



## NEWS RELEASE

British Columbia Civil Liberties Association

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### **With cell phone video recovery inconclusive, BCCLA calls on VPD to release surveillance video**

Two months of effort by three different data recovery companies to recover an allegedly deleted cell phone video of a police shooting has ended in a frustratingly inconclusive result. The data recovery companies have not been able to say, one way or another, whether the video ever existed, or recover any part of the video.

On March 20, 2009, Michael Hubbard was shot and killed by police after being mistaken for a petty thief. Adam Smolcic, a bystander who says he filmed the incident on his cell phone, claims that shortly thereafter a VPD officer confiscated his phone and deleted the video he had just taken.

“We have reached the end of our resources in attempting to recover Mr. Smolcic’s video,” said BCCLA Executive Director David Eby, noting that the next level of data recovery that involves disassembling the phone would cost thousands of dollars. “Fortunately, the public is not without an opportunity for transparency and openness. We call on the VPD to release the video of this shooting and the aftermath to the public, or at the very least to the family of Mr. Hubbard.”

Last month, VPD Chief Jim Chu wrote a memo to all VPD officers and civilian staff in which he suggested that security camera footage showed Hubbard advancing on the officers. Some early witness accounts suggested Hubbard was standing still when police opened fire.

“There is a silver lining in this, in that Mr. Smolcic’s allegation, coupled with an allegation made by a Vancouver Province photographer, caused the VPD to change their policy on seizing cameras from members of the public and the media,” says Eby. “We would be glad to assist someone in a similar position to Mr. Smolcic in the future.”

The BCCLA will be returning the cell phone to Mr. Smolcic. The total cost of the data recovery effort was slightly in excess of \$750 USD. The BCCLA’s data recovery attempts were greatly assisted by Simon Feay of Aceon Data Recovery, a Vancouver-based data recovery firm.

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