



Ontario
Civil Liberties
Association

“The OCLA takes a vigorous and highly principled approach to defending free speech rights, which is an approach that is sorely needed in Canada today.”

— John Carpay,
President,
Justice Centre for
Constitutional Freedoms

“I am very pleased to learn of the Ontario Civil Liberties Association, and wish it the greatest success in its work, which could not be more timely and urgent as elementary civil rights, including freedom of speech, are under attack in much of the world, not excluding the more free and democratic societies.”

— Noam Chomsky,
Institute Professor, MIT

“Freedom of expression is our most fundamental and most precious freedom. It has been under attack in Canada for years. The Ontario Civil Liberties Association has taken a position on freedom of expression that is both courageous and principled. The OCLA now stands alone and its position should be supported by all Canadians who cherish democracy and freedom.”

— Robert Martin,
Professor of Law,
Emeritus,
Western University

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By Email

Rear Admiral Jennifer Bennet
Chief Reserves and Cadets
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Re: Section 8 *Charter* rights of youth participants at cadet summer camps

Rear Admiral Bennet:

We write to express our concern about a matter that has been brought to our attention regarding searches of youth participants in Canada's cadets summer camps programs.

It has been brought to our attention that the section 8 *Charter* rights of youth participants to security from unreasonable search and seizure may be breached during three different types of searches that cadets are often subjected to at camp: 1) warrantless arrival searches; 2) warrantless locker, dresser, and room searches; and 3) warrantless departure searches.

We have been informed that cadets' privacy may be breached by blanket searches of spaces in which one would have a reasonable expectation of privacy (e.g. lockers, dressers, or "barrack boxes" in dorm rooms) with no particular reasonable grounds for the searches being given by camp officials. In contrast, the Supreme Court of Canada has found that blanket searches of students' possessions are not allowed in a school setting absent reasonable grounds.¹

We note that there does not appear to be any reference to searches in the cadet "Application for Membership" form,² nor any reference to the right of the cadet to withdraw consent for a search at any time. Furthermore, although the National Defence Act gives authority to search *individuals* upon entry or exit from a defence

¹ *R. v. A.M.*, [2008] 1 S.C.R. 569, 2008 SCC 19.

² CF 1158 – Application for Membership form, National Defence.

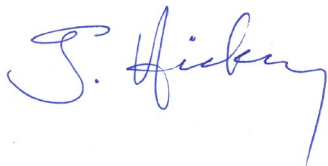
establishment, Canadian Armed Forces members are specifically protected from searches without warrant.³

The OCLA is of the position that any blanket or individual searches performed by institutions or employers without express and informed consent is contrary to basic human rights, and contrary to acceptable practice in a free and democratic society, except under exceptional circumstances that must be subject to review and to an appealable complaint process accessible to the affected individual(s).

In this regard, we ask that you review the practice concerning searches at cadet summer camps in view of developing an exemplary policy and practice that sets a high standard for individuals' rights to privacy. We also ask that you take action to ensure cadets' privacy is protected at this summer's camps.

Thank you for your attention and response to our concerns.

Yours truly,



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³ *National Defence Act*, Section 273.2(b).