



**To:** South Coast British Columbia Transportation Authority Police Board  
(Police Board)

**From:** Chief Officer Dave Jones  
South Coast British Columbia Transportation Authority Police Service  
(Transit Police)

**Date:** October 8, 2021

**Subject:** 2020 Police Stops Audit Report  
[Police Board Report No. 2021–42]

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### ***Information Report***

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#### **PURPOSE**

To provide the Police Board with the information on the first annual audit of Police Stops, as required by the British Columbia Provincial Policing Standards (“BCPPS”) and Transit Police Policy OB330 – Police Stops.

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#### **BACKGROUND**

In recent years, the Ministry of Public Safety and Solicitor General (“Ministry”) has been engaged with the public and stakeholders on advancing equitable and unbiased policing in the province. This has included, for example, completion of a public engagement process in March/April 2018 and Ministry release of a document called *“Promoting Unbiased Policing in B.C., Public Engagement Process, What We Heard”*<sup>1</sup>. In addition to that report, they also gained insights from research, independent reviews and other targeted consultations (i.e., Advisory Committee on Provincial Policing Standards and Community-Based Advisory Committee on Police Stops).

In October 2019, the Province issued the new British Columbia Provincial Policing Standard (“BCPPS”) 6.2.1 - Police Stops (the ‘Standard’). This Standard came into effect on January 15, 2020. The Standard promotes consistency amongst police in BC, compliance with case law and the *Canadian Charter of Rights and Freedoms*. It sets out the circumstances in which police officers may stop a person and steps to be taken when asking the person to provide information to the police (voluntarily). There must be a justifiable reason for the ‘Police Stop’. The Standard

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<sup>1</sup> <https://engage.gov.bc.ca/app/uploads/sites/121/2018/07/What-We-Heard-Report-Promoting-Unbiased-Policing-in-BC.pdf>



also requires the Chief Officer to conduct an annual audit of Police Stops and this report provides the results of the police service's audit for 2020.

The term 'Police Stops' was not defined by the Province in the Standard; however, the Foreword to the Standard did provide explanation. The definition provided in Transit Police Policy OB330 – *Police Stops* (see [Appendix "A"](#)) captures what the Province seeks to regulate by means of the BCPPS, as follows:

*"Any interaction between a police officer and a person that is more than a casual conversation and which impedes a person's movement. A stop may include a request or demand for identifying information depending on the circumstances. (Casual conversations with the public are not considered a police stop.)"*

This report is specific to 'Voluntary Police Stops'. This is any voluntary interaction between the police officer and a person that is more than a casual conversation and impedes the person's movements. In Transit Police Policy OB330, it is also referred to a 'street check'.

In 2018, at the request of the Ontario Ministry of the Solicitor General, the Honourable Michael Tulloch, of the Ontario Court of Appeal, conducted an independent review of street checks. In his report, he stated, "... the police are generally free to ask questions of anyone on the street, regardless of whether an offence has been committed. However, the person being questioned does not have to answer and can proceed on their way. Unless the officer has grounds to arrest or detain the person, the officer cannot compel the person to remain."<sup>2</sup> Further, "... when a police officer, without bias or discrimination, asks an individual to provide information, and the person voluntarily provides information, then there is no question that the information was properly obtained."<sup>3</sup> In public discourse, the terms "street check" and "carding" are often used and are suggested to involve random, arbitrary, biased or identity factor based engagements with members of the public. Such engagements are prohibited by the BCPPS and are regulated/prohibited in Ontario, Saskatchewan, Nova Scotia, Quebec and Alberta. However, in accordance with common law authority, and pursuant to the BCPPS, as well as the regulatory regimes in the other listed provinces, police can interact with members of the public when making reasonable enquiries into legitimate public safety matters, such as suspicious activity, crime prevention, public safety concerns or intelligence gathering. A person's engagement with police in the context of a Police Stop is voluntary; a person is not required to stop and engage with police, nor to identify themselves.

Police Stops, performed for an investigative or public safety purpose, and free of any bias, are legal and allowed. Properly performed, in accordance with the BCPPS, Police Stops are lawful and

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<sup>2</sup> The Honourable Michael H. Tulloch, *Report of the Independent Street Checks Review*, Ontario (2018), Page 75.

<sup>3</sup> *Ibid*, Page 76.



within the scope of police duties to preserve the peace, prevent crime, protect life and property and support community safety.

## **AUDIT EXECUTIVE SUMMARY**

In accordance with the BCPPS 6.2.1 Police Stops and Transit Police Policy OB330 – Police Stops, an audit was conducted of Transit Police Officers' Police Stops recorded in 2020. Police Stops are recorded on the BC - Police Records Information Management System ("PRIME"). For the purpose of this report, Transit Police Officers are referred to as 'Members'.

The Transit Police audit revealed a dramatic drop in Transit Police use of Police Stops/Street Checks from 2,749 recorded files in 2018 to 30 in 2020. Further, there has been only one Police Stop for the period January to August 2021. The audit identified the requirement to closely monitor Police Stop files, to ensure that they meet the 'reasons' within the new Standards. Of the 47 recorded Police Stop files reviewed from 2020, 17 were excluded and changed to General Occurrence Reports ("GOs") and of the remaining 30 files, while valid stops, several stated reasons for the stop had to be adjusted to the current 'reason' categories within the new Standards.

Training and education sessions were conducted with Members related to the new Standards, including scenario-based examples. Although not a requirement of the new Standards, the audit also analyzed demographic data. However, the sample size was too small to be statistically significant. The data did not indicate any notable concerns in this area.

## **AUDIT PROCESS AND FINDINGS**

For the purposes of the Transit Police 2020 audit on Police Stops, the following criteria were used:

- Any interaction between a police officer and a person that is more than a casual conversation and which impedes a person's movement. A stop may include a request for identifying information depending on the circumstances. (Casual conversations with the public are not a Police Stop.)
- As set out in PRIME, street checks/stops may include checks on persons, unknown persons, institutions, vehicles or vessels.

The audit included a Supervisor (appointed Staff Sergeant) review of all Police Stop files to ensure the legitimacy of each event as well as analysis pertaining to the subjects of each stop. Review criteria included:

- Whether the scoring is appropriate to the circumstances of the interaction;
- Whether the reasons for the interaction and the request for identifying information have been articulated sufficiently;
- Whether the inclusion of identifying information in the record is justifiable;



- Providing direction to the officer if the interaction is not consistent with Transit Police policy and procedures or the Standards; and
- Ensuring that any identifying information is removed if either the initial collection or ongoing retention of the record is not justifiable.

The result of this phase of the audit included changing the 'scoring' for files on PRIME if they did not meet the Standard criteria. Subsequent analysis/review was then conducted specifically on the Police Stop files that met the Standard/definition. The remaining files were converted to appropriate GO reports.

The Transit Police Risk and Analytics Section conducted additional analysis and considered the following:

- Number of Police Stops conducted and reported in PRIME;
- Sex (Gender is not currently tracked);
- Ethnicity;
- Age;
- Comparison to previous years; and
- Complaints related to Police Stops.

## **Review and Analysis**

### Training

In response to the new Standards (2020) and the changes to the stated rationale/reasons for Police Stops, Transit Police chose to conduct training and education sessions for all sworn Members versus individual training/education. The training consisted of a PowerPoint presentation (which was accompanied by a guided discussion), information on Daily E-briefings, a Bulletin on the policy and Standards, and an operational email to all Members.

### Files

In 2020, Transit Police recorded on PRIME a total of 47 Police Stops. After review, 17 of these files were removed or were converted to a GO, as they were investigative in nature and the GO is the more appropriate entry. The remaining 30 files were the primary focus of the audit and analysis. The 30 files included personal information on 40 persons. In terms of statistical relevance, with only 30 valid Police Stop files and 40 persons, the sample size is too small in relation to the population to draw any correlation of bias.

### Valid Police Stops – Analysis

There were 30 valid Police Stops recorded in 2020. On review, 21 of the 30 files while valid stops, were adjusted to remove old definitions/reasons and align the terminology to the new Standards. These issues were resolved through the training conducted with Members.



The 30 valid Police Stops were related to the following rationale/reasons:

- Other Public Safety Purpose: 22 (73%)
- Concern for Immediate Safety: 2 (7%)
- Suspicious Activity: 2 (7%)
- Assist Person Referral to Support Services: 1 (3%)
- Problem Oriented Policing: 1 (3%)
- Suspected Criminal: 1 (3%)
- Suspicious Occurrence: 1 (3%)

### Demographics of Persons

Of the 40 persons within the 30 Police Stop files, no person was involved in more than one Police Stop in 2020. The demographics of these persons follow:

- Sex: (*Note: At this time, PRIME does not have fields for recording gender*)
  - Male: 83%
  - Female: 18%
- Ethnicity<sup>4</sup>:
  - Caucasian: 25 (63%) (by comparison, all other ethnicities combined represent 38% of the total subjects)
  - South Asian: 5 (13%)
  - Asian: 4 (10%)
  - Black: 2 (5%)
  - Indigenous: 2 (5%)
  - Middle Eastern: 2 (5%)
- Age:
  - The youngest person was 15 years old at the time of the Police Stop.
  - The oldest person was 66 years old at the time of the Police Stop.
  - The average age of persons in the Police Stops was 34.

### Complaints

In 2020, Transit Police did not receive any public complaints related to Police Stops.

## **Key Findings and Recommendations**

### Findings

- Finding 1: There is no indication that Police Stops are being inappropriately utilized Members.

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<sup>4</sup> In a Police Stop, a person does not have to disclose their ethnicity; it is voluntary. Therefore, the scored ethnicity may reflect the police officer's perception of a person's ethnicity.

- Finding 2: 17 of the initial 47 Police Stop files were coded incorrectly and 21 of the remaining 30 files needed to be recoded to meet the new Standards. *[Note: During the transitional time, some Members used expired 'reason' categories for the entry, as these expired categories remained visible on drop-down box in PRIME. Those expired categories are there for historical items only.]*

- Recommendation 1: Police Stop files must be reviewed as they arise, with timely feedback provided to Members and their Supervisors.
- Recommendation 2: As appropriate, refresher training can/should be provided to all Members on a periodic basis. This will be driven by the error rate detected in the review of files.

- Finding 3: Miscoding of Police Stop files hinges on the difference between Police Stops, General Occurrence Reports and Intelligence files.

- Recommendation 3: Transit Police 'Readers' are to be reminded of the differences between these types of files and return those that may be coded incorrectly to the Members and Supervisors. Recommendations 1 and 2 should provide clarification to Members.

Finding 4: In comparison to previous years (see Table), there is a significant difference between new Police Stop Standards implemented in 2020, as compared to previous 'Street Check' operational standards, so the comparison is only relative based on scope and scale. There was a 99% decrease in Police Stops/Street Checks from 2018 to 2020.<sup>5</sup>

Year	Police Stop/Street Check Files	# of Persons
2018	2,749	2,956
2019	532	577
2020	30	40
2021 (Jan – Aug)	1 <i>(Note: there were 26 Police Stops in the same period in 2020)</i>	3

- Finding 5: There is no statistical data to indicate that the significant drop in Police Stops has, or will, negatively impact police investigations.

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<sup>5</sup> Other municipal police departments also experienced a substantial decline in street checks in 2020. For example, for Vancouver Police Department, their street checks decreased by 94% (from 4,544/2019 to 261/2020).



- Finding 6: In terms of Demographics, by a large margin, the typical person of a Police Stop by Transit Police is a 34 year-old Caucasian male. The sample size is not statistically significant enough to draw a correlation of bias towards any vulnerable group.

## CONCLUSION

This information report is provided to the Police Board for oversight and compliance under the new BCPPS 6.2.1 on Police Stops. It also is part of public accountability and information sharing with the public. The audit showed that Police Stops in 2020 were appropriately utilized by Members and in accordance with the new Standards that came into effect in January 2020.

In April 2021, there was an operational bulletin issued to Members to outline common mistakes/learnings from 2020 and to ensure that, moving forward, interactions are captured in the appropriate PRIME event code and that only current 'reason' categories are used. In terms of Police Stops in 2021, as of August 31, 2021, there has been only one Police Stop conducted by Transit Police. Indications are that within the new Police Stop definitions and rationale, some files previously coded as 'Street Checks' will now appropriately be coded as General Occurrence Reports or Intelligence files.

Timely review and feedback on all future Police Stops will be important to ensuring proper use of Police Stops in accordance with existing Standards and Transit Police policy and procedures.

There is no indication of bias towards vulnerable groups within the small sample size, but Transit Police will continue to monitor this aspect of Police Stops. The next audit will take place in 2022.

**The Executive accepts the audit recommendations and has already begun to implement them.**

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**Chief Officer Dave Jones**

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## TRANSIT POLICE

# POLICE STOPS

Effective Date: INTERIM POLICY January 10, 2020

Revised Date:

Reviewed Date:

Review Frequency: 1 Year

Office of Primary Responsibility: Deputy Chief Officer Operations

## POLICY

### Definitions

Articulable cause – A cause that can be justified in a stated explanation. Articulable cause has been defined as objectively discernible facts which give the detaining officer reasonable cause to suspect that the detainee is criminally implicated in the activity under investigation.

Charter – *Canadian Charter of Rights and Freedoms, Constitution Act, 1982.*

Chief Officer – The Transit Police Chief Officer or designate.

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

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

Detention – Refers to a suspension of an individual's liberty interest by virtue of a significant physical or psychological restraint at the hands of the state (*R. v. Grant*). Therefore, when police conduct general inquiries with Members of the public, they have the ability to do so, without the interaction becoming a "detention" as long as that restraint is not significant. The point at which the restraint becomes a *significant one* is the point at which the interaction turns into a legal detention, and the citizen's *Charter* interests become engaged.

GO – General Occurrence Report on the Police Records Information Management Environment ("PRIME").

Human Rights Code – *BC Human Rights Code* [RSBC 1996, Chapter 210].

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.<sup>i</sup>

Member – Designated Constable (all ranks), the Chief Officer or a Deputy Chief Officer of the Transit Police.

Metro Vancouver Transit Police ("Transit Police") – The operating name of the South Coast British Columbia Transportation Authority Police Service.



Police Act – BC *Police Act* [RSBC 1996], c. 367.

Police Stop – Any interaction between a police officer and a person that is more than a casual conversation and which impedes a person's movement. A stop may include a request or demand for identifying information depending on the circumstances<sup>ii</sup>. (Casual conversations with the public are not considered a Police Stop.)

*[NOTE: A Police Stop does not include when asking witnesses for their identification.]*

PRIME – The Police Records Information Management Environment; the designated police records management system for police agencies in BC.

Reasonable suspicion – An expectation that an individual is possibly engaged in some criminal activity. It must be based on something more than a hunch or mere suspicion and is something less than a belief based on reasonable and probable grounds. "Like reasonable and probable grounds, reasonable suspicion is an objective standard that requires "objectively discernable facts, which can be subject to independent judicial scrutiny". However, reasonable suspicion is a lower standard than reasonable and probable grounds, looking at reasonable *possibility*, rather than reasonable *probability*. Reasonable suspicion is tantamount to articulable cause (as defined in this policy)<sup>iii</sup>.

Street Check – Any voluntary interaction between a police officer and a person that is more than a casual conversation and impedes the person's movement. *[Note: A Street Check may also be referred to as a 'voluntary Police Stop'.]*

### Authority

1. Certain authorities and powers are granted to police officers from both statute (e.g., *Criminal Code* and *Police Act*) and common law in order to discharge their duties. Members will perform their duties consistent with statute, the law, BC Provincial Policing Standards and Transit Police policy.

### General

2. Members' interactions with persons in the community are recognized to be critical to fulfilling their policing duties and must be consistent with the *Charter* (sections 7, 9, 10 and 15) and the values it reflects, including:
  - (1) The right to be free from arbitrary arrest and detention;
  - (2) To move freely in society subject only to reasonable restrictions imposed by law; and
  - (3) To equal protection and benefit of the law, without discrimination.  
[BCPPS 6.2.1(1)]
3. A Member's decision to stop a person must not be based on Identity Factors.  
[BCPPS 6.2.1(3)]

4. Further to s. 3 above, a Member's 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. [BCPPS 6.2.1(4)]
5. Members will not randomly or arbitrarily stop persons, which may or may not include a request for or the collection or recording of a person's identifying information, unless authorized by law or case law. [BCPPS 6.2.1(5)]
6. Members are not permitted to request or demand, collect or record a person's identifying information without a justifiable reason. Justifiable reasons include circumstances where the request or demand for identifying information is consistent with existing legal authorities and related limitations granted to police officers, such as:
  - (1) As permitted or required by provincial or federal legislation or regulations;
  - (2) A traffic stop, consistent with statutory and common law;
  - (3) An arrest;
  - (4) An attempt to execute a warrant against the person; or
  - (5) 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. [BCPPS 6.2.1(6) and (7)]
7. Members may, in the course of interacting with a person, request the person to voluntarily provide identifying information, provided that:
  - (1) The Member reasonably believes the interaction, and any information requested, serves a specific public safety purpose, including:
    - a. Assisting in locating a missing person;
    - b. An objectively reasonable concern for a person's immediate safety;
    - c. Assisting a person in distress to refer them to health, substance use, mental health or other supports or services; or
    - d. As part of the response to a call for service;
  - (2) The Member informs the person of the reason or purpose of the interaction or the request; and
  - (3) 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. [BCPPS 6.2.1(8)]
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. [BCPPS 6.2.1(9)]

**Audit**

9. The Chief Officer will ensure that an audit is conducted, at least annually, on voluntary requests for identifying information as outlined in s. 7 of this policy. Audits will be conducted consistent with the BCPPS 6.2 and any additional requirements of the Ministry of Public Safety and Solicitor General. [BCPPS 6.2.1(11) and (12)].

**PROCEDURES****Legal Authority**

10. Members will only detain persons based on lawful authority [BCPPS 6.2.1(2)]. There exists a continuum of authorities for Members to detain persons and obtain identifying information from them in relation to an investigation (which may also result from a Police Stop), for example:

- (1) Investigative Detention: A brief detention that is based on the Member's reasonable suspicion or articulable cause but falls short of reasonable and probable ground for belief.
- (2) Statutory Authority: Federal statutes (i.e., the *Criminal Code*, *Controlled Drugs and Substances Act*) as well as certain provincial statutes (i.e., *Motor Vehicle Act*, *Liquor Control and Licencing Act*, *Trespass Act*, *Transit Conduct and Safety Regulation*) provide Members the authority to compel identifying information from a person when they have committed an offence in relation to the statute or a bylaw.
- (3) Reasonable and Probable Ground to Arrest: Reasonable and probable grounds are grounds that would lead an ordinary, prudent and cautious person to have a strong and honest belief about the situation at hand [[R. v. Storrey](#)].

*NOTE: It is not sufficient for the police officer to subjectively believe that they have reasonable and probable grounds to make an arrest. Rather, it must also be shown that a reasonable person, standing in the shoes of the officer, would believe that reasonable and probable grounds existed to make the arrest. However, the police need not go further and establish a prima facie case. When an officer has reasonable grounds to believe that a person has committed, is committing, or is about to commit an indictable offence, then s. 495 of the Criminal Code provides authority for an arrest.*

11. When detaining a person, Members must ensure they comply with their obligations under the *Charter*. This includes advising the person of the reason for the Detention [s.10(a)] and advising the person of their right to retain and instruct counsel [s.10(b)]. If a person asserts a desire to consult counsel, the Member must provide a reasonable opportunity for them to do so. [[R. v. Suberu](#)]
- (1) If the Member feels that the person is unable to understand the Member's explanation (e.g., due to age, physical or cognitive disability, language skills), the Member will seek alternate methods of communication to ensure the

person or their capable representative understands the person's rights (e.g., make use of an interpreter, legal representative, community services worker, guardian). [BCPPS 6.2.1(2)]

[Refer to Transit Police Policy [OD170 – Police Warnings](#)]

### Conducting a Street Check

12. In Street Checks, Members must take steps to ensure that the interaction with the person is voluntary, including but not limited to advising the person they are:

- (1) Not required to provide any identifying information;
- (2) Not required to answer any questions; and
- (3) Free to walk away at any time.

13. In fulfilling obligations under s. 12 (above), Members are to be mindful of the possibility that the person may feel 'psychologically detained' due to factors such as:

- (1) The circumstances that gave rise to the interaction;
- (2) The nature of the Member's conduct; and
- (3) The particular characteristics of the person, including but not limited to:
  - a. Indigenous;
  - b. Homelessness;
  - c. Racialized;
  - d. Age;
  - e. Physical stature;
  - f. Minority status; and
  - g. Level of sophistication.

(Refer to [R. v. Grant](#)). [BCPPS 6.2.1(2)]

14. Where a Member concludes that a person is psychologically detained, the Member will conclude the Street Check and allow the person to proceed. [BCPPS 6.2.1(2)(a)]

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. [BCPPS 6.2.1(8)(a)]

### Child and Minor

16. Members may interact with a child (person under 12 years old) or minor (person 12 to 18 years old) to conduct a well-being check, or to confirm the identity of a missing or runaway child, or other victims of crime, or in a situation of urgency. A record will be made in PRIME of those types of interactions in accordance with Transit Police policy and legal authority (e.g., *BC Child, Family and Community Services Act*). See Transit Police policies: OD160 – Vulnerable Person and OD180 – Young Persons.

17. Where it appears that the person stopped may be a minor, the Member will ask the person their age before being asked to provide other voluntary identifying information. The minor will also be advised of their right to contact a parent or guardian, and to have such a person present when being asked to consent to providing identifying information.

### **Documentation of Street Checks**

18. Members will be required to record Street Checks on PRIME, according to the relevant scoring code or rules, and in sufficient detail to articulate and demonstrate the reason for the interaction. [BCPPS 6.2.1(10)]
19. Chapter 2.2 of the PRIME Operational Policy and Procedures Manual specifies the guidelines of when a GO should be submitted. Members will ensure that the event being entered on PRIME does not require a GO. Where a reportable event occurs, per Canadian Center for Justice Statistics (CCJS) standards, the investigating Members must submit a GO report.
20. The PRIME 'Street Check Event'<sup>iv</sup> will be used by Members to document Street Checks (can be submitted on PRIME for 'Persons', 'Unknown Persons', 'Institutions', 'Vehicles' or 'Vessels').
21. When completing a 'Street Check Event', the Member will:
  - (1) Leave the incident number to its default setting, as PRIME will auto-generate the Street Check Event number;
  - (2) Index as entities all persons, vehicles and locations involved and complete all entity information. Code all entities with a primary role code of (10) "Street Check", and use secondary codes as appropriate (e.g., "Registered Owner", "Driver", "Passenger" etc.); and
  - (3) Complete the Synopsis page (within the Street Check Event) outlining the reason for initiating the contact that lead to the stop, and all relevant and factual information and observations from the interaction.
22. If a Street Check is submitted and it is subsequently determined that it is related to a GO, the two must be linked through 'Related Events' by the Reader or Supervisor.

### **Monitoring and Audit**

23. Supervisors will monitor the conducting of Street Checks by their Members to help ensure compliance with this policy and to flag concerns. (Flagging concerns at an early stage benefits both the public and the police.) Where a concern exists, the Supervisor may consider coaching Members on conducting of a Street Check and the policy provisions and standards. Supervisors will consult with the PRIME Coordinator when it is considered appropriate to remove identifying information from the Street Check entry on PRIME.

- (1) Supervisors will be informed of their Members' Street Check entries through an automatic direct notification set up in PRIME.
24. The Deputy Chief Officer Administrative Services will ensure that PRIME audits are conducted on Street Checks, consistent with requirements of the BCPPS and any related guidelines from the Ministry of Public Safety and Solicitor General.
  - (1) Audits will be conducted at least annually (frequency to be as so determined by the Chief Officer). [BCPPS 6.2.1(11)]
  - (2) The audit will be of a representative sample of Street Checks by Members and 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 this policy chapter and the associated BCPPS (any direction to be through the Member's Supervisor); and
    - e. Ensuring that any identifying information is removed, if either the initial collection or ongoing retention of the record is not justifiable. [BCPPS 6.2.1(12)]
25. If upon review (ss. 23 and 24 of this policy) it is found that a Street Check was not justifiable, identifying information will be removed from the record, as follows:
  - (1) Such identifying information as Name, Date of Birth, Address, Telephone Number and Driver's Licence Number that may be entered on the Master Name Index of PRIME and in the synopsis; OR
  - (2) Identifying criteria as so specified by an issued guideline/standard by the Ministry of Public Safety and Solicitor General.
26. Audit results and any recommendations will be submitted to the Chief Officer via the chain of command.
27. The Administrative Services Division will maintain aggregate data about the number and type of interactions that resulted in a request for identifying information in Street Checks.
28. Aggregate data will be provided to the Police Board and public through periodic reports.

### **Training**

29. The Transit Police will provide standardized training to all Members on conducting of Police Stops, including but not limited to: legal framework for investigative detention and Police Stops, rights of a person under the *Charter* and *BC Human Rights Code*, psychological detention, bias awareness, legal articulation, parameters for conducting of Street Checks, and provisions of this policy and BCPPS 6.2.

30. Specific to Police Stops involving Indigenous persons, Members are to be mindful of the overrepresentation of Indigenous persons in the criminal justice system, and consider whether bias, racism or systemic discrimination has played a part in that person coming into police contact.

### Records Management

31. Street Check information will be retained in PRIME for such period specified by BCPPS, or in absence of a specified period, the retention schedule used by PRIME. The exception is when a Street Check is linked to a secondary operational file, in which case the Street Check record must be retained in support of the secondary operational file.
32. The Inspector Support Services will implement a protocol to purge Street Check records consistent with the retention schedule determined by BCPPS or as otherwise required by the law.
33. The Transit Police will comply with statutory requirements under the *BC Freedom of Information and Protection of Privacy Act* and will not release identifying information from Street Checks except in exigent circumstances where public safety is at risk. Any requests for disclosure of Street Check records will be referred to the Privacy Officer.

### Key References

*BC Human Rights Code* [RSBC 1996, Chapter 210]

*BC Police Act* [RSBC 1996], c. 367

[BC Provincial Policing Standards 6.2 – Police Stops](#)

Canadian Charter of Rights and Freedoms, *Constitution Act*, 1982

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

[Halifax, Nova Scotia: Police Stops Report](#), March 2019 by Dr. Scot Wortley, University of Toronto – Centre for Criminology and Sociological Studies

Letter from Assistant Deputy Minister Butterworth Carr on BC Provincial Policing Standards regarding Police Stops, December 19, 2019

*R. v. B.S.*, 2014 BCCA 257

*R. v. Grant*, 2009 SCC 32, [2009] 2 S.C.R. 253

*R. v. Storrey*, [1990] 1 S.C.R. 241, 53 C.C.C. (3d) 316

*R. v. Suberu*, 2009 SCC33, [2009] 2 S.C.R. 460

*R. v. Turcotte*, 2005 SCC 5, [2005] 2 S.C.R. 519

[The Honourable Michael H. Tulloch, Judge of the Court of Appeal for Ontario, "Report on the Independent Police Stops Review"](#), Queen's Printer for Ontario 2018, ISBN 978-1-4868-2330-2

[Vancouver Police Department, "Understanding Police Stops: An examination of a Proactive Policing Strategy," September 2018](#)

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<sup>i</sup> BC Provincial Policing Standards 6.2.1(3)

<sup>ii</sup> [BC Provincial Policing Standards 6.2 Police Stops - Foreword](#)

<sup>iii</sup> Adapted from [The Honourable Michael H. Tulloch, Judge of the Court of Appeal for Ontario, "Report on the Independent Police Stops Review"](#), Queen's Printer for Ontario 2018, ISBN 978-1-4868-2330-2, page xiii.

<sup>iv</sup> Use of this specific term is in accordance with current PRIME policy.