

Section 6.0 – <b>Promotion of Unbiased Policing</b>	Page 1 of 3
Sub Section 6.2 – <b>Police Stops</b>	Effective: January 15 2020
Subject 6.2.1 – <b>Police Stops</b>	Revised: n/a

## Standards

### Police obligations when interacting with the public

The police board or, in the case of the provincial police force, the commissioner, must ensure that:

- (1) Written policy recognizes the responsibility of police officers to ensure that their interactions with community members, while critical to fulfilling their duties, must be consistent with the *Canadian Charter of Rights and Freedoms* (sections 7, 9, 10 and 15) and the values 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.

### Procedures to safeguard rights during police interactions

The chief constable, chief officer, or commissioner must ensure that:

- (2) Written procedures provide direction to officers and supervisors, consistent with current case law, on the limits of, and obligations related to, the authority to detain a person, including:
  - (a) a description, consistent with case law, of the elements or personal circumstances contributing to a person subjectively experiencing psychological detention; and
  - (b) the steps an officer should take to fulfill their duty of care to ensure a person understands their rights.

### Decision to stop must not be based on identity factors alone

The police board or, in the case of the provincial police force, the commissioner, must ensure that:

- (3) Written policy establishes that the decision to stop a person must not be based on 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.

- (4) Further to Standard (3), written policy establishes that the decision to stop a person must not be based solely on that person sharing an identity factor, such as race, with a person being sought by police.

#### **Random or arbitrary stops not permitted**

- (5) Written policy establishes that random or arbitrary police stops, which may or may not include a request for or the collection or recording of a person's identifying information, are not permitted, unless authorized by law or case law.

#### **Collection of identifying information**

- (6) Written policy establishes that officers are not permitted to request or demand, collect, or record a person's identifying information without a justifiable reason.
- (7) Justifiable reasons referred to in the written policy include circumstances where the request or demand for identifying information is consistent with existing legal authorities and related limitations granted to officers, 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.
- (8) The written policy may also permit interactions that may result in a request for a person to voluntarily provide identifying information, provided that:
- (a) the officer reasonably believes the interaction, and any information requested, serves a specific public safety purpose, 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 supports or services, or
    - (iv) as part of the response to a call for service.
  - (b) the officer 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.

### Refusal to cooperate

- (9) Written policy establishes that police interactions with a person where there is no lawful authority to detain or arrest the person are voluntary, and the person is free to go and their refusal to stay or answer questions does not justify further law enforcement action.

### Documentation of interactions

The chief constable, chief officer, or commissioner must ensure that:

- (10) The written procedures of the police force require that interactions are recorded in the Police Records Information Management Environment (PRIME) according to the most relevant scoring code or rules, and in sufficient detail to articulate and demonstrate the reason for the interaction.
- (11) An audit of a representative sample of interactions that resulted in a voluntary request for identifying information described in Standard (8) above is conducted at least annually.
- (12) The audit under Standard (11) 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 the policy and procedures of the police force or these *BC Provincial Policing Standards*;
  - (e) ensuring that any identifying information is removed if either the initial collection or ongoing retention of the record is not justifiable.
- (13) Aggregate data is maintained on the number and type of interactions that resulted in a voluntary request for identifying information, described in Standard (8) above.

### Policies and procedures

- (14) Policies and procedures are consistent with these *BC Provincial Policing Standards*, are filed with the Director of Police Services, and are available to the public on the police force's website.