



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

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## Presentation to the Senate Standing Committee on Legal and Constitutional Affairs

### **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 Chief Supt. Charles Cox (Co-Chair, CACP Traffic Committee), and OPS Legal Counsel Lara Malashenko (CACP Law Amendments Committee)

## **Canadian Association of Chiefs of Police**

February 15, 2018

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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 again today.
- I would like to introduce OPP C/Supt Charles Cox, who is Co-Chair of the CACP Traffic 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.
- Our presentation today does not substantially differ from what we stated at the House of Commons Justice and Human Rights Committee in September 2017. The primary difference however, and it is significant, is that we are only 5 months away from July 2018.
- 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.
- We acknowledge that 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.
- 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 in our submission.
- The observations 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.
- Today, we are 5 months away from legalization.
  - We have 65,000 police officers in Canada who require training to understand the new legislation, once passed into law – Recently, we received confirmation that Public Safety Canada and the RCMP have committed to undertake the development and delivery of information and training materials for all Canadian law enforcement.
  - As has been indicated in previous testimony, there remains much work to operationalize the use of oral fluid drug screening devices. It includes confirmation that devices meet the standards as established by the Canadian Society of Forensic Science Drugs and Driving Committee, recommendations to, and approval by, the Attorney General of Canada, procurement by each police service and then training.
  - We acknowledge federal funding to support law enforcement for cannabis and drug-impaired driving. \$81M has been allocated to the provinces and territories to support the implementation of this bill over a 5-year period. How these funds will be allocated through the provinces and into municipal police services hands remain unclear. As such, a police service, for the most part, is unable to budget for training, purchasing of oral

fluid drug screening devices and capacity building to train front line officers in Standard Field Sobriety Testing and Drug Recognition Experts.

- We appreciate the work that the Federation of Canadian Municipalities is doing in this area in terms of assisting us to understand what the real costs might be.
- 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 in the short-term.
- We are heartened by comments which have been made in terms of developing Canadian-based training for our officers. We continue to 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 are involved with Public Safety Canada and Drug Free Kids Canada in developing and delivering public messaging and educational tools and trying to drive home the message that alcohol and/or drugs and driving don't mix.

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.

As I have stated in the past, we are crossing new territory. Like each of 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.

There is no doubt that operationalizing the enforcement regime around drug impaired driving will challenge both the capacity and work of police officers. Police in Canada will do everything in our power to deliver on the public safety objectives that Canadians expect of us.

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.