



The Regional Municipality of York Police Services Board

To Make a Difference in Our Community

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The Right Honourable Justin Trudeau, P.C., M.P.
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

February 7, 2023

Dear Prime Minister Trudeau:

RE: Bail Reform

We are writing to express our support for the recent and longstanding call for legislative reform to the bail provisions of the *Criminal Code*. The incidence of violent offences, especially those involving firearms, committed by individuals released on bail is of concern not only to police professionals across Canada, but to all Canadians who want to know that the communities in which they reside, work and raise their families are safe.

The recent tragic and preventable murder of Ontario Provincial Police Officer Grzegorz Pierzchala illustrates the urgent need for bail reform in Canada. Sadly, Officer Pierzchala's murder is not an isolated incident. Far too often, members of our communities are the victims of violence at the hands of a small subset of persistent violent offenders who are repeatedly released on bail despite lengthy criminal records, patterns of increasing violence, and documented histories of non-compliance with Court orders.

As the Chief of York Regional Police and the Chair of the York Regional Police Services Board, we are responsible for serving the 1.3 million people residing in York Region, one of the most diverse and fastest growing communities in Canada. We have witnessed the devastating impact that releasing persistent violent offenders in our communities has on public safety and public confidence in Canada's judicial system. Over the last five years, approximately 6.7% of homicides in York Region were committed by individuals on bail. In 2022 alone, two people in York Region were murdered by perpetrators who were on bail for prior firearms offences at the time of the alleged offence.

While we recognize the *Charter* right of every Canadian to reasonable bail and the fundamental importance of reasonable bail to the presumption of innocence, any system of reasonable bail must necessarily take into account considerations for public safety. We are advocating for legislative reform that recognizes the rights of the accused while also giving appropriate weight to the fundamental considerations of victim and public safety, as well as the safety of our police officers as they carry out their sworn duties.

Although the recent conversation around bail reform was reignited by Officer Pierzchala's murder, this is not a new issue for the policing community. Police Chiefs in Ontario and across the country have been calling for changes to the bail system for years. We support the bail reform recommendations of the Ontario Association of Chiefs of Police and the Canadian Association of Chiefs of Police. Specifically, we support the following amendments to the *Criminal Code*:

- **Expansion of reverse onus provisions:** create a new reverse onus for persistent violent offending and firearm possession offences, and expand the current reverse onus provision for intimate partner violence to include offences characterized by intimidating, coercive or threatening behaviour irrespective of the presence of overt violence.
- **Codification of public safety considerations:** for greater clarity and consistency in the application of bail principles, codify specific public safety considerations that weigh substantially against the release of the accused, including a history of prior serious offending while on bail or a history of weapons offences, especially those involving firearms.
- **Clarification that the "Ladder Principle" does not apply to a reverse onus bail.** The *Criminal Code* currently prohibits the imposition of a "more onerous form of release unless the Crown shows why a less onerous form is inappropriate". When public safety dictates a reverse onus approach to bail, the "Ladder Principle" is inappropriate and the accused person must show cause why their detention is not appropriate. For greater clarity, the *Criminal Code* should explicitly state that the "Ladder Principle" does not apply to reverse onus bail situations.

In addition, we request that the Government of Canada **undertake a review of the efficacy of GPS monitoring programs**. We are concerned with the reliance on GPS monitoring programs as an alternative to custody and the potential risk it poses to public and officer safety. Recently, a Canada-wide warrant issued out of York Region for a convicted offender who absconded while on bail. Nour Marakah was convicted of Robbery with a Firearm and Trafficking in Firearms following a violent home invasion robbery that ultimately resulted in York Regional Police arresting 17 suspects and seizing 15 firearms as well as a quantity of cocaine and fentanyl. Despite the nature and seriousness of the charges, Mr. Marakah was released on bail with a GPS monitoring condition, but he subsequently removed his ankle bracelet and fled. His whereabouts remain unknown. Mr. Marakah is considered armed and dangerous and poses a substantial threat to public safety.

We understand that bail reform is a complex issue that requires a multi-faceted approach. We look forward to working with Federal and Provincial criminal justice stakeholders to develop legislative, policy and resourcing solutions that promote public and officer safety in accordance with the *Canadian Charter of Rights and Freedoms*.

We thank you for your attention to this urgent matter.

Sincerely,

Chief of Police Jim MacSween
York Regional Police
Board

Chair Wayne Emmerson
York Regional Police Services

cc: The Hon. Chrystia Freeland, Deputy Prime Minister
The Hon. David Lametti, Minister of Justice and Attorney General of Canada
The Hon. Marco Mendicino, Minister of Public Safety
The Hon. Bill Blair, Minister of Emergency Preparedness