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February 11, 2020

Via email: bill.blair@parl.gc.ca

The Honourable Bill Blair, P.C., M.P.
Minister of Public Safety and Emergency Preparedness
Public Safety Canada
229 Wellington Street #107
House of Commons
Ottawa, ON K1A 0H8

Dear Minister Blair,

We are writing to congratulate you on your re-election and appointment as Minister of Public Safety and Emergency Preparedness. We look forward to a positive and constructive relationship with you and your team.

The CBA is a national association representing over 36,000 jurists, including lawyers, notaries, law teachers, and students across Canada. We promote the rule of law, access to justice and effective law reform, and offer expertise on how the law touches peoples' lives every day. The CBA Criminal Justice Section has a balance of Crown and defence counsel from all parts of the country, and its Committee on Imprisonment and Release consists of specialists in prison law. The CBA Immigration Law Section has members across Canada practising in all areas of immigration and refugee law.

We support many of the directions in your mandate letter. A National Action Plan on Gender-Based Violence would be a significant step toward a coordinated, effective response to this chronic issue. Training law enforcement and security agencies in unconscious bias and cultural competency would similarly address persistent problems. We note the direction for all Ministers to accelerate progress toward self-determination, improved service delivery and reconciliation with First Nations, Inuit and Metis people. A framework for First Nations policing would advance that goal.

Corrections Issues

We welcomed the 2015 mandate letter's direction to address gaps in services to Indigenous people and those with mental illness in the criminal justice system but are disappointed that the current mandate letter does not refer to corrections issues. The Correctional Investigator recently said that,

Four years ago, my Office reported that persons of Indigenous ancestry had reached 25% of the total inmate population. At that time, my Office indicated that efforts to curb over-representation were not working. Today, sadly, I am reporting that the proportion of Indigenous people behind bars has now surpassed 30%.

The CBA Criminal Justice Section has urged additional funding for Indigenous communities to allow Indigenous-run section 81 and 84 opportunities within institutions, and the Correctional Investigator has pointed to the underuse of those sections. We have also called for amendments to the *Corrections and Conditional Release Act* to require independent health services to federal prisoners through a partnership between federal, provincial and territorial health ministries.

We are concerned about increased levels of inmate poverty and hunger. To reduce stress and violence in institutions, we recommend an immediate return to food quality and portions prior to 2014 cuts, and an increase in inmate pay. Access to counsel for those in segregation and maximum-security institutions is also pressing. Many prisoners suffer from mental health issues, including PTSD and FASD, and require assessments to detect and respond appropriately to those issues. In general, we support enhanced funding for prisoner treatment, rehabilitation and reintegration.

We also urge the reinstatement of Accelerated Parole Review (APR). It was an important reintegration tool allowing parole for first-time, non-violent offenders after the longer of six months or a sixth of their sentence, unless the National Parole Board has “reasonable grounds to believe the offender will commit an offence involving violence before the expiration of their sentence.”

Record Suspensions

Criminal records can significantly impede the successful reintegration of offenders into society. The CBA Criminal Justice Section supports reversing 2010 and 2012 changes to the pardon process that extended the wait time for eligibility for a record suspension. BC and Ontario courts have since held the retrospective effect of those changes is unconstitutional, and pardon eligibility is now inconsistent across the country. We ask that you shorten wait times for applications and granting record suspensions and clarify the application of the legislation across Canada. We have also called for automatic record suspensions in certain circumstances (e.g. for low level offences that do not result in incarceration).

Immigration Issues

The CBA Immigration Law Section welcomes the bill proposing independent oversight for the Canada Border Service Agency, something we have long called for. We are preparing detailed comments on Bill C-3, amending the *RCMP Act* and *CBSA Act*. We are also pleased that your mandate letter prioritizes investments in the asylum system to ensure it is efficient and meets Canada’s international obligations.

We ask that you review CBSA’s policies to ensure that inadmissible applicants with pending applications in the Spouse/Common-law Partner in Canada class or for permanent residence on humanitarian and compassionate grounds are granted a deferral of removal until there is a decision on the merits. We also urge that adequate notice be given for removals to allow individuals to submit deferral requests and for CBSA to adjudicate the requests.

We would appreciate an opportunity to meet with you or your officials to discuss how we might assist you with your mandate.

Yours truly,

(original letter signed by Gaylene Schellenberg for Kathryn E. Pentz, and Ravi K. Jain)

Kathryn E. Pentz, Q.C.
Chair, Criminal Justice Section

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