



National Defence

Défense nationale

National Defence Headquarters
Ottawa, Ontario
K1A 0K2

Quartier général de la Défense nationale
Ottawa, (Ontario)
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02 September 2014

Mr. Joseph Hickey
Executive Director
Ontario Civil Liberties Association
180 Metcalfe Street, Suite 204
Ottawa, ON K2P 1P5

Dear Mr. Hickey:

I am writing to advise you that I have reviewed your correspondence of 27 June 2014 in which you expressed concerns regarding searches that may occur at Cadet Training Centres (CTCs). Specifically, your concern focussed on Section 8 of the Canadian *Charter of Rights and Freedoms* and the possible breach of cadets' privacy during searches of their person, belongings, and accommodations while at CTCs. You asked for a review of the practice of conducting searches at CTCs, develop a policy that protects the cadets' rights to privacy, and that action be taken to ensure cadets' privacy is protected during the 2014 summer training session.

A review of policies and directives pertinent to searches and inspections has been conducted and I can confirm that warrantless searches are not being carried out at CTCs. *Queens Regulations and Orders for the Canadian Armed Forces* defines searches as an examination of a person or property with the aim to discover contraband or illicit or stolen property, or some evidence of guilt to be used in the prosecution of an offence. Searches are not ordered or conducted by CTC staff. In circumstances where there is thought to be reasonable grounds to search a cadet or their personal locker, the applicable military or civilian police force is contacted. If required, the applicable police force proceeds with the necessary steps to conduct a search.

Before arriving at a CTC, cadets are given joining instructions. Many of these detail when inspections will occur, why their property and accommodations may be inspected and by whom. The joining instructions that do not currently include these details will be corrected. Legal advisors have confirmed that because cadets are under the control and supervision of the Canadian Armed Forces (CAF), it is our responsibility to conduct inspections for the purposes of maintaining military standards of health, hygiene, safety, security, efficiency, dress, and kit. The standard of care to be exercised by the CAF in providing for the supervision and protection of cadets for whom they are responsible is that of a careful or prudent parent. Based on that principle, cadets and their equipment

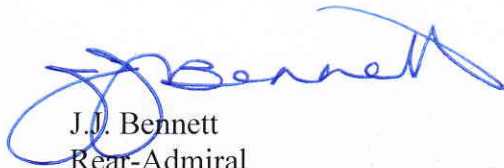
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are subject to inspection.

Clarification on searches and inspections has been sent to the Commanding Officers of the Regional Cadet Support Units to ensure searches and inspections are conducted in the same manner at all CTCs across the country. The clarification restates the definition of a search to remind all CTC staff of the difference between searches and inspections. Inspections are only conducted by CAF members for the purpose of maintaining hygiene, kit verification, ensuring standards or for safety reasons. Civilian Instructors are not authorized to conduct any inspections. Staff cadets, acting in the capacity of observers, may accompany CAF members as they perform inspections.

I thank you for contacting me with your concerns in regards to searching cadets while in the care of the CAF at CTCs. Searches conducted at a CTC, or any other cadet activity, may only be completed by the applicable police force as required and not CTC staff. My review with regards to your concerns has confirmed that security from unreasonable search and seizure has not been breached and inspections are conducted appropriately and within reason.



J.J. Bennett
Rear-Admiral
Chief Reserves and Cadets