



December 30, 2015

Via Registered Mail

The Office of the Police Complaint Commissioner  
5<sup>th</sup> Floor, 947 Fort Street  
PO Box 9895, Stn Prov Govt  
Victoria, B.C. V8W 9T8

Dear Commissioner Lowe:

Re: Complaint of Misconduct in Issuance of Criminal Harassment Warning Letter  
Vancouver Police Department File # 2015-16170

I am writing on behalf of Animal Justice, a national organization dedicated to securing legal protection for animals in Canada. Our work includes ensuring animal rights activists are able to fully realize their civil liberties to defend animals.

Please accept this complaint of police misconduct pursuant to s. 78(1)(b) of the *Police Act*, R.S.B.C. 1996, ch. 367, on behalf of Mr. Taylor Freeman, who has reviewed this letter and consented to our filing this complaint on his behalf.

Mr. Freeman had been peacefully protesting Snowflake Furs, a business located in downtown Vancouver, B.C., since early 2014. On November 1, 2015, Constable Hilary Barnes on behalf of the Vancouver Police Department Operations Division (VPD) issued Mr. Freeman a letter advising him to cease communicating with "Ms Cameron" (first name not provided), because she finds his communications "annoying and frightening." If Mr. Freeman communicates with Ms. Cameron again he will be charged with criminal harassment.

Mr. Freeman is not entirely sure who Ms. Cameron is. He has been told by the VPD that she is an employee of Snowflake Furs, although Mr. Freeman would not be able to identify her.

Constable Barnes has orally instructed Mr. Freeman not to go to Snowflake Furs, including walking past as a pedestrian. Snowflake Furs, at 569 Howe Street, is in the heart of downtown, which is also Mr. Freeman's neighbourhood. The VPD has not set a time limit on the terms of its letter. By contrast, a s. 810 peace bond would be in effect for no longer than 12 months. The concerning result is that if Mr. Freeman so much as walks down the 500 block of Howe Street ever again—in his own neighbourhood—he will risk arrest.

**Animal Justice Canada**  
**5700-100 King Street West, Toronto, Ontario M5X 1C7**  
**info@animaljustice.ca**

Although activists regularly protest Snowflake Furs, to the best of our knowledge only Mr. Freeman has been ordered to stop. Mr. Freeman is a visible minority—the only Snowflake Furs protester with dark skin. A witness observed Ms. Cameron complaining to the police that Mr. Freeman is a “large, intimidating black male” who acted “aggressively.” There are many witnesses who can confirm that Mr. Freeman has been no more or less “intimidating” or “aggressive” than any of the other protesters who continue to exercise their constitutionally protected rights to lawfully protest Snowflake Furs without interference.

Criminal harassment is made out when a person has an *objectively reasonable* fear for their safety. It is not made out when a person’s business is impacted by lawful dissent. It is also not made out when a person may subjectively fear for their safety on the basis of racist stereotypes rather than actual exhibited behaviour. The offence of criminal harassment is primarily intended to protect women from domestic violence.<sup>1</sup>

It is well-documented that the fur industry harms animals. The Association for the Protection of Fur-Bearing Animals explains that animals on fur farms “routinely develop severe physical and psychological conditions, including deformed limbs, organ failure, depression, and cannibalism.”<sup>2</sup> Of the animals trapped in the wild, “many animals die trying to free themselves, as well as from dehydration, blood loss and hypothermia. Many animals become so desperate, they resort to chewing or wringing off their own trapped limb in order to escape, breaking teeth and bones in the process.”<sup>3</sup>

Mr. Freeman is understandably disturbed by the cruelty involved in the fur industry and has committed a great deal of volunteer time to protesting it, as is his constitutionally protected right. Freedom of expression is arguably the most important Canadian Charter right. The Supreme Court of Canada has held that it “is difficult to imagine a guaranteed right more important to a democratic society. ... It seems that **[freedom of expression] should therefore only be restricted in the clearest of circumstances.**”<sup>4</sup>

---

<sup>1</sup> Department of Justice, “A Handbook for Police and Crown Prosecutors on Criminal Harassment,” online: <http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv->

<sup>2</sup> The Association for the Protection of Fur-Bearing Animals, “What is the Problem?” online at: <http://furbearerdefenders.com//what-we-do/anti-fur-campaign/what-is-the-problem>.

<sup>3</sup> The Association for the Protection of Fur-Bearing Animals, “What is the Problem?” online at: <http://furbearerdefenders.com//what-we-do/anti-fur-campaign/what-is-the-problem>.

<sup>4</sup> *Edmonton Journal v. Alberta (Attorney General)* [1989] 2 S.C.R. 1326. (Emphasis added.)

Mr. Freeman has consistently made it apparent that he is present at the store only to protest its use of fur. There is no objectively reasonable basis for any employee or owner of the store to fear for their safety, which has never been threatened.

It is also concerning that Mr. Freeman's right to freely travel the downtown core—his neighbourhood—has been significantly, vaguely, and indefinitely curtailed without the benefit of due process. Mr. Freeman's attempts to communicate with the VPD to seek clarification and provide explanations have been consistently ignored, deflected, and belittled.

On behalf of Mr. Freeman and Animal Justice, we hope your office will pursue appropriate remedial action and we are available to fully assist with your investigation. Mr. Freeman is most concerned with resuming his constitutional right to freedom of expression at Snowflake Furs.

Yours truly,



Anna Pippus, B.A., J.D.  
Animal Justice  
APippus@AnimalJustice.ca  
604-338-0806