. The Sheriffs will Charter and Warn the person (10a 10b of the Charter of Rights).
9. Sheriffs will escort the arrested person to cells.
10. Prior to entry in the main cell block the prisoner should be cursory searched for weapons and or contraband.
11. Once safety has been established the Sheriffs will book in the prisoner and process their personal effects as per policy.
12. A picture will be taken of the prisoner on SCMS
13. A cell shall be assigned to the prisoner.
14. Duty Counsel or the prisoner's lawyer should be contacted as soon as possible.
15. The warrants should be executed by the Sheriff who conducted the arrest.
16. The warrant should then be copied for sheriff records and the original shall be sent to the court registry.
17. Crown and Duty counsel are to be advised immediately.

s.15



OFFICE: Kamloops	
Policy Number	CRR-001 SPM 8.6
Date Of Issue	3 Feb 2015
Approved By:	Spt. Breitkreutz
Date of Last Revision	June 26, 2019
Last Revised by	Insp. Gannon

BC Sheriff Services

Local Operating Policies and Procedures

Subject: Effects checked into Sheriff's administration office

Policy Statement: The Kamloops Sheriff's Office is located in room 221 on the second floor of the Kamloops Courthouse. The Kamloops courthouse is a busy location with 12 courtrooms. Frequently people attending court are ask or are requested to have their bag stored in the Sheriff's office for safe keeping.

Purpose:

1. To ensure proper control, security and return of effects that are turned into Sheriff's office for safe keeping.
2. To ensure all deputies are familiar with the proper procedure of taking in effects to the office.
3. To prevent potential security and liability issues.

Procedure:

- 1) If someone needs to store their bag in the Sheriff's office, the bag must be searched by a deputy in the presence of the person checking the bag.

1. All valuables such as money, cellphones, or jewelry will be given to the person checking the bag for safe keeping.
2. Last and first name of individual is to be put on id tag and attached to the bag.
- 2) Deputy who searched bag also puts badge number on the tag.
- 3) Bag is stored in the s.15
- 4) When someone comes to claim a bag, get their full name and description of bag.
- 5) Check ID to confirm identity
- 6) If there is any question of identity contact the Sheriff listed on the tag to try to confirm identity.



OFFICE: Penticton	
Policy Number	ESC 003
Date Of Issue	2019-06-28
Approved By:	Inspector Rutherford
Date of Last Revision	New

BC Sheriff Services

Local Operating Policies and Procedures

Subject: *Search and Security of Prisoners during Escort*

Purpose:

1. To increase the level of security and safety of the public, staff and prisoners.

Policy Statement:

In an effort to provide an increased level of security and safety it is necessary to implement security measures that exceed that of the minimum standards outlined in the Sheriffs Policy Manual. These procedures are to be implemented for both local and out of town escorts.

Procedure:

1. s.15
2. When it is possible prisoners will be lodged in separate compartments of the escort vehicle.
3. All shoe laces and waist strings will be removed from all custodies that are to be escorted.
4. s.15

5. For escorts out of the local area (to and from court and the RCMP) s.15
s.15
6. The only effects permitted to be brought on local escort to the courthouse are:
s.15
7. Whenever possible escorts to and from the RCMP will be done with a vehicle.

Sheriff Policy Scan – Provincial Searching Policies from 2018-present

Policy appears in numerical order with historic changes at the end

CURRENT POLICY (APRIL 2023)

8.10 Transporting Federal Prisoners

8.10.2 Searching Effects

- a. All items a prisoner is carrying must be carefully inspected.
- b. s.15

9.3.3 Prisoner Searches and Clothing

9.3.3.1 Searches

- a. See Section 12 for search policy respecting prisoners being admitted to holding cells, handling of religious items and prisoners being discharged to transports. 12.1 Definitions

9.3.3.2 Footwear

- a. Shoes with laces should be removed from all prisoners lodged in the holding cells.
- b. Where a prisoner is allowed to wear shoes, the laces must be removed.

9.3.3.3 Bras

- a. As per Regina v Golden, the removal or inspection of a prisoner's undergarments constitutes a strip search. s.15
s.15 If removal of the undergarment is deemed required, the sheriff must document the grounds for the search, supervisor's approval, and the manner in which the search was conducted in their notebook.

12 Search of Persons

12.1 Definitions

12.1.1 Magnetometer Search

- a. The purpose of a magnetometer search is to detect metal objects above or beneath clothing. Such searches may involve hand-held magnetometers and/or walk-through magnetometers.
- b. Little or no physical contact is made with the search subject.

12.1.2 Pat-frisk Search

- a. A pat-frisk search is defined as a search of a clothed person, by hand, with or without the aid of a handheld magnetometer. It involves a search of the body and any clothing or personal belongings of the person s.15
s.15

12.1.3 Strip Search

- a. A strip search is defined as a non-contact, visual inspection of a naked person, where the person is required to fully undress in the presence of a searcher. s.15
s.15 The purpose of a strip search is to ascertain whether the prisoner is carrying contraband s.15
s.15
- b. A magnetometer must be used to detect for metal objects in body cavities.
- c. The removal or inspection of a prisoner's undergarments (including bras) constitutes a strip search (see SPM section 9 for details).

12.1.4 Internal Cavity Search

- a. Internal cavity searches are physical searches of body cavities. Other than visual searches of the mouth, s.15

12.2 Reasonable Grounds

- a. Sheriffs require reasonable grounds that a member of the public may be carrying weapons before they may single that person out for the purposes of performing a pat frisk search.
- b. Before a sheriff performs a strip search of a prisoner, the sheriff must:
 - i. believe on reasonable grounds that the prisoner may be in possession of contraband,
 - ii. believe on reasonable grounds that a strip is necessary in the circumstances, and
 - iii. obtain the authorization of the sheriff's supervisor, unless the sheriff believes on reasonable grounds that the delay necessary to comply with the authorization process would result in danger to human life or safety.
- c. Tobacco is considered non-threatening contraband. A strip search of a prisoner could not be supported on the sole basis that the sheriff felt a prisoner had internally secreted tobacco. If any contraband is suspected to be internally secreted, restraint procedures in section 8 are to be followed.

12.3 Search Policy: Prisoners

12.3.1 Minimum Search Standards

- a. All prisoners must be pat frisk searched by a sheriff when assuming custody from another agency and from another sheriff office.^{s.15}

s.15

s.15

Handheld magnetometer

may be used to assist in the detection of metal items.

- b. Sheriffs may exceed the standard in a) above in cases where a risk assessment based on reasonable grounds indicates a more thorough search is required.
- c. Where a more thorough search as discussed in subsection c. may involve a strip search of any prisoner, deputies must perform a risk assessment and satisfy the provisions set out in section 6.2(4) of the *Sheriff Act* as follows:

“(4) Before a sheriff conducts a strip search of a prisoner, the sheriff must

(a) believe on reasonable grounds that the prisoner may be in possession of contraband,

(b) believe on reasonable grounds that a strip search is necessary in the circumstances, and

(c) obtain the authorization of the sheriff's supervisor, unless the sheriff believes on reasonable grounds that the delay necessary to comply with this requirement would result in danger to human life or safety.”

12.3.2 Gender and/or Religious Requirements when Searching Prisoners

12.3.2.1 General Procedures

- a. In situations where the staff resourcing does not permit adherence to the policies set out in this section, the following procedures should be employed:
 - o consideration should be given to hiring matrons;
 - o when picking up from police agencies or institutions, enlist the aid of gender appropriate members of the other agency to assist in the search prior to transport; and
 - o enlist assistance of gender appropriate staff from the court registry. Where this approach is used, a section 2(2) appointment for such staff is required and appropriate training must be provided.

s.15

12.3.2.2 Magnetometer Search

- a. A magnetometer search of the body, clothing or effects of prisoners is not subject to gender requirements.

12.3.2.3 Pat-frisk Search

- a. A female sheriff may conduct a pat-frisk search of both male and female prisoners. If a male prisoner objects to a pat-search by a female sheriff, s.15 s.15
- b. A male sheriff will not normally conduct a pat-frisk search of female prisoners. s.15 s.15

12.3.2.4 Strip Search

- a. s.15
- b.

s.15

- a. A transgender accused is an individual whose gender identity or gender expression is different from the gender associated with their birth-assigned sex. Self-identification is the primary consideration in identifying a transgender individual.
- b. s.15
 - i. s.15
 - ii. s.15
 - iii. s.15
- c. s.15
- d. Where a supervisor has serious reason to doubt a prisoner's self-identification as transgender, absent any objective criteria that would cause the supervisor to believe that this is true, the supervisor may ask the prisoner the questions set out below, in private, to verify the prisoner's status. The supervisor may have a second officer present for both the questions and for the strip

search if the prisoner so chooses. Other sheriffs of either the same sex or the opposite sex from the transgender prisoner may stand by, out of vision, in the event of physical resistance or confrontation, just as they would for any other prisoner, and in the same number.

- e. The permitted questions are as follows:
 - i. What name appears on your identity documents?
 - ii. What is your gender identity?
 - iii. Have you disclosed your gender identity to your friends and/or family?
 - iv. Have you sought or are you seeking medical or professional guidance from a qualified professional? If so, can you give the names(s) of these people and their professional designations?
 - v. What medical steps, if any, have you taken to help your body match your gender identity?
- f. Where the supervisor continues to have serious reason to doubt the prisoner's self-identification, the supervisor shall defer his/her supervisor for a final determination.
- g. To maximize privacy and confidentiality of any information related to the individual's gender identity or history, any conversations and consultations amongst staff must occur privately.
- h. All new admissions of transgender or non-binary individuals must be reported to BC Corrections so appropriate preparations can be made in the event the accused will require transport to a correctional facility. Information provided to BC Corrections will include
 - i. physical gender characteristics;
 - ii. noted gender on government issued identification;
 - iii. the individual's self-identified gender; and
 - iv. the individual's housing preference

12.3.2.6 Search of Non-binary Prisoners

- a. Non-binary is a term referring to individuals whose gender identity is neither female nor male.
- b. Non-binary prisoners should be referred to by their chosen name or gender pronoun.
- c. s.15
- d.
 - s.15
 -
 -
- e. s.15
- f.
- g. Where a supervisor has serious reason or evidence to doubt a prisoner's self-identification as non-binary, absent any objective criteria that would cause the supervisor to believe that this is true, the supervisor may ask the prisoner the questions set out below, in private, to verify the prisoner's status. The supervisor may have a second officer present for both the questions and for the strip search if the prisoner so chooses. Other sheriffs of either the same sex or the opposite sex from the prisoner may stand by, out of vision, in the event of physical resistance or confrontation, just as they would for any other prisoner, and in the same number.
- h. The permitted questions are as follows:
 - What gender appears on your identity documents? Note: It is possible that a non-binary individual may not have made that change to the listed gender on their government issued documentation.
 - What gender pronouns do you use or ask others to use when describing you?

- i. Where the supervisor continues to have serious reason to doubt the prisoner's self-identification, the supervisor shall defer to his/her supervisor for a final determination.
- j. To maximize privacy and confidentiality of any information related to the individual's gender identity or history, any conversations and consultations amongst staff must occur privately.
- k. All new admissions of non-binary individuals must be reported to BC Corrections so appropriate preparations can be made in the event the accused will require transport to a correctional facility.
- l. Information provided to BC Corrections must include:
 - o Noted gender on government issued identification;
 - o The individual's self-identified gender;
 - o The individual's preferred gender placement; and
 - o Any other relevant information.

12.3.3 Other Search Requirements for Prisoners

- a. s.15
- b. When searching items of religious significant, due regard must be given to the item and the religious feelings of the prisoner. Although sensitive to the cultural importance of the items, s.15

(See section 12.3.4)

- c. s.15
- d.
- e.

12.3.4 Searching Items of Religious Significance: Headdress (Turban, Burka, Niqab, Hijab, etc.)

- a. s.15
- b.
- c.

s.15

must be documented in SCMS.

the reasons for the decision
- d. s.15
- e.

- f. Subject to the provisions of 12.3.4(a), sheriffs will permit all persons taken into sheriffs' custody wearing a headdress that does not cover their face to have their photograph taken with the headdress on.
- g. Where the religious headdress is not permitted to be worn in the gaol, and if requested, the sheriff will provide a separate effects bag for the storage of the headdress.
- h. When a prisoner self-identifies as Muslim and is required to remove the headdress for inspection and/or identification, consideration for privacy and religious belief must be considered. Wherever possible, women should be provided with the option of unveiling in a private area, s.15
- i. Sheriffs will make best efforts to accommodate the re-application of a religious headdress prior to a prisoner's release into the public area.

12.3.5 Searching Items of Religious/Cultural Significance: Medicine Pouch

- a. s.15
- b. s.15 the prisoner will be allowed to place the unopened pouch in an effects bag, which will be sealed and transported with the prisoner to his/her destination. s.15

12.4 Search Policy: Members of the Public

12.4.1 General

- a. A sheriff may request any member of the public entering or being in a courtroom to submit to a magnetometer search providing the individual consents to the search.
- b. s.15
- c. s.15 Persons not leaving the building on their own accord will be transported from the building.
- d. If the person refusing to be searched is a witness who needs to appear in court, the sheriff will radio his/her supervisor for instructions. It may be necessary to inform Crown and/defence counsel of the matter. If the matter can not be resolved, the presiding judge may need to be advised if the persons court appearance is necessary. In such cases it may be necessary for a sheriff to accompany the person while they are in the courthouse.
- e. s.15
- f. s.15 Sheriffs will follow the proper arrest procedures where illegal items are found.
- f. Searches are to be conducted within the following guidelines:
 - o s.15
 - o If a disagreement arises between the Sheriff Service and the judiciary, the matter should immediately be referred to the next level of Sheriff Service management.
- g. The following persons are not normally to be searched:

- s.15
-
-
-

- h. Where practical, a supervisor should be present during searches of the public.
- i. All members of the public are to be treated the same and searched with the same degree of thoroughness.
- j. Supervisors and search teams must be sensitive to the public perception of how they perform searches. All such searches are to be performed in a professional and respectful manner employing both diplomacy and tact.

12.4.2 Belongings

- a. All smaller items such as purses, handbags, umbrellas, etc., must be thoroughly searched. If necessary, hat pins, nail files, etc., should be held in a secure place until the conclusion of the trial or court appearance.
- b. The public should be advised against entering courtrooms while carrying large bags, back-packs, knapsacks, duffel bags, and similar items.
- c. Where such items are permitted in the courtrooms, they must be searched carefully.
- d. The sheriff may establish a ban on all such items from entering the courthouse or courtroom and, if necessary, require they be held in safe keeping at the courthouse entrance.
- e. Special search and storage procedures may be introduced in the event of group courthouse tours (e.g., Justice Education Society of BC school tours) with respect to school bags, briefcases, etc., carried by tour participants. This may involve storing all such items in a secured room or instructing the group, in advance, not to bring such items to the courthouse.
- f. If items (bags, weapons, personal items) are temporarily seized from members of the public (to allow them to go into the courthouse, courtroom or other controlled access point), the sheriff must fill out the 'Personal Property Sign-In/Out Sheet' ([SHS843](#)) to provide accurate tracking of the property.
- g. To protect the organization from liability, offices must keep a written copy of the tracking sheet for one year.

12.4.3 Bag Searches

- a. Sheriffs must have the proper tools ready prior to conducting any search.
- b. Sheriffs must always wear protective gloves when conducting a bag search.
- c. Where possible, sheriffs must ask the owner of the bag if there is anything:
 - needles or anything sharp in the bag or;
 - powders or other substances that may contain fentanyl.
- d. Sheriffs should use flashlight provided to do a cursory search of bags/wallet.
- e. Where possible, the sheriff should empty the contents of the bag out on a table to conduct search. If searching the contents of a bag using a table is not feasible, the sheriff should use metal tongs to probe objects in the bag.
- f. Any unknown powders, creams or tablets must be treated as potentially lethal.
 - Do not open containers or packages suspected of containing unknown powders or liquids.

- Do not ever smell or taste unknown substances.
- Always ensure any substances suspected or known to be fentanyl are double bagged, sealed and clearly labelled.

If an unknown substance that you suspect might contain fentanyl leaks or you suspect it has become airborne, initiate the appropriate notifications.

12.4.4 Gender Requirements when Searching the Public

- a. A magnetometer search of the body, clothing, or personal belongings of members of the public
iss.15
- b. s.15
- c. s.15 in order to provide privacy to the individual.
- d. s.15

12.4.5 Searching Items of Religious Significance (other than Kirpans)

- a. Searches of objects, clothing, or personal adornments having a particular religious significance must give due regard to the religious significance of the items and be conducted with due regard to the personal feelings of members of the public.
- b. s.15
s.15 The sheriff must provide a brief explanation that a search is required to ensure the object must be visually inspected to ensure it does not present a security risk.s.15
s.15
- c. Individuals who refuse to allow a search of religious objects, clothing, or personal adornments will be required to leave the courthouse.
- d. If a female self-identifies as Muslim and removal of the headdress for searching purposes is deemed necessary, the female must be provided with the options.s.15
Where possible, a female sheriff will request the individual to remove the headdress for examination.
- e. Further searches should be done.s.15
- f. s.15
s.15 the immediate supervisor must be notified, if not already present.
- g. Determine the purpose of attendance at court and confirm their attendance in Court is required.
- h. Sheriffs are to be sensitive to the cultural importance of items of religious significance, however, any item which can be used as a weapon, or which constitutes a security risk, should be seized, and held.

12.4.6 Search Policy: Kirpans

- a. Practicing members of the Sikh faith will be allowed to wear Kirpans in public areas of courthouses, subject to the policy, procedures and assessment of potential security issues as set out in this section.
- b. Any person who enters a courthouse in British Columbia wearing a Kirpan must self-identify as a Khalsa (Amritdhari) Sikh and inform the Sheriffs that they are carrying a Kirpan. Only Khalsa Sikh individuals shall be permitted entry into a courthouse with a Kirpan providing they meet the requirements of this policy.
- c. s.15
- d. Any person who identifies themselves as a Khalsa Sikh may be requested to produce Government issued photo ID as part of the assessment of potential security issues.
- e. s.15
- f. The Kirpan must be worn in keeping with the Sikh tradition including being secured in a sheath and secured into a fabric belt and worn across the torso. It shall remain so throughout the courthouse attendance, such that the Kirpan is not readily removable.
- g. The Kirpan must be worn under clothing and not be easily accessible and remain so throughout the courthouse attendance.

12.4.7.1 Assessment of potential security issues

- a. The assessment will be from a general risk-based perspective and may include but is not limited to the following:
 - s.15

12.4.7.2 Search Procedures

- a. If a person requests entry into a courthouse wearing a Kirpan, the sheriff will request a supervisor to attend. If a supervisor cannot respond within a reasonable time (5 minutes), the sheriff shall act according to this policy. The supervisor's attendance is to ensure that the policy is followed with minimum inconvenience to the person carrying the Kirpan.
- b. s.15
 - s.15
 - undergoing any security screening that

is in place for all other members of the general public at the courthouse, if applicable, they will be shown to a private area for an assessment of potential security issues. s.15

s.15

c.

s.15 the person will be asked the purpose of their visit and the nature of their business in the courthouse for the purposes of assessing potential security issues. It may be necessary to request current and valid, government issued, photo identification for the purposes of the assessment of potential security issues.

d. Information will be passed on to the PIO or other sheriff who can confirm the person's business in the courthouse and in consultation with the supervisor, decide if there are any risk factors that would indicate the person should not be permitted entry with a Kirpan. The assessment of potential security issues must be completed within a reasonable time so as not to unnecessarily inconvenience the individual wearing the Kirpan.

e. s.15

This procedure does not in any way affect the privilege of the judiciary to decide who and what will be allowed into the courtroom.

f. s.15

s.15 the person will be given the option of either leaving and returning without the Kirpan, or voluntarily surrendering the Kirpan to the sheriffs to be picked up upon exiting the courthouse. If the Kirpan is voluntarily surrendered, the person's name and contact information shall be taken and recorded so that the Kirpan may be returned to the rightful owner or contact information is readily available if they forget to collect it.

g. s.15

The person should be allowed to secure the Kirpan in a sealed envelope and the envelope should be secured in a safe place. Generally, any refusal of entry or rescission of privilege will pertain to the item and not the person and will be communicated to the person in a discreet and courteous manner;

h. s.15 assessment of potential security issues concludes that the kirpan cannot be accommodated, and the person refuses to surrender the Kirpan, s.15

i. A Supervisor will be consulted in respect of any decision to refuse entry and will document the reasons for any refusal decision;

j. In addition, the sheriff will document any person who has been admitted into the facility with a Kirpan.

k. In any custodial areas, there will be an absolute ban on edged items, including Kirpans.

l. s.15

12.5 Search Procedures and Techniques

12.5.1 General

- a. All searches are to be conducted in accordance with Branch policy and approved training.
- b. All sheriffs involved in searches shall be provided with two kinds of protective gloves:
 - o latex gloves for protection against bodily fluids; and

- cut resistant gloves to protect against sharp edges. No glove is cut/puncture proof.
- c. s.15

12.5.2 Walk-through Magnetometer Search

- a. All staff using magnetometer equipment must be familiar with the proper operating guidelines.
- b. The following steps are to be taken when using a walk-through magnetometer in public areas:
 - s.15
 - test all equipment i.e., metal detector is operating properly, and desired sensitivity levels are set and tested;
 - record the test in a logbook for future reference and liability protection;
 - ensure all necessary supplies are available i.e., bags and tags are ready for items held at search area;
 - have members of public remove all items from their pockets and place them in trays for hand inspection;
 - inspect each item placed in the trays, including a search of all small items which may be used as containers (i.e., cigarette packages);
 - upon completion of the hand inspection of items in the tray, direct the person to walk through the magnetometer;
 - pass the tray to the sheriff on the other side of the magnetometer;
 - if the person does not set off the alarm, they may then retrieve the allowable hand inspected items; and
 - if the alarm is activated the person is then searched with a handheld magnetometer.
- c. s.15

12.5.3 Handheld Magnetometer Search

- a. All staff using magnetometer equipment must be familiar with the proper operating guidelines.
- b. The following procedures are to be used when conducting a search with a handheld magnetometer (wand) in a public place:
 - test the wand prior to use;
 - have the person stand, facing the searcher, with their persons arms held straight out from their sides;
 - hold the wand at the top of person, within 2 - 3 inches of their body;
 - search from head to toe, covering both sides of person and front area, including the chest, arms, and legs;
 - have the person turn around and face away from the searcher and repeat the same head to toe procedure to search the person's back area;
 - anytime the wand sounds an alarm, the searcher must stop and visually identify what caused the alarm. Closely examine belt buckles and neck chains;
 - and persons subject to further searches shall be afforded as much privacy as is practical.
- c. The procedures listed in b. should also be followed, where applicable, for searching prisoners, their clothing, and effects.

12.5.4 Pat-frisk Search

- a. The following procedures apply to searches of prisoners:
 - wearing appropriate protective gloves, start the search at the head and work down to the feet;
 - s.15
 -
 -
 -
 -
- b. Pat searches of members of the public must be conducted in a manner and location that is sensitive to the privacy and dignity of the person being searched.

s.15

s.15 If a member of the public is suspected to be concealing serious contraband, a supervisor must be contacted. The individual will be afforded the opportunity to leave the courthouse if the suspicions of the searching sheriff can not be resolved.

12.5.5 Strip Search

12.5.5.1 Reasonable Grounds

- a. Strip searches may not be carried out as a matter of routine practice.
- b. Strip searches must be conducted in a manner that ensures the health, safety, and privacy of all who are involved.
- c. To conduct a strip search, the sheriff must have reasonable grounds to believe that the prisoner may be possession of contraband.
- d. To conduct a strip search, the sheriff must obtain the authorization of the sheriff's supervisor, unless the sheriff believes on reasonable grounds that the delay necessary to comply with this requirement would result in danger to human life or safety.
- e. Searching sheriffs and supervisors must be able to articulate the objective factors that support the existence of reasonable grounds and must document those factors in their Notebook, followed by the Strip Search form (SHS 848) being submitted.
- f. s.15
 - i. s.15
 - ii.
 - iii.

12.5.5.2 Documentation

- a. All strip searches must be fully documented on the Strip Search form. Where the Strip Search form is not readily available, the sheriff should take detailed notes, including:
 - The grounds for such a search.
 - The sheriffs conducting the search.
 - The manner in which the search was conducted, including what items were removed or replaced and in what sequence, whether items were removed by the prisoner or the sheriff, and what, if any, physical contact accompanied the search.
 - The time frame within which the search was conducted.
 - A description of items found as a result of the search, and where they were found.
 - If it appears that a bodily cavity contains an item to be seized, what steps were taken to obtain the items, including any options given to the prisoner.
 - What, if any, exigent circumstances existed that required deviation from established procedures.
- b. When a strip search is conducted, an IRIS incident file must be opened. A completed Strip Search form should be uploaded as an attachment to the sheriff's incident report.

12.5.5.3 Gender Search Requirements

- a. s.15
- b.
- c.
- d.

12.5.5.4 Strip Search Process

- a. Before any strip search begins, the sheriff conducting the strip search must inform the prisoner of the reasons for the strip search and explain how the search is conducted.
- b. s.15
- c. Where a search is captured on security camera, the footage must not be viewed during the search or at any time after the search unless for an investigation that has been authorized by a Superintendent or the Office of the Chief Sheriff.
- d. s.15
- e. A frisk search and/or handheld magnetometer search should occur before any strip search is conducted or decided upon, especially where a frisk search and/or handheld magnetometer search may remove the necessity for a subsequent strip search.

f. s.15

g.

h.

s.15 including the need to conduct an immediate strip search for safety reasons. Accommodations may include the use of restraints or other means of mitigating the risk presented.

12.5.5.5 Refusal by Prisoner

- a. Where a prisoner refuses to submit to a strip search, the following will apply:
 - The sheriff conducting the strip search must inform the prisoner of the reasons for the strip search and explain how the search is conducted.
 - s.15
 -

12.5.5.6 Removal of Clothing

- a. A strip search must be conducted as quickly and safely as possible and in a manner that ensures that the prisoner is not completely undressed at any one time. The removal of items of clothing should be done sequentially.
- b. Prisoners will not be left standing uncovered following the search, e.g., once an item of clothing has been inspected, it will be provided as soon as possible.
- c. The prisoner is to receive the searched articles of clothing immediately upon conclusion of the search.
- d. Sheriffs must document whether prisoners removed items of clothing themselves.
- e. s.15

12.5.5.7 Strip Search Procedural Guidelines

s.15

HISTORIC CHANGES (additions highlighted):

October 2018 – SPM Update 43

SPM 12.1.2(a) Pat-frisk search:

A pat-frisk search is defined as a search of a clothed person, by hand, with or without the aid of a handheld magnetometer. It involves a search of the body and any clothing or personal belongings of the person, and may include a request for the individual to move clothing away from the skin to allow closer visual inspection of a non-genital area or garment. s.15

s.15

12.5.1 General:

c. All Rapiscan x-ray machines are to be serviced annually by Rapiscan (coordinated through BGIS Property Management).

12.5.2 Walk-through Magnetometer Search

- a. All staff using magnetometer equipment must be familiar with the proper operating guidelines.
- b. The following steps are to be taken when using a walk-through magnetometer in public areas:
 - set up the area to be secured so that there is only one entrance for persons who will be searched;
 - test all equipment i.e. metal detector is operating properly and desired sensitivity levels are set and tested;
 - record the test in a log book for future reference and liability protection;
 - ensure all necessary supplies are available i.e. bags and tags are ready for items held at search area;
 - have members of public remove all items from their pockets and place them in trays for hand inspection;
 - inspect each item placed in the trays, including a search of all small items which may be used as containers (i.e. cigarette packages);
 - upon completion of the hand inspection of items in the tray, direct the person to walk through the magnetometer;
 - pass the tray to the Deputy on the other side of the magnetometer;

- if the person does not set off the alarm they may then retrieve the allowable hand inspected items; and
- if the alarm is activated the person is then searched with a handheld magnetometer.

December 2018 – SPM Update 44

12.3.2 Gender and/or Religious Requirements when Searching Prisoners (new)

Search of Non-Binary Prisoners

- a. Non-binary is a term referring to individuals whose gender identity is neither female nor male.
- b. Non-binary prisoners should be referred to by their chosen name or gender pronoun.
- c. s.15
- d.
 - s.15
 -
 -
- e. s.15 made by the non-binary prisoner must be documented in SCMS.
- f. Where it is operationally not possible to meet the gender request for searches, the Supervisor may apply such special security precautions as outlined in earlier sections of 12.3.2.
- g. Where a supervisor has serious reason or evidence to doubt a prisoner's self-identification as non-binary, absent any objective criteria that would cause the supervisor to believe that this is true, the supervisor may ask the prisoner the questions set out below, in private, to verify the prisoner's status. The supervisor may have a second officer present for both the questions and for the strip search if the prisoner so chooses. Other sheriffs of either the same sex or the opposite sex from the prisoner may stand by, out of vision, in the event of physical resistance or confrontation, just as they would for any other prisoner, and in the same number.
- h. The permitted questions are as follows:
 - What gender appears on your identity documents? Note: It is possible that a non-binary individual may not have made that change to the listed gender on their government issued documentation.
 - What gender pronouns do you use or ask others to use when describing you?
- i. Where the supervisor continues to have serious reason to doubt the prisoner's self-identification, the supervisor shall defer to his/her supervisor for a final determination.
- j. To maximize privacy and confidentiality of any information related to the individual's gender identity or history, any conversations and consultations amongst staff must occur privately.
- k. All new admissions of non-binary individuals must be reported to BC Corrections so appropriate preparations can be made in the event the accused will require transport to a correctional facility.
- l. Information provided to BC Corrections must include:
 - Noted gender on government issued identification;
 - The individual's self-identified gender;
 - The individual's preferred gender placement; and
 - Any other relevant information.

March 2019 - SPM Update 45

12.4.1 General

- a. The following persons are not normally to be searched:
s.15

June 2020 – SPM Update 50

12.5.5 Prisoner Strip Search

12.5.5.1 Reasonable Grounds

- a) Strip searches may not be carried out as a matter of routine practice.
- b) Strip searches must be conducted in a manner that ensures the health, safety and privacy of all who are involved.
- c) To conduct a strip search, the sheriff must have reasonable grounds to believe (and subjectively believe) that the prisoner may be possession of contraband.
- d) To conduct a strip search, the sheriff must obtain the authorization of the sheriff's supervisor, unless the sheriff believes on reasonable grounds that the delay necessary to comply with this requirement would result in danger to human life or safety.
- e) Searching sheriffs and supervisors must be able to articulate the objective factors that support the existence of reasonable grounds and must document those factors in their Notebook, followed by the Strip Search form being submitted.
- f) s.15

12.5.5.2 Documentation

- a) All strip searches must be fully documented on the Strip Search form. Where the Strip Search form is not readily available, the sheriff should take detailed notes, including:
 - The grounds for such a search.
 - The sheriffs conducting the search.
 - The manner in which the search was conducted, including what items were removed or replaced and in what sequence, whether items were removed by

the prisoner or the sheriff, and what, if any, physical contact accompanied the search.

- The time frame within which the search was conducted.
- A description of items found as a result of the search, and where they were found.
- If it appears that a bodily cavity contains an item to be seized, what steps were taken to obtain the items, including any options given to the prisoner.
- What, if any, exigent circumstances existed that required deviation from established procedures.

- b) When a strip search is conducted, an IRIS incident file must be opened. A completed Strip Search form should be uploaded as an attachment to the Sheriff's incident report.

12.5.5.3 Gender Search Requirements

s.15

12.5.5.4 Strip Search Process

- a) Before any strip search begins, the sheriff conducting the strip search must inform the prisoner of the reasons for the strip search and explain how the search is conducted.
- b) s.15
- c) Where a search is captured on security camera, the footage must not be viewed during the search or at any time after the search unless for an investigation that has been authorized by a Superintendent or the Office of the Chief Sheriff.
- d) s.15
- e) A frisk search and/or handheld magnetometer search should occur before any strip search is conducted or decided upon, especially where a frisk search and/or handheld magnetometer search may remove the necessity for a subsequent strip search.
- f) s.15
- g)

h) s.15

12.5.5.5 Refusal by prisoner

a) Where a prisoner refuses to submit to a strip search, the following will apply:

- Advise that the search is mandatory;
- s.15

-

12.5.5.6 Removal of Clothing

- a) A strip search must be conducted as quickly and safely as possible and in a manner that ensures that the prisoner is not completely undressed at any one time. The removal of items of clothing should be done sequentially.
- b) Prisoners will not be left standing uncovered following the search, e.g., once an item of clothing has been inspected, it will be provided as soon as possible.
- c) The prisoner should be directed to remove one item of clothing at a time, which is then inspected and returned before removing or rearranging the next item of clothing.
- d) Sheriffs must document whether prisoners removed items of clothing themselves.
- e) s.15

12.5.5.7 Strip Search Best Practice Procedures

- a) Direct prisoner to run their hands through their hair;
- b) Direct prisoner to remove all articles from pockets;
- c) Direct prisoner to remove all non-clothing items such as glasses, jewellery, false teeth, dental plates and hearing aids. Inspect these items by hand and/or with the use of a handheld magnetometer;
- d) Visually inspect the prisoner's mouth, ears and hands;
- e) Direct prisoner to disrobe then inspect clothing items by hand and/or with use of handheld magnetometer;
- f) Visually inspect the front of the body, then direct the prisoner to lift their breasts or testicles;
- g) Direct prisoner to raise arms for visual inspection of armpits;
- h) Direct prisoner to turn for inspection of prisoners back;

- i) Direct prisoner to move their legs apart and lean forward from the hips for visual inspection of orifices (touching, entering or probing of body cavities is prohibited);
- j) Direct prisoner to lift each foot for visual inspection of the soles of feet and between the toes.

December 2020 – SPM 52

12.5.5.5 Strip Search – Refusal of a Prisoner

- a. Where a prisoner refuses to submit to a strip search, the following will apply:
 - The sheriff conducting the strip search must inform the prisoner of the reasons for the strip search and explain how the search is conducted.

12.5.5.6 Removal of Clothing

- a. A strip search must be conducted as quickly and safely as possible and in a manner that ensures that the prisoner is not completely undressed at any one time. The removal of items of clothing should be done sequentially.
- b. Prisoners will not be left standing uncovered following the search, e.g., once an item of clothing has been inspected, it will be provided as soon as possible.
- c. The prisoner is to receive the searched articles of clothing immediately upon conclusion of the search.
- d. Sheriffs must document whether prisoners removed items of clothing themselves.
- e. A strip search must involve only a visual inspection of the prisoner's genitalia and anus, without any physical contact or internal inspection.

July 2021 – SPM Update 57

12.1 Search of Persons: Definitions

12.1.3 Strip Search

- a. A strip search is defined as a non-contact, visual inspection of a naked person, where the person is required to fully undress in the presence of a searcher. Strip searches include visual checks of body cavities. The purpose of a strip search is to ascertain whether the prisoner is carrying contraband which could reasonably jeopardize the safety of any individual or the security of the courthouse or transport.
- b. A magnetometer must be used to detect for metal objects in body cavities.
- c. s.15

September 2022 – SPM Update 61

12.3 Search Policy: Prisoners

12.3.1 Minimum Search Standards

- d. All prisoners must be pat frisk searched by a sheriff when assuming custody from another agency and from another sheriff office.^{s.15}

s.15

s.15

The only exception to this policy is a vehicle-to-vehicle prisoner exchange with another transport team. Handheld magnetometer may be used to assist in the detection of metal items.

Vancouver Law Courts Courthouse Sheriff Searching Policies & Procedures

Local policy for both in-custody and out of custody persons 2018 to present

Search teams for High Security or Profile cases

Search team if possible will consist of 1 male and 1 female Deputy Sheriff. s.15 It is
the responsibility of these Deputies to search s.15 As well the team must
insure that all equipment is on and working correctly. IE Magnetometer gate and hand held metal detector. Levels
of search:

s.15

As public approach this area, explain to them that they are subject to search if they wish to attend this courtroom.
s.15

Booking in procedures/Search

s.15

s.15

When dealing with an in-custody prisoner s.15

the deputy shall:

s.15

Arrest on Warrant

If the Accused is NOT in custody and you are informed that there is a warrant out standing for the accused. Then you must:

1. Confirm the warrant, contact a supervisor in the jail or if the clerk gives you a copy of the warrant.
2. Execute the warrant in a safe area. s.15

3. Identify yourself to the accused, inform them you have a warrant for them and they are under arrest. Read them the warrant, if an interpreter is needed contact the court interpreters. Charter worn the accused.

s.15

[Revised to Policy Version – February
19, 2021]

Section 12: Search of Persons

Section 12.1 Methods of Searching of Persons In-Custody

- a. There are several methods in searching persons are listed below.

s.15

Section 12.2 Minimum Search Standards of Persons In-Custody

- a. Any in-custody coming into the court holding cells at the Vancouver Law Court s.15
s.15

- b. Deputies may exceed the standard set out in Section 12.2 a in cases where a risk assessment based on reasonable grounds indicates a more thorough search is required.

Section 12.3 Reasonable Grounds

- a. The Deputy must establish reasonable grounds prior to performing a strip search of an in-custody. The Deputy must:
 - i. Believe on reasonable grounds that an in-custody may be in possession of contraband,
 - ii. believe on reasonable grounds that a strip search is necessary in the circumstances, and
 - iii. obtain the authorization of the jail supervisor, unless the Deputy believes on reasonable grounds that the delay necessary to comply with the authorization process would result in danger to human life or safety.

Section 12.4 Methods of Searching of Persons In-Custody and The Gender Requirements

- a. The table below outlines the gender requirements when searching an in-custody.

FEMALE DEPUTIES	MALE DEPUTIES
<u>Handheld Magnetometer</u> A female Deputy may search a male in-custody with a handheld magnetometer.	<u>Handheld Magnetometer</u> A male Deputy may search a female in-custody with a handheld magnetometer.
<u>Pat-Frisk</u> A female Deputy may conduct a pat-frisk of both male and female in-custodies.	<u>Pat-Frisk</u> A male Deputy should not conduct a pat-frisk on a female in-custody unless there is reasonable grounds to believe they are in possession of contraband posing a serious threat to safety or sufficient to attempt escape. <ul style="list-style-type: none">You are to have another Deputy observer present unless exigent circumstances exist
<u>Strip Search</u> A female Deputy may only strip search a female in-custody unless the supervisor believes on reasonable grounds that the delay necessary to have a male sheriff attend would result in danger to human life or safety.	<u>Strip Search</u> A male Deputy may only strip search a male prisoner unless the supervisor believes on reasonable grounds that the delay necessary to have a female Deputy attend would result in danger to human life or safety.
<u>Internal Cavity Search</u> Other than visual searches of the mouth, a female Deputy are never to perform physical internal cavity searches.	<u>Internal Cavity Search</u> Other than visual searches of the mouth, a male Deputy are never to perform physical internal cavity searches.

Section 12.5 Strip Search Procedures

Section 12.5.1 General

- a. Reasonable Grounds must be established set out in Section 12.3 in the Vancouver Law Courts Operating Policy and Procedures.

Section 12.5.2 Procedures

- a. These steps are to be taken by the Jail Sergeant and Deputy involved in the strip

search. Please refer to the Sheriff Policy Manual Section 12.5.5.

- b. Anyone involved in the strip search must be able to articulate the objective factors that support the existence of reasonable grounds and ***MUST*** document those factors in their issues Notebook, followed by the Strip Search Form (SHS 848) in the Sheriffs Policy Manual Section 11
 - o The Strip Search Form (SHS 848) can also be found in Section 11.1 a. in the Vancouver Law Courts Operating Policy and Procedures.

In-Custody Searches and Clothing Procedures

9.8.1 Searches

- a. Anyone conducting an in-custody search are to refer to Section 12 in the Vancouver Law Courts Local Operating Policy and Procedures.

9.8.2 Bras

- a. Please refer to the Sheriffs Policy Manual 9.3.3. It reads:

"As per Regina v Golden, the removal or inspection of a prisoner's undergarments constitutes a strip search. s.15

s.15 If removal of the undergarment is deemed required, the sheriff must document the grounds for the search, supervisor's approval, and the manner in which the search was conducted in their notebook."

- b. In the event a search is conducted on an in-custody and a bra is discovered from a pat-frisk search and/or a verbal and visual confirmation of it being on the in-custody, The Deputy is to notify the Jail Sergeant



Strip Search Form

IRIS # _____

A - General Strip Search Information	
Primary Search Officer	Gender
<input type="checkbox"/> Search documented in notebook	
Comments	
<input type="checkbox"/> Reasonable grounds <input type="checkbox"/> Exigent circumstances <input type="checkbox"/> Other	
Comments	
Authorizing Supervisor / Manager	

B - Subject Information	
Name	DOB
Gender	VIEN+
Comments	

C - Strip Search Details Check/fill applicable fields below	
Strip Search Date	Search Start End Time
Search Location	
<input type="checkbox"/> Strip search explained to prisoner	
<input type="checkbox"/> Search options offered to prisoner identifying as transgender/intersex (E.g., male, female officer or both)	
<input type="checkbox"/> Visual inspection of body cavities <input type="checkbox"/> Handheld magnetometer <input type="checkbox"/> Initial cursory search	
Comments	
Restraints	<input type="checkbox"/> Prior to strip search <input type="checkbox"/> During strip search
Comments	
Use of Force	<input type="checkbox"/> Prior to strip search <input type="checkbox"/> During strip search <input type="checkbox"/> SB-ORR form submitted
Comments	
Contraband	Retrieved by: <input type="checkbox"/> Prisoner <input type="checkbox"/> Officer <input type="checkbox"/> Other
Comments	
Additional Search Officers Involved	

D - Strip Search Summary In 1 st person, use plain language to summarize what happened

SHS 848 06/2020

RE: Request for Searching Policy

From: Piercy, Colleen AG:EX <Colleen.Piercy@gov.bc.ca>
To: Schmidt, Kevin AG:EX <Kevin.Schmidt@gov.bc.ca>
Sent: May 1, 2023 10:11:48 AM PDT
Attachments: image001.png

Good morning Kevin,

Victoria Sheriff Local Policy updated July 2021.

Under these sections in our local policy

s.15

As per current policy that was amended in Sept. 2022,^{s.15}

s.15

Please let me know if you require further information.

Colleen

From: Schmidt, Kevin AG:EX <Kevin.Schmidt@gov.bc.ca>
Sent: Monday, May 1, 2023 9:00 AM
To: Dhillon, Paul AG:EX <Paul.Dhillon@gov.bc.ca>; Catton, Richard AG:EX <Richard.Catton@gov.bc.ca>; Jeannotte, Shaun AG:EX <Shaun.Jeannotte@gov.bc.ca>; Goodlad, James AG:EX <James.Goodlad@gov.bc.ca>; Gingrich, Kenneth F AG:EX <Kenneth.Gingrich@gov.bc.ca>; Kay, Leo J AG:EX <Leo.Kay@gov.bc.ca>; Piercy, Colleen AG:EX <Colleen.Piercy@gov.bc.ca>; Goessman, Kurt AG:EX <Kurt.Goessman@gov.bc.ca>
Cc: Jervis, Steve AG:EX <Steve.Jervis@gov.bc.ca>; Shirley, Garfield AG:EX <Garfield.Shirley@gov.bc.ca>; Brar, Jas AG:EX <Jas.Brar@gov.bc.ca>; Breitreutz, Shane A AG:EX <Shane.Breitreutz@gov.bc.ca>
Subject: RE: Request for Searching Policy

Timeline is any policies/procedures from 2018 to present.

Kevin Schmidt

From: Schmidt, Kevin AG:EX
Sent: Monday, May 1, 2023 8:58 AM
To: Dhillon, Paul AG:EX <Paul.Dhillon@gov.bc.ca>; Catton, Richard AG:EX <Richard.Catton@gov.bc.ca>; Jeannotte, Shaun AG:EX <Shaun.Jeannotte@gov.bc.ca>; Goodlad, James AG:EX <James.Goodlad@gov.bc.ca>; Gingrich, Kenneth F AG:EX <Kenneth.Gingrich@gov.bc.ca>; Kay, Leo J AG:EX <Leo.Kay@gov.bc.ca>; Piercy, Colleen AG:EX <Colleen.Piercy@gov.bc.ca>; Goessman, Kurt AG:EX <Kurt.Goessman@gov.bc.ca>
Cc: Jervis, Steve AG:EX <Steve.Jervis@gov.bc.ca>; Shirley, Garfield AG:EX <Garfield.Shirley@gov.bc.ca>; Brar, Jas AG:EX <Jas.Brar@gov.bc.ca>; Breitreutz, Shane A AG:EX <Shane.Breitreutz@gov.bc.ca>
Subject: Request for Searching Policy
Importance: High

Good morning.

Can you please provide me with the following information for your location:

"Your Courthouse Sheriff searching policies and procedures". This will be local policy for both in-custody and out of custody persons.

Required for the following offices – 800 Smithe and Main St. Courthouses; Kamloops; Kelowna; Abbotsford; Chilliwack; Victoria; Vernon; Penticton.

Apologies for the short turn around, but can you please send me this information by **10am on Tuesday, May 2, 2023.**

If you have any questions, please give me a call.

Thank you,



Kevin Schmidt

A/Superintendent, Provincial Programs
Office of the Chief Sheriff
401-800 Hornby Street
Vancouver, BC V6Z 2C5
Ph: 604-795-8439
Cell: 604-316-9802

-
CONFIDENTIALITY NOTICE: This email message, including any attachments, is confidential and may be privileged. All rights to privilege are expressly claimed and not waived. Any use, dissemination, distribution, copying or disclosure of this message and any attachments, in whole or in part, by anyone other than the intended recipient is strictly prohibited. If you received this message in error please notify the sender immediately. Thank you.



ABBOTSFORD LAW COURTS

SEARCH GATE PROCEDURES

32375 Veterans Way - Abbotsford

Last updated: Feb 06, 2023

TABLE OF CONTENTS

PRIMARY PURPOSE OF THE SEARCH GATE	3
SAFETY	3
Equipment.....	3
s.15	3
.....	4
OPERATION OF THE ^{s.15} AND X-RAY MACHINE	5
GATE SHIFTS AND SCHEDULES	5
LEGAL AUTHORITY TO SEARCH	6
SEARCHING OF PERSONS	8
WHO IS EXEMPT FROM THE SEARCH?	9
WHAT IS SATISFACTORY IDENTIFICATION?	9
WHO IS REQUIRED TO BE SEARCHED?	9
Instructions for Visitors with Special Needs:	9
ITEMS NOT PERMITTED IN COURT HOUSE	10
NARCAN KITS	11
CHECKED IN Items While in courthouse.....	11
Staff Responsibilities and Positions	11
PRIMARY DEPUTY'S RESPONSIBILITIES.....	11
SECONDARY DEPUTY'S RESPONSIBILITIES.....	12
FINDING OF ITEM(S) AT SECONDARY INSPECTION.....	12
SEARCHING MALES AND FEMALES.....	13
Searching Items	13

Electronic Devices by members of the public, Accredited Reporters	14
General Arrest Procedures and Weapon Seizures.....	15
Persons Refusing To Be Searched	15
UNCOOPERATIVE/INTOXICATED SUBJECTS.....	15
PEOPLE ARRESTED FOR PROHIBITED / RESTRICTED WEAPONS.....	16
ARRESTING FOR NARCOTICS	17
Updated Feb 06 2023 – see (Jan 31, 2023 - Jan 31, 2026)- DRUG Decriminalization 56(1) / interim POLICY	17
(Jan 31, 2023 - Jan 31, 2026)- DRUG Decriminalization 56(1) / interim POLICY	18
PROCEDURES FOR "BREACH OF PEACE" ARRESTS	20
SHERIFF POLICY MANUAL REFERENCES	21
6.3.5 MariJuana	21
6.3.1 Seizure of Weapons.....	22
6.3.2 Members of the Public wearing soft body armour in the courthouse.....	23
6.3.3 Alcohol and Liquor.....	23
12.4 Search Policy: Members of the Public.....	24
12.4.4 Search Policy: Kirpans (Effective April 12, 2013)	27
2.12.2 Laying Charges.....	30

PRIMARY PURPOSE OF THE SEARCH GATE

The main purpose of the Search Gate controlled access point is to detect objects that have the potential to pose a security risk. This ensures that no unauthorized weapons or potential weapons are being carried into the courthouse. Security measures, as we all know, are only as effective as the people operating them. It is important therefore, for each of us to be familiar with our equipment and operating guidelines.

REMEMBER TO MAINTAIN A HIGH LEVEL OF SECURITY AND BE PROFESSIONAL.

YOU ARE THE FIRST POINT OF CONTACT IN THE BUILDING FOR ALL COURT PARTICIPANTS AND FOR THE GENERAL PUBLIC.

The security of the courthouse can never be compromised by abandoning this post to assist in an emergency. As we are vulnerable to potential diversions or staged events, a minimum of two persons must remain in place before any deputies are to assist in dealing with an emergency. It is the responsibility of the Search Gate - Court Supervisor to direct which Sheriffs are to provide assistance elsewhere and to ensure that a minimum of two deputies are assigned to maintain the integrity of the courthouse entrance.

SAFETY

Safety is a primary concern, and must be consciously thought of by each employee. Always use universal safety precautions; wearing issued gloves (Kevlar/Latex) will reduce the risk of any accidental exposure. Remember that the gloves are only a preventative measure, vigilance is required. Always be aware of your surroundings and be diligent in observing behaviors (characteristic of armed individuals)

EQUIPMENT

s.15

When the super scanner is operating, s.15

s.15

s.15

completely automatic and will detect s.15

s.15

Move the instrument

All of the operation is

PLEASE NOTE: SCANNER WILL NOT DETECT s.15

s.15

s.15

It is designed primarily s.15

s.15

When faced with this give additional direction (while someone is facing away from

you ask them to see the bottom of their feet one at a time. This gauges compliance s.15

s.15

Research has been conducted on the electromagnetic radiation for the s.15 which has been permanently placed at the Abbotsford Law Courts. Through rigorous testing from the engineering staff of s.15 there is no concrete evidence to suggest any unsafe radiation to harm any individual with or without medical problems (i.e. pacemakers and pregnant women.)

A letter that has been addressed to the M.O.J. is on file in reference to all tests from various literatures in conjunction with the American safety standards which will provide the individual with research material to review in a detailed report.

If any person refuses to walk through the scanner, s.15

s.15

In each of these situations, inform the Search

Gate supervisor and if you have the appropriate reasonable grounds, an additional pat down search by consent may be required in an alternate area away from the public view.

s.15

DISPLAY PANEL:

LED Bar Graph - This LED display at the top of the control panel indicates the detection intensity that is based on the amount and composition of metallic objects passing through the unit.

Ready Light - This green light appears when the full power has been turned on and the unit is ready to operate. The light will also indicate when the unit has completed an individual inspection and it is ready to accept the next person. Operators should make certain that the green light is visible before any individual is permitted to pass through the detector.

LCD Panel - The large numeric LCD below the bar graph reports all operating, set-up and diagnostic information of the unit. The unit is designated to be "user friendly", and all regulation and control functions are self-prompting with the necessary commands shown on the LCD display.

Alarm Light - This red light appears when the unit detects a targeted amount of metal on an individual, according to specifications of the program and sensitivity levels that have been selected.

Access Pad - the ACCESS touch pad will be used only by supervisory management personnel who have the access code. It permits changing the programmed sensitivity codes.

OPERATION OF THE ^{s.15} AND X-RAY MACHINE

To operate the ^{s.15} turn the switch to “on.” The switch is located on the upper right hand side of the Magnascanner. Once the switch is on, the Magnascanner automatically carries out a complete self-diagnostic program to ensure that all elements of the unit are operating properly. Once this program is completed and after 10 seconds, the full detection power unit is turned on. This diagnostic program for instant fault detection can be activated at any time by touching the operating pad.

At the conclusion of each shift at the end of the day, ensure that the counter is reset. To reset the counter, press the counter button and hold for 10 seconds. This procedure will reset the counter to zero for the start of the following day. All keys to machines are to be left in them.

The X-Ray Machine User ID is ^{s.15} and Password is ^{s.15} Refer to Start-up / Shut-Down Checklist.

For any X-Ray Machine repairs or work orders, ^{s.15} is to be contacted by a Sheriff Supervisor. **NOTE - DO NOT ATTEMPT ANY REPAIRS OR MAINTENANCE ON YOUR OWN.**

GATE SHIFTS AND SCHEDULES

GATE 1 – (3 Staff - 0815 Start).

GATE 2 – (3 Staff - 0845 Start).

Open – 0830 to 1630.

Open – 0855. (AM Peak Period)

^{s.15}

Open – 1330 to 1630.

Open – 1330. (PM Peak Period)

^{s.15}

Notes:

- Both Gates are open by 0855 and 1330 to accommodate peak periods.
- Lunch hours for Gate staff are structured into Gate schedules.
- Relief and Break timings are sometimes used for any required report writing for Gate arrests, drugs and weapons seizures, etc.
- Rover or Court Sgt to assist as required with arrests, drugs and weapons seizures, staff relief, significant volume and line-ups, etc.
- ^{s.15}
- available Court Deputy or Court Sgt may be assigned to Gate as needed for Staff relief).
- ^{s.15}

LEGAL AUTHORITY TO SEARCH

Canadian Charter of Rights and Freedoms states:

Search or seizure

Section 8. Everyone has the right to be secure against unreasonable search or seizure.

There are exceptions to this charter right under the **7 Common Law powers of search and seizure:**

7 Common Law Powers

Search & Seizure W/O Warrant

1. Protection of Life and Property
2. Plainview
3. Consent (implied)
4. **Consent (explicit) (Sheriff Act searches fall in here)**
5. Search incident to detention
6. Search incident to arrest
7. Entry to effect arrest

Explicit Consent

A person may waive his/her rights guaranteed under the Charter by consenting to a search and/or seizure. People entering a court facility are waving this right. This is similar to boarding a plane at the airport. You have waved your rights guaranteed under section 8 of the Charter.

Sheriff act searches are for weapons only and people entering our buildings must be given 3 conditions for the search to be valid.

They must be given:

Volition

- Person must give their consent voluntarily
- Must be aware that they are not required to give consent (their option is leaving /not entering the building)

Knowledge

- Must be aware of the consequences of giving consent (if anything else is found that contravenes any other statutes you will be arrested)

Duration

- The person must be informed that they can stop the consent search at any time without repercussions. (if this right is invoked they must immediately be escorted off the property, best practice is to hold unsearched belongings until they are off property)

The *Sheriff Act* provides the Deputy Sheriff a legal authority to search the public when in our facilities:

The Following is an excerpt from the *Sheriff Act*:

Section 6.1(2) - *No person(s) may possess a weapon in a court facility unless authorized to do so by the regulations of the minister or by a sheriff.*

Section 6.1(3) - A Sheriff may do one or more of the following:

- (a) Search a person for weapons in the manner prescribed by the minister before the person enters a court facility or at any time while the person is inside the court facility;
- (b) For the purposes of paragraph (a), require a person inside a court facility to move to another place inside the court facility in order to be searched in the manner prescribed by the minister;
- (c) Seize any weapon in the possession of a person who is in, or is attempting to enter, a court facility;
- (d) Evict a person from a restricted zone if the person is not authorized by the regulations of the minister to enter that restricted zone

Section 6.1(4) – In addition to his or her powers under subsection (3), a sheriff may refuse a person entry to, or evict a person from, a court facility if

- a) The person refuses to be screened for weapons,*
- (b) The person refuses to comply with a direction of a sheriff made under subsection (3) (b),*
- c) The person is in possession of a weapon and refuses comply with the sheriff's request to relinquish the weapon to the sheriff, or*
- d) The sheriff has reason to believe that the person is*
 - i) A threat to the safety of the court facility or to the health or safety of any of its occupants, or*
 - ii) Disrupting court proceedings.*

6.1(4.1) - In addition to his or her powers under subsection (3), a sheriff may arrest a person who is in a court facility area or evict a person from a court facility area if

- (a) The person is in possession of a weapon and refuses to comply with the sheriff's request to relinquish the weapon to the sheriff, or*

(b) The sheriff has reason to believe that the person is

(i) A threat to the safety of the court facility or the health or safety of any of the occupants of the court facility, or

(ii) Disrupting court proceedings.

Section 6.1(5) – A sheriff may use reasonable force in

a) Refusing a person entry to a court facility or restricted zone

b) Evicting a person from a court facility or a restricted zone, or a court facility area, or

c) Seizing a weapon from a person who is in, or is attempting to enter, a court facility or court facility area.

REMEMBER to Charter and Warn 10a / 10b for every Arrest or Detention. Read verbatim from your Charter card when **SAFE** and **PRACTICABLE** to do so.

Section 10 - Everyone has the right on arrest or detention

(a) to be informed promptly of the reasons therefor;

(b) to retain and instruct counsel without delay and to be informed of that right; and

*(c) to have the validity of the detention determined by way of *habeas corpus* and to be released if the detention is not lawful.*

I am arresting you for [name of offence(s)].

You have the right to retain and instruct counsel in private, without delay.

There is a 24 hour telephone service available which provides a legal aid duty lawyer who can give you legal advice in private. This advice is given without charge and the lawyer can explain the Legal Aid Plan to you.

Do you understand?

Do you wish to call a lawyer?

SEARCHING OF PERSONS

All persons are to be treated the same and searched with the same degree of thoroughness. Searching of the public should be conducted as per 12.4 Search Policy: Members of the Public. A more thorough search may be required if the searching Deputy Sheriff has reasonable grounds to believe the person being searched has concealed an object that may be used as a weapon. If you feel that the person is concealing an object a thorough search should be conducted in a private place if this person wants to enter the building (they have the option to leave). The search should be conducted by a staff member of the same gender with a second deputy present. (Preferably a Supervisor)

WHO IS EXEMPT FROM THE SEARCH?

s.15

WHAT IS SATISFACTORY IDENTIFICATION?

For Lawyers, articling students and Law Students a valid Law Society of British Columbia Card and photo ID is required.

For Police and sworn Peace officer a badge and a photo ID are required.

WHO IS REQUIRED TO BE SEARCHED?

The general public, student groups, persons in the company of police officers and others are required to be searched. (In the past, witnesses and students have been found to be in possession of weapons).

Couriers / Canada Post:

All couriers and mail delivery personnel are required to be searched before coming into the courthouse. Once the Deputy is satisfied that the courier is not carrying any contraband, the courier may then be directed to the location where they are to make the pick-up or delivery, (i.e. crown, registry).

All delivery parcels are to be placed through the X-Ray machine prior to entry into the building.

If a package does not fit into the x-ray machine, Deputies are to investigate the source and destination of the package and make a decision on a case by case basis.

If for any reason a courier does not want to be searched, they will not be permitted to enter the building. Deputies will not accept packages.

Loss Prevention Officers:

Loss Prevention Officers are NOT Peace Officers. Therefore, they are not exempt from being searched.

s.15

Review the Magnetometer Section of the Sheriff Policy Manual for further information or contact your Sheriff supervisor for additional clarification.

Instructions for Visitors with Special Needs:

If you require assistance or have any special needs, please inform the screening officer when you arrive at the checkpoint.

Tell the screening officer if:

- s.15
- *You have a pacemaker, hearing aids, cochlear implants or other medical devices that may be affected by the walk-through or hand-held metal detectors. s.15*
s.15
- *You are not able to go through the walk-through metal detector unassisted. s.15*
s.15

ITEMS NOT PERMITTED IN COURT HOUSE

Anything that can be used as a weapon, disrupt court proceedings or damage court property.

Ask yourself;

- Does the member of the public need this item for court?
- Is there policy that prohibits the item from entering the building?
- Can the item be used to damage courthouse property?
- Can the item be used to disrupt the proceedings in any courtroom?
- Can the item be used as a weapon?
- If the contraband is alcohol, is it open? Is the person violating the liquor control act?

A few examples:

- Knives
- Exacto-knives
- Needles
- Pepper Spray
- Laser pointers
- Skateboards and Roller Blades
- Camera Equipment
- Tape Recorders
- Kubatons
- Ammunition
- Liquor
- Two-way Radios
- Metal pipes
- Firecrackers
- Imitation Handgun Lighters

USE YOUR DISCRETION AS TO WHAT IS PERMITTED INTO THE COURTHOUSE: IF IN DOUBT, ALWAYS CHECK WITH YOUR SUPERVISOR.

NARCAN KITS

Personal Narcan Kits containing standard issue content will no longer be seized at the Search Gate.

- The Narcan kit must be inspected and/or X-rayed or held at the gate.
- Should the kit contain anything other than the standard issued content It will be seized at the discretion of the Sergeant supervisor.
- Any Used or Dirty needles shall be deposited in the SHARPS container with the tongs provided.
- New sealed needles “Will Not” be seized and can remain in the kit and be retained by the owner.

NOTE- If suspected narcotics are found during the search, local procedures are to remain in effect.

CHECKED IN ITEMS WHILE IN COURTHOUSE

Sheriffs will record all stored items on the **BCSS SHS843 form**. This is the approved form for Personal Property Tracking. Any personal property seized for safe keeping must be noted on these forms and returned upon court participant departure.

Items not picked up by the rightful owner at the end of the day will be housed in the cabinet located in the Armoury for a period of 30 days.

After 30 days, all items up for destruction will be recorded and scanned into the destruction folder. Once determined what items are being destroyed, a Sergeant will make the arrangements with APD to set a time for the item(s) to be taken for destruction.

Two Deputies will be assigned to transport the property for transfer and signature with the APD clerk. The signed receipt(s) will then be returned and scanned into the destruction folder for local Sheriff office record-keeping purposes.

STAFF RESPONSIBILITIES AND POSITIONS

PRIMARY DEPUTY’S RESPONSIBILITIES

Equipment used: Gloves and Flashlight

- Observe body language and visual inspection of person(s) entering the Courthouse
- Be aware of your surroundings
- Give instructions to person or persons to approach the counter directly in front of you (the counter creates distance required for added safety)

- Instruct person to empty everything on their person into one of the trays provided
- As items are being put into the tray the deputies should be doing a visual inspection of all items (See list of examples)
- If person places money in large bills, check money and return it back to the person. Ask him/ her to keep the money visible in their hand as they proceed through the access point
- Inspect all bags, purses, fanny-packs, and wallets and place all of these items through the x-ray machine as required
- Ensure person(s) remain on the other side of counter while inspecting their belongings
- Have person remove their jacket and place in the tray.
- Assist the assigned Contact Deputy / Team Leader by confirming ID of counsel, COURT workers, etc; if not known
- Be aware of any potential or identified weapon retention when dealing with personal effects
- All belts are removed. Visually inspect any large or unusual belt buckles.
- Once satisfied that the person has complied with your requests, instruct the person to pass through for a secondary inspection.

SECONDARY DEPUTY'S RESPONSIBILITIES

Equipment used: Gloves and s.15 hand-held Scanner

- Observe body language and visual inspection of person(s) entering the Courthouse
- Maintain visual contact of individuals while they are waiting for initial inspection
- Be aware of your surroundings (i.e. back, front, side etc.)
- Once you have identified that the person has completed the initial inspection give verbal direction for them to proceed directly in front of you (*ALWAYS MAINTAIN A SAFE DISTANCE*)
- Ask person to extend their arms forming a "T"
- With person facing you search upper torso from head to waist line. Once satisfied that there are no other items on this person proceed to the next step
- Provide instruction for person to turn around and maintain the "T" formation
- With person facing away from you start search of upper back torso area continuing down to the ankle area. Remember to check front of legs
- Once satisfied with secondary inspection, instruct person to retrieve their items that have been permitted into the Courthouse. They are deemed free to proceed into the court facility.

FINDING OF ITEM(S) AT SECONDARY INSPECTION

Upon finding item(s) on the secondary inspection you should:

- s.15
-
-
-
-

- s.15
-
-
- s.15
-

SEARCHING MALES AND FEMALES

All persons regardless of gender are to be treated the same and searched with the same degree of thoroughness. A more thorough search may be required if the searching Deputy Sheriff has reasonable grounds to believe the person being searched has an object that may be used as a weapon, or other contraband that may be disruptive to court proceedings or safety of the public. In this case, a more thorough search should be conducted in a private place, in the presence of another staff member (preferably supervisor), or a deputy of the same gender as the person being searched. The person must be given the option to go through a more intensive search, or vacate the court facility.

For a search to be valid it must be:

The search must be authorized by law: Be authorized by a specific statutory or common law rule, be carried out in accordance with the procedural and substantive requirement of the law, and not exceed the scope as to area and objects of search under law.

Conducted in a Reasonable Manner: Behavior of the officer during the search, and the manner of the search in maintaining objectives.

SEARCHING ITEMS

SEARCHING LARGE BAGS AND BOXES

When searching large bags always:

- s.15
-
-
-
-
-

BACKPACKS, PURSES & FANNY-PACKS

- s.15

- s.15
-
-
-
-
-
-

WALLETS

s.15

BRIEFCASES

- s.15
-
-
-
-

s.15

REMEMBER: IF IT'S TOO OBVIOUS A PLACE TO LOOK, LOOK ANYWAYS.

ELECTRONIC DEVICES BY MEMBERS OF THE PUBLIC, ACCREDITED REPORTERS

This policy sets out the permitted and prohibited use of electronic devices in courtrooms of the Court of Appeal, Supreme Court and Provincial of British Columbia.

Definitions

- a. In this policy, the following definitions apply:
 - i. "Accredited Media" means media personnel who are accredited pursuant to the Courts' Media Accreditation Policy.
 - ii. "Courtroom" means a room in which a hearing takes place before a judicial officer.
 - iii. "Electronic Device" means any device capable of transmitting and/or recording data or audio, including smartphones, cellular phones, computers, laptops, tablets, notebooks, personal digital assistants, or other similar devices;

- iv. “Judicial Officer” means a Justice or division of the Court of Appeal, Justice of the Supreme Court, Provincial Court Judge, Master, Judicial Justice, Judicial Case Manager, Registrar or Justice of the Peace.

Permitted Use of Electronic Devices in the Supreme Court and the Provincial Court

- e. In courtrooms of the Supreme Court and of the Provincial Court
 - i. accredited media; and
 - ii. lawyers who are members of the Law Society of British Columbia,

May use electronic devices to transmit and receive text in a discreet manner that does not interfere with the proceedings.

- l. As provided for in the Undertaking signed by accredited media, the Media Accreditation Card, issued centrally for the province by the Robson Square Sheriff office, is to be displayed whenever accredited media are using an electronic device or audio recording in a courtroom.
- m. The approved card has two holograms, one of each side of the card. If any card other than the approved card is displayed when using an electronic device, the media official should be challenged.

NOTE: If required, contact the Court Sergeant Supervisor for any further clarification.

GENERAL ARREST PROCEDURES AND WEAPON SEIZURES

PERSONS REFUSING TO BE SEARCHED

Section 6.1(4) and 6.1(5) of the Sheriff Act outlines the process when a member of the public refuses to be searched. Staff should use common sense and good judgment at the search gate. If the member of the public refuses to be searched, he/she should be asked to vacate or be escorted out of the facility. If in the process of the search and contraband or prohibited/restricted weapons are found, then follow the procedures outlined in the relevant sections.

UNCOOPERATIVE/INTOXICATED SUBJECTS

When dealing with uncooperative/intoxicated subjects you should:

PERSON NOT REQUIRED IN COURT:

- Find out if the person has any business in Court, (i.e. court appearance, interview with counsel, waiving of charges, paying a fine, or having their matter called ahead).
- Find out his/her last name and cross-reference with the Daily Court list.
- If the person does not have court, ask him/her politely to leave building. (Remember that the courthouse is open to all members of the public.)
- If they refuse contact your supervisor, (Court Sergeant supervisor) for assistance.

REMEMBER: As a Peace Officer, you have the legal authority to arrest or remove any person from the courthouse, if you have reasonable grounds to believe that this person may jeopardize the safety of the public or staff.

Section 6.1(4)(d)i, ii of the Sheriff Act states: A sheriff may refuse a person entry to, or evict a person from, a court facility if the sheriff has reason to believe that the person is a threat to the safety of the court facility or to the health or safety of any of its occupants, or disrupting court proceedings.

PERSON REQUIRED FOR COURT:

- Find out where this person is required to appear.
- Have their counsel paged. If counsel shows up have counsel escort their client.
- If required, contact your supervisor, (Court Sheriff Supervisor), for assistance.
- Have the person escorted while in the building in order to deal with their matter as expeditiously as possible. (Two Deputies may be required depending on the level of security or potential risk to other court participants.)
- If he/she is required in a specific courtroom have him/her escorted to the location. Advise Crown of the situation, and have them call the file ahead.
- Once his/her matter has been dealt with, have them escorted out of the building. Continue monitoring the person until they are away from the vicinity of the courthouse and grounds.

PEOPLE ARRESTED FOR PROHIBITED / RESTRICTED WEAPONS

ITEM SEIZED BUT PERSON NOT TAKEN INTO CUSTODY:

In the case of an item being seized, (a prohibited / restricted weapon); the individual in possession of the item should be identified, and checked for warrants on Justin.

A Sheriff Supervisor will determine if charges will be recommended to the police. If released without charge you should have the item seized and placed into a clear plastic bag with the person's name and DOB. The Deputy will then complete an IRIS (Occurrence Report).

(The IRIS should contain a photocopy or picture of the item, the name and the information of the person the item was seized from and a short narrative.)

The Sheriff Supervisor will place the item in the secure Sheriffs storage safe located in the armoury. The item will then be stored and kept until required for disposal / destruction.

ITEM SEIZED WITH PERSON TAKEN INTO CUSTODY

In the case of an item seized, (a prohibited / restricted weapon); the individual in possession of the item should be arrested, identified, chartered, warned, and checked for warrants on Justin. The Court Sheriff supervisor will also determine if the person should be released or transferred into the custody of the APD.

The Deputy Sheriff seizing the item is to place the item into a clear plastic bag with the person's name and DOB. The Deputy will then complete an IRIS (Incident Report). (The IRIS should contain a photocopy

or picture of the item, the name and the information of the person the item was seized from and a narrative.)

The Sheriff supervisor will take custody of the item and report. (If the supervisor is not immediately available, the Deputy Sheriff seizing the item is to secure the item in the storage safe located in the Sheriff's Armoury.) The deputy is to inform the supervisor as soon as he or she is available, or until turning the item over to an attending APD member as directed by the Sheriff supervisor.

The Sheriff Supervisor or the Deputy directed by the supervisor will ensure that a photocopy or photo of the item is attached to the Sheriff IRIS, (Incident Report).

A copy of the Sheriff IRIS, (Incident Report) as well as the item should be turned over to the attending APD member(s). The Sheriff Supervisor or Deputy assigned shall ensure they receive the names and the PIN numbers of the attending police members as well as the APD case file number. All of this information will then be added to the Sheriff IRIS, (Incident Report).

NOTE: MAINTAIN CONTINUITY OF THE EVIDENCE OR SEIZED ITEMS AT ALL TIMES

ARRESTING FOR NARCOTICS

UPDATED FEB 06 2023 – SEE **(JAN 31, 2023 - JAN 31, 2026)- DRUG DECRIMINALIZATION 56(1) / INTERIM POLICY**

~~An adjustment to the current procedures consists of tracking local drugs and weapons seizures on the designated SHS Log sheets. All substances identified by the Controlled Drugs and Substances Act and the Food and Drugs Act as illegal must be given to the local police for destruction. Regardless of the quantity of illegal substance/drugs, sheriff offices must call the local police agency to arrange for police to pick up the illegal substance/drugs, or the sheriffs must drop off the illegal substance/drugs at the police station, within two business days.~~

~~SMALL AMOUNTS OF DRUGS~~

~~In the case of small amounts of drugs being seized, the individual on whom the drugs are found should be identified, arrested, chartered 10(a) and 10(b) and warned. The Court Sheriff supervisor will determine if drugs are of a small amount that only warrants destruction of the drugs. If so, release the person without charge and;~~

~~The Deputy seizing drugs is to seal the drugs in a clear and doubled plastic bag and complete a Sheriffs IRIS (Occurrence Report). (The IRIS is to contain the type and the amount seized, the name and the information of the person seized from, and a short narrative.)~~

~~The Court Sheriff supervisor will take custody of the drugs and report. (If the supervisor is not immediately available the Deputy seizing the drugs is to secure them in the Armoury safe located in the Sheriffs office. The Deputy is then to inform the supervisor as soon as he or she is available. **(THIS MUST BE DONE THE SAME DAY)**. Refer to the Local Policy for APD with the destruction of drugs.~~

LARGE AMOUNTS OF DRUGS

In the case of large amounts of drugs being seized, the individual on whom the drugs are found should be identified, arrested, chartered 10(a) and 10(b) and warned. The Court Sheriff supervisor should be present during any arrests or detention. The Sheriff supervisor will determine if the drugs are of sufficient amount that APD should be called in order to attend. The Sheriff supervisor will also determine if the person should be released without charge or transferred to the custody of the Abbotsford Police for any recommended charges.

The Deputy seizing the drugs is to seal the drugs in a clear and doubled plastic bag and complete a Sheriffs IRIS (Incident Report). (The IRIS is to contain the type, and the amount of the drug seized, the name and information of the person seized from (if known), and a narrative.)

The Court Sheriff supervisor will take custody of the drugs and report. (If the supervisor is not immediately available, the Deputy seizing the drugs is to secure them in the Armoury safe located in the Sheriff's office. The Deputy is then to inform the Sheriff supervisor as soon as he or she is available, or until turning the item over to attending APD member(s) as directed by the Sheriff supervisor.

The Deputy may be required to maintain possession until the drugs are transferred to the attending Abbotsford Police members.

The Court Sheriff supervisor or Deputy directed by the supervisor will ensure that the drugs and a photocopy of the Sheriffs IRIS Report are provided to the attending APD member(s).

The Court Sheriff supervisor or Deputy shall ensure they receive the names and the PIN numbers of the attending police members as well as the APD case file number. All of this information will then be added to the Sheriff IRIS, (Incident Report).

(JAN 31, 2023 - JAN 31, 2026)- DRUG DECRIMINALIZATION 56(1) / INTERIM POLICY

SUMMARY OVERVIEW:

Health Canada has granted B.C. an exemption from the *Controlled Drugs and Substances Act* to decriminalize the possession of some illicit drugs for personal use between January 31, 2023 and January 31, 2026. Under this time-limited exemption, adults (18 years and older) in B.C. will not be arrested or charged for possessing small amounts of certain illegal drugs for personal use.

ILLEGAL DRUG EXEMPTIONS:

The total amount of illegal drug(s) must be equal to or less than 2.5 grams. The illegal drugs covered by the exemption are:

- Opioids (such as heroin, morphine, and fentanyl)
- Crack and powder cocaine
- Methamphetamine (meth)
- MDMA (ecstasy)

Adults found in personal possession of any combination of these illegal drugs that adds up to a combined total of 2.5 grams or less will not be subject to criminal charges and the drugs will not be seized.

It is important that staff follow Universal Safety Precautions and PPE when conducting searches on individuals and their possessions.

NOTE: Officer Safety is the number one priority.

Weigh-scales, sealable effects bags, and high-visibility warning labels are to be used in each case and placed in each location. NARCAN is on site for each section.

Packages of suspected illegal drugs are never to be opened by a sheriff.

The sheriff will weigh drugs contained with the unopened packaging to obtain an estimated weight.

If the combined weight is UNDER s.15

Search Gate Sheriffs:

Place sealed packaged drugs in bin with belongings and return to the Court participant after the Search Gate screening is completed. The court participant will be informed to keep the substance secured in their belongs for the duration of their time in the court facility. They are also to be informed that if the suspected drugs are visible at any time while inside the building, they may be arrested or evicted for building occupant health and safety. (Sheriff Act. Sec.6.1 {4.1})

If the combined weight is OVER s.15

NOTE: If weight is over s.15 (with unopened packaging included), Sheriffs with reasonable grounds will contact the on-duty Sergeant to attend to determine the drug seizure and any subsequent arrest.

Search Gate

Contact on-duty Sergeant to attend.

Once confirmed by Sheriff supervisor, the supervisor will oversee arrest of the individual with a Charter 10(a) and 10(b), Abbotsford Police will be contacted, and drug packages will be:

- Bagged, sealed and labelled clearly;
- Treated as an exhibit;
- Handled as little as possible;
- Logged into the local Drug Seizure & Disposal Log;
- Turned over to the Inspector (or designate) as soon as possible;
- The Inspector (or designate) will store the drugs in a armoury safe or secure storage receptacle until the police arrive. (Chain of custody of the suspected drugs must be noted on the SHS 003. Photocopy of SHS 003 must be kept with the drugs).
- The Inspector (or designate) will complete Health Canada Seizure and Disposition Form.

NOTE: In instances where police indicate they will not proceed with charges or attend the courthouse to process the seizure, Sheriffs must obtain either:

Confirmation from the police in writing before the accused is released from Sheriff custody; or

Police file # and name of officer that authorized the no charge and confirmed that the accused can be released from Sheriff custody. The confirmation of no charge received from the police must be noted on/stapled to the prisoner's SHS 003.

PROCEDURES FOR "BREACH OF PEACE" ARRESTS

When arresting for a Breach of the Peace or an Apprehended Breach of the Peace, there must be reasonable grounds that if the Deputy does not intervene, personal injury or damage to property will result.

Breach of Peace – Found Committing: Any person causing a disturbance in a public place or is found committing an act which may result in actual or threatened harm to someone or where a threat against a person's personal property occurs or where violence may occur when a person attempts to damage property, constitutes committing a breach of the peace.

Apprehended Breach of the Peace – Not witnessed but believes on reasonable grounds: The apprehended disturbance or threat must be serious enough to cause a reasonable belief that, if the deputy does not intervene, a more serious problem will result involving personal injury or damage to property. The apprehended breach of the peace must be imminent and the risk that the breach will occur must be substantial.

Any emotional or verbal expressions of disagreement with Sheriff Deputies does not constitute a "Breach of the Peace," if such behavior does not otherwise create a risk of personal injury or damage to property.

When a "Breach of Peace" arrest is made, the Deputy will advise the Court Sheriff Supervisor immediately prior to or after the arrest has taken place.

The Court Sheriff supervisor will inform the Court Staff Sergeant and the Sheriff Jail supervisor of the arrest and the circumstances.

If there is an existing warrant on file, the Sheriff Jail records staff will make the appropriate arrangements to obtain a copy of the warrant and process the person as outlined in local "booking in cells" procedures.

The Jail Supervisor in communication with the Jail Staff Sergeant will determine the length of time the arrested person is held based on the totality of circumstances and any pending charges.

The arresting Deputy will submit a Sheriff IRIS, (Incident Report), prior to the completion of their shift.

SHERIFF POLICY MANUAL REFERENCES

6.3.5 MARIJUANA

- a. Individuals may apply to the Minister of Health under the MARIJUANA MEDICAL ACCESS REGULATIONS (MMAR) or section 56, CONTROLLED DRUGS AND SUBSTANCES ACT (CDSA) to obtain authorization to possess marijuana and/or a licence to produce it where there is a medical need. Individuals granted authorization may also designate another person that may be licensed to produce marijuana on their behalf.
- b. Every individual granted authorization will be given a pink colored letter, (the photo ID card is being eliminated) and indicates the licence number, name, date of birth, gender, address, licence validity period, and quantities authorized to possess, store or cultivate.
- c. The MMAR requires that the pink letter or photo ID card be produced on demand to an authorized peace officer. Lost or stolen cards must be reported to police within 24 hours of the holder being aware of the loss/theft.
- d. A letter or photo ID card can be verified by contacting Health Canada, Office of Cannabis Medical Access at pager 613-593-3756. You will receive a response within the hour, pending service demand, level and other business requirements.
- e. Make every possible effort to contact Health Canada during business hours 0800 hrs. to 1700 hrs., EST, Monday to Friday, to conduct MMAR enquiries. The Health Canada representative will ask questions to ensure your identity and to assess the urgency of the response.
- f. When confronted with an individual in the courthouse who is in possession of marijuana and produces a letter or photo ID to possess, verify whether the letter or photo ID looks valid. Appendix C sets out the valid form of the ID. If photo ID does not seem to match the person in possession, request to see other ID.
- g. If the letter or photo ID appears to be valid, maintain custody of marijuana and allow person entry into the facility. Return marijuana, as it is medicine, upon departure of person from courthouse. Alternatively, person should also be given the choice to secure storage of the substance in their vehicle prior to re-entry into the courthouse.
- h. If the letter or photo ID does not look valid, ask for the card and make a call to the pager number set out in subsection d. above. **Do not arrest or detain the person at this stage.** Only detain or arrest if the Office of Cannabis Medical Access advises that the ID is not valid. If the ID is not valid, advise police, as necessary, as per local procedures as set out in section 6.3.4.
- i. Do not detain or arrest individuals who produce a letter or photo ID for the possession of medical marijuana until it is determined that the letter or ID is false. Detaining or arresting a person with valid letter or ID will expose the Province to liability.

- j. Although Health Canada advises authorized persons not to consume the drug in a public place, there are no such legislated restrictions with the exception of smoking bans in public facilities like courthouses.

6.3.1 SEIZURE OF WEAPONS

- a. Sheriffs must request the surrendering of all weapons and knives (including pocket knives) found on persons within the confines of the courthouse, despite the fact that the possession of most knives is not unlawful.
- b. Sheriffs are to be familiar with section 2 and 84 of the *Criminal Code* which defines offensive, prohibited and restricted weapons.
- c. All knives and weapons seized or surrendered by BCSS should be witnessed by a second deputy, and reported in a dialy occurrence IRIS report.
- d. Knives and weapons are to be turned over to the Sheriff, the Senior Deputy in charge, or the attending police officer, as appropriate, as soon as possible.
- e. All seized or surrendered weapons and knives and other lawful items which could be used as a weapon, not turned over to the police, should be held at the security screening area while the person is inside of the security area.
- f. Small items should be bagged while larger items must be tagged and all valuables and weapons must be kept safe.
- g. The sheriff must fill out the 'Personal Property Sign-In/Out Sheet' (SHS843) to provide accurate tracking of the property.
- h. To protect the organization from liability, offices must keep a written copy of the tracking sheet for one year.
- i. All items being held at the screening area must be stored in secure storage or containers and not accessible to the public.
- j. All non-prohibited items are to be returned to the owner upon departing the courthouse and signed out on the 'Personal Property Sign In/Out Sheet' (SHS843).
- k. A seized or surrendered weapon which requires a permit is not to be released unless a valid permit is presented. If a valid permit is not presented, the local police are to be informed.
- l. The following procedures apply with respect to the discovery and seizure of a prohibited weapon:
 - o all weapons identified by the *Criminal Code* as prohibited shall be seized and turned over to the police;
 - o all persons possessing a prohibited weapon shall be arrested, read their rights and given the official warning; (see 5.4)
 - o all seized weapons shall be treated as evidence exhibits from the moment of seizure. They shall be subject to minimal handling, and bagged and labelled;
 - o all seized firearms shall be immediately made safe; and
 - o all persons arrested for possession of prohibited weapons will be either released without charge, or transferred to the custody of the local police.
- m. Firearms in the possession of a Peace Officer or Armoured Car Guard required to attend the court, in the performance of their duties, are not subject to seizure.

6.3.2 MEMBERS OF THE PUBLIC WEARING SOFT BODY ARMOUR IN THE COURTHOUSE

- a. As of January 1, 2011, it is a ticketable offence by the police to be in the possession of body armour without a permit or otherwise being exempt pursuant to the *Body Armour Control Act*.
- b. Sheriffs do not have peace officer authority under the Act, as the term “peace officer” is very narrowly defined in the *Body Armour Control Act*.
- c. Individuals who are required to wear body armour due to the nature of their jobs are exempt from having to hold a permit. These positions include police officers, sheriffs, correctional officers, conservation officers, armoured car guards, security consultants and private investigators.
- d. Where a member of the public is found to be wearing body armour in the courthouse, the sheriff’s first concern should be security.
- e. s.15
- f. s.15 Sheriffs detaining or arresting a person for ticketing purposes may expose the Service to liability.
- g. s.15
- h. s.15 If the person has a valid reason to be in the courthouse, s.15
- i. If the person remains in the courthouse then the police may wish to attend and issue a ticket pursuant to the Act.
- j. The key point for sheriffs is that the person cannot be further detained after a search results in no weapons found.

6.3.3 ALCOHOL AND LIQUOR

- a. Court Services Branch policy prohibits the possession of alcohol or liquor in the Courthouse.
- b. The following procedures apply where a person at a Courthouse is found in possession of alcohol or liquor:
 - o if the possession is legal, the person shall be offered the choice of leaving the Courthouse or disposing of the alcohol or liquor; and
 - o a person found in legal possession of alcohol or liquor who chooses to neither leave the court nor dispose of the alcohol, and who is not required by law to attend Court, shall be escorted from the Courthouse;
- c. Alcohol or liquor is not to be seized unless:
 - o ordered to do so by a judge;

- there are reasonable and probable grounds to believe that the alcohol is unlawfully possessed, or possessed for an unlawful purpose; or otherwise in contravention of the *Liquor Control and Licensing Act*;
- a person is in legal possession of alcohol or liquor, is required to attend Court and will not voluntarily dispose of the alcohol or liquor; or
- depending on the circumstances, under the Sheriffs' common law jurisdiction, the seizure is necessary to keep the peace within the Courthouse.

12.4 SEARCH POLICY: MEMBERS OF THE PUBLIC

12.4.1 General

- a. A Deputy may request any member of the public entering or being in a courtroom to submit to a s.15 search providing the individual consents to the search.
- b. s.15
- c. s.15 Persons not leaving the building on their own accord will be escorted from the building.
- d. s.15 s.15 It may be necessary to inform Crown and/defence counsel of the matter. If the matter can not be resolved, the presiding judge may need to be advised if the persons court appearance is necessary. In such cases it may be necessary for a deputy sheriff to accompany the person while they are in the courthouse.
- e. s.15
- f. Searches are to be conducted within the following guidelines:
 - s.15
 - If a disagreement arises between Sheriff Services and the judiciary, the matter should immediately be referred to the next level of Sheriff Services management.
- g. The following persons are not normally to be searched:
 - s.15
- h. Where practical, a supervisor should be present during searches of the public.
- i. All members of the public are to be treated the same and searched with the same degree of thoroughness.

- j. Supervisors and search teams must be sensitive to the public perception of how they perform searches. All such searches are to be performed in a professional and respectful manner employing both diplomacy and tact.

Belongings

- k. All smaller items such as purses, handbags, umbrellas, etc., must be thoroughly searched. If necessary, hat pins, nail files, etc., should be held in a secure place until the conclusion of the trial or court appearance.
- l. The public should be advised against entering courtrooms while carrying large bags, back-packs, knapsacks, duffel bags, and similar items.
- m. Where such items are permitted in the courtrooms, they must be searched carefully.
- n. The Deputy may establish a ban on all such items from entering the courthouse or courtroom and, if necessary, require they be held in safe keeping at the courthouse entrance.
- o. Special search and storage procedures may be introduced in the event of group courthouse tours (e.g. Justice Education Society of BC school tours) with respect to school bags, brief cases, etc., carried by tour participants. This may involve storing all such items in a secured room or instructing the group, in advance, not to bring such items to the courthouse.
- p. If items (bags, weapons, personal items) are temporarily seized from members of the public (to allow them to go into the courthouse, courtroom or other controlled access point), the sheriff must fill out the 'Personal Property Sign-In/Out Sheet' (SHS843) to provide accurate tracking of the property.
- q. To protect the organization from liability, offices must keep a written copy of the tracking sheet for one year.

12.4.2 s.15 Requirements when Searching the Public

Magnetometer Search

- a. A magnetometer search of the body, clothing or personal belongings of members of the public is not subject to gender requirements.

Pat-frisk Search

- b. A pat-frisk search of a member of the public **must** be conducted^{s.15}
- c. The search must be conducted out of public sight in order to provide privacy to the individual.

Strip Search

- d. **A strip search of a non custody person is rarely, if ever, done by a Deputy.** Such a search may **ONLY** be conducted after consultation with a senior supervisor (Staff Sergeant) and with the **written** consent of the person or where the Court so orders.

12.5 Search Procedures and Techniques

12.5.1 General

- a. All searches are to be conducted in accordance with Branch policy and approved training.
- b. All Deputies involved in searches shall be provided with two kinds of protective gloves:
 - o latex gloves for protection against bodily fluids; and
 - o cut resistant gloves to protect against sharp edges. No glove is cut/puncture proof.
- c. s.15

12.5.2 Walk-through Magnetometer Search

- a. All staff using magnetometer equipment must be familiar with the proper operating guidelines.
- b. The following steps are to be taken when using a walk-through magnetometer in public areas:
 - o s.15
 - o test all equipment i.e. metal detector is operating properly and desired sensitivity levels are set and tested;
 - o record the test in a log book for future reference and liability protection;
 - o ensure all necessary supplies are available i.e. bags and tags are ready for items held at search area;
 - o have members of public remove all items from their pockets and place them in trays for hand inspection;
 - o inspect each item placed in the trays, including a search of all small items which may be used as containers (i.e. cigarette packages);
 - o upon completion of the hand inspection of items in the tray, direct the person to walk through the magnetometer;
 - o pass the tray to the Deputy on the other side of the magnetometer;
 - o if the person does not set off the alarm they may then retrieve the allowable hand inspected items; and
 - o if the alarm is activated the person is then searched with a handheld magnetometer.
- c. s.15

12.5.3 Handheld Magnetometer Search

- a. All staff using magnetometer equipment must be familiar with the proper operating guidelines.

- b. The following procedures are to be used when conducting a search with a handheld magnetometer (wand) in a public place:
- o test the wand prior to use;
 - o have the person stand, facing the searcher, with their persons arms held straight out from their sides;
 - o hold the wand at the top of person, within 2 - 3 inches of their body;
 - o search from head to toe, covering both sides of person and front area, including the chest, arms and legs;
 - o have the person turn around and face away from the searcher and repeat the same head to toe procedure to search the person's back area;
 - o anytime the wand sounds an alarm, the searcher must stop and visually identify what caused the alarm. Closely examine belt buckles and neck chains;
 - o and persons subject to further searches shall be afforded as much privacy as is practical.
- c. The procedures listed in b. should also be followed, where applicable, for searching prisoners, their clothing and effects.

12.4.3 Searching Items of Religious Significance (other than Kirpans)

- a. Searches of objects, clothing, or personal adornments having a particular religious significance must give due regard to the religious significance of the items and be conducted with due regard to the personal feelings of members of the public.
- b. s.15
s.15 The sheriff must provide a brief explanation that a search is required to ensure the object must be visually inspected to ensure it does not present a security risk. s.15
s.15
- c. Individuals who refuse to allow a search of religious objects, clothing, or personal adornments will be required to leave the courthouse.
- d. If a female self-identifies as Muslim and removal of the headdress for searching purposes is deemed necessary, the female must be provided with the option s.15
s.15 Where possible, a female sheriff will request the individual to remove the headdress for examination.
- e. Further searches should be done s.15
- f. s.15
s.15 the immediate supervisor must be notified, if not already present.
- g. Determine the purpose of attendance at court and confirm their attendance in Court is required.
- h. Deputies are to be sensitive to the cultural importance of items of religious significance, however, any item which can be used as a weapon, or which constitutes a security risk, should be seized and held. For Kirpan policy see section 12.4.4.

12.4.4 SEARCH POLICY: KIRPANS (EFFECTIVE APRIL 12, 2013)

Practicing members of the Sikh faith will be allowed to wear Kirpans in public areas of courthouses, subject to the policy, procedures and assessment of potential security issues as set out in this section 12.4.4.

General

- a. Any person who enters a courthouse in British Columbia wearing a Kirpan must self-identify as a Khalsa (Amritdhari) Sikh and inform the Sheriffs that they are carrying a Kirpan. Only Khalsa Sikh individuals shall be permitted entry into a courthouse with a Kirpan providing they meet the requirements of this policy.
- b. s.15
- c. Any person who identifies themselves as a Khalsa Sikh may be requested to produce Government issued photo ID as part of the assessment of potential security issues.
- d. s.15
- e. The Kirpan must be worn in keeping with the Sikh tradition including being secured in a sheath and secured into a fabric belt and worn across the torso. It shall remain so throughout the courthouse attendance, such that the Kirpan is not readily removable.
- f. The Kirpan must be worn under clothing and not be easily accessible and remain so throughout the courthouse attendance.

Assessment of potential security issues

The assessment will be from a general risk-based perspective and may include but is not limited to the following:

s.15

Procedures

1. If a person requests entry into a courthouse wearing a Kirpan, the sheriff will request a supervisor to attend. If a supervisor cannot respond within a reasonable time (5 minutes), the sheriff shall act according to this policy. The supervisor's attendance is to ensure that the policy is followed with minimum inconvenience to the person carrying the Kirpan.

2. s.15

s.15

After undergoing any security screening that is in place for all other members of the general public at the courthouse, if applicable, they will be shown to a private area for an assessment of potential security issues. s.15

s.15

3. s.15

s.15

the person will be asked the purpose of their visit and the nature of their business in the courthouse for the purposes of conducting an assessment of potential security issues. It may be necessary to request current and valid, government issued, photo identification for the purposes of the assessment of potential security issues.

4. Information will be passed on to the PIO or other Sheriff who can confirm the person's business in the courthouse and in consultation with the supervisor, make a determination if there are any risk factors that would indicate the person should not be permitted entry with a Kirpan. The assessment of potential security issues must be completed within a reasonable time so as not to unnecessarily inconvenience the individual wearing the Kirpan.

5. s.15

s.15 This procedure does not in any way affect the privilege of the judiciary to decide who and what will be allowed into the courtroom.

6. s.15

s.15

the person will be given the option of either leaving and returning without the Kirpan, or voluntarily surrendering the Kirpan to the sheriffs to be picked up upon exiting the courthouse. If the Kirpan is voluntarily surrendered, the person's name and contact information shall be taken and recorded so that the Kirpan may be returned to the rightful owner or contact information is readily available if they forget to collect it.

s.15

The person should be allowed to secure the Kirpan in a sealed envelope and the envelope should be secured in a safe place. Generally, any refusal of entry or rescission of privilege will pertain to the item and not the person and will be communicated to the person in a discreet and courteous manner;

7. s.15

assessment of potential security issues concludes that the kirpan cannot be accommodated, and the person refuses to surrender the Kirpan, s.15

8. A Supervisor will be consulted in respect of any decision to refuse entry and will document the reasons for any refusal decision;

9. In addition, the sheriff will document any person who has been admitted into the facility with a Kirpan.

10. In any custodial areas, there will be an absolute ban on edged items, including Kirpans.

s.15

2.12.2 LAYING CHARGES

- a. If necessary, the Sheriff or Deputy should arrest and detain the offending person for the purposes of establishing and confirming the offender's identify.
- b. The person would then be released.
- c. Proper arrest procedures and warnings must be completed (see [Section 5](#)).
- d. If it is agreed that a complaint is warranted, the Sheriff should file the complaint with the local police.
- e. The appropriate section of the *Criminal Code* under which to proceed should be determined in consultation with the police and may include these types of offences:
 - o resisting or obstructing a peace officer;
 - o causing a disturbance, indecent exhibition, or loitering;
 - o uttering threats;
 - o assault;
 - o assault with a weapon or causing bodily harm;
 - o aggravated assault;
 - o assaulting a peace officer; or
 - o mischief.
- f. Based on the information provided to the police, Crown Counsel will determine whether the complaint will be pursued.
- g. Sheriffs must intervene forthwith in any event which threatens the physical safety of staff or others, or other serious events. Therefore, if a person assaults a Deputy, staff member, or other person, the offender is to be arrested and detained pending the arrival of the Police. In such cases the immediacy of the action may not allow for consultation between the Sheriff and the Manager, Court Services.
- h. If required, legal advice may be sought from ministerial sources.
- i. In all cases where a Sheriff or Deputy in charge lays a complaint, a *Sheriff Services Incident Report* must be submitted.
- j. See [Section 4.9](#) for information concerning charging resisters and assailants.

5 ARRESTS AND WARRANTS

5.1 Court arrests

- a. The gaol is to be immediately notified of the court arrest.
- b. Before the offender enters secure stairwell, they must first be handcuffed behind the back and a cursory search completed.
- c. Whenever possible, a gaol Deputy will attend to the top of the secure stairwell at the rear of the courtroom, to assist in the search of the offender.
- d. Once the Deputy is satisfied that the offender has no contraband on their person, the gaol Deputy will assume control of the offender and escort them down the secure stairwell to the cell block.
- e. Should the offender have a disability or injury that would impair the safe negotiation of the secure stairwell, s.15
- f. If the court arrests disability or injury is significant enough that they cannot negotiate the secure stairwell safely, extra staff will attend and the court arrest s.15
- g. The offender will be subject to a complete and thorough search, booked in and placed in an appropriate cell.

5.2 Registry arrests

- a. Determine the name of the offender / aliases if applicable.
- b. Check warrant for all pertinent information.
- c. Handcuff the offender behind their back.
- d. Notify control of the registry arrest.
- e. s.15
- f. s.15 and remove any contraband / weapons from the offender.
- g. Once satisfied that the offender does not have any contraband / weapons on their person, turn the offender over to the gaol Deputy.
- h. The offender will be subject to a complete and thorough search, booked in and placed in an appropriate cell.

custody accused and in-custody accused will be searched each time he / she enters the prisoner docket.

- d. If the Judge does not agree to the non-custody being searched, the in-custody offender will be searched. This will be done each time the offenders have direct contact and will include a metal detector search.
- e. A skin search may be required of the in-custody accused. The Gaol Sergeant will authorize the skin search depending on the circumstances.

6.4 Courtroom searches

- a. The Deputy assigned to search courts will ensure the following is completed:
s.15

6.5 Searching persons with needles / sharps

- a. All court arrests will be handcuffed behind the back.
- b. The person will be asked:
 - 1. "Do you have any needles, sharps, knives or edged weapons on you?"
 - 2. "Where are they located?"
 - 3. "Are they capped?"
- c. Cells will be notified via radio "Court arrest with sharps".
- d. Gaol Sergeant will assemble a team to deal with the search in a secure cell.
 - 1. Under no circumstances will the needles be removed without adequate staff.
 - 2. Handcuffs will remain on during the entire search; until staff is satisfied all needles and sharps are removed and secured.
 - 3. The searching deputies will remove all clothing.
 - 4. Ask the prisoner the last time he/she had a "hit", and if they experience seizures after coming down.
 - 5. The first aid attendant will be made aware if this person has the potential of having a seizure.
- e. In the case of accidental exposure:
 - 1. The deputy will immediately notify the Sergeant.
 - 2. First aid will be rendered immediately.
 - 3. If it is a needle poke, the needle will be secured in a sharps container and transported to the hospital with the Deputy.
 - 4. Staff will be transported to:
Chilliwack General Hospital Emergency
45600 Menholm Street

- d. Cell phone usage in the Cell Block, including the Control Room is not permitted while on duty.
- e. Staff can access their cell phones on their breaks and lunch in the sheriff's office or lunch room.

9.21 Search of escort prisoners

- a. All in-custodies will be searched before they are placed in their assigned cell
- b. Local RCMP in-custodies that are picked up by Chilliwack deputies will also be searched upon arrival to Chilliwack Law Courts and prior to being placed in their assigned cell.

9.22 When a new in-custody has a knife in their possession the deputy that completes the SHS 003 will ensure:

- a. The knife is taped closed and placed in a clear money bag.
- b. The money bag will be clearly labeled with
 - 1. Name of the in-custody
 - 2. Contents of the bag indicating 'KNIFE'
- c. The money bag containing the knife will be turned over to the gaol Sergeant.
- d. The gaol Sergeant will store the knife in the gaol safe.
- e. If the knife is a non-folding type, the knife blade will be taped.
- f. The word 'KNIFE' will be recorded on the in-custody's SHS 003 in a prominent reasonable manner that is easily identifiable by other deputies.

Upon release:

- g. The gaol Sergeant will ensure that there are no orders prohibiting the possession of a knife prior to release.
 - 1. If there are orders prohibiting the possession of a knife, the gaol Sergeant will seize the knife and attach a copy of the order to the bag containing the knife.
 - 2. The gaol Sergeant will note on the bag:
 - i. Their badge number
 - ii. Date the knife is being seized
 - 3. The gaol Sergeant of will turn over the item to the PIO or Inspector.
- h. If there are no orders prohibiting the possession of the knife, the releasing deputy will maintain possession of the knife until the release of the in-custody.
- i. The releasing deputy will return the knife once the in-custody has cleared the cell area s.15

RE: Request for Searching Policy

From: Dhillon, Paul AG:EX <Paul.Dhillon@gov.bc.ca>
To: Schmidt, Kevin AG:EX <Kevin.Schmidt@gov.bc.ca>
Sent: May 2, 2023 9:14:16 AM PDT
Attachments: image001.png

Sorry Kevin here it is, mirrors SPM.

Local Policy

6.2.11 POLICY FOR SEARCHING

See Sheriff Policy Manual Section 9.3.3

6.2.12 SKIN SEARCH

See Sheriff Policy Manual Section 12.1.3

Also reference Appendix 11 of this manual for clothing removal from prisoner.

APPENDIX 11: LOCAL POLICY **PRISONER SEARCHES AND CLOTHING SEARCHES**

All Staff,

In compliance with SPM **9.3.3 Prisoner Searches and Clothing**

Searches:

Bras

- d. As per Regina vs Golden, the removal or inspection of a prisoner's undergarments constitutes a strip search. s.15

s.15 If removal of the undergarment is deemed required, the sheriff must document the grounds for the search, supervisor's approval, and the manner in which the search was conducted in their notebook.

s.15

If this type of search is required there must be a minimum 2 (same gender) deputies present, the Jail Sergeant must be notified immediately and has approved of this type of search. The Sergeant will provide notification to either the S/SGT or Inspector.

If an article of clothing is removed and seized, please ensure that it is placed in the inmate's effects bag and inform the A@D staff to update the booking sheet and SH003.

For safety reasons, the practice of using scissors or other sharp instruments to cut strings from the waistbands of in custodies while the clothing is being worn will cease effective immediately.

In a situation where an in custody has a string or elastic waistband where there are concerns that these items could be used as a weapon or used for self-harm, the following best practice is to be followed: Isolate the in custody to a single cell, where privacy can be maintained. Ask the in custody to remove that piece of clothing and provide them with 2 options:

OPTION 1 – once gaining their consent to remove the string, attempt to pull the string or elastic from the clothing. If that does not work and away from any prisoners, use scissors to cut the item from the article of clothing and return the clothing to the in custody.

OPTION 2 – If the in custody does not provide consent to remove the string or elastic, place the article of clothing in with the prisoner's effects bag, update the Prisoner Effects Form and provide them with a paper suit.

Safety security and privacy is imperative to all involved.

Paul Dhillon

From: Schmidt, Kevin AG:EX <Kevin.Schmidt@gov.bc.ca>
Sent: Tuesday, May 2, 2023 9:11 AM
To: Dhillon, Paul AG:EX <Paul.Dhillon@gov.bc.ca>
Subject: FW: Request for Searching Policy
Importance: High

Paul,

And info on this?

Kevin Schmidt

From: Schmidt, Kevin AG:EX
Sent: Monday, May 1, 2023 8:58 AM
To: Dhillon, Paul AG:EX <Paul.Dhillon@gov.bc.ca>; Catton, Richard AG:EX <Richard.Catton@gov.bc.ca>; Jeannotte, Shaun AG:EX <Shaun.Jeannotte@gov.bc.ca>; Goodlad, James AG:EX <James.Goodlad@gov.bc.ca>; Gingrich, Kenneth F AG:EX <Kenneth.Gingrich@gov.bc.ca>; Kay, Leo J AG:EX <Leo.Kay@gov.bc.ca>; Piercy, Colleen AG:EX <Colleen.Piercy@gov.bc.ca>; Goessman, Kurt AG:EX <Kurt.Goessman@gov.bc.ca>
Cc: Jervis, Steve AG:EX <Steve.Jervis@gov.bc.ca>; Shirley, Garfield AG:EX <Garfield.Shirley@gov.bc.ca>; Brar, Jas AG:EX <Jas.Brar@gov.bc.ca>; Breitreutz, Shane A AG:EX <Shane.Breitreutz@gov.bc.ca>
Subject: Request for Searching Policy
Importance: High

Good morning.

Can you please provide me with the following information for your location:

"Your Courthouse Sheriff searching policies and procedures". This will be local policy for both in-custody and out of custody persons.

Required for the following offices – 800 Smithe and Main St. Courthouses; Kamloops; Kelowna; Abbotsford; Chilliwack; Victoria; Vernon; Penticton.

Apologies for the short turn around, but can you please send me this information by **10am on Tuesday, May 2, 2023.**

If you have any questions, please give me a call.

Thank you,



Kevin Schmidt

A/Superintendent, Provincial Programs
Office of the Chief Sheriff
401-800 Hornby Street
Vancouver, BC V6Z 2C5
Ph: 604-795-8439
Cell: 604-316-9802

-
-
CONFIDENTIALITY NOTICE: This email message, including any attachments, is confidential and may be privileged. All rights to privilege are expressly claimed and not waived. Any use, dissemination, distribution, copying or disclosure of this message and any attachments, in whole or in part, by anyone other than the intended recipient is strictly prohibited. If you received this message in error please notify the sender immediately. Thank you.



Kevin Schmidt

A/Superintendent, Provincial Programs
Office of the Chief Sheriff
401-800 Hornby Street
Vancouver, BC V6Z 2C5
Ph: 604-795-8439
Cell: 604-316-9802