

	Abbotsford Police Department Policy	
	Operations	Incident Response
	II.B.290	Street Checks

PREAMBLE

Members' interactions with persons in the community are recognized to be critical to fulfilling their policing duties.

Across Canada there has been attention on the police practice of Street Checks. The changes to the practice 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 BC Provincial Policing Standard (BCPPS) on Police Stops, which includes the practice of Street Checks. The Street Check procedures contained herein provide direction to Abbotsford Police Department (AbbyPD) members that is compliant with the BCPPS on Police Stops.

POLICY

- (1) In the furtherance of their lawful duties, members are expected to interact with the public. Members must nonetheless ensure that those interactions are consistent with the *Canadian Charter of Rights and Freedoms* (sections 7, 9, 10 and 15) and the values that they reflect, including the right to be free from arbitrary arrest and detention, to move freely in society subject only to reasonable restrictions imposed by law, and to equal protection and benefit of the law, without discrimination.

SCOPE

- (2) The following procedures specifically address the conducting and documenting of Street Checks. Where members rely on other common law or legislated police powers such as detention, arrest, or the application of a statutory authority, these procedures do not apply.

DEFINITIONS

- (3) **Street Check:** a voluntary interaction, that is neither arbitrary nor random, between a police officer and a person that is more than a casual conversation, and which impedes the person's movement. A Street Check may include a request for Identifying Information depending on the circumstances. In the

absence of statutory or other authority to detain or arrest, a Street Check may be conducted.

- (4) **Psychological Detention:** a situation where, in the absence of a direction or demand from a police officer, a person reasonably believes that they are not free to leave.
- (5) **Identifying Information:** a person's name, address and date of birth.
- (6) **Identity Factors:** information which, alone or in combination with other information, can be used to identify a person. Identity Factors include but are not limited to: economic or social status, race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age.
- (7) **Detention Authorities:** the scope of lawful authorities for police to detain a person which fall outside of a Street Check, and which may permit a request or demand for Identifying Information from a person includes:
 - (a) **Investigative Detention:** A brief detention based on a police officer's reasonable suspicion, in considering the totality of circumstances, that a person is connected to a recent and particular crime for which the detention is necessary.
 - (b) **Reasonable Grounds to Arrest:** Reasonable grounds are those that would lead an ordinary, prudent and cautious person to have a strong and honest belief about the situation at issue. When a police officer has reasonable grounds to believe that a person has committed, is committing, or is about to commit an indictable offence, then Section 495 of the *Criminal Code* provides authority for an arrest.
 - (c) **Statutory Authority:** Federal statutes such as the *Criminal Code* as well as certain provincial statutes such as the *Motor Vehicle Act*, and certain municipal bylaws, provide police the authority to compel identification from a person pursuant to the applicable statute or when the person is or has committed an offence in relation to the statute or bylaw.

PROCEDURE

- (8) In compliance with the BCPPS, the provisions in this section will govern AbbyPD members when conducting Street Checks.

Conducting a Street Check

- (9) The decision to conduct a Street Check of a person will not be based on Identity Factors.

- (10) The decision to conduct a Street Check of a person will not be based solely on that person sharing an Identity Factor with a person being sought by the police.
- (11) Arbitrary or random Street Checks, which may or may not include a request for or the collection or recording of a person's Identifying Information will not be conducted.
- (12) Members must take steps to ensure that the interaction with the person is voluntary, including but not limited to advising the person they are:
 - (a) not required to provide any Identifying Information;
 - (b) not required to answer any questions; and
 - (c) free to walk away at any time.
- (13) In fulfilling their obligations under paragraph (12), members must be mindful of the possibility that the person may feel psychologically detained due to factors such as:
 - (a) the circumstances that gave rise to the interaction;
 - (b) the nature of the member's conduct; and
 - (c) the particular characteristics of the person, including but not limited to:
 - (i) whether they are Indigenous;
 - (ii) whether they are homeless;
 - (iii) whether they are racialized;
 - (iv) their age;
 - (v) their physical stature;
 - (vi) their minority status; and
 - (vii) their level of sophistication.
- (14) Where a member concludes that a person is psychologically detained the member will conclude the Street Check and allow the person to proceed.
- (15) Where the member asks the person for Identifying Information, the member will inform the person of the public safety purpose or objective for the Street Check (see paragraph (18)(a)).
- (16) If a person refuses to cooperate with a Street Check, a member may only take law enforcement action in circumstances where the offence is unrelated to the initial request made in the Street Check.

Authority to Collect Identifying Information:

- (17) Members are not permitted to request or demand, collect, or record a person's Identifying Information without a justifiable reason. A member's request or demand for a person's Identifying Information in relation to a lawful detention, arrest, statutory authority or other existing legal authority is considered a justifiable reason. Examples include:
- (a) as permitted or required by municipal, 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.
- (18) Members may request that a person voluntarily provide Identifying Information provided that:
- (a) the member reasonably believes the interaction, and any information requested, serves a public safety purpose or objective, including:
 - (i) assisting in locating a missing person;
 - (ii) an objectively reasonable concern for a person's immediate safety;
 - (iii) assisting a person in distress to refer them to health, substance use, mental health or other support services; or
 - (iv) as part of the response to a call for service;
 - (b) the member informs the person of the reason or purpose for the interaction; and
 - (c) the member takes steps to ensure the information is provided voluntarily, including but not limited to advising the person that they are not required to answer any questions and that they are free to leave.

Documenting a Street Check

- (19) A Street Check report should not be used to document any incident for which a General Occurrence report would normally be submitted (PRIME-BC policy section 2.4).
- (20) When a member conducts a Street Check, for which Identifying Information was requested, the member will document the following in a PRIME Street Check report:

- (a) the public safety purpose or objective of the Street Check in sufficient detail to articulate the reason for the interaction;
- (b) Identifying Information collected or provided; and
- (c) factual information and/or observations from the Street Check.

RELATED DOCUMENTS	
Standards	BC Provincial Policing Standard 6.2 Police Stops (Forward) BC Provincial Policing Standard 6.2.1 Police Stops
PRIME Policy	2.4 Street Checks

POLICY HISTORY	
Effective:	January 09, 2020