



NEWS RELEASE

British Columbia Civil Liberties Association
July 28, 2009

For immediate release

BC Civil Liberties lodges police complaint after unlawful searches at fireworks

The BC Civil Liberties Association has received information that the Vancouver Police Department (VPD) implemented a policy of unlawful mandatory searches during the HSBC Celebration of Light. The BCCLA has accordingly filed a policy complaint under the *Police Act* against the VPD.

A witness observed pedestrians in the English Bay being randomly approached by VPD officers who asked to search their personal belongings. The witness approached the VPD officers and inquired about VPD authority to search for and seize alcohol. The VPD officers responded by falsely claiming that this practice is consistent with the Liquor Control Act. The CPC report makes that clear, saying: "It is not enough [grounds for a law enforcement officer to justify a search] to believe that some, or many, or most, people in a particular group are in possession of liquor for an unlawful purpose."

Rob Holmes, BCCLA President: "Effective law enforcement does not require that the police overstep the bounds that courts and legislators have set. Searches not based on reasonable grounds are unlawful. Using a police uniform and badge as a means of procuring compliance with a request for an otherwise groundless search has been repeatedly questioned in the courts."

In January 2009, the Commission for Public Complaints Against the RCMP (CPC) released a report in relation to a similar complaint arising from events in Victoria, B.C., analyzing the law in BC regarding mandatory searches for alcohol. The report ultimately found mandatory searches to be unlawful. The report went so far as to say that search checkpoints, even if based on apparent consent, are "potentially irreconcilable with ensuring that the citizen is aware of the right not to be searched." As a result of the CPC report, RCMP Commissioner Elliott has expressly directed RCMP officers not to participate in mandatory search programs.

Rob Holmes, BCCLA President: "We had hoped that the report of the CPC report released in January 2009 would have resolved matters, but it appears that there is a push-back by those directing police actions at large-scale events. That kind of disregard for rights of privacy and personal integrity is troubling, particularly as Vancouver plans to hold more and more such events in the near future."

[Commission for Public Complaints Against the RCMP report >>](#)
[Letter of complaint >>](#)

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