

bccla 2010

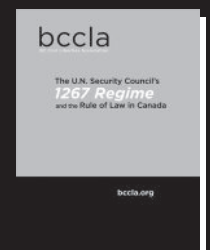
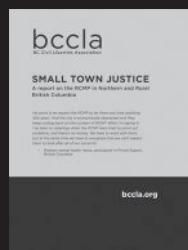
Annual Report

BC Civil Liberties Association

British Columbia



BCCLA 2010 Northern Tour
finds need for improvement in policing services provided in rural and northern British Columbia



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The Democratic Commitment is a publication of the British Columbia Civil Liberties Association. The Association was established in 1962 and is the oldest continuously active civil liberties association in Canada. Its mandate is to preserve, defend, maintain and extend civil liberties and human rights in British Columbia and across Canada.

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WHY WOULD THEY DO THAT?

A year of selfless contributions to rights and freedoms

This association was formed in the early 1960s in an unofficial sense when several British Columbians gathered together to create an organization focused on civil liberties. The association became “official” when it was incorporated as a society in the spring of 1962. It was the first Canadian civil liberties organization. It grew and attracted more members. Its public face has usually come from its officers, directors and staff. But those people’s contributions have always been supplemented by an array of sympathizers. Professors, students, lawyers, community activists, union members, teachers, librarians, artists, bookstore operators and many others have gotten involved. The result? Issues and concerns we brought to the fore of political and legal discussion have taken many aback, made many think, and made for greater understanding and even change. That is the backdrop to my message as President this year. I ask myself a question often. I do so because I was taught that it helps understand people and things. So, as we approach our 50th anniversary, I thought I would share it. It is a simple question: Why would they do that?



social status. While I am sure board members are honored to be asked to serve and treat it as a credit to do so, I don’t think that is the explanation. No, the answer is not in self-interest. It is better found in the fact that by serving they find a way to participate in an organization that focuses on liberty, freedom, justice and democracy. Those things are like the air – often taken for granted until taking a breath becomes labored or impossible.

So if that is so for directors and officers, what about the staff? Why would they do it? I remember talking with someone who assumed that BCCLA lawyers made a lot. Not so. The same person also assumed we had many more people on staff than is the case. More on that in a moment. The fact is that our staff sacrifice a lot working for the association. So it’s not the money. Why dedicate the hours, the thoughtfulness, and the resolve that we routinely see and almost take for granted? I think the answer is because of something within each of them: a desire to make things better; an intellectual and visceral feeling that their contribution to society carries more meaning with this work than any other; and, a principled commitment to liberty, freedom, justice and democracy.

Adam Smith, before writing his economic text, wrote that there are “evidently some principles” of human nature that interest us in the fortunes of others, that render the happiness of others necessary to each of us, even though each of us “derives nothing from it except the pleasure of seeing it.” He was following Rousseau on this – not the first or last instance of a philosophical odd couple – who similarly had commented on how empathy could not be explained by self-interest. For human beings, as not just social, but political animals, caring about how each of us can attain fulfillment as members of a democratic community must be recognized.

Why would those who have served the association as directors and officers through the years do so? It is not as if it pays. The association bylaws forbid pay except for expenses. Most of the time even those get borne by the individuals involved. It is not as if serving provides

What about our interns and volunteers? I mentioned the public impression that we have many more lawyers than is the reality. That comes from the willingness of so many members of the legal profession to act pro bono for us. It amazes me. Our Litigation Director spends much of her time keeping track of those willing to help and matching them with the demand for their time and talents. So why would they do it? Why volunteer time when you could make money doing billable work for paying clients? Part of the answer no doubt comes from the fact that as a profession, lawyers are brought up to think about the rule of law, access to justice and protecting the rights of ordinary people. But again, unless there is something within the person rendering them willing to commit the time and effort, that

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ABOUT THE BCCLA / 2010 IN REVIEW

Despite our massive growth in 2009, in 2010 the Association showed strong growth again despite a significant economic downturn.

15% more events where BCCLA staff were key speakers, reaching 16% more people than in 2009, just shy of 5,000 audience members for the year.

15% more hard copies of the Democratic Commitment, our newsletter, distributed.

20% more grant dollars were allocated to the Association to support our litigation and education activities.

29% more copies of our e-newsletter were distributed, with over 23,000 e-copies arriving in inboxes.

29% more publications distributed thanks to three new news-making reports on deaths in custody, international law, and racial profiling.

47% more volunteer time contributed to the Association, including volunteer hours from lawyers and the remarkable commitment of our volunteer Legal Observers.

10% more donations, excluding bequests, came from private individuals over the year, demonstrating remarkable support for the Association's work.

1,000+ media interviews, showing a 6% increase over 2009.

1,253 new Twitter followers and a 196% increase in friends on Facebook.

2,000 people assisted by our casework team, supported by our hard working interns, for a 44% increase over 2009.

100,000 more website hits, a 9% increase, with 2.08m hits in 2010.

Thanks to our aggressive casework, litigation and public education programs, the BCCLA regularly helps initiate or change the course of policies related to free speech, democracy and accountability for government and other powerful actors. Here are an even dozen of our favourites:

1 Protected free speech and human rights over the Olympic period

In comparing the police response to the G8/G20 in Toronto to the police response to the Olympics, the BCCLA is convinced that our pre-emptive tone setting through proactive meetings with police and government to ensure free speech, combined with our legal observer program, and our lawsuit against the “Free Speech Zones” encouraged police to be on their best behaviour, and resulted in remarkable free speech wins like the overturning of Vancouver’s Olympic bylaw, the passing of the “critical mass” bike protest directly beside the Olympic torch, the holding of massive public demonstrations without bylaw or police interference throughout the city, and general restraint by security forces during the Olympics.

2 Worked with aboriginal and non-aboriginal groups to achieve an inquiry into the deaths of the murdered and missing women of the Downtown Eastside

The BCCLA was honoured to be on the front lines with women’s and aboriginal groups pressing for a public inquiry that was achieved in 2010. Hearings are expected to start in mid-to-late 2011.

3 Worked for justice for urban aboriginal communities in the north and built relationships with northern and rural Law Foundation funded advocates

In 14 days, BCCLA Executive Director David Eby presented 16 workshops in 14 communities in northern and rural BC on the RCMP policing contract and police accountability in B.C. During these workshops, the BCCLA uncovered systemic issues involving aboriginal people in Williams Lake and Terrace, as well as issues of equality for women in RCMP cells.

4 Hosted three powerful speakers for the public at free events

The BCCLA hosted public talks by Michael Kirby, retired judge of the Australian High Court and international human rights award winner; Paul Champ, lawyer in the Afghan Detainee hearings and many other cases of national importance; and, for our annual high-school student day, David Beers of the Tyee, speaking on the importance of a free and independent press.

5 Ended invasive child sex research by the B.C. Forensic Psychiatric Service

Our uncovering of the use of the controversial Penile Plethysmograph device on child sex offenders involved in the criminal justice system caused the Minister for Children and Family Services to announce the end of the so-called “research program.”

6 Fought and won (and lost) several high-profile cases at the Supreme Court of Canada

Selecting just a few of our best: We narrowly missed a win in *R v. Cornell* about police storm-trooper like no knock warrants without sufficient justification (4-3 decision), but we did – in partnership with many others, including local lawyer Cameron Ward – win on a critical case to ensure damages can be awarded in Charter rights violations. We were also partially successful in the Ontario Criminal Lawyers decision where the Supreme Court held that a citizen’s rights to free expression can include the right to access information held by government.

7 Launched a successful Continuing Professional Development program for lawyers on civil liberties issues

The BCCLA hosted two CLE programs for lawyers, one on free expression on the internet, and one on constitutional criminal law developments in 2010, both of which were well attended and promise a successful year ahead for this initiative.

8 Convinced the provincial government to end police self-investigation

On June 18, 2010, B.C. Solicitor General Mike de Jong announced that the province would end the practice of police investigating themselves, the inevitable (but long overdue) result of a campaign that the BCCLA has been engaged in for more than 5 years.

9 Led the charge to convince the federal government to open MP expense accounts to scrutiny

Pressure by the BCCLA was recognized by the Ottawa Citizen as being a key part of the overwhelming public pressure that forced federal parties to relent and open their MP's expense accounts to the auditor general.

10 Celebrated staff and board awards

In 2010, Micheal Vonn, Policy Director for the BCCLA, was nominated for a YWCA Women of Distinction award, and received an AccolAIDS award from the B.C. Persons With AIDS Society for her work on medical record privacy and anti-discrimination initiatives. David Eby, Executive Director for the Association, received the Renate Shearer Award for Human Rights from the UN Association in Canada and the B.C. Human Rights Coalition. Robert Holmes, President of the Association, was awarded the title of Queen's Counsel in 2010.

11 Ensured free speech for students at the University of Victoria

The BCCLA aggressively defended the rights of anti-abortion club members to access the same resources as pro-choice club members at the University of Victoria, filing a lawsuit that resulted in a settlement with the Student Union that reinstated full club status for the anti-abortion group.

12 In partnership with Amnesty International, demanded human rights norms be observed by Canadian soldiers in Afghanistan

The BCCLA continued our work in front of the Military Police Complaints Tribunal, holding Canadian Forces accountable for turning Afghan detainees over to face torture. Many commentators suggested it was our case that caused Prime Minister Harper to prorogue parliament.

PRESIDENT'S REPORT continued from page 3

upbringing is only tinder, not a spark. So again, the answer is that by giving back to one's community through service to the BCCLA, lawyers manifest their own commitment to liberty, freedom, justice and democracy.

There are many more volunteers that the association has, of course. During the Olympics, we trained about 400 people to serve as "eyes and ears" for the public at demonstrations. Our "Legal Observers", wearing their bright colored vests and armed with cameras, were an immense success. Why would anyone volunteer to do something like that? Again, as a member of a democratic society, serving in a way that affirms fundamental respect for others' right to engage in free expression and everyone's right to hear it, reflects a deep commitment to liberty, freedom, justice and democracy.

What of our members, supporters and "fellow travelers"? Those who attend meetings and functions act out their commitment that way. Those who hear of our advocacy and talk about issues with friends, family and others act it out that way. Those who don't feel able to do either of those, but who discreetly provide financial assistance, act it out that way. Those who just think about our message and use the lens of civil liberties when envisaging how to vote, act it out that way. Everyone who helps, talks, listens, or just thinks and sympathizes fulfills an important role in ensuring that the association's mission is furthered.

We have accomplished much as an association thus far. Liberty, freedom, justice and democracy – natural concerns for us, like the air we breathe...

Robert Holmes, Q.C.
President

PUBLIC EDUCATION / REACHING OUT

The most important role our organization has is to educate the public, the media, and decision makers about why civil liberties principles like free speech, anti-discrimination, government transparency and accountability and personal autonomy are important to a democratic society. Here's how we accomplished this work in 2011.

Media interviews and consultations

This year, for the first time, the Association conducted more than 1,000 interviews with journalists both local and international on civil liberties issues. Our Executive Director's column educating the public on civil liberties values is printed in more than 125,000 copies of 24 Hours each Wednesday. Our President, staff and board regularly appear on national television and radio news to explain important court decisions or educate about the implications of new government policies.

Publications

In 2010, the BCCLA issued three new reports that are now available in libraries across Canada. Our *Racial Profiling* report examined racial profiling in policing and national security. Our *Deaths in Custody* report awarded B.C. the dubious distinction of having the highest rate of police-involved deaths of all provinces in Canada on a per capita basis. Our *UN 1267 Committee* report resulted in its author, our counsel Carmen Cheung, being invited to a national conference to present our findings on the implications for Canada's sovereignty and due process of our signing on to the UN's 1267 protocol.

Events

We hosted major educational events over the year, including our annual high school student day with more than 300 high school students learning about civil liberties values, a by-donation rights breakfast with esteemed international human rights award winner Michael Kirby, and a public lecture by Ottawa lawyer Paul Champ. We also co-presented several films at the Amnesty International and DOXA film festivals in Vancouver. Our workshop on sobering centres attracted the head of the RCMP in B.C., along with several police chiefs from across the province, and our work on this issue continues.

Public speaking

At 78 events BCCLA staff presented educational lectures to almost 5,000 people, showing a near doubling from just two years ago where our annual audience for 2008 was estimated at 2,800 people. Here are some of the highlights of those 78 presentations:

- College of Physicians and Surgeons Education Day, *Developments in e-health and Privacy* (Vancouver)
- Law of Policing Conference, *Managing Emerging Privacy Issues in Policing* (Vancouver)
- B.C. Association of Social Workers Conference, *Free Speech, Hurtful Speech, Hateful Speech* (Vancouver)
- Health Librarians Association Conference, panel on electronic health records (Vancouver)
- Hospitality Executives Conference, *Drinking and Driving Laws in B.C. and Proposed Provincial Amendments* (Vancouver)
- AIDS Vancouver, Oak Tree Clinic and the Downtown Community Health Centre, *HIV Disclosure Law Updates* (Vancouver)
- BCCLA Policing Northern Tour, 16 presentations at 14 centres in northern B.C. on policing issues (Merritt to Dawson Creek and Prince Rupert)
- *Death in Custody* report launch (Victoria, Prince George, Kamloops, Vancouver)
- McGill Symposium on Counter-Terrorism and Civil Liberties, *The Afghan detainee and Omar Khadr cases* (Montreal)
- CCLA RightsWatch Conference, *Safe Injection Sites and the Future of Section 7 Charter Protections* (Toronto)

CASEWORK

COMPLAINT ASSISTANCE / **OVER 2,000 REQUESTS ANSWERED**

If we didn't walk our talk, nobody would listen. That's why we prioritize being advocates for people needing assistance on civil liberties issues in Canada.

Overall in 2010, our BCCLA caseworker and interns reported assisting over 2,012 individuals (1,400 in 2009, 1,165 in 2008).

- Information/referrals, where we help people connect with community resources, were at 1612 for 2010 (2009 - 1125, 2008 - 762).
- Complaint summary services, where we help people file and follow up on complaints were at 193 for 2010 (2009 - 137, 2008 - 120).
- Case files, which are more involved files that involve 2 hours or more of dedicated work were at 349 in 2010 (2009 - 273, 2008 - 266).

a result of a forum they held on the issue on campus and posters put up in the student centre advocating against the medical procedure. The BCCLA supported the organization in a legal challenge of the delisting and defunding, and as a result of a settlement agreement, the group has been reinstated with full funding by the University of Victoria Student Union. This issue is not unique to British Columbia, and the Association believes a strong message has been sent to Student Unions across Canada on the importance of all voices being heard, including those with whom we may disagree.



Jesse Lobdell
BCCLA Caseworker

Talon Press

The BCCLA supported independent book publisher Talon Press in accessing legal advice about threats of litigation by Barack Gold for a book that has yet to be published. Barack has issued demands to the company that they immediately provide Barack a copy of the draft of the book for Barack to review for defamatory commentary. Barack has also issued threats of litigation to the printer and translator for the book. We have connected Talon with counsel to provide advice and assistance.

PRISONERS' RIGHTS

Closing the Penile Plethysmograph program of the Youth Forensic Psychiatric Service of B.C.

The BCCLA assisted Justice for Girls in bringing a complaint forward to the Youth and Child Advocate of B.C. concerning the practice of the Youth Foren-

FREE SPEECH

Supporting free speech on campuses in Canada

The BCCLA supported a student group at the University of Victoria that is opposed to abortion. The group was delisted as a campus organization as



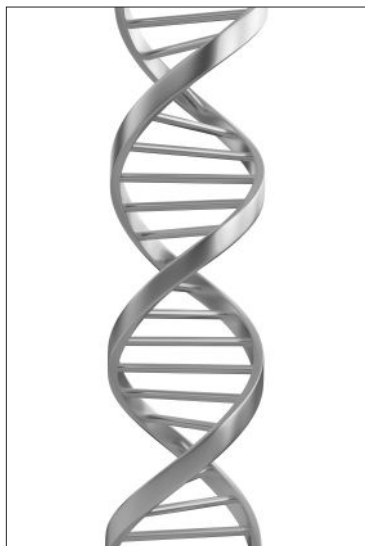
CASEWORK

sic Psychiatric Service of B.C. to do research on child sex offenders with the “penile plethysmograph,” a device that connects to the genitals of a male child to measure sexual arousal. The children were shown images of naked children and a video of adults having sexual intercourse, and were read stories describing coerced and forced intercourse among children and adults for the purposes of research publications produced by the centre. The Child and Youth Advocate, as a result of our efforts, started a formal investigation and the Province cancelled the program when it came to light that the administrator of the test had been charged with a sexual offence. The investigation of the Child and Youth Advocate’s office continues into the 20-year old program, and the Association has asked the College of Physicians and Surgeons to look into the conduct of the doctor(s).

PRIVACY RIGHTS

Establishing policies around the Women and Children’s Hospital infant DNA database

The BCCLA assisted a concerned parent in bringing forward the issue of a provincial database of over 800,000 blood samples of infants born in the province over the last 11 years that was being stored and accessed for research purposes without parental consent. The database is available to law enforcement and there are inadequate policies governing access to



the materials for researchers and to protect privacy of infants. As a result of the Association’s work, we were able to connect the parent with counsel who initiated a class action to have the database destroyed, or require the hospital to get parental consent to maintain the records

of the infants indefinitely. Our advocacy also resulted in the hospital rewriting the web materials and brochures given to new parents on the DNA database, and an internal effort to establish policies and procedures around access to the private and sensitive medical information.

DISCRIMINATION

Preventing a major crackdown on the homeless in Burnaby

The Association brokered a private deal between B.C. Housing, the RCMP and Burnaby City Council after media reports indicated that a homeless population living in Central Park would be mass arrested and displaced. The deal, in partnership with a local service provider, resulted in B.C. Housing making permanent housing available to the people living in the park and avoided a police crackdown on the tent city. The BCCLA did no media on the issue in order to facilitate the negotiations and to encourage the city council, RCMP and B.C. Housing to work expeditiously on resolving the issue rather than justifying or spinning the pre-determined crackdown plan as something positive.



POLICE ACCOUNTABILITY

Overturing a flawed investigation into the Chief of Police in Victoria

The Association supported a complaint by an individual against the Chief of the Victoria Police

Department Jamie Graham by writing a letter to the Office of the Police Complaint Commissioner that resulted in the initial dismissal of the complaint being overturned and a new investigator appointed to re-examine the issue. The complaint concerned an allegation that Chief Graham had disclosed an undercover Olympic investigation inappropriately during a public forum. The investigation report spent 3 pages investigating the complainant, who had no direct or personal connection to the subject matter of the complaint, and 1 page addressing the substance of the complaint. The second investigation resulted in Chief Graham being found to have engaged in discreditable conduct.

Setting the record straight

The BCCLA assisted a woman after the RCMP released misinformation about an encounter she had with police, where RCMP said the women had been engaged in an offence against the Liquor Control Act when she was allegedly assaulted by an officer. She had engaged in no such offence. Our efforts resulted in a correction being published by the RCMP.

Keeping a close eye on deaths in custody

The BCCLA initiated police complaints for six police involved deaths in 2010. We also kept a close watch



Gary Schotel photo

on the Kevin Vigar death in custody complaint investigation and the Paul Boyd coroner’s inquest. Boyd’s inquest revealed that the shooting officer had shot Boyd fatally in the face, according to witnesses, including police witnesses, while Boyd was either crawling on the ground or falling to the ground, completely disarmed and having already been shot seven times. No criminal charges were recommended against the involved officer.

Advocating against police-made bylaws in Nelson

The Association put private and public pressure on the City of Nelson to abandon a police proposal that would contravene the Charter of Rights and

Freedoms by seeking to avoid section 8 search protections through “administrative warrants” where city officials would search for grow-ops instead of police officers. The Association argued that this search power was contrary to the recent Court of Appeal decision involving the city of Surrey in which the Association had been involved, and successful. The City backed away from the proposal and has not moved to introduce the proposed bylaw.



Jay Black photo

CASEWORK

OLYMPICS

The BCCLA provided the following services over the Olympic period, which helped ensure that the actual running of the Games was consistent with Canadian norms for free expression and accountability for security forces:

- Legal response hotline – Enhanced assistance for the public: A beefed up casework response line to respond to Olympic rights violations and provide a venue for Olympic specific casework, backed up by a roster of pro-bono counsel weighted heavily to the criminal bar.
- Legal observer program – Enhanced volunteer participation in the Association’s mandate: An objective observer program to act as the eyes and ears of the Association throughout the Olympic period. Over 300 individuals were trained as observers and participated in the program.
- Olympic “tips” hotline – Improved efficiency in communications with the public: A “tips” line was established for members of the public and UBC students to report civil liberties issues related to the Olympics to permit quick response by the Association to evolving situations.
- Daily media briefings – The Association gave more than 100 interviews during the Olympics to news outlets from all around the world in relation to the Olympics and civil liberties concerns including free expression, “safe assembly areas” or protest zones, and RCMP visits to the homes of activists in the lead up to the Games.
- Pre Olympic free speech program – Proactive strategies up front to minimize crisis work: A concerted public relations and outreach to police campaign in advance of the Olympics helped set a tone for zero tolerance of rights violations during the Games.



We believe...

our supporters, like Eric, contribute to a more just society.



Eric Wyness
Musician, Writer,
BCCLA Board Member

Stefanie Ratjen
Development
Coordinator

When you donate to the BCCLA, you support rights and freedoms for everyone.

Moni Habib photo

Hello

Having been a part of the BCCLA in different capacities – as a member, volunteer, and program coordinator – I am so pleased to be supporting the membership and fundraising for Canada’s oldest and most active civil liberties group.

In getting to know our members, like Eric Wyness, who has been our most generous and dedicated supporter over the past decade, to the volunteer Legal Observers during the Olympics, it is inspiring to see the commitment – and diversity of motivations – from people who support freedom of expression and civil liberties.

For the BCCLA’s 50th Anniversary, I am looking forward to reconnecting with people and hearing about the events that have shaped our organization. If you have stories, documents, or photos from our past, or are able to help contact the people who made us who we are today, please email me anytime.

We are also in the process of finding a more permanent home for our organization. I look forward to establishing and building our capital campaign – please do not hesitate to contact me for more information on donation and recognition opportunities. You can reach me at stefanie@bccla.org or 604.630.9750.

I look forward to hearing from you!

Stefanie Ratjen
Development Coordinator

Take a stand. Donate now.
bccla.org/takeastand

Lexpert 2010 Zenith Gold Award



The BCCLA congratulates **Lawson Lundell**, winners of the Lexpert 2010 Zenith Gold Award in the Civil Liberties category for the firm's work with the BCCLA on the following cases:

- Chamberlain v. Surrey School District No. 36
- Greater Vancouver Transportation Authority v. Canadian Federation of Students
- Victoria (City) v. Adams

Chris Sanderson, **Keith Bergner** and **Ron Skolrood** were the partners acting on these cases with invaluable assistance from lawyer, **Elizabeth Clarke**, former Lawson associate, **Chelsea Wilson**, and each of their respective assistants.



Chris Sanderson



Keith Bergner



Ron Skolrood



Chelsea Wilson



Elizabeth Clarke

The Lexpert 2010 Zenith Awards honour Canadian law firms, in-house departments and law students who commit their time, skills and mentorship to a diverse and valuable range of pro bono activities.

LITIGATION

OUR THANKS TO THE LEGAL COMMUNITY

The Association was directly involved as a party or intervenor in 30 pieces of litigation in 2010 (2009 – 30; 2008 – 28). The Association is putting increased resources into acting as a party or supporting primary litigants rather than limiting our work to interventions, which means in future years that our workload may increase, but the number of cases we are involved in may remain the same or slightly decrease. Here is a selection of our cases from 2010.

DEFENDING FREE SPEECH

CROOKES V. NEWTON

Supreme Court of Canada

In December, the BCCLA appeared as an intervener before the Supreme Court of Canada in this case concerning hyperlinking to defamatory material. The BCCLA argued that hyperlinking is not publication and that treating it as if it were would radically discourage the interlinking that gives the internet its vitality. A decision is expected in 2011.

Paul Schabas, Roy Millen and Jonathan Goheen of Blake, Cassels & Graydon represented the BCCLA.

WARMAN V. LEMIRE

Federal Court

This case concerns the constitutionality of the hate speech provisions of the Canadian Human Rights Act. The BCCLA has been granted leave as an intervener and will argue before the Federal Court that extending hate speech provisions to the internet would unduly infringe freedom of expression. The BCCLA takes the position that the internet is a democratic medium where hateful expression should be published so as to provide a forum for its refutation and denunciation. The BCCLA will file its written argument in 2011.

The BCCLA is represented by **Jason Gratl** of Gratl and Associates.

YOUTH PROTECTING YOUTH V. UNIVERSITY OF VICTORIA

B.C. Supreme Court

The BCCLA supported the free speech rights of a student group at the University of Victoria that is opposed to abortion. The group was delisted as a campus organization as a result of posters they put up and a forum they held on the issue. The BCCLA helped the organization access legal advice and file a legal challenge. After the student group filed the legal challenge in B.C. Supreme Court, the group was reinstated as a student club in good standing. The group was also repaid all the funding wrongly denied it in the past. The parties have agreed that the lawsuit will stand in abeyance rather than be withdrawn, with the BCCLA appearing as an intervener in the event that it is necessary to proceed with the case.

Youth Protecting Youth was represented by **Joe Arvay** of Arvay Finlay. The BCCLA was represented by **Frank Falzon, Q.C.**

PROTECTING THE RIGHT TO A LAWYER

WILLIER V. HMQ, SINCLAIR V. HMQ, MCCRIMMON V. HMQ

Supreme Court of Canada

The BCCLA appeared as an intervener before the Supreme Court of Canada in three companion cases concerning the Charter rights of an accused to speak with a lawyer. Of the many protections afforded by

the Charter, those triggered by an individual's arrest or detention are among the most critical. While the Court disagreed, the BCCLA argued that people who are detained by the police have an ongoing right to speak to counsel. Providing an individual with a one-time opportunity to speak to his or her lawyer at the beginning of a detention is not enough.

The BCCLA was represented by **Warren Millman** and **Michael Feder** of McCarthy Tétrault.

FIGHTING FOR DRUG POLICY REFORM

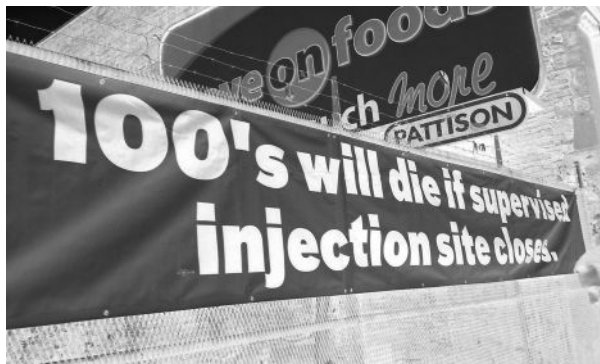
PHS COMMUNITY SERVICES V. CANADA AND VANDU V. CANADA

Supreme Court of Canada

This case concerns Insite, a supervised injection facility in the Downtown Eastside of Vancouver. The operation of Insite has prevented overdose deaths, reduced the suffering of addicts and lessened the spread of HIV/AIDS and Hepatitis C. The B.C. Court of Appeal granted the facility a permanent exemption from prosecution under federal drug laws, finding that provincial authority over health care could allow it to trump federal criminal powers.

The BCCLA was recently granted leave to intervene by the Supreme Court of Canada in late 2010 after being involved as an intervener in this safe injection site case since it was before the B.C. Supreme Court in 2008 and the B.C. Court of Appeal in 2009.

Ryan Dalziel and **Daniel Webster, Q.C.** of the firm Bull, Housser & Tupper LLP are counsel for the BCCLA.



FREEDOM OF THE PRESS

NATIONAL POST ET AL. V. HER MAJESTY THE QUEEN

Supreme Court of Canada

This case concerned the Charter right to freedom of the press, especially the ability of the media to protect the confidentiality of sources. The National Post received a document from a confidential source, but there were allegations that the document was a forgery. The RCMP obtained a search warrant and an assistance order requiring the Post to produce the document for forensic analysis. The BCCLA appeared as an intervener before the Supreme Court of Canada. Disappointingly, the Court ruled that journalists have no constitutional right to protect confidential sources, but that in some situations, the public interest in protecting secret sources from disclosure may outweigh other competing public interests, such as criminal investigations.

The BCCLA was represented by **George K. Macintosh, Q.C.** and **Tim A. Dickson** of Farris, Vaughan, Wills & Murphy LLP.

SOCIÉTÉ RADIO CANADA C. QUÉBEC (PROCUREUR GÉNÉRAL), AND R. V. DUFOUR

Supreme Court of Canada

On January 28th, the Supreme Court of Canada released decisions in the companion cases of *Canadian Broadcasting Corporation, et al. v. Attorney General of Quebec, et al.* and *Canadian Broadcasting Corporation v. Canada, et al.* In these cases, the Court addressed for the first time the validity of rules restricting the media's ability to interview, photograph and film in courthouses' public hallways, as well as the validity of rules altogether prohibiting the media from broadcasting recordings of public court proceedings.

In a disappointing judgment, the Court dismissed the media organizations' appeal, holding unanimously that although s. 2(b) of the Charter protects the right to conduct interviews, film and take photographs in courthouses and broadcast recordings of hearings,

the infringements of s. 2(b) were justified under s. 1 of the Charter. The Court stated that allowing the appeal could compromise the serenity and decorum of hearings. The BCCLA was an intervener in the case and argued that allowing media to access court-houses' public spaces and transmit court proceedings is vital to upholding the Constitutional guarantees of freedom of expression and freedom of the press. Openness tends to foster the integrity of judicial proceedings and allows the public to access information that might otherwise be hidden from view.

The BCCLA was represented by **Simon V. Potter** and **Michael Feder** of McCarthy Tétrault LLP.

GOVERNMENT ACCOUNTABILITY

WARD V. PROVINCE OF BRITISH COLUMBIA AND WARD V. CITY OF VANCOUVER

Supreme Court of Canada

The BCCLA celebrated a victory with local lawyer, Cameron Ward, when Canada's highest court released its decision in *Ward v. Province of British Columbia and City of Vancouver*, a case the Association had intervened in. In a unanimous decision the Court ruled that monetary damages are available to Canadians whose Charter rights have been violated even if the government did not intentionally or wilfully violate the person's rights.

The Court agreed with the argument made by the BCCLA and the Asper Centre that when the government violates a person's Charter rights, those victims deserve more than just a declaration from a Court that their rights were violated. Victims should be able to receive cash damages without having to prove the government had any particular state of mind or acted in bad faith in addition to the violation of the Charter.

Kent Roach, University of Toronto Faculty of Law, **Grace Pastine**, BCCLA Litigation Director and **Cheryl Milne**, Executive Director of the Asper Centre, represented the Asper Centre and the BCCLA.

R. V. CORNELL

Supreme Court of Canada

The Supreme Court of Canada ruled in this case that the Calgary Police Department did not use unreasonable force when they broke down the door of Lorraine Cornell's home in 2005 while executing a drug search warrant. 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 BCCLA was an intervener in the case and argued that the violent entry was dangerous and unwarranted, and that the police should have followed the centuries old 'knock and announce' rule. The Court unanimously affirmed the principle that ordinarily the police must announce their presence and wait a reasonable time before forcing entry into a home. However, in a split 4-3 ruling, the majority of the Court held that the police's storm trooper-style tactics were justified because the police had concerns that the use of less intrusive methods would pose safety risks to the officers and would allow for the opportunity for evidence to be destroyed.

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

CRIMINAL JUSTICE BRANCH OF THE MINISTRY OF THE ATTORNEY V. WILLIAM H. DAVIES, COMMISSIONER

Supreme Court of Canada



In a victory for the BCCLA, who was a party to the case, the Supreme Court of Canada denied leave to the government, paving the way for the Frank Paul Inquiry hearings (see below) to resume. The Criminal Justice Branch of the Ministry of Attorney General brought this legal challenge to the ability of the Frank Paul Inquiry to obtain evidence from prosecutors involved in the Paul case. The BCCLA argued that the Commissioner should be allowed to inquire fully into the decisions of the CJB

LITIGATION

not to lay charges against the officers involved in Mr. Paul's death so that the public could be assured that prosecutors examine every police-related death fairly and impartially.

FRANK PAUL INQUIRY

Provincial Inquiry

The Frank Paul hearings resumed following the decision of the Supreme Court of Canada to deny leave to the Criminal Justice Branch of the Ministry of Attorney General.

The BCCLA argued that in order to maintain public confidence in the criminal justice system, the Commission should recommend a new approach for assessing whether charges should be laid in cases in which the police are involved or implicated. The BCCLA took the position that in every police-related incident in which a civilian investigative agency determines that a charge assessment should be conducted, a special prosecutor should be appointed under the Crown Counsel Act to make the charge assessment and to conduct any ensuing prosecution.

The BCCLA was represented by **Michael Tammen** of Michael Tammen Law Corporation and **Grace Pastine** and **Carmen Cheung** of the BCCLA.

ARKINSTALL V. SURREY

BC Court of Appeal

The case was brought by two residents of Surrey who refused to allow safety inspectors to enter their home as long as they insisted on being accompanied by police officers. In response, the City of Surrey simply cut the power supply to the home, forcing the couple and their young child to abandon the house. In a tremendous victory for the intervening BCCLA and the litigants, the B.C. Court of Appeal struck down provisions of British Columbia's Safety Standards Act that allowed municipal electrical and fire inspectors to demand entry into anyone's home.

Brent Olthuis of Hunter Litigation Chambers represented the BCCLA.



BRAIDWOOD INQUIRY

Provincial Inquiry

The Braidwood hearing and study commission was a public inquiry into the death of Robert Dziekanski. Mr. Dziekanski died at Vancouver International Airport in 2007 after he was apprehended by four RCMP officers and Tasered five times. At the inquiry, which included the testimony of 91 witnesses over 61 days, the BCCLA argued that the use of force by RCMP officers was grossly excessive, unreasonable and unjustified. The BCCLA was the only participant to argue that the practice of police investigating police-related deaths needed to be brought to an end, and we were the only public interest group participating in the hearings.

The Commissioner's report, released in June, 2010, agreed with the BCCLA that the officers' use of force was excessive and unwarranted. Commissioner Braidwood also endorsed a wholesale restructuring of the manner in which potential police misconduct is investigated. Most importantly for the Association, he recommended that every serious injury and death that is police related, as well as other serious matters, should be independently investigated by a civilian investigative agency like Ontario's Special Investigations Unit.

Later that same day B.C. Solicitor General Mike De Jong announced that the province would in fact be establishing a new civilian investigation body. This represented a major victory for the BCCLA which has been advocating for an end to police investigating police for years.

The Braidwood Commission’s recommendation of the establishment of an Independent Investigation Office follows on the Frank Paul Inquiry’s Commissioner William Davies’ recommendation of the same policy reform.

The BCCLA was represented by **Grace Pastine**, BCCLA Litigation Director.

ENSURING FREEDOM OF INFORMATION

MINISTRY OF PUBLIC SAFETY AND SECURITY (FORMERLY SOLICITOR GENERAL), ET AL. V. CRIMINAL LAWYERS’ ASSOCIATION

Supreme Court of Canada

The BCCLA was an intervener in this important case concerning the right of the public to access government information and our arguments were adopted in part by the Supreme Court of Canada. The Supreme Court held that a citizen’s rights to free expression can include the right to access information held by government, where the information is not subject to privilege, and where release of the information is essential to advancing public discussion on the issue. Disappointingly, the Court held that there is no general right to access information. The BCCLA intervened in the case to argue that citizens cannot freely express themselves unless they have access to the government information on which to base their expression.

Cathy Beagan Flood and **Iris Fischer** were counsel for the BCCLA. Both are of the firm Blake, Cassels & Graydon LLP.

NATIONAL SECURITY

ABDELRAZIK ET AL. V. ATTORNEY GENERAL OF CANADA

Federal Court of Canada

In June 2010, the BCCLA, in conjunction with the International Civil Liberties Monitoring Group and Abousifan Abdelrazik, filed an application for judicial review in Federal Court, challenging the U.N. Security Council’s anti-terrorism sanctions regime, also

known as the “1267 Regime.” The 1267 Regime is designed to limit the rights and freedoms of individuals alleged to have ties with terrorism, and the U.N.’s 1267 Committee maintains a list of such individuals, known as the “1267 List”. Individuals placed on the 1267 List are subject to, among other objectionable penalties, an asset freeze and an international travel ban. They must petition the U.N. to access their own funds to pay for food and shelter.

Individuals are placed on this list without notice, and until recently, could not be told why they were even placed on the list to begin with. Once placed on the 1267 List, individuals have no recourse to judicial – or even independent – review to challenge the listing. Challenges to a listing are reviewed by an ombudsperson appointed by the U.N. – the very body responsible for compiling the 1267 List in the first place. The case is ongoing.

Paul Champ of Champ & Associates and **Carmen Cheung** of the BCCLA are counsel on this file.

ARAR V. ASHCROFT ET AL.

United States Supreme Court

The BCCLA joined with Canadian and international human rights organizations and scholars in support of Mr. Maher Arar’s petition to the United States Supreme Court. We argued that Mr. Arar, the innocent Canadian man who was rendered to torture in Syria by the U.S. government, was entitled to a remedy under U.S. law for the serious human rights violations he experienced.

The U.S. Supreme Court refused to consider the claims of Mr. Arar. Mr. Arar’s lawsuit challenged his rendition to Syria by the U.S. government, where he was tortured, forced to falsely confess, and released after one year without ever being charged. Although the decision of the Court was hardly surprising, it was disappointing and is another setback for holding officials accountable for illegal acts.

The BCCLA was represented by **Russell Cohen**, **Rene Kathawala**, **William Lin** and **Justin Bagdady** of American firm Orrick, Herrington and Sutcliffe.

OPPOSING TORTURE

THE AFGHANISTAN PUBLIC INTEREST HEARINGS

Military Police Complaints Commission

Over much of 2010, the BCCLA dedicated a large part of our litigation resources to appear as a complainant in the Afghanistan Public Interest Hearing before the Military Police Complaints Commission. These hearings stem from a complaint that the BCCLA and Amnesty International Canada filed with the Military Police Complaints Commission alleging that Military Police officers in the Canadian Forces failed to investigate whether senior military leaders illegally ordered the transfer of detainees in Afghanistan to a substantial likelihood of torture. In response to our complaints, the MPCC established public interest hearings to investigate the conduct of the military police, which is the branch of the Canadian forces responsible for prisoner transfers from Canadian to Afghan custody.

Testimony given at the hearings has been deeply troubling. Senior diplomat Richard Colvin testified that Canadian officials at the highest levels of seniority were aware of serious concerns that Afghan prisoners were being subjected torture and other human rights violations. Memos drafted by Department of Foreign Affairs and International Trade (DFAIT) and Canadian Forces officials advocated for Colvin's dismissal because of the frank nature of his reports of torture and abuse of detainees held in Afghan custody. Nicholas Gosselin, a former DFAIT official, testified about having discovered implements of torture in one of his prison investigations, and though transfers were briefly suspended following



his discovery, they were nonetheless resumed several months later, without any evidence that the risk of torture in Afghan facilities had been eliminated.

Willful blindness and blame-shifting were recurrent themes at the hearings. A number of senior officials in the Canadian Forces, Foreign Affairs, and the Department of National Defense testified that they were unfamiliar with numerous reports issued by the U.S. State Department, the UN and the Afghan Human Rights' Commission which all attest to the occurrence of torture in Afghan jails.

The Canadian military has been handing over captured Afghans to Afghan authorities since late 2005. The United Nations, foreign governments, international organizations and Afghanistan's own independent human rights commission have all documented pervasive and widespread torture in Afghanistan, but the federal government has insisted that the claims were baseless.

The hearings have now concluded and it is expected that the Commission will release its report and recommendations in 2011.

The BCCLA was represented by **Grace Pastine** and **Carmen Cheung** of the BCCLA and **Paul Champ** and **Khalid Elgazaar** of Champ & Associates.

FREEDOM OF RELIGION & AUTONOMY

REFERENCE RE CONSTITUTIONALITY OF S. 293 OF THE CRIMINAL CODE (POLYGAMY REFERENCE)

B.C. Supreme Court

The BCCLA has "interested person" status in this reference which concerns the Criminal Code prohibition against polygamy. The BCCLA argues that individuals should be free to make the life choices they wish so long as those choices do not harm other people and they engage in them with free, informed and full consent. By intruding into adults' decisions about the form of conjugal relationship that best meets their personal needs and aspirations, the law overextends the reach of the criminal law into individuals' private lives, intruding into their most private relationships. Harm can occur in plural relationships,

just as it sometimes does in monogamous ones. The mountain of evidence that has been presented to the Court simply doesn't establish that there are any

harms specific to plural relationships. The BCCLA is represented by **Monique Pongracic-Speier** of Ethos Law Group LLP.

We extend our deepest gratitude to the lawyers who have volunteered their time for the BCCLA in 2010. Our work would not be possible without their contributions.

Mary T. Ainslie Ministry of the Attorney General	Michael Klein Michael Klein Law Corporation
Joseph Arvay, Q.C. Arvay Finlay Barristers	George Macintosh, Q.C. Farris
Catherine Beagan Flood Blakes	Bryant Mackey Ministry of the Attorney General
Roy Millen Blakes	Taryn Mackie Bull, Housser & Tupper LLP
Keith Bergner Lawson Lundell LLP	Brock Martland Smart, Harris & Martland
Kieran Bridge Kieran A.G. Bridge Law Corporation	Gil McKinnon, Q.C.
Daniel Burnett Owen Bird Law Corporation	Warren Milman McCarthy Tetrault
David Butcher Wilson Buck Butcher	David Morris Law Office of David Morris
Paul Champ Champ and Associates	Michael O'Keefe Thorsteinssons LLP
Sujit Choudhry Faculty of Law, University of Toronto	Brent Olthuis Hunter Litigation Chambers
Elizabeth Clarke Lawson Lundell LLP	Katrina Pacey Ethos Law Group
Tim Cox Anfield Sujir Kennedy & Durno	Richard Peck, Q.C. Peck and Associates
David Crossin, Q.C. Sugden, McFee & Roos LLP	Monique Pongracic-Speier Ethos Law Group
Austin Cullen Supreme Court of B.C.	Simon Potter McCarthy Tetrault
Ryan Dalziel Bull, Housser & Tupper LLP	Susan Precious Branch McMaster LLP
Greg DelBigio Greg P. DelBigio Barrister and Solicitor	Anthony Price Murdy & McAllister
Tim Dickson Farris	Micah Rankin Hunter Litigation Chambers
Kelly Doctor Sack Goldblatt Mitchell LLP	Gregory Rideout Provincial Court of B.C.
Jennifer Duncan Ministry of the Attorney General	W. Paul Riley Public Prosecution Service of Canada
Kim Eldred Drolet Eldred Barristers	Kent Roach Faculty of Law, University of Toronto
Khalid Elgazzar Champ and Associates	Anu Sadhu Hayward Sheppard
Almira Esmail Klein Lyons	Brian Samuels Samuels & Company
Frank Falzon, Q.C. Frank AV Falzon Law Corporation	Chris Sanderson, Q.C. Lawson Lundell LLP
Michael Feder McCarthy Tetrault	Elin Sigurdson Arvay Finlay Barristers
Iris Fischer Blakes	Kristy Sims Prisoner's Legal Services
Gregory Fitch, Q.C. Ministry of the Attorney General	Ron Skolrood Lawson Lundell LLP
Fritz Gaerdes Alexander Holburn Beaudin & Lang, LLP	Michael Tammen Michael Tammen Law Corp.
Jennifer Godwin Edelman and Company	Megan Vis-Dunbar
Jonathan R. Goheen Blakes	Kylie Walman Borden Ladner Gervais LLP
Jason Gratl Gratl and Company	Cameron Ward A. Cameron Ward & Company
Nikos Harris Peck and Company	Daniel Webster Bull, Housser & Tupper LLP
Robert Holmes, Q.C. Holmes and King	Chelsea Wilson Ramsay, Lampman, Rhodes
Robert Janes Janes, Freedman, Kyle Law Corporation	Chris Wilson Bull, Housser & Tupper LLP
Lisa Kerr SJD Candidate, NYU	Catherine Wong Murchinson, Thomson & Clarke LLP
Nadia Khan Murchison Thomson & Clarke LLP	Margot Young Faculty of Law, University of B.C.

BCCLA MEMBERSHIP CONFERENCE

and ANNUAL GENERAL MEETING

OPEN TO THE PUBLIC

May 11, 2011 at 6:00 pm

Simon Fraser University Woodward's Downtown Vancouver Campus

David Mowfaghian Cinema

3rd floor - 149 West Hastings Street at Cambie

TIME EVENT

6:00 pm	Registration, meet and greet staff and board
6:30 pm	Welcome and opening remarks Robert Holmes, President
6:40 pm	Annual General Meeting <ul style="list-style-type: none">• Approval of minutes from last year• Approval of special resolution (see below) to authorize borrowing by the Directors• Appointment of Auditor• Board and Executive Elections
7:10 pm	Intermission
7:30 pm	Reg Robson Civil Liberties award presentations
7:50 pm	Intermission
8:00 pm	Guest speaker
8:45 pm	Closing remarks: Robert Holmes, President

ATTENTION ALL MEMBERS:

Please note that the following special resolution will be debated and voted on at the Annual General Meeting on May 11, 2011 as described above. This resolution is intended to enable the Association to borrow money as required if the Directors decide that the purchase and/or development of a permanent home for the Association's operations is an appropriate and prudent decision for the organization. This decision would involve investment of some of the BCCLA's stabilization and trust funds, proceeds from an organized capital campaign, and potentially borrowed money from financial institutions or individuals.

SPECIAL RESOLUTION

B.C. Civil Liberties Association (the "Society")

WHEREAS:

The Society may, from time to time, borrow money and it is the intention of the Members that the Society borrow from such lender or lenders as the Directors of the Society approve, including but not limited to the Vancouver City Savings Credit Union (the "Lenders"), and to grant security therefor.

NOW BE IT RESOLVED that:

The Society borrow from the Lenders, such amounts and upon such terms and conditions as may be determined, from time to time, by the Directors of the Society.

The Society hereby grants to the Directors of the Society for a period of one year from the date of these Special Resolutions the authority to grant to the Lenders such security, for loans made by the Lender to the Society, as may be required, from time to time, by the Lenders, including, without limitation, mortgages of real property (including all indebtedness mortgages), assignments of rent, general security agreements, demand promissory notes, business operating loan agreements, and any security which is otherwise included within the definition of "debenture" under the Business Corporations Act of British Columbia.

TREASURER'S REPORT / ALAN ROWAN

The BCCLA remains in very favourable financial position despite difficult financial times thanks to the ongoing support of our members like you. A bequest from a member, who remembered us in his will, has enabled us to maintain and expand some of our programs. Without his generous gift, we'd currently be looking at cutting programs instead of growing.

Please consider carefully the possibility of offering the Association a legacy gift. We have an easy to add codicil for your will, or you might consider a life insurance policy with the Association as beneficiary – the premiums are tax deductible. As the past two years have demonstrated, these critical donations often make all the difference!

At first glance, our members may be troubled by this year's audited financial report. Our 2010 financial year shows a loss of \$44,201 comparing our revenues to expenses. What happened?

The reason for this disparity between '09 and '10 was our receipt of a donation of \$60,000 just fifteen days before our year end in 2009. The donation, expected by the Association in 2010 and budgeted for 2010 was, as a result, posted in the 2009 financial year.

We're certainly not complaining – send your donations early and often – but the timing of this generous donation meant that instead of recording a modest surplus in 2009 and 2010, we recorded a massive surplus in 2009 and an operating loss in 2010. Year over year from 2009 to 2010 we've shown an increase in donations (over \$20,000 more in 2010), an increase in grants earned (about \$90,000 more), and an increase in net revenue of about \$7,000. But bequests in 2009 were \$120,000. In 2010, they were \$0.



For a better understanding of the Association's financial position, 2009 and 2010 are best looked at together. From the beginning of 2009 to the end of 2010, our auditors tell us that our net assets increased from \$462,365 ("Fund Balances, End of Year" for 2008) to \$664,168 ("Fund Balances, End of Year" for 2010) largely due to a rebound in our investment values. Our revenue, less expenses, in the same period showed a net surplus of over \$100,000 (\$163,591 – 2009; \$-44,201 – 2010), due to \$120,000 in bequests received in 2009 and a significant increase in our investments' market value over the period.

“We're working hard to ensure every dollar you send us is carefully managed to maximize our impact and our outreach.

Our prudent financial management continues, ensuring that your donations maximize our impact in the community and also that we're saving for a rainy day. But although we are prudent, we are a civil liberties organization, not a bank, so our Board has taken careful and prudent

steps to invest our resources carefully to expand our impact, guarantee the longevity and vitality of the Association, and ensure our financial independence.

From dedicating internal resources to hire a new lawyer who is developing a Continuing Legal Education program and expanding our litigation program, to taking the first steps of exploring a permanent home for the Association in Vancouver and investing our resources in property that the Association will own – in perpetuity – we're working hard to ensure every dollar you send us is carefully managed to maximize our impact and our outreach on the issues of rights and freedoms that you care about, now and into the future.

A handwritten signature in black ink, appearing to be 'Alan Rowan', written over a light grey background.

Thank you for your support.
Alan Rowan
Treasurer

INDEPENDENT AUDITOR'S REPORT

To the Members

British Columbia Civil Liberties Association

Report on the Financial Statements

We have audited the financial statements of the British Columbia Civil Liberties Association, which comprise the statement of financial position as at December 31, 2010 and the statements of changes in net assets, operations and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian generally accepted accounting principles, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Basis for Qualified Opinion

In common with many charitable organizations, the Association derives revenue from memberships and donations, the completeness of which is not susceptible of satisfactory audit verification. Accordingly, our verification of those revenues was limited to the amounts recorded in the records of the organization and we were not able to determine whether any adjustments might be necessary to memberships and donations, excess of revenue (expenses), assets and net assets.

Qualified Opinion

In our opinion, except for the possible effects of the matter described in the Basis for Qualified Opinion paragraph, these financial statements present fairly, in all material respects, the financial position of the British Columbia Civil Liberties Association as at December 31, 2010, and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

Report on Other Legal and Regulatory Requirements

As required by the British Columbia Society Act, we report that the accounting principles used in these financial statements have been applied on a basis consistent with that of the preceding year.

TOMPKINS, WOZNY, MILLER & CO. CHARTERED ACCOUNTANTS

March 14, 2011

Vancouver, Canada

FINANCIAL STATEMENTS

British Columbia Civil Liberties Association

STATEMENT OF OPERATIONS AND CHANGES IN FUND BALANCES

For the year ended December 31

	2010			2009	
	GENERAL FUND	STABILIZATION FUND	TRUST FUND	TOTAL 2010	TOTAL 2009
REVENUE					
Membership & donations	230,465	—	—	230,465	202,608
Bequests	—	—	—	—	120,000
Law Foundation of BC - operating grant	313,600	—	—	313,600	313,600
Specified grants earned	176,929	—	—	176,929	99,669
Gaming revenue earned	49,849	—	—	49,849	47,759
Investment income	548	4,787	14,316	19,651	18,865
Realized gains (losses) on sales of investments (net)	—	1,082	10,232	11,314	(510)
Adjustment of investments to market value	—	8,274	45,203	53,477	72,180
Endowment distributions	4,137	—	—	4,137	2,728
Court awarded costs	28,033	—	—	28,033	—
CLE registrations	8,300	—	—	8,300	—
Miscellaneous and special events	4,375	—	—	4,375	2,761
Amortization - deferred capital grants	9,652	—	—	9,652	9,888
	825,888	14,143	69,751	909,782	889,548
EXPENSES					
Salaries & benefits	604,570	—	—	604,570	494,603
Contracting - publications	24,439	—	—	24,439	42,854
Rent & utilities	47,442	—	—	47,442	44,061
Office operating	58,198	—	—	58,198	45,633
Accounting and audit	18,342	594	887	19,823	21,983
Insurance	1,272	—	—	1,272	1,225
Bank charges	3,443	—	—	3,443	3,509
Fundraising	15,603	—	—	15,603	19,271
Litigation costs	23,449	—	—	23,449	16,932
Newsletter	16,288	—	—	16,288	11,159
Meetings, publications, events	23,449	—	—	23,449	9,087
Travel and accommodation	23,127	—	—	23,127	4,211
Amortization	10,467	—	—	10,467	11,429
	870,089	594	887	871,570	725,957
Excess of revenue (expenses) for year	(44,201)	13,549	68,864	38,212	163,591
Fund balances, beginning of the year	172,776	89,185	363,995	625,956	462,365
Interfund transfers	—	(104,563)	104,563	—	—
Fund balances, end of year	128,575	(1,829)	537,422	664,168	625,956

The complete 2010 BCCLA audited financial statements are available at www.bccla.org/05annual.htm

BCCLA PEOPLE

BCCLA MEMBERSHIP					
	2010	2009	2008	2007	2006
Senior	294	257	225	188	215
Students	121	126	112	78	17
Individual	596	522	444	320	320
Family	322	334	292	226	251
Organization	2	3	5	4	6
Total memberships	1335	1242	1078	816	809
Donors only	229	169	179	186	155
Total supporters	1564	1411	1257	1002	964

In 2010, volunteers contributed a total of 10,092 hours with 3,863 of these hours being legal services from lawyers.

COMMITTEES

DRUG POLICY	PRIVACY & ACCESS	FUNDRAISING
Kirk Tousaw, Chair Rielle Capler Jacob Hunter Steven Savitt Nicole Seguin Ken Tupper Eric Wyness	Richard Rosenberg, Chair Ben Goold Kris Constable Darrell Evans Vince Gogolek Paul Holden Jim Sayre	Rob Holmes Tom Sandborn Sarah Sandusky Eric Wyness

VOLUNTEERS

INTERNS	VOLUNTEERS		
Marius Adomnica Ariane Asselin Sarah Beckwermert Edward Chin Dusty Chipura Nathan Crompton Hannah Garvey Hasan Junaid Stephen Kahng Safia Lakhani Avnish Nanda Vito Pun Fiona Rayer Michelle Reinhart Mary Anne Valliantos	Michele Arnold Alex Buonasisi David Beers Joanne Blake James Brinnen Dan Burnett Kaitlin Burnett Dianne Chipura Catelin Connolly Jeffrey Craigie David Dennis Kevin Eastwood Stephanie Frigon Maureen Grealish Stephen Handel Dayla Hart	Romi Chandra Herbert Marcus Hynes Jordanna Isaacson Shaker Jamal Mavaddat Javid Cherise Keown Wanda Kluge Laura Landy Aviva Levin Raymond Louie Mahak Mahmoodi Celeste McCann Stuart Miriam Kelly Nichol Oonagh Berry Shannon Peters	Andrea Reimer Alison Richmond Maria Russell Joe Saulnier Nicole Seguin Allegra Sloman Richard Smith Tanya Smith William Strawn Brad Tabbert Jase Tanner Samantha Thompson Ben West Winifried Zacherl Ashley Zarbatany



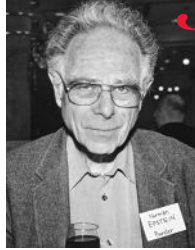
LEGAL OBSERVERS

With over 300 volunteer participants, Legal Observers were on the streets almost every hour of every day during the Olympics. The BCCLA introduced the program to protect free speech and civil liberties by monitoring policing at public events, and it is the commitment and dedication of the volunteer Legal Observers that made the program a success. Thank you to everyone who participated.

1962 - 2012 *50 years!*



Michael Audain
Founder



Norman Epstein
Founder



Elspeth Munro
Founder

In 2012, the BCCLA will be celebrating 50 years of fighting for rights and freedoms.



Robert Rowan
Founder



Margaret Morgan
Founder

Do you have stories, photos or documents from our past?

Can you help us contact the people who made us who we are today?

Contact Jim at jim@bccla.org or 604.630.9748.

Leaving a Legacy to the B.C. Civil Liberties Association

Designating the BCCLA as a beneficiary in your will or in a life insurance policy gives you the opportunity to make a real difference in protecting civil liberties and human rights in Canada that will have ripple effects for generations to follow.

If you have ever considered leaving the BCCLA a bequest, the BCCLA is glad to offer information, including clauses that can be added to existing wills without difficulty, to make this type of lasting legacy gift easy to give.

While bequests are private and between you, your family and your financial advisor, if you let us know your intentions we can make sure to direct your gift in the way that you prefer - ensuring that your legacy funds the work that matters most to you. Any information you provide will be treated in complete confidence.

Contact Stefanie at 604.630.9750 for details.

GRAND CHIEF STEWART PHILLIP



While Grand Chief Stewart Phillip's work on aboriginal title issues is ex-

haustive and remarkable, he has been selected for the B.C. Civil Liberties Association's Reg Robson Award because of his work on police accountability, equality and addiction issues and the profile he has brought to these critical issues nationally in both aboriginal and non-aboriginal communities.

Grand Chief Phillip is the elected Chief of the Pentiction Indian Band. In October 2006, the Okanagan Nation bestowed on him and his family the rare honour of the title of Grand Chief. He is currently President of the Union of B.C. Indian Chiefs (UBCIC).

First coming onto the Association's radar through his tireless and successful work with the community in pressuring government into holding a public inquiry into the death of Frank Paul, a homeless Mik'Maq man who died from hypothermia after being left in an alley by Vancouver Police, Grand Chief Phillip was recently instrumental in working with community to successfully demand another public inquiry on policing issues, this time into the murdered and missing women of Vancouver's Downtown Eastside and northern B.C.'s highway of tears.

In the Paul inquiry, the Grand Chief's leadership within UBCIC, the community, and in the media helped ensure strong recommendations around ending the system of police self-investigation in British Columbia. In the Murdered and Missing Women inquiry, his



leadership will surely reform how policing is done by and for marginalized community members across B.C., both aboriginal and non-aboriginal.

It was Grand Chief Phillip who worked with community advocates to inform the public

about the death of Curtis Brick, resulting in the City of Vancouver establishing public drinking fountains throughout the city and public "cooling off" locations for homeless and underhoused residents to avoid future tragedies. It was also Grand Chief Phillip who brought the Association's and the public's attention to the tragic, and ongoing unaddressed injustice that was the death of Clayton Alvin Willey in Prince George at the hands of the RCMP.

When the BCCLA held a forum on establishing sobering centres and managed alcohol programs for chronic, street-involved alcoholics, Grand Chief Phillip made the opening remarks and his prominent presence and endorsement encouraged the attendance of police chiefs and government leaders from across the province. On a practical level, UBCIC is hosting the first meeting of the steering committee to establish a civilian sobering centre in Vancouver, also thanks to the Grand Chief's leadership.

Beyond raising the public profile of key civil liberties and human rights issues, Grand Chief Phillip has also helped ensure that the BCCLA is relevant to aboriginal communities whose rights are violated systemically and regularly. The BCCLA owes Grand Chief Phillip a major thank you for all he has done on the Association's behalf. Awarding him our greatest honour is but a small token compared to the Grand Chief's significant efforts on the public's and his constituency's behalf.