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1



2022 Street Check Review

January 12, 2023

Purpose

Alberta's *Provincial Guidelines for the Collection of Personal Information From a Member of the Public (2020)*, the *Collection of Information Voluntarily Provided by the Public Regulation (2021)*, and Lethbridge Police Service *Street Check Interactions and Collection of Information* policy all put forth requirements to review and report on police collection of personal information from members of the public on a quarterly and annual basis. In terms of our internal Lethbridge Police Service (LPS) procedures this is specific to information resulting from "street checks" as recorded and retained electronically by way of Street Check Reports in NICHE RMS. Each of the four quarterly reviews on this subject for 2022 have previously been submitted. This summary will constitute the annual report which by statutory and policy requirements is to be submitted to the Chief of Police for review. The *Collection of Information Voluntarily Provided by the Public Regulation* further requires that the Chief's annual report be sent to the Director of Law Enforcement by no later than March 31 in each given year.

A street check is defined as the attempted or actual collection, recording, and retention of personal information voluntarily provided by a member of the public obtained as a result of a non-detention, non-arrest interaction with a police officer. With that in mind I will provide the collected data from all 2022 street checks conducted by the Lethbridge Police Service.

Review Process:

- 1) An examination was conducted of existing LPS policy for process, reporting, and oversight/review of street checks.
- 2) An examination was conducted of the Alberta Justice and Solicitor General's 2020 Provincial Guidelines for the Collection of Personal Information from a Member of the Public and the annual reporting requirements therein.
- 3) An examination was conducted of the *Collection of Information Voluntarily Provided by the Public Regulation (2021)* for annual reporting requirements therein.
- 4) A review of all four 2022 quarterly street check reviews was conducted.
- 5) With assistance from the I.T. Section and the utilization of a NICHE data script, all 2022 Street Check Reports were previously mined electronically for the information fields required for annual reporting purposes and a spread sheet was created to show the results. This data had been compiled and submitted on a quarterly basis but was consolidated for this report.
- 6) All confirmed street checks were compared to the script-mined data and were further

examined for fulfilment of the required reporting categories. The Professional Standards Unit and the FOIPP Coordinator were consulted for other required data. Information was sought for the following categories:

- a. Number of street checks conducted (by Operational Division);
- b. Number of street checks attempted;
- c. Number of requests for information that did not meet street check requirements set out in policy or statute;
- d. Personal information obtained from street checks including:
 - i) Gender identification;
 - ii) Age category (adult/youth);
 - iii) Race (by age category);
- e. Personal information obtained through officer observations of *attempted* street checks including:
 - i) Gender identification;
 - ii) Age category (adult/youth);
 - iii) Race (by age category);
- f. Location of street check;
- g. Date of street check;
- h. Reason for street check;
- i. Information obtained as it relates to the community/location where the information was collected;
- j. Number of requests for information from members of the public related to their street check interaction with officers and;
- k. Number of public complaints related to street check interactions;

Overview:

In all of 2022 there were two (2) street check occurrences involving the collection of personal information voluntarily provided to police from a total of three (3) members of the public. Both street check occurrences were conducted within the Field Operations Division, and both took place on May 29, 2022

In both instances police located individuals (two in the first exchange and one in the second for a total of three) in a high crime area with recency considerations and a street check was conducted whereby personal information was voluntarily provided to the officer. There was no legal obligation to do so and there was not an arrest or detention of any of the individuals. Details of these occurrences are captured in files SC22000023 and SC22000024.

Without the enhanced reporting requirements for street checks in place organizationally at the time of these occurrences data is not available on the Street Check reports to indicate the voluntary nature of the personal information disclosure. The investigating officer, who

was the same in both circumstances, was interviewed and stated that the information was voluntarily provided. Street check training has been provided to all members of the LPS and work continues with Information Technology (I.T.) to accommodate reporting requirements for clear indication of voluntariness. Until such time as the reporting changes are formalized, members have been instructed to indicate the voluntary nature of personal information exchanges in the narrative of their Street Check Reports.

Further work is also required with I.T. and NICHE to establish an electronic means of recording *attempted* street check interactions with members of the public. This is in development but data to indicate number and results of *attempted* street checks is unavailable for 2022 reporting purposes. It will continue to be so until such time as the reporting mechanism is constructed and properly in place.

The street checks in review were both conducted on May 29, 2022. They included a total of three individuals all of whom were adults, one of whom was female and two of whom were male. Of the three individuals checked one was Caucasian, and two were Aboriginal. The two occurrences and three checks themselves were conducted within the city of Lethbridge, and on the north side (20 beat). Data specifics for annual reporting requirements are represented below.

Results:

A) Number of street check interactions between members of the public and police:

- **Three (3)**

i) **Street check numbers by Operational Division:**
- **Field Operations Division – Three (3) or 100%**

B) Number of street checks attempted:

- **Data not available (reasons outlined above and contained in each of the 2021 and 2022 quarterly reports).**

C) Number of requests for information that did not meet street check requirements set out in policy or statute:

- **Zero (0)**

D) Personal Information:

i) Gender:
a) **Males – Two (2)**
b) **Females – One (1)**

c) **Others – Zero (0)**

Total = Three (3)

ii) Age category:

a) **Adult (aged 18+) – Three (3)**

b) **Youth (aged 1-17) – Zero (0)**

Total = Three (3)

iii) Race:

a) **Aboriginal – Two (2) = 1 male and one female adult.**

b) **Caucasian – One (1)**

Total = Three (3)

E) Personal information obtained through officer observations of attempted street checks:

- **Data not available (see “Number of street checks attempted”).**

F) Location of the street check:

- **Two (2) street check interactions (file SC22000023) were the result of one occurrence located at 622 Stafford Drive North, Lethbridge (20 Beat).**
- **One (1) street check interaction (file SC22000024) were the result of one occurrence located at the 2800 block of 12 Avenue North in Lethbridge (20 Beat).**

G) Date of the street check:

- **Two (2) street check interactions (file SC22000023) took place during the day at the same time (09:20) on May 29, 2022.**
- **One (1) street check interaction (file SC22000024) took place later the same day (15:25) on May 29, 2022.**

H) Reason for street check:

- **All three (3) street check interactions (files SC22000023 and SC22000024) were the result of suspicious, and/or drug-related activity (Suspicious Activity) in a high crime area.**

I) Information obtained as it relates to the community/location where the information was collected:

- **None**

J) Number of requests for information from members of the public related to their street check interaction with officers:

- **Zero (0)**

K) Number of public complaints related to street check interactions:

- **Zero (0)**

Observations:

The number of street checks in 2022 totalled three within two occurrences. By comparison, in 2021 there were five street check interactions within two occurrences, and in 2020 there were 12 street check interactions within 9 occurrences. There continued to be some inaccurate reporting by officers who submitted Street Check Reports for occurrences which did not qualify as being a veritable street check. These were instances in which observations were made without any interaction between a member of the public and a police officer, or in which a member of the public had a legal obligation to provide their information to police (such as drivers in traffic stop occurrences). In 2022 there were 33 Street Check Reports submitted of which only two occurrences (noted above) were actual street checks as defined by policy and provincial guidelines. The two occurrences involved police interaction and information collection from three individuals. By comparison again, 2021 saw 57 Street Check Reports submitted of which only 5 were deemed to be actual street check occurrences.

Over the past two years there has been a substantive overhaul to the LPS Street Check policy and statutory reporting requirements as well as to the training provided to our members. The number of Street Check Reports and the number of inaccurately categorized reports is definitely in decline. We are almost entirely in compliance with policy but are currently working on the requirements for restricted access to Street Check Reports after five years have passed from the time of their collection/submission. The NICHE testing process is going on currently and the expectation and goal is that all Street Check Reports that are five years or older will be restricted for access by May 2023. There are several thousand occurrences listed as Street Checks to work through in order to accomplish this.

Furthermore we are lacking (albeit slightly) in compliance with the provincial reporting requirements. This deficiency is specific to our NICHE capabilities for recording and reporting on verified voluntariness of information disclosure by the public and for recording and reporting on the number of *attempted* street checks. This has taken some time to accommodate from the I.T. section but was requested early in 2021. A check with I.T. as of February 2, 2023 indicates that we are still waiting for these reporting constructs to be issued from our NICHE service provider. They are still actively aware of the need and are following

through with the service provider though it is unknown exactly how long the results may take.

The sample size of actual street checks is very small and in isolation can reveal neither meaningful, demonstrable trends nor any disproportionate application of their use.

Recommendations:

Completion of the structural reporting changes within NICHE to reduce inaccurate reporting categories, allow for proper representation of voluntary interactions between members of the public and police, and document attempted street check interactions is necessary.

The process for facilitating and completing the restriction of access to all Street Check Reports that are five years old or more needs to be completed.

There are no further recommendations currently.

Training will continue to be provided to all members on what constitutes a street check and how to report it properly. This will occur annually and/or as determined necessary based upon statutory or policy changes. It will include but not be limited to definitions, scope of officer authorities and responsibilities, detailed reporting requirements, and the importance of voluntariness. Corrective feedback will continue to be provided following all quarterly reviews that indicate any deficiencies or inaccurate reporting categorization.



Sgt. J. McMillan
Quality Assurance, Audits, & Accountability