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CACP Law Amendments Committee 2012-2013 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 2012-2013.

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

Bill C-30. Lawful Access
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 with the exception of *Wearing of Masks in Riots*, with the recent passing of Bill C-309. Bill C-309 received Royal Assent in June of 2013. The CACP had supported this bill since it was introduced. Several LAC and CACP members were witnesses at parliamentary committee meetings where the bill was discussed by the House.

Each of the above priorities 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, C-30 is essentially dead. Throughout the last year members of the LAC worked tremendously hard on trying to get government and public support for the Bill. This included having numerous meetings and conference calls with provincial and federal privacy commissioners, politicians, media people and senior government bureaucrats. Early in 2012 we became aware of the fact that government was set to drop the Bill. We were led to believe that the “lawful access” portion of the Bill was to be removed but government would go ahead with the “justice” part of the Bill. This did not happen and the entire Bill died. It is not known at this time what government plans to do to modernize the legislation around lawful access. The issues remain and in fact are becoming even more pressing as technology progresses. The LAC will continue to focus on the need for legislation to give police the tools required to protect Canadians. The privacy advocates are still focusing on what they feel is a need for a warrant regime for police to get basic subscriber information. They have created and released a paper entitled “What an IP Address Can Reveal About You”. This report is being analyzed but appears to be fraught with problems. There will be a half-day debrief of Bill C-30 at the August 2013 LAC meeting in Winnipeg. The purpose of this de-brief is to discuss what went wrong and what next steps should be.

The Province of B.C. is taking the lead on promoting the need for legislation prohibiting electronic counter measures, or “jammers”. This issue flows from LAC Resolution: 2011-02,

Electronic Counter Measures Legislation. Progress has been made moving this forward with the Department of Justice and FPT Organized Crime working groups.

It is anticipated that there will be a Bill introduced shortly which relates to “police release powers and documents” and that LAC will be heavily involved in this.

Bill C-26 (citizen’s power of arrest) came into force on March 11, 2013. LAC members spoke to government committees in the past on this Bill and provided CACP support.

Bill C-55: An Act to amend the Criminal Code (Response to the Supreme Court of Canada Decision in R. v. Tse Act) received Royal Assent on March 27, 2013. LAC members spoke to government committees in the past on this Bill and provided CACP support.

The 5th in a series of Criminal Justice Symposiums took place in Montreal in January 2013. The LAC assisted in organizing this event and several members attended to participate. The topic was the issue of mental health problems in our communities and how they impact 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 wish to acknowledge the long standing committee members who will be leaving the LAC this year:

Antoine Babinsky, Assistant Commissioner, RCMP,
Sylvain Brouillette, Assistant Director, Montreal Police Service,
Murray Stooke, Deputy Chief of Police, Calgary Police Service,
Christopher McNeil, Deputy Chief of Police, Halifax Regional Police Service,
Matt Torigian, Chief of Police, Waterloo Regional Police Service

Each of these members contributed greatly to the committee and the CACP. They will be missed.

The following members are welcomed to the LAC this year:

Ken Leppert, Superintendent, Ontario Provincial Police, OC Enforcement Bureau
Chief Marlo Pritchard, Weyburn Police Service

Sincerely,

Warren Lemcke

Major Activities for the Year 2012/2013

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 5th Symposium was held in January 2013 in Montreal. The topic of the Symposium was with regard to mental health issues. As in past, the 2013 Symposium included representatives of the:

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

Medical practitioners and others who specialize in the care of the mentally ill were also present and provided some very valuable input.

Bills Update

See attachment

An important part of the duties of the LAC is to appear before Parliamentary Committees reviewing new legislation. In 2012-2013 the LAC appeared before Parliament as follows:

- March 25, 2013, Warren Lemcke - Presentation to Senate Committee on Bill C-55: An Act to amend the Criminal Code (Response to the Supreme Court of Canada Decision in R. v. Tse Act)

Meetings

August 17 and 18, 2012, Nova Scotia

February 19, 2013, Ottawa

August 16 & 17, 2013, Winnipeg

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 police perspective and, where appropriate, provide submissions on the impact that 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

See attachment