



July 8, 2008

Dirk Ryneveld, Police Complaint Commissioner
Office of the Police Complaint Commissioner, British Columbia
#320 - 1111 Melville Street
Vancouver, BC
V6E 3V6

HONOURARY DIRECTORS

David Barrett

Neil Boyd

Thomas Berger, Q.C., O.C.

Robin Blaser

The Right Honourable
Kim Campbell, P.C., Q.C.

Andrew Coyne

Bill Deverell

David H. Flaherty

John Fraser, P.C., Q.C.

Gordon Gibson

Mike Harcourt

Rev. Phillip Hewett

Michael Ignatieff

Art Lee

Alex MacDonald, Q.C.

Rafe Mair

Stephen Owen P.C., Q.C., M.P.

Svend Robinson

David Suzuki

Milton Wong

Paul Kennedy, Chair
Commission for Public Complaints Against the RCMP
PO Box 3423, Station 'D'
Ottawa, Ontario
K1P 6L4

Dear Messrs. Kennedy and Ryneveld,

RE: Municipal police departments and RCMP seizure of alcohol on Canada Day in Victoria

I am writing on behalf of the B.C. Civil Liberties Association (BCCLA) to initiate policy complaints under the *Police Act* and the *RCMP Act* regarding the random and mandatory search and subsequent seizure of closed bottles of alcohol by the municipal police forces of Victoria, Saanich, Central Saanich and Oak Bay as well as the RCMP detachment in West Shore. According to media reports, these police forces jointly initiated a program to limit the amount of alcohol brought to Canada Day celebrations in Victoria, BC. If any other police forces were involved in this program, they should be included in this complaint.

According to a witness report, municipal and RCMP initiated random and non-consensual searches of people to search for alcohol. These searches were carried out in numerous places throughout Victoria, but apparently public transit and transit exchanges were targeted. It appears that many or all of the buses travelling to downtown Victoria were stopped, and passengers were made to exit for mandatory searches. All alcohol, including closed bottles, was apparently seized. The witness can be contacted through the BCCLA, and has supplied a detailed account of the searches supported by photographic evidence.

While the BC Civil Liberties Association understands the need to limit public consumption of alcohol at large public gatherings, a blanket policy to seize alcohol

To: Office of the Police Complaint Commissioner, Commission for Public Complaints
From: Rob Holmes
Date: July 8, 2008
Page: 2

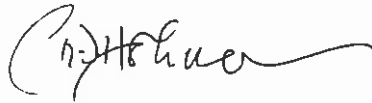
does not take into consideration that alcohol is a legal substance and that there is no way of knowing whether the alcohol would have been consumed in a public setting.

The BC Civil Liberties Association complains that

- police forces in Canada do not have the legal authority to initiate random or mandatory searches such as those that occurred in Victoria; and,
- police forces in Canada cannot seize property without legal authority. While alcohol cannot be consumed in a public place, there is no law prohibiting people from carrying closed containers of alcohol

Canada Day is a celebration of the independence and freedom of Canada and Canadians. It is absolutely repugnant to see such a celebration tarnished by a policy of illegal search and seizure. The relevant police departments ought to issue an immediate and unequivocal apology for their actions on Canada Day and ensure that such actions are never again repeated.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Rob Holmes", with a long, sweeping flourish extending to the right.

Rob Holmes,
President