



## RESOLUTION 2023-01

### Federal Legislative Bail Reform to Support Public and Officer Safety

---

**WHEREAS** the increasing incidence of firearm and violent offences committed by repeat violent offenders and individuals released on bail poses a significant risk to public and officer safety and undermines public confidence in the criminal justice system, and

**WHEREAS** Section 7 of the *Canadian 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 *Canadian 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** a system of reasonable bail must recognize the rights of every Canadian as protected by the *Canadian Charter of Rights and Freedoms*, while also giving appropriate weight to fundamental considerations of public safety and the safety of police officers as they carry out their sworn duties, and

**WHEREAS** legislative reform is necessary to ensure public safety and confidence in the administration of justice, true bail reform also requires additional resources, police technologies, and data to support enforcement initiatives, innovative solutions and evidence-informed decision-making in the criminal justice system.

**THEREFORE BE IT RESOLVED** that the Ontario Association of Chiefs of Police (OACP) calls upon the Government of Canada to amend s. 515(6) of the *Criminal Code* 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 OACP calls upon the Government of Ontario to:

- amend Canada s. 515(6)(b.1) of the *Criminal Code* 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 behavior 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),

- amend the *Criminal Code* 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.
- amend the *Criminal Code* to require that bail hearings for designated serious firearm offences be heard by 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
- increase consistency in the application of bail principles by amending s. 515(10)(b) of the *Criminal Code* to include specific public safety considerations that weigh against the release of the accused, including but not limited to prior violent offences committed while on bail or prior weapons offences, with an emphasis on firearm offences.
- allocate resources to develop innovative solutions for bail reform and to support the national collection and collation of data by criminal justice system partners around bail and reoffending to promote evidence-informed decision-making.