



OD95 Police Stops and Street Checks

DEFINITIONS

1. **“BCPPS”** means the British Columbia Provincial Policing Standards.

“Department” means the Port Moody Police Department.

“Identity Factors” include, but are not limited to, the following characteristics of an individual or an individual’s identification as, or expression of, such characteristics:

- economic status;
- social status;
- race;
- colour;
- ancestry;
- place of origin;
- religion;
- marital status;
- family status;
- physical disability;
- mental disability;
- sex;
- sexual orientation;
- gender; or
- age.

“Member” means a municipal constable of the Port Moody Police Department.

“Police Stop” means any interaction between a police officer and a person that is more than a casual conversation and which impedes the person’s movement and may include a request or demand for identifying information depending on the circumstances.



“Psychological Detention” means a circumstance where, in the absence of a direction or demand from a police officer, a person reasonably believes that they are not free to leave.

“Street Check” means a voluntary interaction between a police officer and a person, unrelated to an investigation or call for service, that is more than a casual conversation and which impedes the person’s movement and may include a request for identifying information depending on the circumstances. A Street Check does not include circumstances where, when initiated, there is lawful authority for police to detain or arrest the person.

PURPOSE OF POLICY

2. This policy is required by BCPPS 6.2.1 – Police Stops.
3. To promote consistency in police practices throughout the province and compliance with case law and the *Canadian Charter of Rights and Freedoms*.
4. To ensure policing and law enforcement services in BC are delivered in a manner that respects rights and is free of discrimination.
5. To ensure policing and law enforcement services from the Department continue to be delivered in a manner that respects rights and is free of discrimination.

POLICY

6. Members are responsible for ensuring that their interactions with all individuals are consistent with the *Canadian Charter of Rights and Freedoms* and the values reflected therein, including, without discrimination, the right to:
 - (a) be free from arbitrary arrest and detention;
 - (b) move freely in society subject only to reasonable restrictions imposed by law; and
 - (c) equal protection and benefit of the law.



SCOPE

7. In British Columbia and across Canada there has been attention on police-initiated interactions with the public, often described as Street Checks. Improvements to the procedures of Street Checks are part of broader efforts by the BC Police Services Division to promote unbiased policing. One of those efforts is the issuance of a BCPPS on Police Stops, which includes Street Checks. The procedures regarding Street Checks, contained herein, provide direction to members that is compliant with the BCPPS on Police Stops.

PROCEDURE

Safeguard of Individual Rights During Police Interactions

8. All Members must ensure that any detention of an individual, whether physical, psychological, or by command is authorized by law.
9. An individual may experience a Psychological Detention during interactions initiated by the police whereby they feel compelled to participate or cooperate. All Members shall take reasonable steps to ensure an individual understands when their participation and cooperation in an interaction with police is voluntary, including:
 - (a) initiating the interaction by a request;
 - (b) informing the individual of the reason for the interaction; or
 - (c) informing the individual that their participation in the interaction is voluntary and that they may proceed at any time.
10. In fulfilling the obligation of Section 9 above, Members should be mindful that additional steps may be required to ensure an individual does not feel compelled to cooperate when the person stopped is:
 - (a) vulnerable;
 - (b) relies on public space to live;



- (c) Indigenous; or
- (d) racialized.

Decision to Initiate a Street Check or Police Stop

- 11. A Member shall not initiate a Street Check based solely on Identity Factors.
- 12. A Member shall not decide to initiate a Police Stop based solely on an individual sharing an Identity Factor with a person being sought by police.

Random or Arbitrary Street Checks

- 13. A Member shall not initiate a random or arbitrary Street Check, which may or may not include a request for, recording, or querying of, an individual's identifying information.

Collection of Identifying Information

- 14. A Member may request, demand, record or conduct a query of an individual's identifying information when such action is consistent with existing legal authorities and related limitations granted to Members, such as:
 - (a) as permitted or required by provincial or federal legislation or regulations;
 - (b) a traffic stop, consistent with statutory and common law;
 - (c) an arrest;
 - (d) an attempt to execute a warrant against the person; or
 - (e) an investigation of an offence, or reasonable grounds to believe that an offence has occurred or is about to occur, or an imminent public safety threat.



Port Moody Police Department
Policy Title: OD95 Police Stops and Street Checks

Effective Date: 2020-02-04

Last Reviewed: 2020-02-04

15. A Member may request, record or conduct a query of an individual's identifying information where the Member reasonably believes the Street Check, and requested information, serves a specific public safety purpose or objective including, but not limited to:
 - (a) assisting in locating a missing person;
 - (b) an objectively reasonable concern for a person's immediate safety;
 - (c) assisting a person in distress to refer them to health, substance use, mental health or other support or services; or
 - (d) as part of the response to a call for service.
16. A Member requesting, recording or conducting a query of an individual's identifying information as described in Section 15 above must:
 - (a) inform the individual of the reason or purpose of the interaction or the request; and
 - (b) ensure the information is provided voluntarily, including but not limited to advising the person that they are not required to answer any questions.

Refusal to Cooperate

17. Police interactions with an individual where there is no lawful authority to detain or arrest are voluntary and a Member must ensure the person is free to go at any time, unless lawful authority to detain or arrest the person is established.
18. A Member may not justify any law enforcement action based upon an individual's refusal to voluntarily stay or answer questions where there is no lawful authority to detain or arrest that person.



Documentation of Interactions

19. A Member will document all Street Checks, whether identifying information is provided or not, in the PRIME BC records management system by creating an appropriate event and adding the individual to the event with a primary or secondary role code of "Street Check".
20. The documentation required by Section 19 above must include sufficient detail to articulate and demonstrate the policing purpose for the initiation of the interaction such that it will be clear upon audit at a later date.
21. For the purposes of Section 19 above, documentation is required in the following circumstance:
 - (a) when the interaction is initiated it was not related to an active investigation or a call for service;
 - (b) when the interaction is initiated the Member had no lawful authority to detain or arrest the individual;
 - (c) when the interaction is initiated it was not permitted or required by municipal, provincial or federal legislation or regulations;
 - (d) the interaction is in person; and
 - (e) the Member:
 - i. collects;
 - ii. records; or
 - iii. conducts a query of the individual's identifying information against a law enforcement database or records management system.
22. In order to provide comprehensive information during audit or review, a Member will ensure the "Street Check" role code is assigned in all instances where the interaction with an individual is initiated as a Street Check including those that result in law enforcement action or other public safety intervention.



Audit of Interactions

23. At least annually, the Department will conduct an audit of individuals who have been documented by Members with the role code of “Street Check”.
24. The audit described in Section 23 above will be of a representative sample and will include consideration of:
 - (a) whether the scoring is appropriate to the circumstances of the interaction;
 - (b) whether the reasons for the interaction and the request for identifying information have been articulated sufficiently;
 - (c) whether the inclusion of identifying information in the record is justifiable;
 - (d) providing direction to the officer if the interaction is not consistent with the policy and procedures of the police force or the BCPPS; and
 - (e) ensuring that any identifying information is removed if either the initial collection or ongoing retention of the record is not justifiable.
25. The Department will maintain aggregate data of records indicating a Street Check was initiated by a Member.

Publication

26. This policy will be publicly available on the Port Moody Police website.

End of Policy



RELATED POLICY	
Policy:	
Policy:	

RELATED FORMS	
Form:	
Form:	

REFERENCES
BCPPS 6.2.1 – Police Stops
RCMP OM 1.4 Street Checks
R. v. Mann - http://canlii.ca/t/1hmp1

POLICY HISTORY	
2020-02-03	Police Board Approval
2020-02-04	Filed with Director, Police Services
2020-02-04	Effective Date
TBD	Repealed or Replaced Date
TBD	Next Target Review Date
TBD	Reviewed