



# TRANSIT POLICE HUMAN SOURCES

Effective Date: May 9, 2005  
Revised Date: October 31, 2005, Chief Directive - March 28, 2014, April 25, 2014, September 25, 2015  
Reviewed Date:  
Review Frequency: Three Years  
Office of Primary Responsibility: Deputy Chief Officer Operations

## POLICY

### Definitions

Background Check – Such investigation as may be required to determine suitability of an individual to become an Informant. It will include police record checks (e.g., CPIC, PIRS, PRIME), and may include checks with other police agencies and searches of the Internet and other electronic databases. *Note:* [REDACTED]

Charter – Canadian Charter of Rights and Freedoms, Constitutional Act, 1982, c. 11(U.K.), Schedule B.

Criminal Code – Criminal Code of Canada [RSC 1985, c. C-46].

Chief Officer – The Transit Police Chief Officer or delegate.

Designated Constables – The Transit Police police officers appointed by the Police Board.

[REDACTED]

Informant – Persons who provide information to Members, regarding past, present or future criminal activity, with the explicit or implicit expectation of confidentiality, and who may or may not expect a form of remuneration or any other form of reward, consideration or advantage. [REDACTED]

- a. Agent Provocateur: A person who, either of their own volition or upon the direction of their Handler or other Member of the Transit Police, [REDACTED]

[REDACTED] Informant privilege does not apply and an Agent Provocateur may be compelled to testify in subsequent court proceedings.

- b. Agent: A person who obtains evidence at or under the direction of the police, or who otherwise becomes an extension of police authority. Informant privilege does not apply and an Agent may be compelled to testify in subsequent court proceedings.
- c. Co-Conspirator/Accessory/Accomplice: a person who has significant involvement in the commission of one or more offences, regardless of whether or not the offences are being investigated. Informant privilege does not apply and such persons may be compelled to testify in subsequent court proceedings.
- d. Material Witness: A person who has seen at least one of the requisite elements of a criminal offence under investigation. Informant privilege does not apply and a Material Witness may be compelled to testify in subsequent court proceedings.
- e. Reluctant or Hostile Witness: a person who has material evidence regarding an offence under investigation, but makes it known that they do not wish to assist with the investigation and/or prosecution of the offence. Informant privilege does not apply and a Reluctant or Hostile Witness may be compelled to testify in subsequent court proceedings.

JPD – The Jurisdictional Police Department.

Member – Designated Constable, the Chief Officer or a Deputy Chief Officer of the Transit Police.

Police Act – The BC Police Act, RSBC 1996, c. 367, and the regulations thereto, including the Transit Police Operations Regulation, all as amended from time to time

Source Coordinator – The senior police officer designated responsibility for the day-to-day operations and management of the Transit Police Human Source Handling Program.

Transit Police – The South Coast British Columbia Transportation Authority Police Service.

**Authority**

- 1. The Courts have recognized that confidential police informers (Informants) play a vital role in law enforcement. The near absolute privilege attached to the identity of these individuals is premised upon the duty of all citizens to aid in enforcing the law and is meant to protect these individuals against retribution from those involved in crime. The Transit Police human source program will be consistent with the requirements of the *Police Act*, *Criminal Code*, *Charter* and the laws.

**General**

- 2. [REDACTED]

3. [Redacted]

4. [Redacted]

5. [Redacted]

6. [Redacted]

[Redacted]

7. The Transit Police Source Coordinator will be a Member appointed in writing by the Chief Officer.

[Redacted]

8. [Redacted]

9. [Redacted]

**PROCEDURES**

[Redacted]

10. [Redacted]

[Redacted]

[Redacted]

[Redacted]

11. [Redacted]

[REDACTED]

12.

[REDACTED]

[REDACTED]

13. When developing an Informant or when handling an existing Informant, a Member will:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**NOTE:** [REDACTED]





[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**Key References**

- BC Police Act, RSBC 1996, c. 367
- BC Crown Counsel Policy Manual – INC 1 and IMM2/BC Criminal Justice Branch, Ministry of Attorney General
- Canadian Charter of Rights and Freedoms, Constitutional Act, 1982, c. 11(U.K.), Schedule B.

Criminal Code of Canada [RSC 1985, c. C-46]

*R. v. Stinchcombe*, [1995] 1 S.C.R. 754

*R. v. Leipert*, [1997] 1 S.C.R. 281

*R. v. Brown* 1999, CanLII 14915 (Ont. S.C.)

"*Confidential Police Informants (Privilege)*", Alberta Justice, May 20, 2008