

SCHEDULE 2

Royal Canadian Mounted Police
Commissioner



Gendarmerie royale du Canada
Commissaire

Guided by Integrity, Honesty, Professionalism, Compassion, Respect and Accountability

Les valeurs de la GRC reposent sur l'intégrité, l'honnêteté,
le professionnalisme, la compassion, le respect et la responsabilisation

MAR 26 2009

Protected "A"

Mr. Paul E. Kennedy
Chair
Commission for Public Complaints
Against the RCMP
P.O. Box 1722, Station "B"
Ottawa, Ontario
K1P 0B3

Dear Mr. Kennedy:

I acknowledge receipt of your interim report dated January 23, 2009, and materials relevant to the complaint of the British Columbia Civil Liberties Association (2008 Canada Day celebration in Victoria, British Columbia - Liquor seizures by police), file reference PC-2008-1800.

I have completed a review of this matter, including the findings and recommendations set out in your interim report. This notice is provided pursuant to subsection 45.46(2) of the *Royal Canadian Mounted Police Act*.

I agree with your finding that there was a lack of note-taking by RCMP members of the West Shore Detachment. Accordingly, I will direct that in the future, RCMP members are to properly document each case when liquor is seized and destroyed.

I agree with your findings that Ms. Zelda Sun did not consent to having her bag searched by RCMP members, and that there is a strong possibility that those whose bags were searched by RCMP members did not consent to having their bags searched.

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1200 Vanier Parkway
Ottawa, Ontario
K1A 0R2

1200, promenade Vanier
Ottawa (Ontario)
K1A 0R2

REC'D - CIVIL RIGHTS
AT CFC OTTAWA
MAR 27 09 9:19

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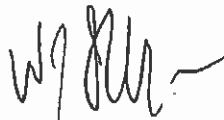
I also agree with your findings that the RCMP members did not have grounds under the *Liquor Control and Licensing Act* to search Ms. Sun's bag, and that the *British Columbia Transit Act* and *Transit Conduct and Safety Regulation* do not authorize searches of passengers' bags at the bus stops, such as that conducted on Ms. Sun.

Finally, I agree with your finding that the RCMP Operational Plan, while designed to achieve the objective of a safe civic celebration, appears to have been considerably broader in scope than the *Canadian Charter of Rights and Freedoms* or common law considerations permit, and did not minimally impair the constitutional right to be secure against unreasonable search or seizure.

Accordingly, I will direct that the RCMP's participation in preventative policing and early interdiction of liquor strategies in British Columbia be limited to police presence, and that searches will only be conducted when the RCMP members have the requisite grounds under the applicable legal authority.

I look forward to receiving your final report in this matter.

Yours sincerely,



William J.S. Elliott