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Presentation to the Standing Committee on Justice and Human Rights

C-46 - An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts

Remarks by: Directeur Mario Harel (President, CACP) OPP Supt. Charles Cox (Chair, CACP Traffic Committee), TPS Supt. Gord Jones (Past Chair, CACP Traffic Committee), and OPS Legal Counsel Lara Malashenko (CACP Law Amendments Committee)

Canadian Association of Chiefs of Police

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- Distinguished members of this Committee, as President of the Canadian Association of Chiefs of Police, I am pleased to be given the opportunity to meet with each of you today. This is my first time, as President, appearing before you and I am privileged to see so many familiar faces.
- I would like to introduce OPP C/Supt Charles Cox, who is Chair of the CACP Traffic Committee, Supt Gord Jones of the Toronto Police Service, who is our immediate past Chair of that same committee and Lara Malashenko, a member of the CACP Law Amendments Committee and legal counsel for the Ottawa Police Service. We are here to provide our expertise on this very important issue.
- The mandate of the CACP is “safety & security for all Canadians through innovative police leadership”. This mandate is accomplished through the activities and special projects of some 20 CACP committees and through active liaison with various levels of government. Ensuring the safety of our citizens and our communities is central to the mission of our membership who represents municipal, regional, provincial and federal police services.
- Bill C-46 is a very detailed and technical bill and as a result, I will address it from a high level in our opening statement. In addition to our appearance here today, we are providing you with a more detailed brief outlining our position on the Bill.

- But I would like to make some general comments to provide perspective as to the impact of this bill on policing.
- Our role from the beginning has been to share our expertise with the government to help mitigate the impact of such legislation on public safety. Extensive discussions within the CACP membership and various Committees formed the basis of our advice.
- We participated in a number of government held consultations and provided a submission to the Federal Task Force. Members of the CACP also were involved in the “Oral Fluid Drug Screening Device Pilot Project.’
- We produced two discussion papers entitled “CACP Recommendations of the Task Force on Cannabis Legalization and Regulation” on February 8, 2017, and “Government Introduces Legislation to Legalize Cannabis” on April 28, 2017. Both discussion papers can be found on our website.
- The recommendations we are providing here today are not intended to dispute the government’s intention of restricting, regulating and legalizing cannabis use in Canada.
- There is no doubt that the primary concern of policing in Canada is impaired driving. This is a significant issue today. It is our belief that it will become an even greater issue with the legalization of cannabis.
- In fact, I want to be clear:

- We certainly commend the government for its commitment to consultation of stakeholders and the public. We commend the efforts of Ministers, all Parliamentarians and public servants at Public Safety, Justice and Health Canada who are dedicated to bringing forward the best legislation possible. All share with us a desire to do this right, knowing that the world is watching.
- The government has put forward strong legislation not only focused on impairment by drugs, but also addressing on-going issues related to alcohol impairment.
- Steps that have been introduced to reform the entire impaired driving scheme are seen as much needed and very positive. The CACP has called for such changes in the past, specifically in support of modernizing the driving provisions of the criminal code, supporting mandatory alcohol screening and eliminating common ‘loophole’ defenses. Tough new impaired driving penalties introduced in this legislation are strongly supported by the CACP.
- We also acknowledge funding announced recently to support law enforcement for cannabis and drug-impaired driving. The government has been listening.
- The natural questions would be “why would those in policing have concerns with a July 2018 start date?” “The problems exist today, what will be different with legalization?” “What does policing need in order to

successfully implement and operationalize legalization?”

- The question many in policing have is “what level of readiness does the government and, more importantly our communities, expect law enforcement to deliver?” We can be ready at some level July, 2018, but are we delivering on the public safety objectives Canadians would expect of us?
- We are 10 months away. So allow me to put this into perspective:
 - We have 65,000 police officers in Canada who require training to understand the new legislation, once passed into law;
 - Standards for oral fluid drug screening devices are being developed. Devices are yet to be screened against standards, approved by the Attorney General of Canada and made available to law enforcement to allow for implementation and training;
 - Provincial governments, for the most part, are still developing regulatory and delivery schemes which directly impact law enforcement;
 - While funding has been announced, details regarding how the funding will be allocated through the provinces and into municipal police services hands remain unclear. We need that to meet our training and implementation objectives;

- We clearly require many more officers trained in Standardized Field Sobriety Testing and as Drug Recognition Experts. Quite frankly, the capacity is currently not there to deliver the amount of training required.
- Although the RCMP has recently conducted pilots in Canada, DRE accreditation currently involves sending officers to the United States at significant costs and based on availability of courses. We ask the government to come forward with a commitment and details to develop Canadian-based training for our officers, including reducing/eliminating the reliance on the practical training portion that is predominantly only available in the United States.
- We need to increase forensic laboratory capacity to process bodily fluids and sustain our ability to enforce this legislation.
- This represents just a snapshot of what confronts law enforcement as we move forward. We remain hopeful that many of these issues will be clarified and/or resolved over the coming months – laying the ground work needed to support effective and efficient enforcement of these new laws.
- But what really concerns policing overall is that, quite frankly, Canadians have not been getting the message when it comes to impaired driving whether that be by alcohol or drugs and it remains a leading criminal cause of death in Canada.

- We recognize and commend the government's tougher legislation in this area. However, current perceptions and attitudes towards drug-impaired driving must change, especially amongst our youth. Greater education in this area should have started long ago. We need to drive home the message that alcohol and/or drugs and driving don't mix.
- We are crossing new territory. Like you, we want to see this comprehensive legislation implemented successfully and recognize that "doing it right" is more important than "doing." We all have a responsibility to mitigate the impact on public safety. That is our foremost goal from a policing perspective.
- Again, our written submission flags some of the challenges, considerations and recommendations that we hope will assist in making this bill even stronger.
- In all, we support the proposed measures with some amendments, we continue to stress the importance of public education and the policing community is eager to advance training initiatives so that it can effectively support enforcement and public safety goals.

Sincere thanks are extended to all members of this Committee for allowing the Canadian Association of Chiefs of Police the opportunity to offer comments and suggestions on Bill C-46. We look forward to answering your questions.

Merci.