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CANADIAN EMERGENCY MANAGEMENT AND RESPONSE MANUAL

A Guide to the Law and Practice

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Release No. 2, June 2022

Publisher's Special Release Note 2021

The pages in this work were reissued in June 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the June 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

This publication is a practical guide to the law of emergency planning, management and response in Canada. Covering each Canadian jurisdiction in detail, this text draws together discussion of the vast and varied array of legislative provisions that apply in different emergency situations, analyses the specific regimes that apply to particular professions (e.g. firefighters, police, emergency medical personnel), and offers general guidelines for institutions and employers on developing an effective and compliant emergency preparedness policy.

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This release features new additions to Appendix S Statutes—Federal: Appendix S1.20 to S1.80 and updates to British Columbia and Ontario legislation. Additionally, five memos in the Issues in Focus tab have been updated: “What are the elements of the tort of false arrest and/or false imprisonment?”, “What is the range of damages available for the tort of false imprisonment?”, “Can police officers be sued for the tort of negligent investigation by a victim who was subsequently assaulted by an offender who had mistakenly been released from custody?”, “What is the range of general damage awards for civil battery and/or assault by the police?” and “What is the quantum of damages for gunshot injuries sustained by a plaintiff in a police or other shooting?”.

Highlights

Issues in Focus — Can police officers be sued for the tort of negligent investigation by a victim who was subsequently assaulted by an offender who had mistakenly been released from custody?

— In certain circumstances, police officers may be sued for damages for negligence committed by them in the course of their duties. Under Canadian law, police officers owe a duty of care in negligence to suspects under investigation. Officers’ conduct during an investigation is to be measured against the standard of how a reasonable police officer would act in similar circumstances. However, this standard should be applied in a manner that gives due recognition to the discretion inherent in police investigations. While the police owe a duty of care to a particular suspect under investigation and to warn a narrow and distinct group of potential victims of a specific threat, the case law has generally rejected the proposition that the police owe victims of crime and their families a private law duty of care in relation to the investigation of alleged crimes.

Issues in Focus — What is the range of damages available for the tort of false imprisonment? — An analysis of damages in cases involving false imprisonment is highly fact driven. The elements to be considered in assessing general damages appear to include the following: (a) loss of liberty; (b) injury to feelings, namely the indignity, humiliation and mental suffering; (c) loss of reputation; and (d) pecuniary loss, such as loss of employment or business.

Issues in Focus — What is the range of general damage awards for civil battery and/or assault by the police? — Police battery and assault have yielded general damage awards in the range of \$1,000 to \$30,000. All cases discussed in this memorandum decided prior to 2021 have been increased for inflation to 2021 dollars using the Bank of Canada’s inflation calculator.

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
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- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
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