

# Property Rights

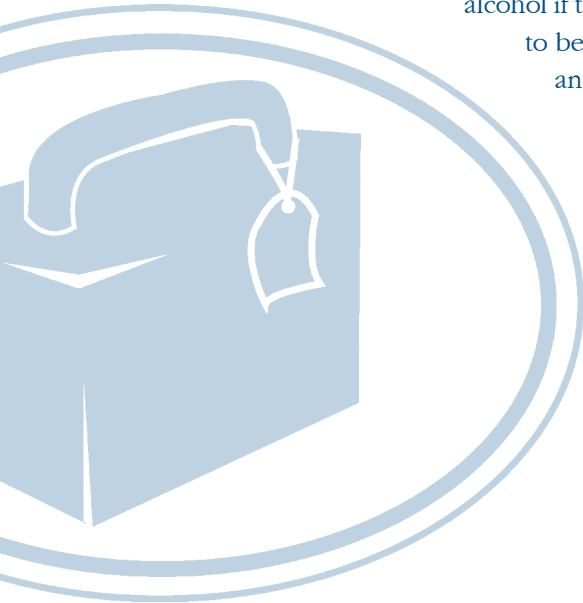
## Seizing Property

If the police “seize” your property, it means they have taken your property. The police can only take your property if they believe it is somehow connected to a crime.

If you have paid for property with money that came from crime (even if you didn’t know), or you have used property when you were committing a crime, or owning the property itself is a crime, the police can take it. They can also take property that might give them evidence, like videos, camera film, pictures, or anything else they can use to prove their case. Police can seize alcohol from you if you are drinking in public and you are not in a licensed bar or restaurant. Police may also seize unopened

alcohol if they have *reasonable grounds* to believe it is going to be used for an unlawful purpose (e.g. being taken to a location to drink in public).

The court should order your lawfully owned property returned once it is no longer valuable as evidence. Your illegally owned property may be destroyed and



will not be returned to you, even if you are not charged. If police do not return your lawfully owned property, you should contact a lawyer.

Alcohol will not be returned to you if you are convicted of an offence under the *Liquor Control and Licensing Act*. You are convicted if you are given a ticket and you don't fight it in court and win. If you don't get a ticket and your alcohol is seized, you can have it replaced or be compensated. Write to the General Manager of the Liquor Control and Licensing Branch within 30 days requesting compensation. Include as much detail from the incident as possible.

Attn: General Manager  
Liquor Control and Licensing Branch  
PO Box 9292 Station Prov Govt  
Victoria, British Columbia  
V8W 9J8

E-mail: [lclb.lclb@gov.bc.ca](mailto:lclb.lclb@gov.bc.ca)

## Photographs

Police can take photographs or video of you in public as part of an investigation, but you do not have to co-operate by standing still or showing your face unless you are under arrest (see page 40 for details). Be careful: running away from a camera could give police a good reason to detain you legally. Just turn and walk away.



## Breathalyzers, Blood and DNA Samples

Canadian law protects your body from the police. The police can never take blood or hair samples from your body for analysis without your permission or a *warrant* from a Judge. However, the police do not need a warrant to collect materials that may contain your DNA, such as hair, tissue or bandages if you have thrown them in the garbage.

A Judge will give police a *DNA warrant* to get a sample from you if they can convince the Judge that they can meet the following two conditions:

1. they have *reasonable grounds* to believe you were involved in a serious *indictable offence*, including offences like murder, sexual assault, arson or rape; and
2. DNA evidence will link you directly to the crime or prove your innocence.

If you are suspected of having been drinking while driving a car, boat or other motor vehicle, the police have a right to demand that you give a breath sample. A breath sample is given into a “screening device,” usually at the roadside. If you refuse, you may be charged for not co-operating, which can be just as serious as drinking and driving.

The result of the test, by itself, will not ordinarily be enough evidence to charge you with impaired driving but will give the police reasonable grounds to believe that you are impaired. The police then have the right to demand that you take a breathalyzer test or give a blood sample. If the result of either test indicates a level of alcohol in your blood that is greater than .80 milligrams, the police can charge you with impaired driving. They may not use these samples for DNA evidence. Talk to a lawyer before giving police permission to do a mouth swab or take a blood or hair sample.

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CRIM CODE 487.05 and following