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CACP Law Amendments Committee 2011-2012 Annual Report

President Chu:

As chair of the Law Amendments Committee (LAC), I am pleased to present to you the annual report of the LAC for the year 2011-2012.

During the past year the LAC continued to focus on the following legislative priorities:

Bill C-30

9-1-1 - Additional Subscriber Information Request to the CRTC

Electronic Counter Measures

Amendments to the CC and DNA Identification Act

Unexecuted DNA Orders

Human Trafficking

Wearing of Masks in Riots

These will continue to be the priorities for the coming year.

Each of these issues has a champion assigned to it and resolutions have been forwarded with regard to most of them, but the primary focus over the past year has been Bill C-30. As you know, the presentation of this bill by government was met with controversy. Fueling this controversy was the dissemination of misleading information by privacy advocates and the media regarding the impact the bill would have on Canadians. This misinformation caused a great deal of concern for many Canadians who were essentially told that the bill would allow police to look into their private internet use without warrant.

Members of the LAC worked to dispel this misinformation by coordinating messaging, developing information packages for police nationally, speaking to media and politicians, meeting with privacy groups, and with provincial and federal Privacy Commissioners. As well, a draft video has been produced to again attempt to provide clarity with regard to what the true purpose and need of the bill is. Work will continue on the promotion of Bill C-30 in the coming weeks and months as it is hoped that government will reintroduce it in the fall.

I would like to especially compliment committee members Vince Westwick, Murray Stooke and Francis Brabant for their tireless work on the Bill C-30 matter.

Bill C-10 received Royal Assent on March 13, 2012. The CACP had supported this bill since it was introduced. Several LAC members were witnesses at parliamentary committee meetings over the past year where the bill was discussed by the House. After Royal Assent a reception was held in Ottawa where CACP President McFee and several LAC members were invited to receive thanks from Prime Minister Harper for the support from the CACP.

Plans are currently underway for the next Criminal Justice Symposium which will take place in Montreal in January 2013. The LAC will be assisting in the organizing of this

event and will have several members in attendance to participate. The topic will be the issue of mental health problems in our communities and how it impacts the criminal justice system at all levels.

Through the LAC, the CACP retains two seats on the Justice Efficiencies and Access to Justice Steering Committee, held by Murray Stooke and Vince Westwick. This is a very important Committee which is closely linked with the development of criminal law and public policy in Canada.

I also wish to acknowledge the long standing committee members who will be leaving the LAC this year. Michel Forget of the Sûreté de Quebec and Bruce Brown of the London Police Service contributed greatly to the committee and the CACP. They will be missed.

Sincerely,

Warren Lemcke

Major Activities for the Year 2011/2012

Justice Efficiencies and Access to Justice Steering Group

This work group was developed by the Deputy Minister of Justice Canada at the request of Federal/Provincial/Territorial Ministers responsible for Justice and Criminal law. It is composed of a group representing prosecutors, defence counsel, judges, senior officials and police. Justice Efficiencies meets three times a year although its subgroups meet more often. The Steering Group prepares position papers on different aspects of the criminal law which are presented to the Federal/Provincial/Territorial Ministers responsible for Justice and Criminal law. The CACP has been represented by Vince Westwick and Murray Stooke. Francis Brabant is a very valuable participant on the disclosure subcommittee as well.

Please consult the Justice Efficiencies website for a full list of its members, mandate and its past reports. www.justice.gc.ca/eng/esc-cde/index.html

Symposium: Re-inventing Criminal Justice

The 4th Symposium was held in January 2012 in Victoria, B.C. The topic of the Symposium was with regard to remand issues. As in past, the 2012 Symposium included representatives of the:

- Judiciary
- Crown Prosecutors
- Defence Counsel
- Senior Government officials
- Police

The Fifth Symposium is scheduled for Montreal in January 2013.

Head of Prosecutions Wrongful Convictions Working Group

Kevin Brosseau of the LAC worked with the Heads of Prosecutions Wrongful Convictions Working Group culminating with the adoption of a resolution supporting the report of the Working Group at the Sydney conference.

Bills Update

See attachment

An important part of the duties of the LAC is to appear before Parliamentary Committees reviewing new legislation. In 2011-2012 the LAC appeared before Parliament as follows:

- May 30, 2012-Presentation to the Senate Committee - **Bill C-26** (Citizens Power of Arrest and Self-Defence)-Remarks by Superintendent Greg Preston, Edmonton Police Service, CACP-LAC
- March 28, 2012 - Presentation to the Senate - Standing Committee on Legal and Constitutional Affairs -Bill C-19 An Act to amend the Criminal Code and the Firearms Act
- February 22, 2012 - Presentation to the Standing Senate Committee on Legal and Constitutional Affairs -**Bill C-10** *The Safe Streets and Community Act - Part IV - Youth Criminal Justice Act* - Remarks by Deputy Chief Christopher McNeil, Halifax Regional Police Service, CACP-LAC
- February 14, 2012 - Presentation to the House of Commons - Standing Committee on Justice and Human Rights - **Bill C-26** - *An Act to amend the Criminal Code (citizen's arrest and the defences of property and persons)* - Remarks by Acting Superintendent Greg Preston, Edmonton Police Service, CACP-LAC
- November 19, 2011 Remarks to the House of Commons on **Bill C-19** *An Act to amend the Criminal Code and the Firearms Act* – Remarks by Chief Matt Torigian, Waterloo Regional Police Service, CACP-LAC
- November 1, 2011 - Remarks to the House of Commons Justice and Human Rights Committee - **Bill C-10** - *Safe Streets and Communities Act - Part 11 - Conditional Sentencing* - Deputy Chief Warren Lemcke, Vancouver Police Department, CACP-LAC
- October 20, 2011 - Remarks to the House of Commons Justice and Human Rights Committee - **Bill C-10** - *Safe Streets and Communities Act* - Mr. Vince Westwick, Ottawa Police Service, CACP-LAC
- March 9, 2011 - Remarks To The Senate Standing Committee On Legal And Constitutional Affairs Justice - Response To **Bill C-30** –Vince Westwick, Ottawa Police Service, CACP-LAC

Also, the LAC was involved in discussion and representation at a meeting chaired by Justice Canada on possible amendments to the Criminal Code surrounding arrest release provisions / powers for police officers.

Meetings

This year's activities included LAC meeting in August 2011 (Windsor), May 2012 (Winnipeg) and August 2012 (Sydney).

CACP Intervention Program

The CACP continues to intervene in cases before the Supreme Court of Canada. The purpose of such intervention is to provide to the Court a perspective from the police and where appropriate, provide submissions on the impact which might flow from a change in the law. The views of the CACP in this regard have been welcomed.

There were no appearances in this period.

Membership

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Michel Forget and Bruce Brown left the LAC.