



Canadian Police Association 2017 Legislative Conference

OVERVIEW

The Canadian Police Association (CPA) is an umbrella organization that represents over 60,000 civilian and sworn front-line law enforcement professionals from across Canada. Our members serve every municipal and provincial police service, and include personnel from the Royal Canadian Mounted Police, First Nations police agencies and the Canadian National and Canadian Pacific Railway police.

On behalf of our members, we work in a non-partisan fashion with Members of Parliament from all political parties to advocate for policies that promote public safety while improving the health and safety of those who serve their communities. Our members regularly appear before Parliamentary Committees to offer expert testimony during the consideration of legislation, and are always available to facilitate meetings with Parliamentarians in their home ridings to provide a local policing perspective on important issues.

Over the past year we've worked with the Government of Canada to provide a front-line policing perspective on a number of key issues, including the efforts to legalize marijuana for recreational use and the adoption of a legislative framework to allow our colleagues with the Royal Canadian Mounted Police to enjoy the same unfettered rights to collective bargaining that all other police services in Canada currently possess. We appreciate that Members of the House of Commons and Senate, from all parties, have worked with Canada's public police professionals to ensure that the public safety of our communities is a key consideration during the policy development process, and we look forward to continuing that engagement.

We're also pleased to note that there has been significant movement on one of the key issues our members raised with you during our meetings in Ottawa last year. The Government of Canada has re-affirmed its commitment to producing a National Action Plan for First Responders suffering Post-Traumatic Stress Disorder (PTSD), and we are particularly grateful to the members of the House of Commons Standing Committee on Public Safety and National Security for their work in preparing their report "Healthy Minds, Safe Communities: Supporting our Public Safety Officers Through a National Strategy for Operational Stress Injuries" which was released in October 2016. This report drew heavily on the testimony that was provided to the Committee by the first responder community, including our National President, Mr. Tom Stamatakis. We hope to see this engagement pursued vigorously by this Parliament, particularly with additional financial investments in the very near future.

In addition to the economics of community safety, our members are continuing the process of adapting to radically new technological realities. From ongoing discussions around the widespread introduction of body-worn video, to new methods of investigating crime in a digital age, and the recent emphasis on the privacy rights of Canadians, the job of a police officer has never required more training and professionalism than it does today.

In addition to all of these factors, it should also be noted that policing in Canada is, appropriately, the profession subject to the most regulation and oversight possible. Our members know, and expect, that the split-second decisions they make will be scrutinized by both the public, and by the independent agencies established to ensure Canadians continue to trust those who police their communities.

There's no doubt that the cost of policing will continue to be debated, but there should also be no question that our members provide tremendous value to their communities, and that value goes beyond just dollars and cents. Police personnel, from those on patrol, to those that work behind the scenes, are committed to service. They're your sons and daughters' hockey coaches, they're raising money for charities across Canada and they're always active participants when it comes to community development.

As Members of Parliament, we look forward to continuing our work with you all in this 42nd Parliament. The need to protect our communities with evidence-based strategies supported by professional public policing is the ultimate non-partisan goal. Thank you for taking the time to meet with us, but also don't hesitate to reach out to us here in Ottawa through our National Office, or just as importantly, back home in your ridings any time you might need to discuss public safety issues, or if you have specific concerns or questions you might like us to address.

OUR ISSUES

Support Senate Public Bill S-217: *An Act to amend the Criminal Code (detention in custody)*

On January 17, 2015, Constable David Wynn and his partner, Auxiliary Constable Derek Bond, of the Royal Canadian Mounted Police were shot, on duty, outside of a St. Albert (AB) casino. Tragically, on January 21, 2015, Constable Wynn succumbed to his injuries, having never regained consciousness. The shooter, Shawn Rehn, had a lengthy criminal history, as detailed in a report prepared for the Government of Alberta in response to this incident:

“On January 17, 2015, Rehn had a total of 29 Criminal Code charges outstanding before the courts. These charges stemmed from allegations arising on a number of different dates, the first of which occurred in October 2013, when Rehn was charged with committing fraud against his bank. At the time of the alleged bank fraud, Rehn was bound by bail conditions that had been put in place as the result of pre-existing criminal charges.”

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Rehn had an extensive history of failing to appear in court and habitually breached court orders, possessing a criminal record with 55 convictions. He had been previously sentenced twice to serve time in federal penitentiaries.

On September 3, 2014, Mr. Rehn had been arrested and was facing charges that included possession of a prohibited weapon when he received bail (\$4,500) the following day. During that bail hearing, not a single mention was made of his extensive criminal history, much of which could have clearly qualified him for detention in custody.

Bill S-217, which was introduced by Ontario Senator Bob Runciman, seeks to address this glaring oversight with two simple, common-sense changes to the Criminal Code:

- Adding two new grounds under which an offender can be detained in custody, specifically, when the accused has failed to appear in court in the past, and the fact that the accused has previously been convicted of a criminal offence or has been charged with and is awaiting trial for another criminal offence; and
- Replacing the word “may” with “shall”, to require prosecutors to introduce evidence of the accused’s criminal record, or failure to obey court orders in the past, or other criminal charges for which an offender may be awaiting trial.

Bill S-217 was passed, unanimously, by the Standing Senate Committee on Legal and Constitutional Affairs, and again was passed by a wide margin by the Senate of Canada, and is currently at Second Reading stage in the House of Commons, having been sponsored by Mr. Michael Cooper, Member of Parliament for the riding of St. Albert – Edmonton, where the terrible tragedy of Constable Wynn’s murder took place.

Former Alberta Minister of Justice and Solicitor General Jonathan Denis, who was Minister when the tragedy occurred, and who commissioned the Government report into the incident has been a vocal proponent of S-217, believe that this legislation would build on the recommendations made in the report, saying:

“I believe that Wynn’s Law (S-217) compliments the recommendations in the Alberta bail review report by closing a loophole in the federal Criminal Code; an action that may very well have saved the life of Constable David Wynn.”

While police personnel are sympathetic to concerns that these additional requirements may place more burdens on Crown Prosecutors as they prepared for bail hearings, particularly since there is perhaps no other profession that is as aware of the ultimate cost of downloading as police officers, we firmly believe that the cost of getting bail hearings right far outweighs the obvious risks associated with getting it wrong.

The CPA also wishes to highlight that nothing within S-217 eliminates or even infringes on judicial discretion. While we sincerely hope that judges will strongly consider the additional information that will be presented during bail hearings, the ultimate decision still remains with them, as it always should, allowing them to decide how to ultimately weigh the evidence.

Therefore we ask all Members of Parliament, across party lines, take the time to carefully consider S-217 on its merits. Giving judges as much relevant information as

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possible will help us protect our communities from these dangerous repeat offenders, and we ask that you support this important legislation.

Parole Reform Targeting Repeat and High-Risk Offenders

The Canadian criminal justice system is a complex and interconnected process where action, or inaction, in one area can have unintended and negative consequences in another. The need to effectively target repeat offenders is significant because, as front line law enforcement officers know all too well, a defining reality of our justice system is that a disproportionately small number of offenders are responsible for a disproportionately large number of offences. Operationally targeting such offenders produces positive public safety results and the same is true of targeted legislation and policy.

It is in that context that the Canadian Police Association continues to propose the creation of statutory consequences for offenders who commit new offences while on conditional release and to replace the entitlement of statutory release with discretionary parole. These amendments are proposed in the belief that early release from a court imposed sentence should be a privilege to be earned and not a right to be demanded.

Therefore the CPA calls on Parliament to consider introducing legislation that would:

- **Create the Offence of breaching conditional release:** It is critically important that there be an accurate record kept with respect to an offender's breach of conditions while on early release so that any future justice system decisions take into account such conduct. This reality is reflected in the creation of separate criminal offences of breaching the conditions of bail or probation yet, inexplicably, breaching the conditions of parole is *not* a criminal offence.
- **Require reporting of breach of conditional release by supervising authorities:** After the fact examination of crimes committed by repeat offenders such as Albert Foulston (in Alberta), demonstrate that breaches of conditional release by offenders are not always reported to the Parole Board of Canada which means their authority to suspend or revoke early release is neutered. Creating an obligation on a supervising entity, which includes offender advocate groups as well as Correctional Service Canada, would resolve this deficiency and enhance offender and institutional accountability.

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