



CACP Law Amendments Committee 2017/18 Annual Report

Mandate

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

Meetings

- The Law Amendments Committee (LAC) held three face-to-face meeting during the past year:
 - August 2017, Montreal
 - November 2017, Vancouver
 - May 2018, Regina

Accomplishments for 2017-18

- Monitored and assessed all legislative proposals before Parliament (House of Commons and Senate) with the potential to affect policing in Canada. Focused on the following legislative priorities:
 - Bill C-22: *An Act to establish the National Security and Intelligence Committee of Parliamentarians*;
 - Bill C-23: *Preclearance Act 2016*;
 - Bill C-45: Cannabis Legalization;
 - Bill C-46: Drug Impaired Driving;
 - Bill C-59: An Act respecting national security matters;
 - Bill C-71: Firearms Legislation;
 - Bill C-74: Deferred Prosecutions Regime (Part 6, Division 20);
 - Bill C-75: Modernization of Criminal Justice;
 - Bill S-217: Detention in Custody (Wynn's Law); and
 - Bill S-231: *Journalistic Sources Protection Act*.
- Contributed to written submissions and appeared before House of Commons and Senate committees studying Bills C-45, C-46, S-217 and S-231.
- Maintained dialogue with Public Safety Canada to assess operational impacts related to implementation of Article X of the Canada-US Preclearance Agreement (Preclearance Protections and Accountability) and the *Preclearance Act, 2016*.
 - Collaborated on the development of a document to provide guidance to Canadian police agencies when conducting criminal investigations of foreign preclearance officers operating on Canadian soil.

- Represented CACP during a binational tabletop exercise on the Protections & Accountabilities Regime.
- Intervened on behalf of the CACP before the Supreme Court of Canada in *Mills v. HMQ* (SCC No. 37518) which dealt with online undercover operations targeting child sexual predators.
- Initiated a review of the *Criminal Code* to identify and recommend amendments that would contribute to effective police operations and reduce delays in criminal proceedings.
- Co-authored with the Electronic Crimes Committee a resolution on cross-border access to data related to criminal investigations. Reviewed and vetted all other resolutions to be considered by the CACP at the 2018 Annual General Meeting.
- Prepared correspondence from the President of the CACP to the Minister of Justice calling for amendments to s. 183 *Criminal Code* (resolution 2015-04) and to the *Canada Post Corporation Act* (resolution 2015-08).
- Represented the CACP and coordinated feedback on:
 - the Uniform Law Conference of Canada's (ULCC) review of s. 490 *Criminal Code*;
 - government consultation on expanding Canada's toolkit to address corporate wrongdoing including deferred prosecution agreements; and
 - the Minister's Expert Panel on Mandatory Minimum Penalties.
- Represented the CACP on the Justice Efficiencies and Access to Justice Steering Committee.

Planned initiatives for 2018-19

- Continue to study Bills tabled during the 42nd Parliament impacting law enforcement, public safety and the criminal justice system (e.g. C-71, C-74, C-75) and provide advice to CACP leadership and Committees.
- Continue to advance work on the resolutions adopted by the CACP:
 - Working in Cooperation with Civil Forfeiture (2017-02)
 - 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)
- Contribute to the CACP Special Purpose Committee of Decriminalization of Drugs.
- Monitor regulatory developments in relation to an exemption order for law enforcement agencies pursuant to s. 4(4) and s. 9(1)(b) *Radiocommunication Act*.
- Review draft 2019 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 membership list is attached as Annex A.
- The Committee experienced a higher than usual turnover of personnel.
 - A/Commr Stephen Thatcher, RCMP replaced D/Commr Kevin Brosseau, RCMP
 - D/Chief Constable Howard Chow, VPD replaced D/Chief Constable Warren Lemcke, VPD (retired)
 - Mr. Andrew Eamer, OPP replaced Supt. Dave Truax, OPP (retired)
 - Staff Supt Myron Demkiw, TPS replaced Staff Supt. Kathryn Martin (retired)
 - Ms. Cherie Henderson, CSIS replaced Ms. Tricia Geddes, CSIS
 - D/Chief Dan Goodwin, WPS replaced Chief Brent Blackmore, WPS
- LAC membership was expanded to include two new members:
 - Mr. Jason Fraser, YRPS
 - Mr. Didier Deramond, ADPQ

Submitted by LAC Co-Chairs:

D/Chief Norm Lipinski
Delta Police Department

A/Commr Joe Oliver
Royal Canadian Mounted Police