

Sample Respondent's Introduction

Brown et al. v. Durham Regional Police Services

1. The Respondent obtained information that many hundreds of members, friends and associates of a known outlaw motorcycle gang, the Paradise Riders, were to gather on four weekends on a small property in the middle of the quiet rural hamlet of Caesarea, population 700. The Respondent had ample information about this outlaw motorcycle gang, its tendency to engage in serious crime and its connections with other outlaw motorcycle gangs, including the Hell's Angels. In addition to the public safety and public order concerns posed by this, the Respondent had legitimate highway safety concerns such as vehicle fitness, licensing and insurance.

2. Therefore, the Respondent established road checks near Caesarea. At these road checks, the Respondent stopped members, friends and associates of this outlaw motorcycle gang. The stops lasted only 3 to 20 minutes and entailed investigation of licence and insurance, a CPIC check and a visual vehicle inspection. The trial judge found that the stops, based in part as they were on highway safety concerns, were authorized by the *Highway Traffic Act*. There were no interrogations or broader investigations.

3. Three members of this outlaw motorcycle gang now complain that there were improperly singled out and that these limited stops were detentions in a "temporary, but very real police state", under practices which are "institutionalized in authoritarian and totalitarian states", in order to be "identified and subjected to police dominance". They submit that the detentions infringed their rights under s. 9 of the Charter.

4. This Court has already upheld vehicle stops, verifications of licence and insurance, vehicle inspections and CPIC checks under the Charter. It has upheld such activities even when conducted on a random basis. In this case, however, the stops were not random: the Respondent effected the stops of the Paradise Riders for good, verifiable reasons. The trial judge found as a fact that the Respondent had rationally-based, substantial concerns about highway safety and potential breaches of the peace associated with the arrival of the Paradise Riders which had "a very significant potential for violence and disruption". Accordingly, the Respondent took reasonable steps, authorized by statute and common law, in order to achieve those important purposes without unnecessarily or unreasonably interfering with civil liberties. There is no s. 9 breach.