



Heiltsuk Nation

## **Backgrounder: Intervention in BC Human Rights Case Against VPD Over Racial Profiling and Wrongful Detainment of Indigenous Grandfather and Granddaughter**

On December 19, 2019, Maxwell Johnson and his granddaughter went to a Bank of Montreal in Vancouver for a previously scheduled appointment to open her first bank account. This was so she could access money when she was away at basketball games or visiting family, and so she would also learn how to manage her own money.

After checking-in at the customer service area at 11:00 a.m. Max and his granddaughter presented their Indian Status cards and requested a new account. He was asked numerous security questions about his account activity, which he answered. Eventually, they were told there was a problem with Max's card and they needed to wait for the cards to be returned. Max and his granddaughter waited on a bench inside the bank to have their cards returned. Unbeknownst to them, the bank had called 911 to report that they had committed a fraud.

After they had been waiting for about 30 minutes, Max and his granddaughter were approached by two policemen from the VPD. His granddaughter remembers seeing the police officers approaching and half-jokingly asking, "Are they coming for us papa?" Max chided her and said, "I don't think so." But the two policemen did come for them, took them outside onto the busy street, separated them, handcuffed them, questioned, patted down and searched Max, and called two female police officers who did the same to his granddaughter.

In the end, the bank had recorded Max's status card number incorrectly in their computer system, and there was a typo on his granddaughter's card, which was later easily corrected. If Max and his granddaughter were white, this would have been handled much differently.

## **Human Rights Case Intervention & Anti-Racism Campaign Launch**

Maxwell Johnson and his granddaughter have brought [a BC Human Rights Tribunal case](#) against the VPD for discrimination based on a number of grounds including their race.

The pursuit of justice is moving forward in several important ways:

### **1. The human rights case against the VPD is moving forward**

- VPD have filed their [response to the complaint](#), and it is a basic denial of discrimination. They claim that the constables had reasonable grounds to arrest. We disagree.

- VPD's response takes a colour-blind approach. They claim they didn't do anything differently because the complainants were Indigenous. We disagree. If Max and his granddaughter had been white, they would have talked to them to sort out the issue with their ID, not remove them from the bank, cuff them, pat them down and search them.
- They claim it was reasonable to assume that the 12-year-old granddaughter was 16 or 17, and that the use of handcuffs on her was reasonable. They ought to have known she was 12 years old. They saw her, and she told them her birthdate.
- The use of handcuffs was unreasonable. Max and his granddaughter waited on a bench in the bank for almost 30min for the return of their status cards. There was nothing about them that indicated they were a safety risk, would be violent, or would try to escape.

## **2. CCTV footage of the arrest is being released**

- CCTV footage of the detainment outside the bank was obtained through access to information, and is [available for download and use by media](#).
- The video shows Maxwell Johnson and his granddaughter in handcuffs for 35 minutes and 12 minutes respectively, despite being completely cooperative and peaceful. Why were handcuffs needed, and why were they held for so long?
- The video shows the public suffering of being on a busy street corner, and of the 12-year-old being separated from her guardian.

## **3. Union of BC Indian Chiefs is applying to intervene in the case against the VPD**

- UBCIC, and their counsel, Mary Ellen Turpel-Lafond, will be applying to intervene at the BC Human Rights Tribunal to provide context and depth to the nature of discrimination Indigenous people face when dealing with police in this province.
- UBCIC has retained Mary Ellen Turpel-Lafond to represent their important voice at the hearing.

## **4. Strong as Cedar Campaign is being launched**

- [strongascedar.ca](http://strongascedar.ca) is a campaign to raise awareness about the discrimination and racism that Indigenous, black, and other people of colour, face on a daily basis.
- It is also a campaign to fundraise in support of Maxwell and his family as they pursue justice and their human rights claim against the VPD.

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