



**SOUTH COAST BRITISH COLUMBIA
TRANSPORTATION AUTHORITY
POLICE SERVICE**

DETENTION

Effective Date: May 9, 2005
Revised: September 12, 2005

POLICY

1. Detention will be undertaken:
 1. only where authorized by law,
 2. where reasonable grounds exist, and
 3. in full compliance with the legal requirements of detention.

REASON FOR POLICY

2. To ensure that the detention is legal and necessary and to ensure that the legal requirements of detention are met.
3. While arrest and detention impose similar legal obligations, arrest includes the detention of a person while detention does not necessarily include arrest.

Definition

4. "Detention" in s. 10 of the Canadian Charter of Rights and Freedoms is directed to:
 1. physical constraint – restraint of liberty of varying duration, other than arrest, in which a person may reasonably require the assistance of counsel; or
 2. control – control over the movement of a person by demand or direction which may have significant legal consequence and which prevents or impedes access to counsel.

For detention there must be some form of compulsion or coercion, and any criminal liability for failure to comply with a demand or direction of a police officer is sufficient to make compliance involuntary.

[See Regina v. Therens [1985] 1 SCR 613]

PROCEDURES

To be established within the MOU between the SCBCTAPS and the Jurisdiction Police.

[See also: OD080 – Arrests, OD120 – Search, OD130 – Seizure]