

# **CANADIAN ASSOCIATION OF CHIEFS OF POLICE**

## **BILL C-2**

**Presentation to the Senate Committee on Legal  
and Constitutional Affairs**

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## **INTRODUCTION**

Good afternoon (Madame, Mr.) Chair and Honourable Members.

Thank you for the opportunity to appear before you today to speak about Bill C-2. My name is Ian Mackenzie. I am the Chief Constable of the Abbotsford Police Department and I am also a member of the Canadian Association of Chiefs of Police (CACP) Law Amendments Committee. It is my distinct honour to represent CACP President Steven Chabot, Deputy Director of the Surete du Quebec, at this hearing today. Since its inception in 1905, the CACP has advocated on behalf of Canada's many police organizations on issues of significant importance to policing and the Canadian public. Among its many objectives, the CACP advocates for legislative reform, policy improvements and innovative solutions to crime and public order problems. It is in the capacity of advocating for legislative change and public policy reform that the CACP appears regularly before Senate and House committees on a number of important public safety issues. The Co-chairs of the Law Amendments Committee, Deputy Chief Clayton Pecknold of the Central Saanich Police Service and Assistant Director Pierre-Paul Pichette of the Montreal Urban Community Police Service, appeared before the House of Commons Committee on Justice and Human Rights last November to discuss Bill C-2. My comments today will reflect the position presented by those two gentlemen before the House Committee, as the CACP's position has not changed in regards to Bill C-2 since last November.

Prior to making a few comments on Bill C-2, I think it might be useful to reiterate a comment that CACP representatives have made to previous Senate and House committees. It is simply this – in our view the criminal law has become far too complex and technical. The result of this evolution has been a marked increase in the amount of time required for the police to investigate crime as well as a dramatic increase in the length of trials. In our view, one outcome of the increasing complexity of the law has been a decline in the public's confidence in

all segments of the criminal justice system. This is very troubling to the police and, I respectfully suggest, should be equally troubling to the legislative branch of government. If the public loses faith in our criminal justice system then the rule of law is potentially, if not actually, undermined. The CACP has argued for many years that the criminal law needs to be simplified and that the police need to be given the necessary tools, within the reasonable parameters of the *Charter of Rights and Freedoms*, to do our job. While Bill C-2 certainly addresses some of our concerns, it is only part of the solution. The CACP urges Parliament to address many of the other ongoing and significant systemic deficiencies within the criminal justice system, such as: the urgent need to modernize lawful access rules; comprehensive sentencing and bail reform; and introducing mechanisms to streamline mega-trials and disclosure.

However, as the topic today is Bill C-2, I would like to take a few minutes to outline the CACP's position in regards to the Bill. I will then attempt to answer, as best I can, any questions that you might have.

Bill C-2's short title is "*The Tackling of Violent Crime Act*". The Bill's preamble states something that every Canadian would probably assume is obvious – "Canadians are entitled to live in a safe society". However, the preamble goes on to note something else that Canadians have now regrettably come to realize is also obvious -- firearms, dangerous and high risk offenders, persons driving under the influence of alcohol or drugs, and sexual predators are threatening the safety of Canadians. The preamble concludes by saying that the Bill is meant to combat violent crime, protect Canadians, keep violent criminals in prison and provide law enforcement with effective tools to detect crime and protect young persons from sexual predators. The CACP believes that the preamble to Bill C-2 accurately reflects the current situation in Canada and that its goal of providing the police with more effective tools to protect Canadians is reasonable and simply makes good sense.

With the committee's indulgence, I would like to make a few comments on some of the major parts of Bill C-2. There are, as you know, many specific amendments to the *Criminal Code* proposed in the Bill. My comments will be fairly global in nature and will not deal with the specifics of the proposed amendments, as I will leave that discussion to the subject matter experts and legislative drafters.

## **FIREARMS**

The CACP supports the provisions of Bill C-2 that are directed towards the criminal use of firearms and similar weapons. We believe that the proliferation of guns on the streets of Canada is alarming and that it is clearly obvious that the current state of the law is inadequate. As the committee members will undoubtedly know, Statistics Canada issued a report last week that highlighted the significant increase in the number of firearm related crimes committed in Canada over the past few years. Not surprisingly, the use of guns for illegal purposes is most prevalent in Canada's large urban centres, however the Stats Canada report and simple observation illustrate that the problem is not restricted to those areas. For example, Abbotsford, the place where I live and work, is a city of approximately 130,000 people situated on the eastern border of Metro Vancouver. Abbotsford is made up of a combination of urban, industrial, commercial and agricultural land uses and, like so many other communities across our nation, is blessed with a scenic beauty that projects an image of serenity and peace. Yet, in 2006 there were 126 firearm offences and 40 incidents where shots were fired in Abbotsford. In 2007, two out of the three murders in Abbotsford involved the use of guns. As noted in the recent Stats Canada report, this places Abbotsford as number two out of 27 Census Metropolitan Areas (CMAs) on the percentage rating scale for gun related homicides, just behind Edmonton. Metro Vancouver recently saw the shooting murders of several people in public places. The same has occurred in Toronto and other Canadian communities. There have been well publicized tragedies of

innocent people being caught in the cross fire. The Boxing Day murder of a 15 year old girl on a public street in Toronto in 2005 and the murders of Ed Schellenberg and Chris Mohan in Surrey B.C. on October 19th, 2007 are two such cases, but they are by no means the only ones. This brazen criminal activity, most of which involves criminal organizations, strikes at the very fabric of our national culture of peace, order and good government. The Vancouver Police Department and other police agencies in the Vancouver region, including Abbotsford, as well as police in many other parts of the country, have instituted gun interdiction and anti-gang units that have achieved some level of success in taking guns off the streets. However, far too often persons arrested in possession of guns do not receive a jail sentence. While Bill C-2 will not be the entire answer, the CACP supports mandatory minimum sentences and a reverse onus in bail hearings for firearms offences, especially when the crime is associated to a criminal organization, because, with the we believe the judiciary's current sentencing and bail practices are not adequately protecting the public.

## **IMPAIRED DRIVING**

The CACP supports the provisions of Bill C-2 regarding impaired driving. The current state of the law is clearly inadequate for dealing with persons who are impaired by means of a drug other than alcohol. Allowing road side sobriety and drug screening tests and requiring suspected impaired drivers to provide urine or blood samples will provide the police with more tools to protect the public from the danger caused by impaired drivers. The CACP also endorses the other provisions in Bill C-2 that are aimed at limiting technical defences. However, we believe that more still needs to be done in regards to the ongoing problem of impaired driving and the unsafe operation of vehicles on our nation's highways. For one thing, impaired driving is one of those areas of the law that has become extremely complex. The law needs to be simplified if it is to be effective. The CACP has recently submitted a paper to the House Standing Committee on Justice and Human Rights with several recommendations regarding possible

improvements to the impaired driving provisions of the *Criminal Code* and we look forward to discussing those recommendations at the appropriate time.

## **DANGEROUS AND HIGH RISK OFFENDERS**

The CACP supports the provisions of Bill C-2 that amend the dangerous and long-term offender provisions of the *Criminal Code*. While the amendments are quite procedural in nature and, therefore, beyond the scope of our expertise, we are very supportive of Parliament responding to the Supreme Court of Canada's decision in the *Johnson* case. More specifically, the CACP fully supports a change to the test applied by a Judge when he or she must choose between detaining the offender in custody under the dangerous offender provisions and ordering a long-term supervision order, whereby the offender serves his sentence in the community. The CACP believes public safety will be enhanced by changing the test from the current one, where the offender must be released on a long-term supervision order if the Court believes he can be reasonably controlled in the community, to one where indeterminate detention must be ordered unless the Court is satisfied that a long-term supervision order will adequately protect the public against the commission of another serious personal injury offence committed by that offender. Further tightening of the rules regarding long-term supervision orders, as proposed in Bill C-2, will also, in our respectful view, serve to better protect the public from these very dangerous people who have demonstrated through their past behaviour the capacity to kill and seriously harm others.

## **AGE OF CONSENT**

The CACP supports the provisions of Bill C-2 that raises the age of consent from 14 to 16 years. In our view, the Bill's scheme adequately protects young people who are close in age and who may become involved in sexual activity, while

providing far greater protection to vulnerable and easily influenced young people who are commonly the targets of sexual predators.

## **CONCLUSION**

Bill C-2 is a significant piece of legislation, with many proposed amendments to the *Criminal Code* and consequential amendments to other legislation. Specific drafting issues are matters best left to the subject matter experts and legislative drafters, but I have attempted to provide the CACP's position on most of the main elements of the Bill.

On behalf of the CACP, I would like to thank this committee for the opportunity to present our position on these important issues of public safety, and I would be pleased to answer any questions that committee members may have.

Thank you.