

CACP Law Amendments Committee 2013-2014 Annual Report

President Chu:

As co-chairs of the Law Amendments Committee (LAC), we are pleased to present to you the annual report of the LAC for the year 2013-2014.

During the past year the LAC continued to focus on the following legislative priorities:

*Electronic Counter Measures
Amendments to the CC and DNA Identification Act
Unexecuted DNA Orders
Bill C-13
“Bedford Decision” on Prostitution
“Spencer” Decision on warrants for IP/CNI information*

Each of the above priorities has a champion assigned to it and resolutions have been forwarded with regard to most of them. An updated “responsibilities list” is attached outlining the various responsibilities and tasks assigned to each member of the LAC. The above priorities will remain for 2014-2015.

The Province of B.C. is taking the lead on promoting the need for legislation prohibiting electronic counter measures, or “jammers”. This issue flows from LAC Resolution: 2011-02, Electronic Counter Measures Legislation. Progress has been made moving this forward with the Department of Justice and FPT Organized Crime working groups. It is our understanding that legislation is being drafted and the LAC will continue to monitor.

The 6th in a series of Criminal Justice Symposiums took place in Ottawa in January 2014. The LAC assisted in organizing this event and several members attended to participate. The topic was the issue of Criminal Justice Reform. The discussion centred on the current state of public confidence in the CJS, factors contributing to it, the challenges it presents to the system and practical ways to increase public confidence in the CJS. LAC members in attendance, as well as other law enforcement officials contributed greatly to the discussion. It was mentioned several times during the symposium that the police tended to have a much higher rating in public confidence than other CJS partners.

The LAC had significant discussions around Bill C-13, the Bedford decision on prostitution, and the issue of ticking for marijuana possession. Advice was provided to the Board on all of these issues.

Through the LAC the CACP retains two seats on the Justice Efficiencies and Access to Justice Steering Committee, held by former LAC member Murray Stooke and current member Vince Westwick. This is a very important Committee which is closely linked with the development of criminal law and public policy in Canada.

The LAC coordinated two interventions on behalf of the CACP before the Supreme Court of Canada:

- *R. v. Quesnelle*, 2014 SCC 46 was supported by the Ottawa Police Service and dealt with access to police records. The Supreme Court's decision was favourable to our position.
- *R. v. Fearon*, SCC File 35298 was supported by the Vancouver Police Department and deals with search incident to arrest of electronic devices (cell phones). The decision is under reserve, though given recent related pronouncements from the Supreme Court an adverse ruling is anticipated.

As of the August LAC meeting Warren Lemcke will step down as co-chair of the LAC, replaced by Greg Preston.

Sincerely,

Warren Lemcke

Francis Brabant

Highlights for the Year 2013/2014

Symposium: Re-inventing Criminal Justice

The 6th Symposium was held in January 2013 in Ottawa. The topic of the Symposium was Criminal Justice Reform. As in past, the 2014 Symposium included representatives of the:

- Judiciary
- Crown Prosecutors
- Defence Counsel
- Senior Government officials
- Police

Interestingly, a couple of media people were invited to attend and spoke about the media perspective on the CJS.

Other 2013-2014 Work

- LAC review, development, and presentation of the 2014 resolutions to the CACP
- LAC member Jim Ramer's participation with the ISIS jury
- Ongoing work on the ticketing option for marijuana and potentially other offences
- Research on the request of the Retail Council of Canada regarding Criminal Code amendments involving release as instructed by peace officer
- Liaison role in the Spencer/Rogers aftermath
- Dialogue with Public Safety Canada Director Bhupsingh and participation with his DNA survey
- Advising Canadian bank representatives who presented at the Vancouver LAC meeting
- Support given to Chief Chu for his Parliamentary presentation on C-13 and meetings with Ministers
- Support given to government on C-13
- LAC participation with the Bedford issue and presentation to the Board
- Advising Tim Smith with regard to media statements on both C-13 and Bedford, as well as other requests by journalists
- LAC participation with the FPT survey on carjacking and home invasions

The LAC also continues to seek opportunities, both formal and informal, to consult with Government to contribute to the development of policy related to law enforcement and especially legislative initiatives. Senior LAC member Vince Westwick has had several informal conversations with government leaders and officials where issues of concern have been discussed.

CACP Intervention Program

The CACP continues to intervene in cases before the Supreme Court of Canada. The purpose of such intervention is to provide to the Court a police perspective and, where appropriate, provide submissions on the impact that might flow from a change in the law. The views of the CACP in this regard have been welcomed.

With the support of the CACP Board of Directors, the LAC facilitated intervener status for the CACP in 2 Supreme Court of Canada cases in 2013-2014.

In *R v. Fearon* Mr. Bronson Toy, lawyer for the Vancouver Police Department assisted by Mr. Len Doust, appeared before the SCC on behalf of the CACP. LAC members had a significant role in the preparation of the case to be presented. A decision by the SCC on this matter is forth coming.

In a second case, *R.v. Quesnelle*, LAC members again assisted in developing the presentation to the SCC. In this case a decision from the SCC was favorable to the police. The case was presented by Ottawa Police Service members S/Sgt Hugh O'Toole, counsel Chris Huneault and former OPS articling student Phili Wright. As well, they were assisted by LAC member Vince Westwick.

Bills Update

See attachment

Meetings

August 2013, Winnipeg

December 2013, Vancouver

May 2014, Quebec City

Membership

See attachment