

**REMARKS TO THE SENATE STANDING COMMITTEE ON LEGAL AND
CONSTITUTIONAL AFFAIRS JUSTICE**

RESPONSE TO BILL C-30

9 March 2011

MADAME LA PRÉSIDENTE

MEMBRES DU COMITÉ DES AFFAIRES JURIDIQUES ET CONSTITUTIONNELLES

**THE CHALLENGES RELATED TO PUBLIC CONFIDENCE IN THE CRIMINAL
JUSTICE SYSTEM COME IN DIFFERENT SIZES.**

**BILL C-30 ADDRESSES ONE OF THE MODEST SIZED ISSUES BUT ONE THAT IS
IMPORTANT TO POLICE AND IMPORTANT TO VICTIMS. IN PASSING, I NOTE
THAT BILL C-59 WHICH WAS ON YOUR SCHEDULE FOR REVIEW THIS WEEK
ADDRESSES A VERY BIG AND IMPORTANT ISSUE.**

**BILL C-30 ADDRESS ONE OF THOSE ISSUES THAT MOST IN THE PUBLIC
WOULD EXPECT IS ALREADY PART OF THE CRIMINAL LAW, BUT AS THE
SUPREME COURT SAID IN *R. V SHOKER*, IT IS NOT SO. THIS BILL RESPONDS
TO THE CONCERNS OF THE HIGH COURT AND IS A NEED PART OF THE
FABRIC OF THE CRIMINAL LAW.**

CONSIDER THIS.

PROBATION AND PEACE BONDS, TO A LESSER EXTENT, CONDITIONAL SENTENCES ARE USED EVERY DAY BY THE TRIAL COURTS ACROSS CANADA. IF YOU WALK INTO THE ALL DAY TRIAL COURTS IN OTTAWA COURT HOUSE JUST DOW THE STR5EET ON ELGIN, YOU WOULD NOT WAIT LONG TO HEAR A PROBATION ORDER WHICH INCLUDES SUCH A PROHIBITION AGAINST DRUG AND ALCOHOL CONSUMPTION. THESE ARE THE DISPOSITIONS AND SOLUTIONS WHICH ARE PUT IN PLACE BY TRIAL JUDGES FOR THOSE CASES WHICH RARELY GET INTO THE HEADLINES. BUT EVEN THOUGHT THESE ARE NOT THE HIGH PROFILE CASES, THE CRIMES THAT LEAD TO THESE SENTENCES MAKE UP A SIGNIFICANT PART OF DAY TO DAY FRONTLINE POLICE WORK AND GENERATE A NUMBER OF FRUSTRATED VICTIMS.

SO, WHILE IT IS IMPORTANT THAT THE SUBSTANTIVE LAW IS CORRECT, IT IS, IN MY SUBMISSION TO YOU, JUST AS IMPORTANT THAT THE CONFIDENCE IN THE CRIMINAL JUSTICE SYSTEM IS SHORED UP IN THIS REGARD. BILL C-30 DOES THAT AND THAT IS WHY WE ARE HERE TONIGHT TO SUPPORT IT.

LET ME GIVE YOU AN EXAMPLE.

IF A JUDGE PUTS IN AN ALCOHOL PROHIBITION (WHICH THEY DO IN CANADIAN THOUSANDS OF TIMES EVERY YEAR), AND THAT PROHIBITION IS FLAUNTED BECAUSE IT IS NOT ENFORCEABLE, IT UNDERMINES THE

CONFIDENCE OF THE OFFICERS WHO WORK SO HARD TO BRING THE CASE TO COURT, IT CAUSES THE VICTIM TO WONDER IF THEIR LOSS IS BEING RESPECTED AND IT WHITTLES AWAY AT THE COMMUNITY'S' CONFIDENCE IN THE CRIMINAL LAW'S ABILITY TO PROTECT IT.

LET ME GIVE YOU A TYPICAL EXAMPLE: A POLICE OFFICER COMES TO CONTACT WITH SOMEONE ON PROBATION WITH A PROHIBITION AGAINST THE CONSUMPTION OF DRUGS OR ALCOHOL. THAT PERSON APPEARS TO THE OFFICER THAT HE/SHE IS UNDER THE INFLUENCE BUT THE OFFICER HAS NO WAY OF CONFIRMING, NO WAY OF COLLECTING THE NECESSARY EVIDENCE TO PROSECUTE THE BREACH OF THE ORDER. IT IS AT THIS POINT THAT RESPECT OF THE SYSTEM (AND THE POLICE) BEGINS TO SLIDE. IT IS AT THAT POINT THAT FRUSTRATION LEVEL OF VICTIMS INCREASES.

IT IS TRITE TO SAY THAT ALCOHOL AND DRUGS SO OFTEN PLAY A ROLE IN THE OFFENDERS CRIMINAL ACTIVITY. IT IS FOR THAT REASON THAT JUDGES SO OFTEN INCLUDE THESE PROHIBITIONS. IT IS THEREFORE CRITICAL THAT THE PROVISION HAS A SOLID LEGAL FOUNDATION AND LAWFUL PROCESS FOR ENFORCEMENT.

WE ASK YOU TO PASS THIS LEGISLATION, RESTORE THIS NECESSARY CRIMINAL PROCESS AND TO TAKE A STEP TO WARDS BUTTRESSING COMMUNITY CONFIDENCE IN THE CRIMINAL JUSTICE SYSTEM.