



July 23, 2014

Rear Admiral Jennifer Bennett
Chief Reserves and Cadets
National Defence Headquarters
Major-General Pearkes Building
101 Colonel By Drive
Ottawa ON K1A 0K2

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Dear Rear Admiral Bennett,

I am writing on behalf of the British Columbia Civil Liberties Association (BCCLA). It is our mandate to preserve, defend, maintain and extend civil liberties and human rights in Canada. The BCCLA has a long history of work on privacy-related issues. We were recently made aware of some of the search practices in place at cadet camps across Canada, and found some aspects of the reports to be concerning. We urge you to consider implementing national policies around such searches. It is vital that these searches be conducted in a transparent, accountable and respectful way in line with *Charter* values. As role models for young Canadians, it is particularly important that cadet camp staff model these values in their dealings with their campers.

While we expect that there may be some variation in practices from camp to camp, we understand that there are three types of searches that are conducted routinely:

searches of the cadets' belongings when they arrive at camp, searches of lockers, dressers and living quarters while camp is in session, and departure searches at the conclusion of the camps. The BCCLA accepts that camp staff – in the absence of parents or guardians – have a heightened degree of responsibility for the campers' well-being, which may justify additional attention to creating a safe environment for the cadets. Based on the information we have been given, however, it seems that there are significantly less invasive, more transparent ways of ensuring camper well-being than those methods which are currently reported.

If evidence indicates that arrival and departure searches are necessary for demonstrable safety reasons, it is necessary for the cadet program to take seriously its responsibility to conduct these searches in a transparent and restrained way. The reasons for and extent of these searches should be made clear in joining instructions for every camp facility: it is important that well before cadets arrive at camp they and their parents are made aware that these searches will take place and they have a meaningful opportunity to consent. While some of the joining instructions with which we have been provided do make mention of arrival searches, others are completely silent on the issue (for example, Regional Gliding School (Pacific) Joining Instructions). It is notable that of the four sets of joining instructions that we have reviewed (Regional Gliding School (Pacific), Vernon Army Cadet Summer Training Centre, Royal Canadian Sea Cadet

Summer Training Centre Comox and Albert Head Air Cadet Summer Training Centre) we could not find any reference at all to departure searches.

We are particularly concerned by the information we received about cadet camp staff conducting random inspections of rooms and cadet personal property at various points throughout the summer. In some cases these searches are in response to a report of a missing or stolen item. In others we are told that such searches are justified as 'hygiene inspections,' but constitute a more thorough search than a check for tidiness should merit. Even in a context where cadets have a somewhat diminished expectation of privacy, in our view random or blanket searches of personal belongings are not justified. This view is supported by the case *R v M (MR)*, in which the Supreme Court of Canada found that while high school staff do not have to get a warrant to search a student, they are not permitted to search students randomly or arbitrarily. School staff must have reasonable grounds to believe that the student has broken a school rule or that a search will turn up evidence of a rule having been broken.

In keeping with *R v M (MR)*, we urge you to consider a policy under which cadet staff are able to search a cadet's personal property only when they have reasonable grounds to believe that the cadet is in possession of stolen property, or that there is a specific hygiene-related issue that needs to be addressed. It is also important that cadet camps develop

a clear, transparent policy about the circumstances in which an individual cadet's belongings may be searched during their time at camp. To the best of our knowledge no such policy exists.

We hope that you will consider implementing national policies that lay out transparent and fair limitations on when, where and how cadets can be searched during their time at camp, and that strike a reasonable balance between cadets' right to privacy and the need to maintain their safety. We believe that current practices are not successful in achieving this balance, and that it is important to reconsider cadet policies to better take into account *Charter* values and the right of all Canadians to be free of unreasonable search and seizure.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Vonn", with a horizontal line extending to the right from the end of the signature.

Micheal Vonn, *Policy Director*