



CACP Law Amendments Committee 2016/17 Annual Report

Mandate

- To improve the laws affecting policing, exploring both legislative and non-legislative options for change

Meetings

- The Law Amendments Committee (LAC) met on three occasions during the past year:
 - August 2016, Ottawa
 - December 2016, Edmonton
 - April 2017, Toronto

Accomplishments for 2016-17

- Monitored and assessed all legislative proposals before Parliament with the potential to affect policing in Canada.
- Focused on the following legislative priorities:
 - Spencer decision and impact on police access to basic subscriber information – working on a legislative response;
 - Increasing measures to further restrict the availability and use of reactive targets;
 - Investigative capabilities in a digital age (lawful access & encryption);
 - Bill S-231: *Journalistic Sources Protection Act*;
 - Bill S-217: *An act to amend the Criminal Code* (detention in custody);
 - Bill C-23: *Preclearance Act 2016*;
 - Cannabis Legalization (Bill C-45); and
 - Drug Impaired Driving (Bill C-46).
- Prepared guidance to the CACP membership on factors to be considered by police when seeking judicial authorizations for investigations involving journalists.
- Coordinated CACP contributions to the Government of Canada's consultations on Cyber Security and National Security.

- Contributed to the CACP discussion papers on the recommendations of the Task Force on Cannabis Legalization as well as the legislation to legalize cannabis (Bills C-45 and C-46).
- In collaboration with Public Safety Canada organized a table top exercise to work through various scenarios to assess and flesh out operational impacts related to implementation of Article X of the Canada-US Preclearance Agreement (Preclearance Protections and Accountability).
- Reviewed and vetted all resolutions to be considered by the CACP at the Ottawa Annual General Meeting.
- Provided testimony on behalf of the CACP at parliamentary committee hearings:
 - Standing Senate Committee on Legal and Constitutional Affairs to speak to Bill S-231 – Journalistic Sources Protection Act (March 2017); and
 - Standing Committee on Justice and Human Rights to speak to Bill S-217 – An Act to Amend the Criminal Code (detention in custody) (April 2017).
- Represented CACP at two FPT roundtables (Ottawa, March 17 and Toronto, March 27) on the access to Basic Subscriber Information (BSI) and the impact of the SCC's decision in *R. v. Spencer*.
- Represented the CACP on the Justice Efficiencies and Access to Justice Steering Committee and facilitated the dissemination of an e-survey on preliminary inquiries (31% of the respondents were from law enforcement).
- Coordinated the CACP intervention before the SCC in *Allen v. HMQ* (SCC No.36813) which dealt with telewarrants. The decision was rendered on January 19, 2017 and was favorable to police operations (*R v. Clark* 2017 SCC 3).

Planned initiatives for 2017-18

- Study Bills tabled during the 42nd Parliament impacting law enforcement, public safety and the criminal justice system (e.g. C-23, C-45, C-46, S-231) and provide advice to CACP leadership and Committees.
- Continue to advance work on the resolutions adopted by the CACP:
 - Child Physical Abuse Imagery (2016-02)
 - Reasonable Law to Address the Impact of Encrypted and Password-Protected Electronic Devices (2016-03)
 - Measures to Further Restrict the Availability and Use of Reactive Targets (2016-04)
 - Amendments to Section 183 of the *Criminal Code* (2015-04)
 - Amendments to the *Canada Post Corporation Act* (2015-08)
- Review draft 2018 CACP resolutions and provide advice to the Board of Directors

- Represent the CACP at the National Reinventing Criminal Justice Symposium and on the Justice Efficiencies and Access to Justice Steering Committee.

Membership

- LAC remains a very active committee with national representation and a good mix of senior police executives and senior legal counsel. The Committee is experiencing a higher than usual turnover of personnel.
 - D/Commr Norm Lipinski, Delta PD replaced Chief Constable Bob Downie, Saanich PD.
 - Gerry Annetts, Edmonton PS replacing D/C Greg Preston, Edmonton PS.
 - LAC is seeking candidates from BC to replace D/Chief Constable Lemcke (retiring).
- With the recent announcement that D/C Preston will be leaving the Committee, a search will commence for a new co-chair.

Submitted by:

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A/Commr Joe Oliver
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