



OE29

POLICE STOPS

OE29

Effective Date: 22 January 2020
Reviewed Date: NEW

POLICY

1. Members' interactions with persons in the community are recognized to be critical to fulfilling policing duties and are encouraged in order to reduce crime, increase public safety and foster strong police-community relationships, and this policy is not intended to limit investigative police actions or positive contact and casual conversations with the public.
2. Members' interactions with persons in the community must be consistent with the *Canadian Charter of Rights and Freedoms* and the values it reflects, including 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, without discrimination.
3. Members' decisions to conduct a police stop of a person must not be based on:
 - a) identity factors, including but 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; or
 - b) solely on that person sharing an identity factor, such as race, with a person being sought by police;

however, identity factors may be given consideration in the totality of the circumstances leading to a decision to stop a person.
4. Members are to be mindful of the overrepresentation of Indigenous persons in the criminal justice system, and consider whether bias, racism



- or systemic discrimination is a factor giving rise to a potential interaction with an Indigenous person and, as a result, whether contact with the person is, in fact, necessary.
5. Members shall not randomly or arbitrarily conduct a police stop of a person, which may or may not include a request for or the collection or recording of a person's identifying information, unless authorized by law.
 6. Members shall not request, demand, collect or record a person's identifying information without a justifiable reason consistent with existing legal authorities and related limitations granted to officers, such as:
 - a) where 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.
 7. Members may, in the course of interacting with a person, request the person to voluntarily provide identifying information, and may record that information, provided that:
 - a) the member reasonably believes the interaction, and any information requested, serves a specific public safety purpose, including, but not limited to:
 - 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 supports or services, or



- iv) as part of the response to a call for service;
 - b) the member informs the person of the reason or purpose of the interaction or the request; and
 - c) the officer 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.
8. Where there is no lawful authority to detain or arrest a person, the person's interactions with a member are voluntary, and the person is free to go and their refusal to stay or answer questions does not justify further law enforcement action.
9. The Chief Constable shall ensure that an annual audit is conducted, of a representative sample of members' interactions with persons in the community who were asked to voluntarily provide identifying information, as described in section 6 and 7 above, and the audit must 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 these Policies, associated Procedures or the associated *BC Provincial Policing Standards*; and
 - e) ensuring that any identifying information is removed, if either the initial collection or ongoing retention of the record is not justifiable.
10. The Chief Constable shall ensure that aggregate data is maintained about the number and type of interactions that resulted in a voluntary request for identifying information, described in section 6 above.

REASON FOR POLICY



11. To promote a practice of police interactions with persons in the community that accords with legal authorities and requirements, and thereby build and maintain public confidence in the criminal justice system.
12. To promote a policing model absent of any practice, or the perception of a practice of bias in interactions with persons in the community.

RELATED POLICIES

OE30 – Detention, Arrest and Post-Arrest Processing
Provincial Policing Standards – 6.2 Police Stops

DEFINITIONS

13. For the purposes of the above Policy and the following Procedures:

‘Police Stop’ is intended to refer to any interaction by a police officer with a person that is more than a casual conversation and which impedes a person’s movement, and where impede refers to delaying a person from continuing on their intended travel or with an activity in which they are engaging, but not preventing them from doing so.

PROCEDURES

14. Members’ interactions with persons in the community shall accord with the above Policy provisions and members shall only detain persons based on lawful authority (refer to Policy OE30 – Detention, Arrest and Post-Arrest Processing).

Voluntariness of Interactions

15. Members shall be mindful of the fact that persons with whom they interact may perceive themselves to be detained, based on:

- a) the circumstances giving rise to the encounter;
- b) the nature of the member’s conduct; and



- c) the person's particular characteristics, including, but not limited to:
 - i. Indigenous status,
 - ii. homelessness,
 - iii. race or racialization,
 - iv. age,
 - v. physical stature,
 - vi. minority status, and
 - vii. level of sophistication.
16. If a member has reason to suspect or perceives that a person, with whom they are interacting, but have not detained for investigation, may feel detained or is not interacting with the member voluntarily or willingly,
- a) the member should remind the person that they are not obligated to provide any information or identify themselves, and are free to go; and
 - b) end their interactions with the person, if the member feels that a person does not understand that the interaction is voluntary.

Reporting Requirements

17. A member who self-initiates a Police Stop, i.e., is not responding to a call, **and requests that the person voluntarily identify themselves** (name, address and date of birth) **or provide ID**, must create a General Occurrence report in PRIME that includes, at a minimum, a 'Police Stop' template, and this requirement applies whether or not the person voluntarily provided identification.

Photographing Persons

18. When a person either voluntarily interacts with members or chooses not to, absent any authority to detain or demand identifying information from the person, a member shall not photograph the person, but may create a written record of the person's physical descriptors in their notebook or as a PRIME entry.
19. If a Member has authority and reasonable grounds to photograph a person, and does so, the photograph(s) must be retained in PRIME as an



attachment to the General Occurrence (GO) file documenting the interaction.