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CRIMINAL CODE

Bill to Amend—Second Reading of Bill C-444

Speech by:

The Honourable Larry W. Campbell

Tuesday, February 11, 2014

THE SENATE

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BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Dagenais, seconded by the Honourable Senator Demers, for the second reading of Bill C-444, An Act to amend the Criminal Code (personating peace officer or public officer).

Hon. Larry W. Campbell: Honourable senators, you, too, can choose the date of the budget to give your speech, when there is no one here to listen to you, if you so desire.

I'm speaking today on an act to amend the Criminal Code (personating peace officer or public officer). This is a private member's bill and it was sponsored by Mr. Dreeshen, a Member of Parliament for Red Deer.

This act would establish that personating a police officer to commit another offence will be considered by a court to be an aggravating circumstance for sentencing concerns. Personating a peace officer is currently punishable by up to a maximum of five years' imprisonment under section 130 of the Criminal Code. Aggravating circumstances cause judges to impose longer sentences, up to the five-year maximum.

As background for this bill, Mr. Dreeshen introduced it during the previous Parliament and, while it received support from all parties, it died on the Order Paper when the 2011 general election was called. I quote Mr. Dreeshen:

When citizens see a police uniform, they naturally trust the authority that comes with it. Personating a police officer is a serious breach of the public's trust and it has the same effect as using a weapon: it forces the victim to submit.

He put forward this bill after a 2009 abduction and sexual assault of a teenager from Penhold, Alberta. A man who posed as a police officer stopped her outside her home and told her to get into his car, which was equipped with red flashing lights.

Gerard John Baumgarte, 57 at the time, of Red Deer, pleaded guilty to kidnapping, sexual assault and other charges. He was given a six-month sentence for personating a police officer. However, he was given an 18-year sentence to run concurrently for the other charges.

In 2011, this bill received unanimous support on second reading, and the Standing Committee on Justice and Human Rights was about to bring it back for third reading when the election was called.

Right now, it is currently a hybrid offence; thus, when the cases go to trial, the judges who hear the cases can hand out different sentences. This can be prosecuted by indictment or summary conviction. The responsibility is of the Crown prosecutor to determine the seriousness of the matter based on the facts and then to formulate a sentence accordingly.

Canada's sentencing regime already takes this action very seriously, and there's no reason to think that judges are overlooking important factors such as the purpose of the personation when handing out sentences. To even imagine that a judge involved in a case where personating a police officer would not take this into consideration with regard to the other and subsequent criminal offences that took place simply doesn't make any sense whatsoever.

• (1620)

While judges may generally issue concurrent or consecutive sentences as they see fit, sentences for offences that are part of the same criminal act tend to be served concurrently. One may need to take a look at that idea that everything is served concurrently. I certainly know that when I was a police officer you would spend a lot of time putting together criminal charges, you would get to court, they would cop a plea and all of them would be concurrent, which means that all of the sentences run together at the same time. You can get ten for one and five for one, but they all run at the same time.

I've read Senator Dagenais' statements, and I concur with almost everything that he said on this. Sometimes a bill is more symbolic than it is actual, and I believe in this case that this is a symbolic bill. I believe that this is a symbol to all those people in Canada, all of those who are victims and to somebody who personates an officer that we still care, that we're still watching and that we still intend on punishing those who are breaking the law by breaking our trust.

I support this bill, and I would ask that you consider sending it to second reading.