



NEWS RELEASE

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BCCLA says extreme police tactics violate rights against unreasonable search and seizure

On November 20, 2009 the B.C. Civil Liberties Association will argue in the Supreme Court of Canada that the Calgary Police Department used unreasonable force and broke the centuries old 'knock and announce' rule when they broke down the door of Lorraine Cornell's home in 2005 while executing a search warrant. The Alberta courts held that the police used "extremely invasive tactics" and that "the violent entry into a private dwelling, unannounced and without request, by several masked police with weapons drawn, and without the search warrant, was not justified." Previous decisions of the Supreme Court have confirmed that even if authorized by a warrant, "the search must be carried out in a reasonable manner."

Without first announcing themselves, the Calgary Police Service's armoured Tactical Enforcement Unit used a battering ram to break down Ms. Cornell's door and then charged in with guns drawn and faces covered by ski masks. The police were executing a search warrant targeting Jason Cornell. Jason lived in his mother Lorraine's home, along with his brother, Robert, and 17-year-old sister. Police suspected that Jason was involved in a dial-a-dope operation.

Instead of finding Jason, police came upon his mentally challenged older brother Robert. Police handcuffed Robert, and left him terrified and lying prone while they continued to break down doors in the house. Police arrested Jason Cornell at his place of work later that evening.

The Supreme Court of Canada will determine whether the police's storm trooper-style tactics ran afoul of Charter prohibitions against unreasonable searches and seizures.

Ryan Dalziel, counsel for the BCCLA: "This case is an important opportunity for the Supreme Court to tell us if a person's home really is a castle. It is about how much protection the home has from aggressive forced entry by the police. We will argue that requiring the police to announce their presence and wait a reasonable time before forcing entry should be the rule, except in unusual cases. We say this is the safer choice for police and public alike."

Grace Pastine, Litigation Director for the BCCLA, criticized the aggressiveness of the police raid. "Several masked men broke down this family's door and charged inside with guns drawn," Pastine said. "Surprise raids might be necessary in special circumstances," said Pastine. However, she stressed that violent raids should be the exception and not the rule.

“There was no reason for the police to believe that Jason Cornell might be violent. He had no criminal record and no history of violence, and neither did anyone else in the house.”

The BCCLA hopes the Supreme Court will put clear limits on when and how military-style raids can be used.

The BCCLA is represented by Daniel Webster, Q.C. and Ryan Dalziel of Bull, Housser & Tupper LLP.

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