



Canadian Police Association 2022 Legislative Conference

OVERVIEW

The Canadian Police Association (CPA) is an umbrella organization that represents almost 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 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. We 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.

As you are no doubt aware, recent events in Canada and around the world have put a significant focus on the roles and responsibilities of police personnel. It is important to emphasize that policing in Canada remains one of the most trusted public institutions in our country, and while there will always be room for evidence-based reforms that ultimately benefit both our members and the communities they serve, we should not hesitate to recognize our sector's successes, while being willing to constructively address areas where we can and must improve.

From discussions around activist calls to “defund the police”, to confronting the unique but now well documented mental health challenges facing first responders, to ensuring that our members are equipped and trained to respond to modern threats to community safety and security such as our recent and ongoing experience with the Covid pandemic, the CPA has a strong interest in working with our elected officials at all levels to ensure that Canadian policing continues to be a global example of progressive and accountable law enforcement.

It is because of these factors that it should be emphasized 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 are often the

agency of only resort when confronting societal challenges. Our officers are on-duty 24/7, and receive training that allows them to address the myriad of challenges they face on a regular basis. Our Associations will be the first to work with community stakeholders to identify areas where alternate responses may make more sense to reduce the current workload our officers face, but we need to work collaboratively to build that capacity without sacrificing community well-being.

As Members of Parliament, we look forward to continuing our work with you in this 44th 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 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 have specific concerns or questions you might like us to address.

OUR ISSUES

National Framework for Police Response to Protests and Demonstrations

The Issue

The right to protest is a vital part of Canadian democracy and fundamental to the freedom of assembly guaranteed by our country's Charter of Rights and Freedoms. In recent years, as society has become increasingly polarized, the frequency of these protests and demonstrations have increased, and organizers have often made general disruption a clear objective. This has put front-line police personnel at the difficult intersection of needing to preserve the rights of those who choose to exercise their freedom to protest and the expectations communities have regarding safety and well-being. It is also important to recognize the significant impact large-scale demonstrations can have on the ability citizens have to move freely thru their communities, as well as the disruptions these events often have on the local economy.

Further, the increasing frequency and negative tenor of these demonstrations has placed a significant professional burden on front-line law enforcement personnel. Increased fatigue from extended and unpredictable shift work and stress from exposure to verbal abuse and physical violence are just two of the strains placed on the mental and physical well-being of our members, at a time when studies repeatedly note the increased prevalence of mental health challenges faced by our country's first responders.

Law enforcement has alternatively been criticized for exercising their duties in some circumstances, and for taking a more 'hands-off' approach in others, which has led to the unfounded belief that police personnel are taking sides during these protests. While exercising discretion is a key skill taught to officers across Canada, our Association believes the federal government should take a leadership role in bringing together key stakeholders to establish a national framework for responding to circumstances of public disruption and protest to avoid any appearance of partiality, and to maintain the trust and confidence Canadians have in their police services.

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The Solution

The CPA proposes that the federal government organize a national summit that brings together key stakeholders, including representatives of police executives, front-line police representatives, municipal and provincial officials responsible for public safety, and community-based organizations with experience in organizing public events, to establish a clear framework to coordinate the response to protests and demonstrations.

This framework would include guidelines regarding the deployment of resources, use-of-force where applicable, member and public health and safety, and funding for police resources when additional personnel are required. As well, with certain considerations taken for operational security, this framework should be publicly-accessible to ensure that communities have a better understanding of how protests are addressed by law enforcement.

Parole and Bail Reform Targeting Repeat and High-Risk Offenders

The Issue

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.

The Solution

- **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 a separate criminal offence 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, demonstrate that breaches of conditional release by offenders are not always reported to the Parole Board of Canada, which means its 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 (CSC), would resolve this deficiency and enhance offender and institutional accountability.

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Mandatory Minimum Sentences

The Issue

Police officers are, appropriately, subject to the most rigorous oversight regime of any profession in Canada, and while incidences involving use-of-force are extremely rare (less than 1% of interactions, according to Canadian statistics), there are occasionally cases where police personnel have been held accountable for what the courts have deemed unlawful uses-of-force.

Sections 220 and 236 of the Criminal Code of Canada provide for mandatory minimum sentences of four years when an individual is convicted of manslaughter or criminal negligence causing death, where a firearm has been used in the commission of the offence. While the original goal of these minimum sentences was to act as a deterrent in respect to the proliferation of firearms, unfortunately these minimum sentences fail to take into account the unique nature of the duties of police personnel, who are required to carry a firearm as part of their regulation uniform, and can deploy that firearm as part of the recognized use-of-force continuum.

Because police officers are expected, in the course of their duties, to intervene in numerous operations where the risk of physical and psychological harm is present, both for the officers themselves, and the public in general, we believe it is important to draft a sentencing framework that allows judges to have the discretion necessary during sentencing, to recognize the unique circumstances faced by police personnel, particularly with respect to firearms. These incidents are dynamic and unfold quickly requiring officers to make split second decisions where even a momentary lapse of judgment could mean the difference between a successful intervention and one subject to review.

The Solution

The CPA asks Parliament to consider drafting a new sentencing framework with respect to Sections 220 and 236 of the Criminal Code of Canada to recognize that police personnel are authorized, and at times required, to use their firearms in the course of their duties, and to exempt officers from the mandatory minimum sentences prescribed in the current Criminal Code of Canada, giving the judiciary the discretion to recognize that even in circumstances where police officers are being held accountable, that the officers themselves may have been acting in good faith in the discharge of their duties.

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