



Resolutions adopted at the 118th CACP Annual General Meeting

July 26, 2023

CANADIAN ASSOCIATION OF CHIEFS OF POLICE

*Supporting police professionals through innovative and inclusive
police leadership to advance the safety and security of all Canadians.*

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Table of Contents

[Resolution 2023-01](#)

National Lawful Access Strategy

3

[Resolution 2023-02](#)

Canadian Policing and the World

4

[Resolution 2023-03](#)

Truth and Reconciliation Commission Call to Action #17

6

[Resolution 2023-04](#)

Bail and Firearms Reform to Support Community Safety

7

Resolution 2023-01

NATIONAL LAWFUL ACCESS STRATEGY

Submitted by the Electronic Crime Committee

WHEREAS the rapid and ongoing evolution of technology is significantly impeding the ability of law enforcement agencies to lawfully collect communications and digital data pursuant to judicial authorization in support of criminal investigations; and,

WHEREAS the prevalence of mobile devices and Internet-based communications in Canada makes lawful access to electronic data and communications fundamental for government and law enforcement officials to effectively and efficiently prevent, disrupt, and respond to criminality; and,

WHEREAS transparency, privacy, and accountability are essential pillars of modern lawful access strategies; and,

WHEREAS there is no centralized authority responsible for coordinating, developing, and maintaining lawful access initiatives and capabilities in Canada, which has caused duplication of efforts, and subsequent confusion and frustration among law enforcement agencies, national security agencies, and communications service providers; and,

WHEREAS there is a need for enhanced standardization of lawful access knowledge, language, and processes among Canadian law enforcement agencies and communications service providers; and,

WHEREAS efforts are ongoing to modernize the delivery systems that connect law enforcement agencies and communications service providers; a change that will impact all Canadian partner agencies.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police calls upon the Government of Canada, together with its provincial and territorial partners through the federal-provincial-territorial process, law enforcement, the private sector and other partners to develop a National Lawful Access Strategy to modernize the ability of Canadian law enforcement and national security agencies to lawfully access communications and digital data through:

1. The development of interagency capacity for increased coordination and collaboration; and
2. The support of interagency capacity by creating a formal framework for dialogue and collective decision-making with respect to these more coordinated and collaborative efforts for law enforcement agencies, national security agencies, and communications service providers; and,
3. The clarification of funding responsibilities for judicially authorized services provided by communications service providers.

Resolution 2023-02

CANADIAN POLICING AND THE WORLD

Submitted by the International Committee

- WHEREAS** the Canadian Association of Chiefs of Police (CACP) recognizes that policing is changing rapidly as a result of international events and drivers that transcend national boundaries; and,
- WHEREAS** Canadian police agencies have traditionally, and until recently, limited their focus on what happens in their own jurisdictions, today's globalization of crime and the impact of international events on domestic policing and social environments has come to mean more than ever that *what happens over there matters here*; and,
- WHEREAS** to meet the challenges of globalized crime and social factors in the world, the policing profession, more than ever before, requires knowledge and awareness of the international sphere to be able to successfully calibrate strategies and develop proactive and innovative methods to ensure public safety; and,
- WHEREAS** police agencies are further required to actively seek out and contribute to best practices in confronting transnational criminal threats and other innovations in community safety and well-being and to determine how they can manifest locally; and,
- WHEREAS** now in its 20th year, the CACP Executive Global Studies Program stands as a model for developing broader geo-political awareness among a new generation of police leaders, promoting advanced understanding of international practices and policing models derived from extensive evidenced-based study across dozens of countries, and interpreting those insights to effect significant impacts on public policy and practice across Canada; and,
- WHEREAS** the 15th cohort of CACP Executive Global Studies Program will table its findings from a 15-country study into relationships among youth and policing during the 2023 CACP Annual Summit, and among their findings will be the urgent need for broader forms of engagement with young persons who are newly arrived or first generation in Canada, their families and their communities, to achieve stronger relationships, facilitate more effective service delivery, and ensure a continuing pool of potential recruits with an understanding of the policing profession in Canada; and,
- WHEREAS** tackling crime before it reaches Canada is a proven strategy to efficiently prevent harm to Canadians and their allies; and,
- WHEREAS** the CACP recognizes that acting globally through established frameworks for cooperation such as the Canadian Police Arrangement for peace operations, Canada's INTERPOL and Europol bureaus, and the RCMP's overseas network is the most effective way to do so in a reliable manner.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police (CACP) calls upon police governing boards and all relevant police oversight bodies at local, provincial-territorial, First Nations and federal levels to recognize and support the need to increasingly apply a global lens to policing across Canada as part of all agencies' strategic priorities and modernization agendas.

BE IT FURTHER RESOLVED that the CACP calls on police agencies, and in particular local police governance bodies, to undertake to engage with local settlement support agencies and community-based organizations to ensure that considerations for the strengthening of relationships among newcomers/new Canadians, especially youth, are considered in the environmental scanning and formulation of police strategic plans and collaborative community safety and well-being planning and priorities.

BE IT FURTHER RESOLVED that the CACP calls on Public Safety Canada, provinces and municipalities to support the development of police education materials to help increase the cross-cultural understanding of Canadian police officers about the impacts of migration on their communities.

BE IT FURTHER RESOLVED that the CACP calls on Public Safety Canada as well as Immigration, Refugees and Citizenship Canada, provinces, and municipalities to include information about the policing and judicial system in Canada in the welcoming and/or education programs for immigrants and refugees arriving in Canada.

Resolution 2023-03

Truth and Reconciliation Commission Call to Action #17

Submitted by the Policing with Indigenous Peoples Committee

WHEREAS the mandate of the Policing with Indigenous Peoples Committee is to “ensure that the needs and circumstances of First Nations, Métis and Inuit peoples are recognized and addressed in keeping with the mission of safety and security for all Canadians through innovative police leadership”; and,

WHEREAS the Canadian Association of Chiefs of Police (CACP) is a strong advocate on matters relating to sustainable Indigenous police services and the adoption of a holistic approach to the safety and well-being of Indigenous persons and their communities throughout Canada; and,

WHEREAS the Truth and Reconciliation Commission of Canada put forward a report containing 94 Calls to Action in 2015, some of which involve processes that fall under the scope of policing in Canada; and,

WHEREAS the CACP acknowledges the historical role policing played in the assimilation of Indigenous peoples in Canada and seeks to implement actions that work towards reparation of the harm done by colonial legislation and practices that were enforced by police agencies in Canada.

THEREFORE, BE IT RESOLVED that the Canadian Association of Chiefs of Police (CACP) calls on all levels of government that have not already done so to implement the immediate waiver of all administrative fees related to the criminal record check and fingerprinting process completed by the police that are required for Indigenous citizens, particularly residential school survivors and persons who were part of the Sixties Scoop as well as their descendants, to reclaim their Indigenous name (Truth and Reconciliation Commission call to action 17).

Resolution 2023-04

Bail and Firearms Reform to Support Community Safety

Submitted by the Law Amendments Committee

WHEREAS a human rights approach to policing requires an appropriate balance to bail and firearms offences reform, founded upon the *Charter of Rights and Freedoms*, where the rights of the accused are balanced with the rights of victims, survivors, communities, and public safety; and,

WHEREAS Section 7 of the *Charter of Rights and Freedoms* provides that '[e]veryone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice'; and,

WHEREAS Section 11 of the *Charter of Rights and Freedoms* guarantees that every person charged with an offence is 'presumed innocent until proven guilty according to law' and they have a right 'not to be denied reasonable bail without just cause'; and,

WHEREAS while legislative reform is essential to a fair and just criminal justice system, it only forms one part of true bail reform, as police and criminal justice participants need additional resources and data to support innovative solutions which identify persistent serious offending to support evidence-informed decision making within the criminal justice system; and

WHEREAS persistent serious offending, the frequency of previous serious convictions, previous serious convictions when on bail, including whether those convictions involved a weapon or firearm, may be relevant factors in supporting informed decision making as to whether an accused's detention is necessary for the protection or safety of the public. These factors may also be relevant to identify if there is a substantial likelihood that an accused may commit a criminal offence when on bail in keeping with Section 515 (10) of the *Criminal Code*.

THEREFORE, BE IT RESOLVED that the Canadian Association of Chiefs of Police (CACP) calls upon the Federal Minister of Justice to make legislative and policy changes in three areas:

1. Firearms offences;
2. Bail reform where there is persistent serious offending;
3. Resources to support integrated innovative solutions for bail reform, as outlined below.

Firearms Offences

BE IT FURTHER RESOLVED that the CACP recommends an amendment to the *Criminal Code* to create an additional route to automatic consideration of First-Degree Murder under Section 231(4) of the *Criminal Code*, by including a death that results from the discharge of a firearm in a congregate setting; and,

BE IT FURTHER RESOLVED that the CACP recommends amendments to the *Criminal Code* to require that bail hearings for the most serious firearms offences be heard by a judge of a superior court of criminal jurisdiction or a judge as defined in section 552 of the *Criminal Code*, or a provincial court judge and that alleged breaches of a judicial release order be heard by a judge of the same level of court that granted the initial release; and,

BE IT FURTHER RESOLVED that the CACP recommends that amendments to the *Criminal Code* be made to provide sentencing judges with the discretionary ability to increase parole ineligibility to two-thirds of a custodial sentence when the court finds that an offender has discharged a firearm in a congregate setting in committing the offence, and that this discretionary ability on sentencing be extended to those who are found to be parties to such offences.

Persistent Serious Offending

BE IT FURTHER RESOLVED that the CACP recommends that Section 515 (6) of the *Criminal Code* be amended to include:

1. A new reverse onus for firearm possession offences, including possession of a loaded prohibited or restricted firearm contrary to s. 95 of the *Criminal Code*;
2. A new reverse onus for repeat violent offenders, including individuals who are charged with a violent offence while on a prior release for a violent offence and/or who have prior convictions or findings of guilt for a violent offence;
3. A definition of “violent offence” as including, but not limited to:
 - a. Offences that cause serious physical or psychological harm;
 - b. Offences in which a weapon is used in the commission of the offence;
or
 - c. Narrowly defined weapon possession offences, such as possession of a weapon while subject to a prohibition order.

BE IT FURTHER RESOLVED that the CACP recommends that Section 515 (6)(b.1) of the *Criminal Code* be amended to expand the reverse onus provision for intimate partner violence to include a broader range of offences, including those characterized by intimidating, coercive or threatening behaviour irrespective of the presence of overt violence, as well as expanding the applicability of the reverse onus provisions to offenders with prior convictions and/or findings of guilt in relation to their intimate partner(s); and,

BE IT FURTHER RESOLVED that the CACP recommends that the *Criminal Code* be amended to explicitly confirm that the “*Ladder Principle*” does not apply to a reverse onus bail where an accused is required to show cause why their detention is not justified; and,

BE IT FURTHER RESOLVED that the CACP recommends that the Section 515(6.1) of the *Criminal Code* be amended to include a more extensive and meaningful requirement for judges to provide reasons for their decision on release, especially in cases involving firearms; and,

BE IT FURTHER RESOLVED that the CACP recommends that Section 515 (10) of the *Criminal Code* be amended to include a new subparagraph as follows:

For greater clarity, when considering factors under Section 515 (10) (b) the following are among those considerations that shall weigh substantially against the release of an accused:

- a. if the court is satisfied that such refusal is reasonably considered necessary to prevent the commission of a serious offence;
- b. the accused person has previously committed a serious offence while on bail;
- c. the accused person has previously committed an offence while using a weapon, in particular, a firearm or where a firearm was a party to such an offence;
- d. the extent to which the number and frequency of any previous convictions of the accused for ‘serious offences’ indicate ‘persistent serious offending’ by the accused, and;
- e. the nature and likelihood of any danger to the life or personal safety of any person or danger to the community that may be presented by the release on bail of a person charged with an offence punishable by imprisonment for a term of 10 years or more.

“Serious offence” means an offence that would be specified in a Schedule for which a person may be punished by a term of imprisonment of 10 years, including crimes committed with a firearm.

Resources to support integrated innovative solutions for bail reform

BE IT FURTHER RESOLVED that the CACP recommends that consideration be given to the development of bail dashboards, integrated bail support teams, and the collation and collection of data by criminal justice partners around bail and reoffending, to support evidence-informed decision making around bail reform.

