



Manual Part: Operations (OP) Search and Seizure Policy	Policy Number: OP13PO	Alberta Policing Standards:
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Search and Seizure Policy

Purpose:

To ensure that members conducting searches or seizures do so lawfully and in a reasonable manner. This policy applies to sworn members and sets out the principles governing search and seizure.

Statement of Principle:

Section 8 of the *Canadian Charter of Rights and Freedom* provides the right to everyone to be free from unreasonable search or seizure.

Definitions:

Definitions listed in this section apply to this document only with no implied or intended organization-wide or EPS Policy and Procedure Manual wide use.

Common Law – Also known as ‘case law’ is a set of legal principles developed over time by courts, and similar tribunals, stated in decisions which decide individual cases but have precedential affect on similar future cases.

Reasonable Grounds – In this context ‘reasonable’ relates to legitimate expectations that a fact exists without being able to say that it is ‘more likely than not’. Reasonable grounds is a bona fide belief in a serious possibility based on credible evidence. It is less than a balance of probabilities (i.e., less than 50%+, less than “more likely than not”), but is more than reasonable suspicion.

Reasonable Suspicion – More than a subjective belief which on its own amounts to a hunch or mere suspicion; rather, it must be based on objective grounds or credible evidence. These grounds, however, are less than those required to form reasonable grounds to believe.

Search – An examination by police of person or property that infringes on an individual’s reasonable expectation of privacy.

Seizure – The police taking a thing from an individual without the individual’s consent which infringes on the individual’s reasonable expectation of privacy.

Statute – A written law passed by Parliament or a legislature.



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Policy Statement:

Section 8 of the *Canadian Charter of Rights and Freedoms* states that everyone has the right to be secure against unreasonable search or seizure. Its fundamental objective is to preserve the privacy interests of individuals from unreasonable state intrusions upon their privacy.

It is only when a person's reasonable expectations of privacy is somehow infringed by an investigative technique that Section 8 of the *Canadian Charter of Rights and Freedoms* comes into play. As a result, not every form of examination conducted by the government will constitute a "search" for constitutional purposes.

A reasonable expectation of privacy is to be determined on the basis of the totality of the circumstances.