

**Canadian Association of Chiefs of Police / Association
canadienne des chefs de police**

300 Terry Fox Drive, Unit 100, Kanata, ON K2K 0E3
Tel./Tél. (613) 595-1101 - Fax/Télé. (613) 383-0372 www.CACP.ca



CACP Statement - Bill S-217 (Wynn's Law)

June 1, 2017

Background:

On January 27, 2015, RCMP Constable David Wynn died as a result of a horrific shooting which took place in St. Albert, Alberta. Together, family and friends, an entire community, policing colleagues and a nation joined together to recognize the supreme sacrifice of an officer, a husband, a father of three, whose dreams and achievements were cut short in the line of duty.

The Canadian Association of Chiefs of Police (CACP) and the Canadian Police Association (CPA) stood together at the National Police and Peace Officer's Memorial to formally express our appreciation for the dedication and service of Constable Wynn and the many other officers who died while keeping our communities safe.

It is within this tragic scenario that many, within the criminal justice system and all levels of government, sought to remedy a situation that revealed that the murderer, Shawn Reyn, had an extensive criminal record and was out on bail despite having numerous outstanding charges. An officer, acting on behalf of the Crown at the bail hearing, did not provide this information to the justice. All would agree that Reyn should not have been released.

A review was launched by the Alberta government that resulted in 31 recommendations. It concluded that that Crown prosecutors, with greater courtroom experience, should handle bail hearings - not police officers.

CACP Parliamentary Testimony – Bill S-217 (Wynn's Law)

Federally, Bill S-217 was introduced (<http://www.parl.ca/DocumentViewer/en/42-1/bill/S-217/third-reading>). The bill, sponsored by Senator Bob Runciman, proposed to make it mandatory for the Crown to enter and prove the accused's criminal record and outstanding charges at a bail hearing. The CACP was asked to attend as a witness at the Standing Senate Committee on Legal and Constitutional Affairs (LCJC), a Committee chaired by the Senator, and subsequently by the House of Commons Standing Committee on Justice and Human Rights (JUST).

At the heart of the CACP are 22 Committees dedicated to dealing with an extensive range of issues important to public safety and security, improving Canadian policing and the criminal justice system. Drawing from our broad expertise and experience, we are highly sought by the federal government to offer our advice.

Members of the CACP Law Amendments Committee (LAC) were given the task to study Bill S-217 and present their assessment to Parliamentary committees. It was a very difficult undertaking, especially given the very trying circumstances. Following extensive consultation and committing long hours they reached the following conclusion:

The CACP fully supports the spirit of Bill S-217. On the surface, Bill S-217 seems to be a perfectly rational and sensible amendment. One might think that this seemingly simple amendment would ensure that killers, such as Reyn, would never be free to walk our streets, to endanger the safety of the public and police officers who risk their lives to protect us. Regretfully, our belief is that this Bill would inadvertently have a counter-productive effect.

Under the current rules of evidence, the Crown is not required to prove the criminal record of an accused. The criminal record, which lists the accused's previous convictions, is entered by the Crown at the bail hearing under the threshold of evidence that is "credible and trustworthy." Bill S-217 mandates that the Crown shall enter and prove the criminal record and outstanding charges of the accused at every bail hearing. Under this amendment each criminal conviction on the criminal record and outstanding charges that previously were entered by the Crown without issue will now need to be proved. The Bill has raised the burden of proof to a higher standard than currently exists. This will turn bail hearings into mini-trials, open the door to un-necessary challenges and will not achieve the goal of making Canadians safer.

The CACP LAC presentation to the Senate Committee – LCJC – can be found at: https://cacp.ca/index.html?asst_id=1163 A full transcript of the CACP LAC presentation to the House Committee – JUST - can be found at: <https://www.ourcommons.ca/DocumentViewer/en/42-1/JUST/meeting-52/evidence>

The CACP position is in line with that of many other organizations who appeared, including the Canadian Association of Crown Counsel.

I want to convey our sincere appreciation and unequivocal support to members of our Law Amendments Committee, They represented the highest levels of professionalism, integrity and courage in reaching a very difficult conclusion. There is nothing more that we would all want but to ensure such a tragedy never happens again.

Senator Runciman Op-Ed entitled: "Police chiefs and prosecutors put personal over public interest"

Senator Bob Runciman, penned an opinion piece which has recently been published by a number of within the media. The article, entitled "Police Chiefs and Prosecutors Put Personal over Public Interest" can be found at: <http://m.ottawasun.com/2017/05/26/police-chiefs-and-prosecutors-put-personal-over-public-interest> We believe it is important that our members and the public understand our position.

We in policing, at all levels, sincerely regret the tragedy which has occurred to one of our own. Our hearts remain with Constable Wynn, his wife Shelly, their family and friends and colleagues.

Directeur Mario Harel
President, Canadian Association of Chiefs of Police