

For your meeting with:
Vancouver Police Department
Chief Constable Jim Chu
On: February 23, 2012

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DATE:

File No.:

MEMORANDUM FOR THE MINISTER

MEETING WITH VANCOUVER POLICE CHIEF JIM CHU

(Information Only)

ISSUE

You will be meeting with Vancouver Police Department Chief Constable Jim Chu on February 23, 2010 in Vancouver. Topics of discussion will be Bills C-10 (Safe Streets and Communities Act) and C-30 (Protecting Children from Internet Predators Act). A biography of Chief Chu is found at (TAB A). Talking points are located at (TAB B).

BACKGROUND

Bill C-10

The Government introduced the *Safe Streets and Communities Act* (Bill C-10) on September 20th 2011. This Bill re-introduces the following reforms which were debated by Parliament during the previous session:

- The *Protecting Children from Sexual Predators Act* (former Bill C-54), which proposes increased penalties for sexual offences against children, as well as creates two new offences aimed at conduct that could facilitate or enable the commission of a sexual offence against a child;
- The *Penalties for Organized Drug Crime Act* (former Bill S-10), which would target organized crime by imposing tougher sentences for the production and possession of illicit drugs for the purposes of trafficking;
- *Sébastien's Law (Protecting the Public from Violent Young Offenders)* (former Bill C-4), which would ensure that violent and repeat young offenders are held accountable for their actions and the protection of society is a paramount consideration in the treatment of young offenders by the justice system;

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- The *Ending House Arrest for Property and Other Serious Crimes by Serious and Violent Offenders Act* (former Bill C-16), which would eliminate the use of conditional sentences, or house arrest, for serious and violent crimes;
- The *Increasing Offender Accountability Act* (former Bill C-39), which would enshrine a victim's right to participate in parole hearings and address inmate accountability, responsibility, and management under the *Corrections and Conditional Release Act*;
- The *Eliminating Pardons for Serious Crimes Act* (former Bill C-23B), which would extend the ineligibility periods for applications for a record suspension (currently called a "pardon") from three to five years for summary conviction offences and from five to ten years for indictable offences;
- The *Keeping Canadians Safe (International Transfer of Offenders) Act* (former Bill C-5), which would add additional criteria that the Minister of Public Safety could consider when deciding whether or not to allow the transfer of a Canadian offender back to Canada to serve their sentence;
- The *Justice for Victims of Terrorism Act* and related amendments to the *State Immunity Act* (former Bill S-7), which would allow victims of terrorism to sue perpetrators and supporters of terrorism, including listed foreign states, for loss or damage that occurred as a result of an act of terrorism committed anywhere in the world; and
- The *Preventing the Trafficking, Abuse and Exploitation of Vulnerable Immigrants Act* (former Bill C-56), which would authorize immigration officers to refuse work permits to vulnerable foreign nationals when it is determined that they are at risk of humiliating or degrading treatment, including sexual exploitation or human trafficking.

Bill C-30

The Government introduced the *Protecting Children from Internet Predators Act* (PCIPA, Bill C-30), on February 14, 2012. The Bill is designed to update investigative and intelligence gathering powers to address modern communications.

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In order to ensure full debate on the Bill, the Government committed to sending the Bill directly to Parliamentary Committee after 1st reading for full review.

- The Vancouver Police Department (VPD) has been a strong supporter of lawful access legislation for many years, and currently plays a lead role in lawful access research and communications.

s.16(1)(b)
s.21(1)(a)
s.21(1)(c)

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- Bill C-30 entitles telecommunications service providers (TSPs) to compensation for assistance for certain services, but the amount of compensation will only be set once regulations are developed. While the VPD has not specifically raised concerns with these fees, the Canadian Association of Chiefs of Police (CACCP) has. Operational fees consist of payment to TSPs for assisting with the implementation of an intercept and for providing basic subscriber information.

CONSIDERATIONS

While certain aspects of Bill C-10 have received significant media attention, many of the proposed reforms reflect concerns voiced by police partners for many years.

Media coverage and Parliamentary discussion of Bill C-30 fundamentally misconstrues PCIPA as allowing authorities unlimited access to the content of Canadians' communications without a warrant. This characterization ignores the reality that PCIPA is about establishing the technical capability to intercept communications, and does not change the lawful authority to do so (which is governed by the *Criminal Code*). This error is compounded by the fact that critics have grossly mischaracterized the provisions on obtaining basic subscriber information without a warrant (s.16 and s.17) as giving authorities access to communications, instead of only identifying information (i.e. a person's email address, not his or her actual emails). Critics have also failed to recognize that basic subscriber information is lawfully obtained without a warrant today under existing legislation, and have cast PCIPA as a sea change in the way access identifying information is obtained.

RECOMMENDATION

We recommend that you obtain views from Chief Constable Chu on the proposed legislation, and confirm the commitment to responding to law enforcement concerns in promoting community safety.

Should you require additional information, please do not hesitate to contact me at (613) 990-2703 or Trevor Bhupsingh, Director General, Law Enforcement and Border Strategies Directorate, at (613) 991-4281.

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Richard Wex
Law Enforcement and Policing Branch

Enclosures: (2)

Prepared by: Vaughn Charlton

TAB A

BIOGRAPHY – CHIEF CONSTABLE JIM CHU

Jim Chu, a 32-year veteran with the Vancouver Police Department, was appointed Chief Constable in August 2007.

He joined the VPD in 1979. His early assignments included patrol constable, School Liaison officer, and Planning and Research. He was promoted to corporal in 1989 and then detective in 1990. He held investigative assignments in the General Investigation and Robbery Squads, then returned to patrol as a sergeant in 1991. In 1996, he was assigned to head the Recruiting Unit.

A highlight of his career occurred in 1997 when he became an inspector and the Vancouver Police Project Manager on the E-Comm project. Jim managed the VPD transitions onto the E-Comm radio system, the new dispatch facility, the PRIME-BC Records Management system, and a new mobile computing and data access platform. He then returned to patrol as a district commander in 2001. He was promoted to Deputy Chief in 2003.

Jim holds a bachelor of business administration degree from Simon Fraser University and a master of business administration degree from the University of British Columbia. He is a graduate of the FBI National Executive Institute.

Other related experiences include:

- elected in October 2001 as a Director of the IACP Law Enforcement Information Management Section; served as chair in 2006-2007
- former co-chair of the Canadian Association of Chiefs of Police Informatics Committee
- volunteer trustee on the Richmond Public Library Board; elected as vice-chair for two years, and chair for two years
- employed as a part-time contract faculty member in the Douglas College Department of Criminology, and taught introduction to policing and community policing courses
- authored the book, *Law Enforcement Information Technology*, © CRC Press, Boca Raton, FL, 2001.
- also published articles in many other journals, such as Police Chief Magazine, Law and Order, Canadian Police Chief magazine, and Radio Resource
- former President of the Vancouver Police Officers Mess
- former member of Board of Governors, Justice Institute of B.C.
- He was awarded a Provincial Library Trustee Association "Super Trustee" award in 1999, as well as an honorary degree from the Justice Institute of B.C. in 2010.
- That same year, he was recognized by his alma mater Simon Fraser University with a Distinguished Alumni award. In 2011, he was named as one of 25 "Transformational Canadians" by a national media organization.
- In May 2007, Jim was invested by the Governor General as an "Officer" of the Order of Merit of Police Services.

- Jim currently serves on the board of the Canadian Association of Chiefs of Police, and the Major Cities Chiefs Association.

TAB B



SUGGESTED TALKING POINTS

MEETING WITH VANCOUVER POLICE

DEPARTMENT CHIEF CONSTABLE JIM CHU

Vancouver Police Department's leading role in lawful access

- I wanted to personally thank you for the continuing role that the Vancouver Police Department has played on the lawful access initiative.

Criticism of Bill C-30 and Parliamentary Committee Review

- You have no doubt seen the considerable—and, in my view, erroneous—criticism of Bill C-30, and the fact that we've referred the Bill directly to Parliamentary Committee for review.
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RESPONSIVE ONLY

Establishing fair operational fees for services rendered

- I know that the Canadian Association of Chiefs of Police has voiced some concerns in the past about paying TSPs for court-ordered services.
- Most law enforcement and national security agencies have been paying and continue to pay for services provided by telecommunications service providers.

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- Please be assured that my Department is working in concert with the RCMP, CSIS, and several other agencies and departments to develop a fee schedule that will be fair for all parties.