



# Other Agency Search Powers

## Private Security

Private security has only the same rights to search as a regular person does. They can't search you unless you give them permission or they have arrested you (see page 20 for when a non-police officer can arrest you). If security has arrested you, anything more than a *pat-down search* for weapons could be an illegal search. If you have been searched by private security without your permission, contact a lawyer or the B.C. Civil Liberties Association.

## Customs

Because they are protecting borders, Customs officers have special permission to do searches. Unlike police, they can search your car, your bags, your pockets or do a pat-down search on a “hunch” without *reasonable grounds*.

If you have any complaints about what a Canada Customs officer does or says, ask for the Superintendent On Duty. At U.S. Customs, ask for a supervisor.

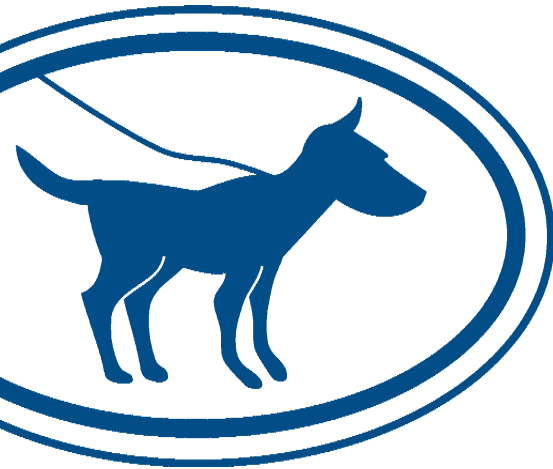
Canada Customs officials must follow the *Charter of Rights and Freedoms*. This means strip searches can only be done where the Customs officer has reasonable grounds to believe you are hiding something under your clothes or in a body cavity. U.S. Customs guards must have a “reasonable suspicion” to do more than a search of your outer clothes.

If a Canada Customs officer wants to do a strip search, you have the right to be taken before a *Justice of the Peace* or a Chief Officer. You can ask to speak to a lawyer before this hearing. The officer that wants to do the search must convince the Justice or the Chief Officer there is a good reason for the search. If there is no

good reason, the Judge will tell the Customs officer to release you. You also have the right to a lawyer in the U.S. before any search beyond a pat-down search and search of your outer clothes.

If you are not honest with Canadian or U.S. Customs about things you are bringing over the border, they may take your property. You may lose the property permanently, or you may have to pay a fine. If they take something from you, they must give you a receipt that includes information on how to get your property back.

Customs officials must follow the same arrest procedures as police officers. You have the right to remain silent and to talk to a lawyer if you are arrested at the border.



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*See Customs Act, Canada Customs and Revenue Agency Act and Canada Border Services Agency Act*

## Special Law Enforcement Personnel

Many groups like transit authorities, railway companies, and environmental authorities have their own law enforcement employees. Members of these special police forces are often *special provincial constables* or members of Designated Law Enforcement Units (DLEU) under the B.C. *Police Act*. They have the same rights and powers as regular police officers, but are responsible for enforcing only the laws relating to their employer's interests or to protecting their employer's property.

There are many government agencies that have different powers of entry, search, seizure, and *detention*. These groups may operate in similar ways to police. For information on the powers of other agencies, use the blue pages (government pages) of the phone book to find the information phone number for that agency. You can also consult with a lawyer. For information about *CSIS*, the Canadian Security Intelligence Service, see page 52.

### Special Provincial Constable and DLEU Complaints

Making a complaint against *Special Provincial Constables* or Designated Law Enforcement Units is different than for regular police. Contact the Office of the B.C. Police Complaint Commissioner for assistance at 604-660-2385 or 1-800-663-7867 or call the relevant agency and ask about how to make a formal complaint.



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See B.C. *Police Act*