



**CRCC SPECIFIED ACTIVITY  
REVIEW: STREET CHECKS**

Commissioner's response to the CRCC's Review of the RCMP's Policies and Procedures regarding Street Checks

April 29, 2021

Pursuant to Section 45.34(1) of the RCMP Act.

## I. COMMISSIONER'S PREAMBLE

I acknowledge receipt of the Commission's report *Review of the RCMP's Policies and Procedures regarding Street Checks* in accordance with section 45.34(1) of the *Royal Canadian Mounted Police Act*.

I have completed my review of the findings and recommendations set out in the Commission's report on this specified activity. For ease of reference, please find a summary of my responses to the CRCC Findings and Recommendations in Annex A.

The work of the Commission supports the continued use of street checks with areas for improvement and focus required on strengthening existing RCMP policies related to street checks. The CRCC recommendations coupled with previous and upcoming policy and procedural changes will position the RCMP to conduct street checks in an ethical and bias-free manner.

## II. RESPONSE TO CRCC FINDINGS AND RECOMMENDATIONS

**Finding No. 1:** The RCMP's definition of "street check" in its national policy is inadequate.

**Recommendation No. 1:** The RCMP should amend the definition of "street check" to reflect the following:

**"Street Check** means a voluntary interaction with the public, initiated by the police officer, where the police officer makes a request for personal identifying information to support a law enforcement purpose. A street check can occur anywhere and within any of the RCMP's mandates."

I support Recommendation No. 1: The current RCMP *Operational Manual* chapter 1.4 "Street Checks" section 2.7 states that "*Street check stops must not be random or arbitrary but may be completed for incidents that relate to police and public safety. Members must have an articulable cause for conducting a street check.*" The RCMP is currently revising its definition of "*street check*" in consultation with RCMP divisions and aligned with the RCMP's community policing philosophy and bias-free policing policy. The Commission's report and proposed definition will be considered in this review.

**Recommendation No. 2:** The RCMP should clearly enumerate any exceptions to this policy (e.g., undercover operations).

I support Recommendation No. 2: Exceptions to the national policy are already documented in the RCMP *Operational Manual* chapter 1.4 "Street Checks" section 2.8. The following information will not be electronically recorded in a street check:

- Offence-related occurrences, investigations, or calls for service;
- Confidential human source information;
- A seizure of property
- Weapons offences, violence, or threats of violence; or
- Observations of policing value made by an officer without interaction with the public.

In response to other recommendations from the Commission’s report, upcoming changes will add clarification to the RCMP street check policy further specifying instances when street checks are not to be conducted. The clarifications will, in my view, also address the police activity of a street check as well as the documentation of a street check. As a result, there will be no direction issued in response to Recommendation No. 2.

**Finding No. 2:** The RCMP’s national policy concerning informed consent to provide information in the context of a “street check” is inadequate.

**Recommendation No. 3:** The RCMP should amend the national policy to include the following:

“Before requesting any personal identifying information from a member of the public in the course of a street check, a member must obtain the person’s informed consent and record it in their notebook.”

I support Recommendation No. 3: The RCMP *Operational Manual* chapter 25.2 “Investigator’s Notes” directs members to make comprehensive written notes about their actions as soon as practicable. Notetaking, specifically related to street checks, is found in the RCMP *Operational Manual* chapter 1.4.3.1.2 and further directs members to document all street checks in their notebooks.

The RCMP will consider the wording provided by the Commission, for incorporation into revisions to the street checks policy that will provide clarity to “*informed consent*” prior to an individual providing personal identifying information.

**Recommendation No. 4:** The RCMP should provide the following standard wording, or wording of similar effect, to its members for the purpose of obtaining informed consent in the context of a street check:

“This is a voluntary interaction. You are free to leave at any time. I am requesting [nature of information requested] for the purpose of [reason for the street check]. You do not need to provide me with this information. If you choose not to provide this information, you will not be arrested or detained. Your personal information may be retained in accordance with the *Privacy Act*.”

This standard wording should be available in both of Canada's official languages as well as any other languages common to the area being policed, particularly Indigenous languages.

I support Recommendation No. 4: The *Charter of Rights and Freedoms* specifies an individual's rights when they are detained or arrested. When a casual conversation or a voluntary street check is conducted, a police officer reading from a card may imply a detention or arrest or an official request/demand, such as the breathalyser demand, is being made.

The RCMP street check policy is aligned with the RCMP's community policing philosophy and bias-free policing policy. A casual conversation between the public and police is not a street check. In *R. v. Grant*, the court stipulates that "general inquiries" by a patrolling officer present no threat to freedom of choice. The policy in support of this recommendation will be amended and will include direction for RCMP members to inform persons of:

- The reason for the identity information request;
- The voluntariness, the freedom to leave at any time;
- That failure to do so will not result in the person's arrest or detention; and
- The retention of information will be in accordance with the *Privacy Act*.

**Recommendation No. 5:** If an individual does not consent to provide their personal identifying information in the course of a street check, their personal identifying information should not be recorded in the police operational records management system unless other lawful authority exists to do so.

I support Recommendation No. 5: The RCMP *Operational Manual* chapter 1.4.2.8 "Street Checks" specifies when information obtained through a street check is to be recorded in a records management system. I will direct that, for further clarity, individuals who decide not to voluntarily provide personal identifying information will not have their information entered into a records management system.

**Recommendation No. 6:** To avoid confusion or ambiguity the RCMP should consistently use one term to refer to the information collected about individuals during a street check and define this term clearly within the policy.

I support Recommendation No. 6: I understand the use of both terms "*personal identifying information*" and "*personal information*" in the RCMP *Operational Manual* can be confusing. I will direct that standardized language and definitions are used in the RCMP's revision of the street check policy.

**Recommendation No. 7:** The RCMP should enhance its national street check policy to provide guidance to RCMP members operating under a federal mandate on how street checks should be conducted in provinces that have restricted police street checks.

I do not support Recommendation No. 7: All RCMP members, regardless of mandate, are bound by the same national policies and procedures as they relate to street checks. Each RCMP division has the ability to develop Divisional Supplements for their respective jurisdiction that may provide further clarification on the practice of street checks specific to the province or territory. However, any policies created by a division still need to be consistent with the national policy. It is incumbent on all RCMP business lines and divisions to ensure its members are aware of and comply with new or modified national policy, as well as any divisional supplements that may apply.

**Finding No. 3:** The RCMP's national policy prohibition on random or arbitrary street checks is appropriate.

**Finding No. 4:** The RCMP's national policy concerning bias-free policing as it relates to street checks is generally appropriate but requires further detail.

I agree with Finding No. 3 and No. 4: I can advise however, The RCMP *Operational Manual* chapter 1.4 (2.3, 2.4) "Street Checks" clearly stipulates:

- Policing must be professional, open, ethical, respectful, unbiased, and reflect the principles of the *Charter of Rights and Freedoms* and the *Canadian Human Rights Act*.
- Street checks must comply with bias-free policing directives.

The street check policy found in the RCMP *Operational Manual* chapter 1.4.1 defines bias-free policing:

Bias-Free Policing means equitable treatment of all persons by all RCMP employees in the performance of their duties, and in accordance with the law, and without abusing their authority regardless of an individual's race, national or ethnic origin, colour, religion, gender, sexual orientation, marital status, age, mental or physical disability, citizenship, family status, socio-economic status, or a conviction for which a pardon has been granted.

The link in RCMP *Operational Manual* chapter 1.4.1.1 brings members directly to the RCMP bias-free policing policy, which was amended on October 21, 2020:

- All employees must complete bias-free policing training and provide all police services in accordance with the definition of bias-free policing.



- Supervisors and Commanders must ensure all employees under their command act in accordance with the bias-free policing policy.
- Supervisors and Commanders must ensure that all direction given to their employees comply with the bias-free policing policy.
- Biased behaviour, intentional or unintentional requires immediate intervention and/or investigation.
- Community leaders are to be consulted and partnerships made with community leaders to promote prevention and intervention of bias-free policing issues.
- All incidents or allegations in contravention of bias-free policing must be reported immediately to a Commanding Officer or Criminal Operations Officer.
- Commanding Officers or Criminal Operations Officers will ensure incidents or allegations of bias-free policing be investigated with an appropriate process.

The bias-free training provided to our employees combined with clear directives and oversight with respect to how street checks must align with bias-free policing objectives offer sufficient detail and guidance to RCMP members who conduct street checks.

**Recommendation No. 8:** The RCMP national policy concerning street checks should include specific directions on how to prevent bias or the appearance of bias when conducting street checks.

I support Recommendation No. 8: I wish to inform the Commission the update to RCMP bias-free policing policy in October 2020 and other initiatives have addressed this recommendation. As previously stated, the current street check policy has clear references to the bias-free policing policy to prevent bias or the appearance of bias when conducting street checks. Also since the Commission’s review, the RCMP has implemented its robust Equity, Diversity and Inclusion Strategy focusing on identifying and reducing workplace and service-delivery barriers, racism and discrimination for racialized communities, gender, and other groups. The strategy has clear, concrete and transparent actions, including mandatory education, awareness, and training including the “Cultural Awareness and Humility” course that is mandatory for all RCMP employees. I also wish to inform the Commission that the RCMP is developing a new mandatory anti-racism training course for all employees. This training will be informed by external experts and will focus on reducing discrimination and advancing racial equity, diversity and inclusion.

**Finding No. 5:** Due to the inadequate definition of “street check” in the RCMP’s national policy and deficiencies with respect to recording “street check” data, the RCMP does not currently have an effective method to determine whether its members are abiding by the relevant policies and does not have adequate abilities to assess and evaluate its members’ compliance.

I agree in part with Finding No. 5: The RCMP is currently reviewing the definition of “*street check*” in its policy and the definition put forward by the Commission will be considered. However, the current street check policy found in RCMP *Operational Manual* chapter 1.4 states:

- Street checks must comply with bias-free policing directives.
- Members must document street checks in their notebooks.
- Members must document street checks in the applicable records management system as soon as possible after the contact.
- Supervisors must monitor and review all street checks to ensure compliance with policy.
- Supervisors must provide guidance to members on the appropriate use of street checks.
- Supervisors must request that a street check record be modified if it is found not to be in compliance with the policy.
- Supervisors must verify that street checks are linked to a substantive file if the retention period of the record needs to be modified.
- Supervisors must put in place a workflow process to ensure oversight of all street checks.

The current policy does provide guidance to members for the completion of street checks and subsequent supervision to ensure compliance is clearly mandated in the policy. These checks and balances will remain in place with the updated street check definition in the upcoming revised policy and I am satisfied the RCMP will be able to better assess members’ compliance with the policy.

**Recommendation No. 9:** The RCMP’s national policy concerning street checks should include an internal auditing function that can be triggered by community concerns.

I support Recommendation No. 9: Data included in RCMP records management systems can be audited in response to various situations, including data from street checks. A policy modification to support this recommendation is not required. The RCMP routinely provides statistical data stemming from file occurrences such as calls for service to community groups, elected officials, or media. RCMP members regularly attend meetings with local elected officials to discuss policing issues in their communities which includes annual formal consultations with communities to collect input towards the annual detachment policing priorities. The CAPRA problem solving model, with which the Commission is familiar, has been used for many years to address community-based concerns. The RCMP at all levels is open to hearing from communities and working with them to resolve crime problems as well as providing professional and ethical policing services.

**Recommendation No. 10:** The RCMP's national policy concerning street checks should provide for regular internal auditing that includes advice from subject matter experts in bias-free policing.

I support Recommendation No. 10: As stated earlier, the RCMP has launched its Equity, Diversity and Inclusion Strategy. This Strategy identifies clear, concrete and transparent actions under four pillars that will embed equity, diversity and inclusion into the way RCMP employees think about, and perform, all aspects of the RCMP's mandate. I will direct that the policy centre responsible for the street check policy, the RCMP Contract and Indigenous Policing branch consult with the Special Designated Officer for Diversity and Inclusion for the RCMP to determine how to best implement this recommendation.

**Finding No. 6:** The RCMP's policy concerning the documenting of street checks is insufficient.

I agree in part with Finding No. 6: The current RCMP street check policy requires members to record street checks in their notebooks and in the applicable records management system: PRIME for members in British Columbia, VERSADEx for members in the Halifax District area in Nova Scotia, and PROS for all other members in the country. Our current policy mandates that street check entries into a records management system are then reviewed by a supervisor for compliance.

**Recommendation No. 11:** The RCMP should amend its national policy to require that all street checks be entered into an operational records management system unless they meet clear criteria for exceptional situations where the street check need not be entered.

I do not support Recommendation No. 11: The current RCMP street check policy (*Operational Manual* chapter 1.4) appropriately directs members to document street checks in the applicable records management system and provides clear guidance when street checks are not to be entered into a records management system:

- All street checks are to be recorded on a records management system as soon as possible after the contact.
- The following will not be entered into a records management system:
  - Offence-related occurrences or calls for service;
  - Confidential human source information;
  - Seizure of property;
  - Weapons offences, violence or threats of violence; and
  - Observations of a policing value made by an officer without interaction with the public.



I realize that in its review of a sampling of street check occurrences, the Commission found street check entries into an RCMP records management system that did not meet the policy requirements for street check entry. I acknowledge street checks are being used to document suspicious activities or observations where no individuals were approached by the police. As stated earlier, there is an onus on supervisors to review all street checks for compliance with the policy. In response to other recommendations from the Commission, the policy is being revised and will offer more clarity to our members. All RCMP divisions will be informed of the revised street check policy once it is published and all employees including supervisors will be reminded of their duty to comply with the policy.

**Recommendation No. 12 :** The RCMP should ensure that street checks within the policy definition proposed in this report are readily extractable from the RCMP's operational records management systems.

I support Recommendation No. 12: As stated earlier, the RCMP is revising its street check definition for inclusion into its updated street check policy. I wish to inform the Commission that existing systems in place can already extract data from street checks entered into a records management system. I am satisfied that the amended street check policy, which will include an updated street check definition, combined with the data extraction capabilities of our current systems, will meet this recommendation.

**Recommendation No. 13:** The RCMP should review the minimum retention times for street checks to ensure they are consistent with the requirement to dispose of personal information as soon as it is no longer necessary for a law enforcement purpose. The Commission recommends a general one-year retention period for street checks unless a specific exception applies, such as in the case of a public complaint or where the person submits a request to access their personal information.

I do not support Recommendation No. 13: I acknowledge the CRCC has suggested that the collection of personal information during a street check does not qualify as an administrative purpose and as such, the RCMP should revise its retention period for personal information obtained from street checks. The *Privacy Act* requires the RCMP to retain personal information captured for a minimum of two years where the information has been used for an administrative purpose such as to support a government activity. Therefore, information obtained from street checks is in support of RCMP activities. Street checks are purged from the applicable records management system after two years. One of the basic criteria for a street check pursuant to the RCMP street check policy in *Operational Manual* chapter 1.4 is that the information obtained for a street check serve a policing purpose.

Street checks can be used to support investigations and identify crime trends. Information obtained from a street check believed to be for a policing purpose at the onset, may not support an investigation immediately, but could very well be the missing piece of information to support a priority investigation several months after it was conducted. I respectfully submit that with a proper determination by a member that a street check will serve a policing purpose, the information obtained from the street check does meet the criteria for a 2-year retention period as set out in the Privacy Act. Unless street checks are linked to an investigative file for longer retention, they will be purged from RCMP systems after two years in accordance with the *Privacy Act*.

Further, as acknowledged by the Commission, retaining street check information for an appropriate period can help ensure greater police transparency. This principle of ensuring accountability to individuals in relation to the collection of their personal information is reflected in section 6(1) of the *Privacy Act*. In my view, a retention period of two-years would better facilitate access to this information by affected individuals.

**Recommendation No. 14:** The RCMP should consider the feasibility of retaining certain non-identifying information pertaining to street checks for a longer period for statistical purposes.

I support Recommendation No. 14: I will direct the Information Management Policy Section lead a review to determine how to best address this recommendation.

**Recommendation No. 15:** The RCMP's national policy should provide that street check occurrences not include any personal identifying information where the subject of the street check refuses to voluntarily provide such information.

I support Recommendation No. 15: The current RCMP street check policy stipulates that providing personal information for the purpose of a street check must be voluntary. I will direct that further clarity be added to the policy.

**Recommendation No. 16:** The RCMP should consider adding a function to street check occurrences to identify street checks where the individual declined to provide personal identifying information.

I do not support Recommendation No. 16: The existing RCMP street check policy stipulates individuals provide information for the purposes of a street check on a voluntary basis. In response to other recommendations, amendments will be made to the policy clearly directing members to obtain informed consent from individuals prior to collecting personal information for the purposes of a street check. And in instances where individuals refuse, that no street check will be entered into a records management system. The design of a function to document

refusals to provide personal information will detract from efforts towards operational priorities and will add an unnecessary burden to our front line officers. If an individual refuses to provide their personal information for the purpose of a street check, there will simply be no street check recorded.

**Recommendation No. 17:** The RCMP should consider how race-based data is collected and maintained in the course of a street check.

I support Recommendation No. 17: Current RCMP data entry functions for street checks do permit race based data to be entered by front line officers. I understand race based data is not always inputted when street checks are recorded and that more clarity is needed with respect to the collection and reporting of race-based data. The RCMP is currently working directly with the Canadian Association of Chiefs of Police and Statistics Canada to develop a holistic and inclusive approach to the collection of race-based data. As a result of this work, the RCMP will be soon be implementing a policy for the collection, analysis and reporting of data from police interactions with racialized and Indigenous peoples and this policy will include interactions between a police officer and a member of the public.

**Finding No. 7:** The RCMP's current training concerning street checks is generally appropriate.

**Recommendation No. 18:** Following the changes to the street check policy identified in this report, the RCMP should update the training provided to RCMP cadets pertaining to street checks and ensure that existing members are made aware of the changes.

I support Recommendation No. 18: Once all policy revisions are completed, the revised policy will be disseminated to all divisions so that members are well informed. Depot Division will also update its training curriculum for RCMP cadets in response to revisions to the street check policy.

### **III. IN CLOSING**

The RCMP continues to work on many fronts to strengthen the trust and confidence of Canadians. Through our Vision 150 plan, we are taking concrete actions to modernize and advance equity, accountability and trust in our organization. Our initiatives are informed by perspectives shared by stakeholder groups from many communities as well as our own employees, in particular those with lived experience from equity-seeking groups including Black, Indigenous and employees of colour, and members of the LGBTQ2+ community.

I would like to thank the Commission for its review and recommendations on the RCMP's policies and procedures regarding street checks. Since the Commission completed its review, there have been on-going consultations with respect to modifications to the national street check policy as well as broader organizational

change that reflect many of the concerns brought to light by the Commission's report. I am confident the upcoming revisions will address many of the recommendations in this report.

Kindest regards,

A handwritten signature in blue ink, appearing to read "B. Lucki". The signature is written in a cursive, flowing style.

Brenda Lucki  
Commissioner

## Annex "A"

<b>FINDINGS</b>	
<b>Finding No. 1:</b> The RCMP's definition of "street check" in its national policy is inadequate.	Agree
<b>Finding No. 2:</b> The RCMP's national policy concerning informed consent to provide information in the context of a "street check" is inadequate.	Agree
<b>Finding No. 3:</b> The RCMP's national policy prohibition on random or arbitrary street checks is appropriate.	Agree
<b>Finding No. 4:</b> The RCMP's national policy concerning bias-free policing as it relates to street checks is generally appropriate, but requires further clarity.	Agree
<b>Finding No. 5:</b> Due to the inadequate definition of "street check" in the RCMP's national policy and deficiencies with respect to recording "street check" data, the RCMP does not currently have an effective method to determine whether its members are abiding by the relevant policies and does not have adequate abilities to assess and evaluate its members' compliance.	Agree In Part
<b>Finding No. 6:</b> The RCMP's policy concerning the documenting of street checks is insufficient.	Agree In Part
<b>Finding No. 7:</b> The RCMP's current training concerning street checks is generally appropriate.	Agree

<b>RECOMMENDATIONS</b>	
<p><b>Recommendation No. 1:</b> The RCMP should amend the definition of "street check" to reflect the following:</p> <p>"Street check means a voluntary interaction with the public, initiated by the police officer, where the police officer makes a request for personal identifying information to support a law enforcement purpose. A street check can occur anywhere and within any of the RCMP's mandates."</p>	Supported
<p><b>Recommendation No. 2:</b> The RCMP should clearly enumerate any exceptions to this policy (e.g. undercover operations).</p>	Supported
<p><b>Recommendation No. 3:</b> The RCMP should amend the national policy to include the following:</p> <p>"Before requesting any personal identifying information from a member of the public in the course of a street check, a member must obtain the person's informed consent and record it in their notebook."</p>	Supported
<p><b>Recommendation No. 4:</b> The RCMP should provide the following standard wording, or wording of similar effect, to its</p>	Supported



<p>members for the purpose of obtaining informed consent in the context of a street check:</p> <p>“This is a voluntary interaction. You are free to leave at any time. I am requesting [nature of information requested] for the purpose of [reason for the street check]. You do not need to provide me with this information. If you choose not to provide this information, you will not be arrested or detained. Your personal information may be retained in accordance with the <i>Privacy Act</i>.”</p> <p>This standard wording should be available in both of Canada’s official languages as well as any other languages common to the area being policed, particularly Indigenous languages.</p>	
<p><b>Recommendation No. 5:</b> If an individual does not consent to provide their personal identifying information in the course of a street check, their personal identifying information should not be recorded in the police operational records management system unless other lawful authority exists to do so.</p>	Supported
<p><b>Recommendation No. 6:</b> To avoid confusion or ambiguity, the RCMP should consistently use one term to refer to the information collected about individuals during a street check, and define this term clearly within the policy.</p>	Supported
<p><b>Recommendation No. 7:</b> The RCMP should enhance its national street check policy to provide guidance to RCMP members operating under a federal mandate on how street checks should be conducted in provinces that have restricted police street checks.</p>	Not Supported
<p><b>Recommendation No. 8:</b> The RCMP’s national policy concerning street checks should include specific directions on how to prevent bias or the appearance of bias when conducting street checks.</p>	Supported
<p><b>Recommendation No. 9:</b> The RCMP’s national policy concerning street checks should include specific directions on how to prevent bias or the appearance of bias when conducting street checks.</p>	Supported
<p><b>Recommendation No. 10:</b> The RCMP’s national policy concerning street checks should provide for regular internal auditing that includes advice from subject matter experts in bias-free policing.</p>	Supported
<p><b>Recommendation No. 11:</b> The RCMP should amend its national policy to require that all street checks be entered into an operational records management system unless they meet clear criteria for exceptional situations where the street check need not be entered.</p>	Not Supported
<p><b>Recommendation No. 12:</b> The RCMP should ensure that street checks within the policy definition proposed in this</p>	Supported

report are readily extractable from the RCMP's operational records management systems.	
<b>Recommendation No. 13:</b> The RCMP should review the minimum retention times for street checks to ensure they are consistent with the requirement to dispose of personal information as soon as it is no longer necessary for a law enforcement purpose. The Commission recommends a general one-year retention period for street checks unless a specific exception applies, such as in the case of a public complaint or where the person submits a request to access their personal information.	Not Supported
<b>Recommendation No. 14:</b> The RCMP should consider the feasibility of retaining certain non-identifying information pertaining to street checks for a longer period for statistical purposes.	Supported
<b>Recommendation No. 15:</b> The RCMP's national policy should provide that street check occurrences not include any personal identifying information where the subject of the street check refuses to voluntarily provide such information.	Supported
<b>Recommendation No. 16:</b> The RCMP should consider adding a function to street check occurrences to identify street checks where the individual declined to provide personal identifying information.	Not Supported
<b>Recommendation No. 17:</b> The RCMP should consider how race-based data is collected and maintained in the course of a street check.	Supported
<b>Recommendation No. 18:</b> Following the changes to street check policy identified in this report, the RCMP should update the training provided to RCMP cadets pertaining to street checks and ensure that existing members are made aware of the changes.	Supported