

“PUBLIC AGENDA”

TO: Darlene Brander, Chairperson
Board of Police Commissioners

FROM: Troy Cooper
Office of the Chief

DATE: 2019 January 07

SUBJECT: Contact Interview Policy

FILE #: 2001-1

ISSUE:

Contact Interview Policy.

RECOMMENDATION:

This report be received as information.

BACKGROUND:

In May 2018, the Saskatchewan Police Commission implemented a policy for the governance of police contact interviews. The Commission's jurisdiction extends to all municipal police services in Saskatchewan established under *The Police Act, 1990*. The objective of the provincial policy was to support community policing concepts, while at the same time encouraging respectful and lawful interactions with the public.

The policy provides a common definition of what a contact interview is, and sets criteria around how they may be conducted. Each municipal police service will now develop local policy for effective and consistent implementation. The province requires that we also:

- Establish procedures for recording and maintaining records so that we can report to the Saskatchewan Police Commission
- Establish procedures to store (and later remove) contact interview information
- Require members to receive training regarding contact interviews and record that training

DISCUSSION:

The SPS wants to maintain an open and transparent organization whereby disclosure of the number and types of contact interviews being generated for operational purposes occurs.

As was previously reported to the Board in March 2018 the Saskatoon Police Service (SPS) has relied on the ability to obtain timely and relevant information as part of the intelligence gathering process to enhance investigations in Saskatoon. Criticisms pertaining to a small portion of the

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intelligence gathering process, commonly referred to as ‘carding’ has resulted in a considerable amount of discussion in the public forum.

The debate around police using contact interviews as an intelligence gathering method has gone on for some time and many of those discussions have been quite passionate. In response the Saskatchewan Police Commission (SPC) has developed guidelines for police to follow. The SPC defines a Contact Interview as “...*a contact with the public initiated by a member of a police service for the purpose of obtaining information not related to a specific known incident or offence.*”

The policy further states “...*Contact interviews may only be conducted in a manner that respects and protects the rights of the public...and may not be conducted by members of a police service on a random or arbitrary basis.*” Police Service members are cognizant that contact interviews are a voluntary interaction and members of the public are under no obligation to answer questions or provide identification during the encounter.

From its inception the Saskatoon Police Service (SPS) has gathered intelligence, and one method has been to utilize contact interviews. Because information from contact interviews is entered electronically directly into a SPS database, structure and oversight is required. To that end in 2016 ‘type’ and ‘reason’ for the contact was introduced, and any information obtained by way of contact interviews by members of the SPS became subject to scrutiny by senior management. This is to ensure that the information is credible, is obtained through lawful means, and is relevant and timely before inclusion into an SPS database.

The new provincial policy has streamlined this procedure further and is very explicit in the circumstances around when a contact interview can be conducted and when it is not appropriate. The SPS Policy on Contact Interviews will follow what the provincial policy designates as circumstances where the police *can* engage in a contact interview:

- There is no apparent reason for the subject’s presence in a particular area such as being present in a commercial or industrial area late at night when everything in the area is closed; or
- The subject’s actions, behaviour or demeanor raise a concern as to his/her purpose or for his/her safety; or
- The subject appears to be lost, confused, frightened or in need of assistance.

In the absence of actions, behaviour, demeanor or circumstances giving cause for concern as set out above; contact interviews *may not* be conducted based solely on the subjects:

- Location in an area known to experience high levels of criminal activity and/or victimization;
- Actual or perceived race, ethnicity or national origin;
- Colour;
- Religion;
- Age;
- Gender, gender identity or sexual orientation;

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- Physical or intellectual disability or impairment;
- Mental Disorder;
- Any other ground of discrimination prohibited by law;
- Socio-economic circumstances;
- Medical condition; or
- Other personal characteristics of a similar nature.

The information gathered during a contact interview may include:

- Date, time and location of contact;
- Identification and contact information of the subject and/or a physical description;
- Duration of contact;
- Vehicle description and identification (License plate, permit number, etc.);
- Other information relevant to the nature of the contact and the members' concern.

The SPS is currently in the process of revising the electronic entry procedure for contact interviews so it follows provincial guidelines for data collection and storage set out in the provincial government policy. Once the Service's new policy is approved this new electronic procedure will be implemented.

Training

In November 2018 the Saskatchewan Police College produced a training video specific to the *Provincial Contact Interviews with the Public Policy* and released it to municipal police services in the province. The video, accompanied by an explanation of the new provincial *Contact Interview Policy*, was presented to all operational police officers in the SPS during parade training presentations in November and December.

The SPS is also developing training for all members to be delivered during the Patrol and Criminal Investigation in-service training days, in the spring of 2019. The training will include a presentation of the provincial and SPS policies and the conduct of contact interviews. In preparation of developing SPS training, a review of the Edmonton Police Service and Vancouver Police Department research on Street Checks, published in 2018, was completed. In addition The Honourable Michael H Tulloch's report, *The Independent Street Check Review*, prepared for the Government of Ontario was reviewed. There is consistency between the Saskatchewan Government Policy on Contact Interviews and the recommendations made in Tulloch's report in the areas of definition, prohibition of arbitrary or random stops, reasons for stops or interactions, conduct, bias, discrimination, retention and destruction of information, reporting, access to information, training and a province wide all-encompassing policy.

The SPS training will also include a portion on some aspects of policing in the past, so the sensitivity and history associated to this issue is well understood. Implicit bias will be included in the training as a reminder to all SPS employees they must remain bias free when dealing with or contemplating dealing with the public.

Training will be documented and available for reporting should the need arise.

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The new policy is not designed to inhibit police members from interacting with the public, but rather to offer guidance to the police so they build rapport with the public through their approach, demeanor and communication skills. Contact interviews will still be a valuable method for community engagement and will remain a valuable tool for the police to effectively prevent and solve crime and enhance community safety.

Reporting and Retention

Information from a contact interview recorded in a member's notebook will be subject to notebook retention policy and information from a contact interview entered into the Service's electronic database will be purged from the system after a period of five years. Information obtained from a contact interview and stored electronically can only be accessed by members conducting a lawful investigation or for statistical reporting purposes.

The SPS will annually prepare a statistical report for the Saskatchewan Police Commission and the Saskatoon Board of Police Commissioners, reporting on the number of contact interviews, the reasons for the interviews, whether the person agreed or refused the interview and the duration of the interview. This report will be completed in the spring of the following year.

CONCLUSION:

SPS Contact Interview policy complies with the SPC *Contact Interviews with the Public Policy* released in the summer of 2018. The SPS draft policy appears at the end of this report (Attachment 1).

Adoption of the provincial policy by the SPS does not require any substantial changes that will have an adverse effect on how SPS members address criminal activity in the City. It should not impede the police's ability to solve crime.

SPS members will all receive initial training in both the SPC and SPS policies by the spring of 2019, focusing on the conduct of contact interviews relative to effective communications, community engagement, and the requirements of the policies as developed and delivered by the Saskatchewan Police College and the Service. Recruits will receive similar training during their recruit training at the Saskatchewan Police College and during in service training upon their return from the College. Future follow up training will be provided as determined by the Training Unit.

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Submitted by:



Troy Cooper
Chief of Police

Dated:

FGB 13 / 19

Draft SPS Contact Interview Policy

1. Contact Interviews with the Public

a. Statement of Principles

Community safety is most effectively achieved and enhanced when police and communities work together as partners to pursue common objectives. For that reason, the public expects members of a police service to engage with the people of the communities they provide service to; to become familiar with the community and its residents and to continuously communicate with them.

In order to maintain public confidence in policing, members of a police service must ensure that their contacts with adult and youth residents of the community are conducted in a manner that respects the law and the fundamental freedoms and human rights of the public.

b. Definition – Contact Interview

For the purposes of this policy, “**contact interview**” means a contact with the public initiated by a member of a police service for the purpose of obtaining information not related to a specific known incident or offence. The information being sought must be more than general information common to the community.

It does not include, nor does this policy apply to:

- 1) Contact initiated by a member of a police service working in an undercover capacity;
- 2) Visual observations made by a member of a police service where no actual contact with the public is initiated; or
- 3) Contact initiated pursuant to specific statutory authority such as checks authorized under *The Traffic Safety Act* or other provincial or federal statutes.

Where contact is initiated pursuant to specific statutory authority, this policy applies to the extent that the information requested by a member of a police service exceeds that statutory authority and such portion of the contact constitutes a “contact interview.”

Contact interviews may only be conducted in a manner that respects and protects the rights of the public under the *Canadian Charter of Rights and Freedoms*, the *Canadian Bill of Rights*, the *Saskatchewan Human Rights Code*, the *Canadian Human Rights Act*, the *Youth Criminal Justice Act* and similar federal and provincial human rights legislation, and may not be conducted by members of a police service on a random or arbitrary basis.

Contact interviews are appropriately conducted by members where the subject's behaviour or the circumstances of the contact cause the member to have a concern as to the subject's purpose or for the subject's safety. Circumstances which should be considered and which may give rise to a concern would include, but are not limited to:

- 1) There is no apparent reason for the subject's presence in a particular area such as being present in a commercial or industrial area late at night when everything in the area is closed; or
- 2) The subject's actions, behaviour or demeanor raise a concern as to his/her purpose or for his/her safety; or
- 3) The subject appears to be lost, confused, frightened or in need of assistance.
- 4) In the absence of actions, behaviour, demeanor or circumstances giving cause for concern as set out above; contact interviews may not be conducted based solely on the subject's:
 - (1) location in an area known to experience high levels of criminal activity and/or victimization;
 - (2) actual or perceived race, ethnicity, or national origin;
 - (3) colour;
 - (4) religion;
 - (5) age;
 - (6) gender, gender identity or sexual orientation;
 - (7) physical or intellectual disability or impairment;
 - (8) mental disorder;
 - (9) any other ground of discrimination prohibited at law;
 - (10) socio-economic circumstances;
 - (11) medical condition; or
 - (12) other personal characteristic of a similar nature.

c. Conduct of Contact Interviews

- 1) When conducted properly, contact interviews can provide police with a valuable tool that can effectively prevent and solve crime and enhance community safety. This can only occur however when members ensure their actions meet community expectations and legal requirements and safeguard police legitimacy and public confidence and trust.
- 2) In conducting contact interviews, members must always be conscious of the fact that they are a voluntary interaction between the public and the member. Citizens have no obligation to answer questions or provide identification during contact interviews and are free to leave at any time. They are not subject to detention or arrest nor are they chargeable for declining to answer questions or for departing the location.

- 3) In conducting a contact interview, members may approach a person and initiate a conversation; however, the decision whether to stop and engage in a conversation with the member must be made by the person freely and on a voluntary basis. Should the person choose not to engage in conversation and continue walking away, members may not stop or impede their movement.
- 4) The effective conduct of contact interviews will therefore depend upon the members' ability to establish a rapport with the public through approach, demeanor and communications skills. In conducting contact interviews, members' communication with the public must be informal, professional, fair, impartial, free of any element of physical or psychological intimidation, responsive to public concerns, and of a nature that inspires public trust and confidence in and safeguards the legitimacy of policing.
- 5) Members will document in detail their reasons for initiating a contact interview by recording it in their notebook and entering it in the system established by the police service for recording the results of contact interviews.

d. Information Requested During Contact Interviews

The information that members should seek to determine during contact interviews will vary depending on the nature of the contact and the members' concern. The information collected may include:

- 1) Date, time and location of contact;
- 2) Identification and contact information of the subject and/or a physical description;
- 3) Duration of the contact;
- 4) Vehicle description and identification (license plate, permit number, etc.);
- 5) Other information relevant to the nature of the contact and the members' concern.

Information learned during contact interviews should be recorded in the members' notebook and entered in the system established by the police service for recording the results of contact interviews. Information recorded in the members' notebooks is subject to the relevant retention period for notebooks and journals. Information recorded in the police service system will be retained for a period of five years and thereafter will be purged from the system.

Use of Contact Interview Information

Contact interview information obtained and entered in the system established by the police service for recording the results of contact interviews may only be accessed by

members in the conduct of lawful investigations or for the purpose of statistical reporting to the Saskatchewan Police Commission.

e. Statistical Information

The Saskatchewan Police Commission mandates that, “police services will maintain statistical records of the number of and reason for contact interviews conducted by members and will report those statistics to the Saskatchewan Police Commission annually in the format approved by the Commission. Police services will, to the extent it is possible to do so, also maintain statistical records of the number and type of incidents or investigations in which information gathered during contact interviews was utilized in pursuing the investigation or resolving the incident and will report those statistics to the Saskatchewan Police Commission annually in the format approved by the Commission.”

f. Training

All members are required to complete mandatory training as prescribed by the Saskatchewan Police Commission and any further training as directed by the Chief of Police.