



**Canadian
Professional
Police Association** **Association
canadienne de la
police professionnelle**

BRIEF

TO THE STANDING COMMITTEE ON JUSTICE HUMAN RIGHTS, PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

REGARDING BILL C-215

*(An Act to amend the Criminal Code (consecutive sentence for use of firearm in
commission of offence))*

Appearance: Tony Cannavino, President

Date: October 18, 2005

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INTRODUCTION

The Canadian Professional Police Association (CPPA) welcomes the opportunity to present our submissions to the House of Commons Standing Committee on Justice and Human Rights with respect to Bill C-215, *An Act to Amend the Criminal Code; Consecutive Sentence for Use of Firearm in Commission of Offence*.

The CPPA was created in 2003, with the merger of the Canadian Police Association (CPA) and National Association of Professional Police (NAPP). The CPPA is the national voice for 54,000 police personnel across Canada. Through our 225 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.

The Canadian Professional Police Association is acknowledged as a national voice for police personnel in the reform of the Canadian criminal justice system. We are motivated by a strong desire to:

- Enhance the safety and quality of life of the citizens in our communities;
- Share the valuable experiences of those who are working on the front lines; and,
- Promote public policies that reflect the needs and expectations of law-abiding Canadians.

URBAN VIOLENCE

Urban violence has been a significant concern for our association. For over a decade police associations have been advocating reforms to our justice system in Canada, and in particular we have called for changes to bolster the sentencing, detention, and parole of violent offenders.

At our 2004 Annual General Meeting, CPPA delegates unanimously adopted a resolution which called upon the federal government to provide additional funding to:

- Increase border security to prevent the illegal importation of firearms into Canada;
- Properly monitor retailers, wholesalers and manufacturers of firearms and ammunition; and,
- Fund additional front-line police officers across Canada to help stem the tide of firearms violence.

In addition, the resolution called for federal legislation to be introduced to ensure tougher and more adequate mandatory prison sentences for individuals involved in firearms related crime.

Our goal is to work with elected officials, from all parties, to bring about meaningful reforms to enhance the safety and security of all Canadians, including those sworn to protect our communities. For example, on September 21st, Toronto Police Association President Dave Wilson and I attended the **Federal GTA Forum on Urban Violence** in Toronto. On October 7th, I participated in a public meeting with the Conservative Party's **Task Force on Safe Streets and Healthy Communities**. In addition, I regularly meet with individual Members of Parliament and members of this committee to share our concerns. Next month we plan to attend the **Federal, Provincial, and Territorial Justice Ministers Conference**, in Whitehorse, to address these concerns informally with the nation's Ministers responsible for policing, justice, safety and security.

Regrettably, we still find ourselves pleading for change; to instill meaningful and proportionate consequences for crimes of violence. It's time to stop talking about the problem of urban violence in Canadian cities, and start making meaningful changes.

Stopping the gang violence in Canada's major cities is a concern for police officers across this country, and the solution begins with bringing an end to Canada's revolving door justice system. Canada's police officers have lost confidence in a system that sees violent offenders regularly returned to the streets. We need to restore meaningful consequences and deterrence in our justice system, which begins with stiffer sentences, real jail time, and tougher

parole eligibility policies for violent offenders. We need stiffer minimum sentences for offenders who commit crimes with guns, or any type of weapon.

BILL C-215

We would like to commend Mr. Kramp for his initiative in bringing forward this legislation. As a former police officer with the Ontario Provincial Police, Mr. Kramp clearly understands the trauma victims experience when they have a gun pointed at them, or worse yet fired at them, during the course of a crime. He also understands the frustrations felt by victims, and police officers, when these crimes do not receive appropriate sentences in our courts.

Bill C-215 would require that a sentence for the commission of certain serious offences be supplemented if a firearm is used in the commission of that offence. The additional sentence would be served consecutively to the other sentence and there would be a further minimum punishment of:

- five years imprisonment if the firearm is not discharged,
- ten years if it is discharged, and
- fifteen years if it is discharged and as a result a person, other than an accomplice, is caused bodily harm.

We contend that Private Member's Bill C-215 provides a positive first step in addressing current shortfalls, specifically pertaining to the concern with gun violence. We believe that it can provide an effective deterrent against violent gun crimes and we fully endorse the principle of creating tougher mandatory minimum penalties for the commission of serious offences when they are supplemented with the use of a firearm. We also contend that similar provisions to those contained in Bill C-215 should also apply to serious offences that involve the use of any other type of weapon.

VIOLENCE IS NOT JUST A TORONTO ISSUE

Gang violence is a major problem in many of our cities, as we have seen in recent months in the City of Toronto. Make no mistake about it, urban violence

is not only a Toronto problem. Recent statistics released by Statistic Canada confirm that¹:

- The cities of Regina, Winnipeg, Abbotsford, Edmonton, Saskatoon and Vancouver have had consistently higher homicide rates than Toronto for the past decade.
- Regina had the highest rate at five homicides per 100,000 people.
- The homicide rate in Winnipeg nearly doubled over the previous year.
- Stabbing was the most common method of killing in 2004, accounting for one-third of all homicides.
- The national homicide rate in Canada rose by 12 percent in 2004.
- In total, there were 622 homicides in Canada in 2004, including 172 firearms-related killings, 11 more gun slayings than in 2003 and 20 more than in 2002.
- In 85 percent of homicide cases, the killer is known to the victim.
- Two-thirds of homicide victims in 2004 were male.

PROVINCES HAVE A ROLE TO PLAY

We need more than lip service and finger pointing from provincial authorities. Current penalties and mandatory minimum sentences for firearms related offences are often the first thing dealt away by provincial Crown Attorneys in their efforts to obtain a plea bargain and thereby reduce trial costs and caseloads. If provincial Attorneys General are serious about getting tough on gun crime, they must do their part by directing a no plea bargain approach to mandatory minimum sentences for violent crimes involving firearms.

MINIMUM SENTENCES CAN MAKE A DIFFERENCE

¹ "Homicides", The Daily. Statistics Canada. Ottawa. October 6, 2005.

< <http://www.statcan.ca/Daily/English/051006/d051006b.htm> >

Justice department officials and other armchair academics are often prone to argue against minimum sentences. They advocate greater discretion for the judiciary, alternatives to incarceration, and an emphasis on rehabilitation.

Violent offenders are not deterred by our current sentencing, corrections and parole policies. Chronic offenders understand the system and work it to their advantage. Criminal gangs have taken over prisons, and have taken over some neighborhoods. We need stronger intervention which combines general deterrence, specific deterrence, denunciation, and reform.

Canada's experience with impaired driving legislation over the past three decades demonstrates that mandatory minimum sentences has had a deterrent effect, both in general terms with respect to potential impaired drivers, and in a specific respect with regards to repeat offenders.

AN INTEGRATED APPROACH IS REQUIRED

In August, Toronto Police Association President Dave Wilson made public a series of recommendations that would help the Toronto Police Service address the urban violence problem in that City.

In addition to restoring and increasing police ranks to an appropriate level, President Wilson recommended that the Chief of the Toronto Police Service and Toronto politicians should act swiftly on other solutions to gun violence:

- Fund and take full advantage of the potential of computerized tracking of crime hotspots, and inform the public of real-time crime trends and statistics — for example, by using the Toronto Police Service website in bold new ways to communicate better and share information with the public to improve awareness and vigilance.
- Adopt measures to encourage and protect law-abiding citizens who want to co-operate with police investigations in troubled areas.
- Place video cameras in public places in high-crime areas.
- ***Demand that the justice system send a decisive message to gun criminals, including guaranteed jail time for those who possess unlawful guns, not only use them to commit crimes.*** (emphasis added)

- Pressure Toronto Liberal cabinet ministers and MPs to urge federal Minister of Public Safety Anne McLellan to direct the Canada Border Services Agency to adopt tough new measures to stop the flood of illicit guns into Canada from the U.S., including funding for hi-tech vehicle scanning systems at all border crossings.
- Implement a new gun amnesty program — as done successfully in October 2000 — to get illegal weapons off Toronto streets.

These are realistic and concrete suggestions.

NOT A PANACEA, BUT A GOOD FIRST STEP

As we have previously stated, Bill C-215 is a positive first step. We contend that the time is long overdue to reform our criminal justice system. At the August 2004 Annual General Meeting of the Canadian Professional Police Association, Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Anne McLellan, undertook to launch a review of our current system. The Canadian Professional Police Association welcomes this review and we look forward to working with the Minister and Parliament to address these concerns.

Among the proposals the CPPA has advanced to the Minister and Members of Parliament:

- First Degree murders should spend a minimum of 25 years in prison, not a club fed, with no eligibility of parole.
- Section 745 should be repealed, removing the so-called “faint hope clause” that has allowed 80% of applicant killers to obtain early release.
- In determining the level of security for serving sentences, an offender’s criminal history and crime for which he is sentenced should be the predominant factor.
- Parliament should convene an independent public inquiry into Canada’s sentencing, corrections and parole systems, for the purpose of identifying measures to provide meaningful consequences for offenders, reinforce public safety, and instill public confidence.

- Give victims greater input into decisions concerning sentencing, prison classification, parole and release.
- Tighten our laws and prison policies to protect Canadians from violent criminals.

Accelerated parole, conditional sentences, and concurrent sentences for crimes of violence are also issues of concern to our membership.

CONCLUSION

Stopping the gang violence in Canada's cities is a concern for Canadian police officers, and the solution begins with bringing an end to Canada's revolving door justice system. Canada's police officers have lost confidence in a system that sees violent offenders regularly returned to the streets. We need to restore meaningful consequences and deterrence in our justice system, which begins with stiffer sentences, real jail time, and tougher parole eligibility policies for violent offenders. We need stiffer minimum sentences for offenders who commit crimes with guns, or any type of weapon.

Bill C-215 provides a positive first step in addressing current shortfalls, specifically pertaining to the concern with gun violence. We believe that it can provide an effective deterrent against violent gun crimes and we fully endorse the principle of creating tougher mandatory minimum penalties for the commission of serious offences involving the use of a firearm.

RECOMMENDATIONS

1. The Canadian Professional Police Association recommends that Parliament proceed with swift passage of Bill C-215 to give effect to the amendments contained therein.
2. The CPPA recommends that funding be provided to:
 - Increase border security to prevent the illegal importation of firearms into Canada;
 - Properly monitor retailers, wholesalers and manufacturers of firearms and ammunition;
 - Fund additional front-line police officers across Canada to help stem the tide of firearms violence.
3. The CPPA calls has been calling for reform to our criminal justice system, including:
 - First Degree murders should spend a minimum of 25 years in prison, not a club fed, with no eligibility of parole.
 - Section 745 should be repealed, removing the so-called “faint hope clause” that has allowed 80% of applicant killers to obtain early release.
 - In determining the level of security for serving sentences, an offender’s criminal history and crime for which he is sentenced should be the predominant factor.
 - Parliament should convene an independent public inquiry into Canada’s sentencing, corrections and parole systems, for the purpose of identifying measures to provide meaningful consequences for offenders, reinforce public safety, and instill public confidence.
 - Give victims greater input into decisions concerning sentencing, prison classification, parole and release.
 - Tighten our laws and prison policies to protect Canadians from violent criminals.

APPENDIX A

Homicides by census metropolitan area¹						
	2004		2003		Average 1994 to 2003	
	Number of victims	Rate per 100,000 ²	Number of victims	Rate per 100,000 ²	Number of victims	Rate per 100,000 ²
Regina	10	4.98	10	5.01	6	2.86
Winnipeg	34	4.89	18	2.61	19	2.86
Abbotsford	7	4.39	8	5.09	4	2.56
Edmonton	34	3.39	22	2.22	23	2.42
Saskatoon	8	3.30	8	3.31	6	2.61
Vancouver ³	56	2.58	45	2.10	52	2.65
Halifax	9	2.37	3	0.80	7	2.01
Calgary	20	1.91	11	1.07	15	1.61
Toronto	94	1.80	95	1.85	80	1.73
Montréal	63	1.73	56	1.55	71	2.08
Canada	622	1.95	549	1.73	580	1.89

1. CMAs have been adjusted according to police service boundaries.

2. Rates are calculated per 100,000 population.

3. As a result of ongoing investigations in Port Coquitlam, B.C., the following homicides were included in the total for the Vancouver CMA: 5 homicides in 2004, 7 in 2003 and 15 in 2002. Homicides are counted according to the year in which police file the report.

Source: "Homicides", *The Daily*. Statistics Canada. Ottawa. October 6, 2005.

< <http://www.statcan.ca/Daily/English/051006/d051006b.htm> >

Homicides by province/territory						
	2004		2003		Average 1994 to 2003	
Province/territory	Number of victims	Rate ¹	Number of victims	Rate ¹	Number of victims	Rate ¹
Newfoundland and Labrador	2	0.39	5	0.96	5	0.84
Prince Edward Island	0	0.00	1	0.73	1	0.88
Nova Scotia	13	1.39	8	0.85	16	1.67
New Brunswick	7	0.93	8	1.07	10	1.27
Quebec	111	1.47	99	1.32	133	1.81
Ontario	187	1.51	178	1.45	174	1.52
Manitoba	50	4.27	43	3.70	33	2.92
Saskatchewan	39	3.92	41	4.12	27	2.67
Alberta	86	2.69	64	2.03	63	2.15
British Columbia ²	112	2.67	94	2.26	106	2.69
Yukon	7	22.43	1	3.27	2	5.24
Northwest Territories	4	9.34	4	9.48	3	6.23
Nunavut ³	4	13.49	3	10.29	3	9.26
Canada	622	1.95	549	1.73	573	1.89
1. Rates are calculated per 100,000 population.						
2. As a result of ongoing investigations in Port Coquitlam, B.C., the following homicides were included in the total for British Columbia : 5 homicides in 2004, 7 in 2003 and 15 in 2002. Homicides are counted according to the year in which police file the report.						
3. The average in Nunavut is calculated from 1999 to 2003.						

Source: "Homicides", *The Daily*. Statistics Canada. Ottawa. October 6, 2005.

< <http://www.statcan.ca/Daily/English/051006/d051006b.htm> >

Firearm-related homicides						
Year	Number of firearm-related homicides	% of all homicides	Rate of firearm-related homicides¹	Number of handgun-related homicides	% of all firearm-related homicides	Rate of handgun-related homicides¹
1994	196	32.9	0.68	90	45.9	0.31
1995	176	29.9	0.60	95	54.0	0.32
1996	212	33.4	0.72	107	50.5	0.36
1997	193	32.9	0.65	99	51.3	0.33
1998	151	27.1	0.50	70	46.4	0.23
1999	165	30.7	0.54	89	53.9	0.29
2000	184	33.7	0.60	108	58.7	0.35
2001	171	30.9	0.55	110	64.3	0.35
2002	152	26.1	0.48	98	64.5	0.31
2003	161	29.3	0.51	109	67.7	0.34
2004	172	27.7	0.54	112	65.1	0.35

1. Rates are calculated per 100,000 population.

Blair plan on crime is flawed

DAVE WILSON

In a time of crisis, citizens and police alike expect our leaders — specifically, politicians and the police command — to bring their best solutions forward and make well-considered choices. To date, the solutions offered and the choices made are dangerously lacking.

This week, Toronto Police Chief Bill Blair announced plans to “redeploy” 100 officers to trouble spots, on top of 50 shifted to the front-lines of gang violence a week earlier. Chief Blair has the basic concept right. But his way of getting there is perilously wrong.

Redeployment forces the police command to pick winners and losers among neighbourhoods. An increase in police presence in some can only come at the expense of others.

Who in Toronto wants to live in the unlucky area selected to have fewer police? Where is the consultation with the community and the men and women in uniform that would make those choices transparent? Who will be accountable if redeployment results in new problems, or simply shifts them elsewhere?

Toronto’s gun crisis demands that rather than play a life-and-death shell game, our police and political leaders must summon the courage and creativity to acquire the new resources necessary to deal with the problem of gangs and guns.

For problem-focused deployment, the right approach is not robbing Peter to pay Paul, but instituting a rapid-recruitment strategy to increase the total number of police serving the community, and providing the police service with the necessary funding.

In fact, the opposite is happening. On Feb. 10, 2005, the Police Services Board accepted the Uniform Staffing Strategy 2005 to 2007.

That strategy established a “deployed target” of 5,267 uniformed police in Toronto in August 2005, but wilfully acknowledged — planned, in fact — that the “deployed strength” in August 2005 would be only 5,199 — a so-called “variance” of minus 68.

This summer, at a time when we need maximum police strength, our numbers have hit rock bottom because our leaders planned it that way.

Chief Blair has regrettably abdicated his leadership responsibilities by endorsing a strategy that places our officers at serious risk. By buying into a flawed staffing plan, he is shuffling an incomplete deck while gun violence escalates.

“Hire more police officers” may sound like a self-serving solution coming from the Toronto Police Association, but it is the only safe, reasonable way to support a strategy of problem-focused deployment.

In the immediate term, that means increasing staffing and capacities in the recruiting section of the Toronto Police Service employment unit, and providing the resources and incentives needed for a rapid recruitment strategy.

While restoring and increasing police ranks to an appropriate level, the chief and Toronto politicians should act swiftly on other solutions to gun violence:

Appendix C



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September 27, 2005

Mr. Daryl Kramp
Member of Parliament
House of Commons
Ottawa ON K1A 0A6

Dear Mr. Kramp:

Please accept this letter as the Canadian Professional Police Association's (CPPA) support to Bill C-215, *An Act to Amend the Criminal Code (Consecutive sentence for use of firearm in commission of offence)*.

The CPPA represents 54,000 police personnel members across Canada. Police officers can give evidence about the widespread problem of urban violence in many of our major cities. It is no longer a secret that our members have long lost confidence in a system that sees violent offenders return to the streets and continually put at risk the safety of our communities. For these reasons, the CPPA has relentlessly advocated for the need to restore some deterrence in Canada's justice system and this should begin with stiffer sentences, real jail time, and tougher parole eligibility policies for violent offenders.

We feel that Private Member's Bill C-215 provides the beginning of an answer in addressing these shortfalls specifically pertaining to the plague of gun violence. We believe that it can provide an effective deterrent against violent gun crimes and we fully endorse the principle of creating tougher mandatory minimum penalties for the commission of serious offences when they are supplemented with the use of a firearm.

I commend your leadership and initiative for introducing Bill C-215 in the House of Commons and want to pledge again our support and commitment to defend the value of this important piece of legislation.

Sincerely,



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FIREARMS REGISTRY MOTION

The Canadian Professional Police Association (CPPA) supports a firearms registry system that provides accurate information on all firearms and is accessible to police officers in a timely manner to improve the safety of all police officers and community members in Canada.

Furthermore, the CPPA encourages the federal government to work with police organizations and other stakeholders throughout Canada to make, create, improve and maintain a cost effective and efficient firearms registry system.

Furthermore, the CPPA recommends that funding be provided to:

- increase border security to prevent the illegal importation of firearms into Canada;
- properly monitor retailers, wholesalers and manufacturers of firearms and ammunition;
- fund additional front-line police officers across Canada to help stem the tide of firearms violence.

The CPPA also recommends that federal legislation be introduced to ensure tougher and more adequate mandatory prison sentences for individuals involved in firearms related crime.

August 2004