

Josh Paterson

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VIA EMAIL

July 17, 2015

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Chief Superintendent Bain
RCMP North District
4020 5th Avenue,
Prince George B.C. V2M 7E7

Deputy Commissioner Callens
RCMP
"E" Division
14200 Green Timbers Way,
Surrey, B.C. V3T 6P3

Re: Police actions on Morice Lake Road

Dear Deputy Commissioner Callens and C/Supt. Bane,

I am writing today on behalf of the BC Civil Liberties Association, the oldest and most active civil liberties association in Canada. We have a long history of defending Canadians' right to free expression, while at the same time recognizing valid policing operational requirements.

It has come to our attention that on at least four days of approximately last week, and on several days this week, there has been an RCMP checkpoint set up on the Morice Lake Road at

roughly the 27km and 29km marks. We understand that any vehicles driving past these points are asked to stop, and all occupants – both drivers and passengers – have been asked about their identity and their intended business. We have been told that some drivers have been ticketed for vehicle-related infractions.

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We understand that from time to time the RCMP conducts routine road safety checks, and we have no issue with this practice in general or with the enforcement of road safety laws. The frequency and location of the Morice Lake Road checkpoint, however, seems unusual to us. Its location is fairly remote and along a sparsely travelled section of road; having the checkpoint set up in this spot four days in one week, and several days the next, seems atypical. We also question what road safety objectives are served by inquiring into the business of vehicle occupants and asking them for identification. This is particularly puzzling with respect to passengers, who under normal circumstances are not obliged to provide any information to the police.

As you know, the Unist'ot'en camp is located in the vicinity of these checkpoints and is accessible by Morice Lake Road. The RCMP has recently been shown to target for surveillance both the Unist'ot'en camp specifically and Indigenous individuals and peoples more generally. The use of traffic checkpoints to target Indigenous people has also been noted in the past: in May 2010, for example, a checkpoint was established on the only road in and out of Kitamaat Village on the day of a community feast and all-Nations gathering connected with the Enbridge Northern Gateway Project. We are concerned that the sudden and repeated

presence of mandatory checkpoints at this location has the appearance of targeting people who are lawfully travelling to and from the camp, including Indigenous people travelling on their traditional territories and their guests. It would be improper for a police force to single out members of an Indigenous nation for targeted surveillance or other policing action based on their lawful use of their own traditional territories and the exercise of their constitutionally-protected Indigenous rights. We have heard that officers have asked individuals in the stopped vehicles directly whether they are headed for the camp, which, if true, would only underline our questioning of the purpose of the checkpoint operations.

We understand that members of the Unist'ot'en have established checkpoints at locations within their traditional territory, and have turned back some companies depending on their proposed use of the land. We have heard that an officer or officers have approached these individuals, either at the checkpoint or the camp, and made warnings. It is not for us to take a position on the activities of the Unist'ot'en within their traditional territories and according to the laws of the Wet'suwet'en people. We observe, however, that the Supreme Court of Canada's decision in *Tsilhqot'in Nation v. British Columbia*, [2014] 2 SCR 256, recognizes that Aboriginal title, when established, includes the right to use, manage, possess land, and to decide how the land will be used. Aboriginal title also means that governments and others must obtain consent to use the land and that First Nations can exclude people from their land, and that to do otherwise would infringe on that constitutionally-protected right. In their activities, the police, as agents of the Crown, must be respectful

of the constitutional rights of First Nations in relation to their traditional territories.

We would appreciate a prompt reply with clarification on the public safety objective, or other objective, being served by the regular checkpoints on the Morice Lake Road, and clarification on the criteria employed by the RCMP when selecting the place and time of such checks.

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Sincerely

A handwritten signature in black ink, appearing to be 'J. Paterson', with a long horizontal line extending to the right.

Josh Paterson
Executive Director

CC: Detachment Commander Stephen Rose,
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&
Corporal Steven Thackeray,
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Office of the Wet'suwet'en Hereditary Chiefs