



**Canadian Police Association
Association canadienne des policiers**

100 – 141 Catherine Street
Ottawa, Ontario K2P 1C3
Telephone: (613) 231-4168
Fax: (613) 231-3254

100 – 141, rue Catherine
Ottawa, Ontario K2P 1C3
Téléphone : (613) 231-4168
Télécopieur : (613) 231-3254

cpa-acp.ca

Opening Statement by Tom Stamatakis
President of the Canadian Police Association
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Senate Legal and Constitutional Affairs Committee Study of Bill C-40

Honourable Senators, Members of the Committee,

Thank you for the opportunity to address the Committee on behalf of the Canadian Police Association, which represents almost 60,000 front-line police personnel across Canada, including both civilian and sworn members. We appreciate your work on this important issue and are grateful for the opportunity to discuss Bill C-40.

Our Association supports the general principles of Bill C-40 and the establishment of a Commission to address wrongful convictions in Canada. Front-line police officers and civilian members are often the first point of contact for Canadians engaging with the justice system, and they carry a deep commitment to ensuring that justice is served fairly and accurately. We understand that public confidence in our justice system is paramount, and wrongful convictions undermine that trust. As police personnel, we share in the duty to ensure justice is not only done but is seen to be done. For this reason, we recognize the need for mechanisms that address any failures within the justice system and support initiatives aimed at correcting miscarriages of justice.

However, we do have some concerns about certain aspects of the proposed legislation that we believe require further clarification to strengthen its implementation. Specifically, we are concerned about the lack of clear timelines for the Commission's review process of potential wrongful convictions. From the perspective of our members who have been involved in investigations, we know that delays in review and, potentially, in re-trial can lead to significant challenges. The passage of time inevitably impacts the quality of evidence and the reliability of recollections.

As you all know, investigations rely heavily on the detailed records kept and on the specific recollections of the investigators involved. Over time, records may become incomplete or difficult to locate, and witnesses' memories fade. Many of our members carry large caseloads and may have retired or moved on to other positions by the time an old case is revisited. It is critical that this Commission functions with clear timelines wherever possible to ensure cases are reviewed promptly, limiting the impact of time on evidence and enabling justice to be achieved effectively.

We believe that with the right resources and clear procedural timelines, this Commission can play an essential role in strengthening confidence in our justice system. Ensuring that justice is served fairly requires that cases are processed both thoughtfully and efficiently. Prolonged delays, on the other hand, do a disservice to everyone involved—those wrongfully convicted, victims, their families, and the investigators who are called upon to re-engage in these cases, sometimes decades later.

We are hopeful that this Committee, in its detailed review of the legislation, can help address these concerns and provide additional guidance on timelines for reviews. A structured timeline will ensure the Commission's work is carried out effectively, balancing the need for thoroughness with the need for timeliness in order to maintain the integrity of new trials.

In addition, we would encourage the Committee to consider the composition of the Commission itself. Given that many of the cases under review will hinge on the specifics of investigative practices and techniques, it would be beneficial to ensure that law enforcement professionals are included as Commissioners. This perspective can provide valuable insights into the practical aspects of investigations, from the handling of evidence to the complexities involved in interviewing witnesses and suspects. Having members with a professional understanding of investigatory techniques will help ensure that reviews are comprehensive and that any recommendations made are grounded in the realities of front-line police work. Such representation would enhance the Commission's credibility and help foster a balanced approach to its important mandate.

In closing, I want to emphasize our support for Bill C-40 as a positive step forward. We recognize and respect the complexities involved in establishing this Commission, and we offer our partnership and cooperation as you continue your deliberations. We are all striving toward a justice system that Canadians can have the utmost confidence in, and we are proud to be a part of that effort.

Thank you for the opportunity to speak today, and I look forward to any questions you may have.

A handwritten signature in black ink, appearing to read "J. Stamatakis". The signature is written in a cursive, flowing style.

Tom Stamatakis
President
Canadian Police Association