

SPEAKING NOTES
Mr. Tony Cannavino
CPA President
(Please check against delivery)

Good morning. The Canadian Police Association (CPA) welcomes the opportunity to present our submissions to the House of Commons Standing Committee on Justice and Human Rights with respect to the judicial appointment process.

The CPA is the national voice for 54,000 police personnel across Canada. Through our 170 affiliates, membership includes police personnel serving in police services from Canada's smallest towns and villages as well as those working in our largest municipal and provincial police services, the RCMP Members Associations, and First Nations police associations.

We are proud of our relationships with parliamentarians from all political parties. Like you, our members want to make a difference in their communities. As the national voice for front-line police personnel across Canada, we bring a unique perspective on progressive justice reform.

By raising awareness on law enforcement and justice issues, the CPA promotes community safety. Police associations have contributed to the deliberations on such issues as youth criminal justice; child pornography; impaired driving;

sentencing, corrections and parole reform; national sex offender registry; criminal pursuits; organized crime; and technological innovation in policing, such as DNA testing and the Canadian Police Information Centre renewal project.

We are proud of the caliber of today's police officers and the contributions they make to their communities. Police officers are men and women who want to make a positive difference in their neighborhoods. You will find them coaching in the local arenas, gymnasiums and sports fields, volunteering with organizations such as big sisters, boy scouts and Special Olympics, or lending a hand with a local school, civic club or the United Way. Policing is not just a job, it is a way of life.

We were pleased when the former Minister of Justice, Mr. Toews, approached us about having law enforcement representatives sitting on the Judicial Advisory Committees. It immediately made sense to us that police officers could bring their skills and experience to the table to bring another perspective and skill set to the process of selecting judges.

I would like to thank Prime Minister Harper, Minister Toews, and Minister Nicholson for their support in making this decision, and for standing their ground when the decision came under partisan attack. We are grateful for their support, and sincerely appreciate their confidence in our profession.

Recently the Canadian Police Association appeared before the Supreme Court of Canada, as interveners in a case

concerning investigative standards. Could you imagine my surprise that very same morning to learn that the Chief Justice, who was also presiding over this case that day, had issued a public letter condemning the decision of this government to include police officers on these committees? Certainly this was not something we expected from the highest judicial official in Canada, who is expected to be neutral, impartial, independent, and non-partisan. Unfortunately, we understand, all too well, how an apprehension of bias, partisanship and partiality serve to undermine the confidence of Canadians in our justice institutions.

The composition of the judicial advisory committees incorporates a variety of different perspectives.

- 1 nominee of the provincial or territorial Law Society.
- 1 nominee of the provincial or territorial branch of the Canadian Bar Association.
- 1 nominee of the Chief Justice of the province, or of the Senior Judge of the territory.
- 1 nominee of the provincial Attorney General, or territorial Minister of Justice.
- 1 nominee of the law enforcement community; and
- 3 nominees of the federal Minister of Justice representing the general public.

- 1 ex officio non-voting member: Commissioner for Federal Judicial Affairs or Executive Director, Judicial Appointments.

Lawyers, including the criminal defense bar, are well represented on these committees. The fact that lawyers often appear before courts to plead their cases in an adversarial system has not been seen as a conflict of interest or reason to bar their participation in the selection process.

The fact that lawyers may also become candidates for selection has not barred them from participation, either. After only one year following the end of their term of office on the Committee, lawyer members may themselves become candidates for judicial appointment. We submit that this certainly raises questions of conflict, or perception of conflict.

We are not suggesting that lawyers should not participate in this, even criminal defense lawyers. Obviously they bring an important perspective and understanding of the justice and legal system. We would suggest, however, that the process can, and will, be strengthened by broadening the perspectives and experiences around the committee table.

Police officers work at the front-line of our justice system. Police officers work closely with victims of crime and those who are most vulnerable and disadvantaged within our communities. Police officers understand that our justice system needs to be much more than simply a legal system.

Regrettably, there have been some very strong reactions from some regarding this decision. The Leader of the Opposition has suggested that the Prime Minister is attempting to “manipulate the judge selection process”. The Prime Minister has defended the decision, pointing for the need for “different perspectives” on these committees.

Clearly, those who have had a monopoly on judicial appointments do not want to part with it. The strongest opposition has come from Bar associations, including the criminal defence lawyers, and members of the Bar serving in the judiciary. Are they simply trying to preserve their exclusivity? Quite possibly. The former Chief Justice of the Supreme Court has even suggested that the selection of judges should be of committees comprised solely of lawyers.

In actual fact, the process federally and in many provinces has included the appointment of lay people for quite some time. It is quite conceivable that a police officer, or a former or retired police officer, may have been appointed as a lay person on the committee. We contend that the process can in fact be enhanced by bringing more community perspectives into the process, not less.

Some have suggested that the introduction of police officers on the judicial advisory committees will risk politicizing the judiciary and police associations. Yet previous witnesses before this committee, who have studied the judicial appointment process for years, have declared that previous Conservative and Liberal governments have all given undue

influence to political considerations in making judicial appointments. We would argue that expanding the process to include non-partisan appointments, such as police officers, will serve to reduce this risk.

A previous Ad Hoc Committee of Parliament, Chair by Mr. Lee, presented reports to Parliament on the Appointment of Supreme Court Judges. In their May 2004 Report, the Ad Hoc committee enumerated the personal characteristics of candidates who should be considered for the Supreme Court:

Honesty, integrity, candour, patience, courtesy, tact, humility, fairness, and common sense.

Police officers bring their training, interviewing skills and experience in assessing credibility and truthfulness to this process.

Unfortunately, police officers have been classified by some as a “special interest group” with a narrow interest in the justice system. We would suggest that, at the end of the day we are no different than many of the other groups who appear before this committee, including those here today. We are stakeholders within the justice system, who seek to find the truth, and in doing so seek safer communities and neighborhoods.

Finally, we understand that since these appointments have been made, many of the committees have met and are working well together. We are confident that over time the

results of the committee process will support the government's decision.

Thank you.