



House of Commons
CANADA

Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness

JUST • NUMBER 035 • 1st SESSION • 38th PARLIAMENT

EVIDENCE

Tuesday, May 3, 2005

—
Chair

The Honourable Paul DeVillers

All parliamentary publications are available on the
"Parliamentary Internet Parlementaire" at the following address:

<http://www.parl.gc.ca>

Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness

Tuesday, May 3, 2005

•(0905)

[Translation]

The Chair (Hon. Paul DeVillers (Simcoe North, Lib.)): I call to order this meeting of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness. We are resuming consideration of Bill C-2, an Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

We have with us this morning Ms. Roseline de Grandmaison, appearing as an individual.

[English]

We also have with us, from the Canadian Associations of Chiefs of Police, Mr. Vince Westwick, co-chair of the law amendment committee. We have Chief Vince Bevan of the Ottawa Police Service, and we have Detective Inspector Angie Howe of the child pornography section of the Ontario Provincial Police.

[Translation]

Each group of witnesses will make a presentation of about 10 minutes, and then committee members will ask questions.

Mr. Cullen.

[English]

Hon. Roy Cullen (Etobicoke North, Lib.): On a point of order, Mr. Chairman. I know there's been some discussion about the presenters having some photographs that might be made available to committee members. I'm wondering if we need to discuss that further, whether the committee is in agreement with that, or whether we should just proceed.

The Chair: That's something that would come during the Canadian Association of Chiefs of Police presentation. I was intending to deal with it at that point.

Hon. Roy Cullen: When that issue comes up, okay. Thank you.

The Chair: When we reach that point. Thank you.

[Translation]

Ms. de Grandmaison, please begin.

Mrs. Roseline de Grandmaison (As an Individual): Good morning, everyone. I apologize for not submitting a text to the committee. I have only recently become aware of this issue. I saw a television show on Radio-Canada, in Montreal, about Internet pedophilia. The guests who were being asked questions mentioned

that in England and one other country, I forget which one, two ways had been found of catching Internet pedophiles. When asked why we don't do that in Canada, the witnesses answered that the law doesn't allow for it. I was upset by that answer, because in my view the law is supposed to protect people. If the law doesn't protect people, there's a problem. So I said to myself that people made the law and it can be changed.

I was expecting that show to spark a huge outcry. There was none. So I set about looking for organizations that might protect children from this crime, which in my view is the most heinous of them all. I didn't find any. I found lots of organizations that deal with victims after the fact. I must be dreaming, but can't we get it together to avoid having victims or to have fewer and fewer of them? If the law is an impediment, it has to be changed.

I was lucky enough to become aware of the existence of pedophilia and incest when I was 31 years old. I say lucky, because I certainly wouldn't have wanted to be a victim of those crimes. I found out about that when I came here. It's a bit embarrassing to admit, but it was when I was taking an English course, because I don't speak English very well. We were going to conferences in English for practice. One of the women at the conference said that her father had penetrated her when she was three years old. At the time, I told myself it was impossible, I must have misunderstood. After the meeting, I went to see her and I told her what I thought I had understood. She replied that it was indeed true. I have to say that I wasn't sure I believed her entirely. On my way home, I cried. Unfortunately, these are things that are too easily forgotten when you've been lucky enough not to have had a similar experience.

I was lucky to have a wonderful father, gentle, protective and respectful. He had infallible judgment, and I'm very proud to be able to say so. In the community affected by the horror of incest and pedophilia, I'm told to mention that real men are respectful.

•(0910)

After that television show, there was still no reaction, so I started looking for organizations, as I said before. I found that there were lots of organizations for people with problems and victims.

I initially contacted women's groups. I tried to contact men's groups and I also contacted crime victims' assistance centres and the Youth Protection Branch. These groups already have a mandate that keeps them very busy.

There are groups for the protection of prisoners, immigrants, the environment, language and religion. There is a large number of groups. Each group is of course made up of people who feel strongly about those issues. I then wondered when babies would take charge and form their own group to protect themselves against psychos. And they are psychos because no person in their right mind would behave that way toward children.

I did not get very far in my endeavour. But that is what brought me here today, and that is why I am not very well prepared. Please forgive me. But I did want to come, because I wanted there to be a voice speaking on behalf of little children who are completely defenceless.

I arrive here today and find myself all alone with the police. How is it that in a country where we pride ourselves on our love for children, we do not protect them better?

I can understand why there are no victims here. Had I been a victim, I certainly would not have felt like being here today. But I was lucky enough to have a rosy childhood, I was practically spoiled, and I do not see why I would not lend my voice to those in need.

I knew someone who was a victim of incest. Just listening to her upsets me. That really kills a person and turns them into the living dead. Is there any way to say it in order to be fully understood? If you have the opportunity to meet someone who has been through that and to speak to them, you will feel all of the pain they feel. There are no words for what you feel when you hear those people.

I was reading in the document that you want to increase the sentence for people convicted of these obscenities, of these horrors, from 8 to 18 months.

● (0915)

This may surprise some of you, but personally, I would bring back the death penalty for those people. When I said that to the person who wrote this book, she replied that we should not do that, but we were talking about her father. However, I am still convinced... Besides, the evidence is there: these people virtually cannot be rehabilitated. I may be harsh, but how can you imagine such horror? Stop and think about it a bit. How can you do that to a three-year old baby? It is the height of horror. When you think about war, you are horrified. But a baby... A baby! The entire country should be here. You should be besieged by shouting people demanding that you do something.

When you are not a victim of something like this, you too readily forget. That is why I am pushing for hard-hitting advertising campaigns to wake people up, as I was awakened not long ago.

You do campaigns against drinking and driving and against racism. Frankly, I would say that Canada is the least racist country in the world. Actually, I was going to say Quebec and Canada, because I live in Quebec. As a former teacher, I know what I am talking about. I have nothing against fighting racism, but those people are adults who can defend themselves. Babies need you, they need us, and that is why I am asking you to do everything possible to inform and enlighten the public about this issue. Do some hard-hitting advertising campaigns.

The member for Terrebonne—Blainville, Ms. Bourgeois, helped me to prepare a petition. I phoned the school boards, and believe it or not...

The Chair: Ms. de Grandmaison, I have to ask you to conclude your remarks, because your time is up.

● (0920)

Mrs. Roseline de Grandmaison: I asked the school boards to have this petition signed by their staff and by interested parents. The school boards refused. I assure you they are not done with me. I am going to hound them. I have not had time to do that yet, but just wait till I go back there.

If you want to see the letter that Ms. Denise Metthé wrote at my request, I can give it to you, as well as the book. In addition, I sent a cassette here that was recorded with people who were incest victims. There is a booklet that goes with it. You may wish to have a look at that. I have submitted it to the committee.

[*English*]

The Chair: Merci, Madame de Grandmaison.

Now we'll go to the Canadian Association of Chiefs of Police. As members know, I had discussions with Mr. Westwick about the request to bring examples of some of the images that are being investigated constantly by police. I know in previous reviews of this legislation there were actually, I understand, slide shows shown to the committee, but we thought it might be best if the proposal was that the police would bring envelopes with examples of the images that they are constantly investigating, with the proviso that these are very disturbing images, and leave it to individual members to decide if they wish to examine the contents of the envelopes that are distributed. I know that was communicated.

Mr. Cullen has a comment, I believe.

Hon. Roy Cullen: Yes. As we discussed on the phone, I'm not sure what additional value this will bring. I very much respect the police who have to deal with this on a day-to-day basis, but I, for one, in serving and representing the people in my area, think people would expect me to know roughly, and maybe more exactly, what is depicted in this kind of photography, and I don't see the value of this being....

I gather it's going to be presented. Every individual member will have to make his or her own choice. I certainly will make my choice. I will not be looking at it. But I'm just not sure, for the committee as a whole, what value this serves. What purpose does it serve to present these very disturbing photographs to members of the committee?

The Chair: I can answer that from my perspective. I think it just demonstrates that, as legislators, we're here making informed decisions about the issues that come before us. But that's a personal opinion.

[*Translation*]

Mr. Marceau, did you have something to say about this?

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Mr. Chairman, one of the things that has often been raised at this committee since the beginning is the idea that artists could be accused and even convicted of producing child pornography. Personally, I have never seen any. I was not here the last time. I would have liked to be here, but I was away, so I could not attend the presentation. Members who were there said that it clarified things. People who see the envelopes will clearly see the difference between an artistic painting and the surely quite revolting things in the envelopes. There will be no doubt in the minds of committee members, and artists will be adequately protected by the provisions of the legislation. We are talking about child pornography, not anything with any artistic value. I think that this will illustrate the point they want to make.

[English]

The Chair: Yes.

Mr. Maloney.

Mr. John Maloney (Welland, Lib.): I would just like clarification that if we do receive these envelopes, which we'll have with us and we'll pass back before we leave the committee room, are we technically in breach of the existing laws, being in possession of child pornography? Do we have protection?

The Chair: My advice is that we are not. I think the parliamentary immunity would apply to that.

Mr. Rosen, is that your interpretation?

• (0925)

Mr. Philip Rosen (Committee Researcher): It's unfortunately not clear. I would suspect that if one member assaulted another—and I know that's not going to happen in this committee—there would be the possibility of someone being charged with assault. But strictly speaking, Mr. Chair, having the envelopes in hand is a breach of the Criminal Code, which is possession of child pornography.

I do see a number of peace officers around here, and I suspect that nothing much will happen.

The Chair: But the intention is that the envelopes remain the property of the police and they are simply being viewed by those who choose to view them. So the position, I think, is that it's still the property of the police and we are not personally in possession of it, even though some may choose to look at them.

Yes, Mr. Westwick.

Mr. Vincent Westwick (Co-Chair, Law Amendments Committee, Canadian Association of Chiefs of Police): Mr. Chairman, if I may just assist the committee, it was not our intention to be sensational or to offend the committee. As you know from our history before this committee, that's not the style we use. When you come before a committee like this, your intention is to persuade and to put forward your position.

In fact, the way this arose is that in preparing for this a few weeks ago, I asked Inspector Howe if I might be able to look at some of this material, because I was not familiar with it and I felt a bit uncomfortable coming before the committee without some sense of the magnitude of this. So that led to a discussion among us as to whether or not it would be of value to the committee.

So we make the offer. If committee members would choose not to, that's certainly all right with us. Our intention is not to offend, although it is offensive material and we want to make that very clear. It's very graphic and quite distasteful, but our intention was to put it forward.

As far as the law is concerned, I can only offer one person's opinion. Our understanding is that if it's being done for educational purposes, it does not constitute a breach of the law, but I would defer to the experts who are here.

The Chair: Okay, we're going to have to decide, but Monsieur Ménard has a comment first.

Monsieur Ménard.

[Translation]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): It would be useful just to look at photos in relation to which someone claimed there was artistic value. So that we can determine why there is a fear of allowing an artistic value defence. I think we all agree that child pornography exists. The question is whether the artistic merit defence should be allowed. It is in these borderline cases that lawmakers most need to be informed.

[English]

The Chair: We're taking up the time when we should be hearing from the witnesses. That's the difficulty we have.

The order is Mr. Toews, Mr. Comartin, and Mr. Cullen—as briefly as possible—and then we'll have to decide whether we're—

Mr. Vic Toews (Provencher, CPC): I think my point was made by the first Bloc member, Mr. Marceau. Thank you.

The Chair: Mr. Comartin.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): I had the same point as Mr. Ménard—that's one point—and I agree with him. But the second one is, I think we need to know the context of these pictures. Were they produced in Canada? Were they taken off the Internet from some international source? I'd like to know that, so if we are going to watch them and look at them, I would like to know the context in which they were prepared and the information we have in that regard.

The Chair: Yes, okay.

Mr. Joe Comartin: But I just want to emphasize Mr. Ménard's point. That's what we're talking about. If these pictures are never going to be seen.... Artistic defence or the public good or whatever, some type of defence is going to be used to justify these pictures—I'm guessing—but I'm also assuming that type of defence would never be raised with the types of pictures we are about to see.

The Chair: Maybe Detective Inspector Howe can answer.

What's the origin of the material, and is it related in any way to the artistic merit defence?

Detective Inspector Angie Howe (Child Pornography Section, Ontario Provincial Police, Canadian Association of Chiefs of Police): I'd be pleased to answer that.

It's hard for us to determine where these images were found because the Internet is borderless. It has no boundaries. The very important point is that all of these images are available in Canada. You can download them in Canada. They are images that we seized in child pornography collections when we went in to do search warrants.

There is not one image in the briefing package that has a degree of artistic merit, and I'll talk about that further in my comments later on. In the work we do as police officers when we go into the field, artistic merit doesn't even come into it.

● (0930)

The Chair: Mr. Cullen.

Hon. Roy Cullen: That's my point, Mr. Chairman.

First of all, I have it on your assurance, sir, and Mr. Westwick's that we won't be breaking any laws. That's the assumption I'm working under. But if there were—

The Chair: You won't be if you don't look.

Hon. Roy Cullen: Well, no, but I don't even want to be part of a party.

But here's my point. I understand that these images don't even come close to being the kinds of things for which you could make a defence of artistic merit. I mean, I think there might have been some value if we'd had some photos that might have been borderline to help us in that debate, but my understanding—and I think that's been reconfirmed—is that these photos are clearly outside of the artistic merit defence, so I don't understand the value of looking at them, frankly.

The Chair: Okay, my assumption was that by having it as optional we could avoid much of this discussion, but that's not how it seems to be.

Mr. Thompson, and then we're going to have to proceed.

Mr. Myron Thompson (Wild Rose, CPC): Frankly, I've seen enough of this material that I don't need to see any more. But if people are sitting in this room who have not seen it, I encourage them to take a look, and maybe they'll get the fire in the belly, as I have, to wipe this garbage out. I think it's very important that you thoroughly understand what we're talking about when we want this child pornography cleaned up.

The Chair: We're going to have to proceed one way or the other. I'm going to ask for a show of hands in favour of having the witnesses distribute the packages on the optional basis. Those in favour?

I see a consensus, then, so Mr. Westwick, please proceed.

[*Translation*]

Mr. Vincent Westwick: Mr. Chairman, members of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, good morning.

My name is Vincent Westwick and I am one of the co-chairs of the Law Amendments Committee of the Canadian Association of Chiefs of Police. With me are Chief Vince Bevan, vice-president of the association and chief of the Ottawa Police Service, and Inspector Angie Howe, from the Ontario Provincial Police. We are happy to be

here in connection with your in-depth consideration of the provisions and application of Bill C-2.

I would now like to turn the floor over to Chief Bevan.

[*English*]

Chief Vince Bevan (Vice-President, Chief, Ottawa Police Service, Canadian Association of Chiefs of Police): Merci.

Good morning.

[*Translation*]

I would like to start by saying that the Canadian Association of Chiefs of Police supports the objective of Parliament and the government of protecting our children through Bill C-2. Our association has drafted a number of resolutions to that effect over the years.

[*English*]

The advent of the Internet, with all of its benefits, has also significantly increased the availability of child pornography and other forms of exploitation, a fact recognized in the preamble to the bill. In a moment you will hear more about the dangers facing our children in the information age, but first, permit me a few words about the specifics of the bill.

The Canadian Association of Chiefs of Police supports the elements of Bill C-2: the broadening of the definition of child pornography, the new prohibition against advertising child pornography, the provisions that would make the intent to profit in the commission of any child pornography offence an aggravating factor for sentencing purposes, the creation of voyeurism as an offence, the elimination of defences for material having artistic merit or an educational, scientific, or medical purpose. While the CACP would prefer that there be no exceptions whatsoever, the proposed response to the Sharpe decision is a workable one.

On the provisions facilitating the evidence of children in court proceedings and changes to section 153 of the Criminal Code, the policing community remains concerned that the courts are not making full use of the sentencing latitude already provided to them by Parliament. Too often, we are seeing non-custodial sentences for what are very serious offences against children.

We are pleased to see Bill C-2 expand the maximum term of imprisonment for summary conviction offences for the purposes of sections 151 and 152 of the Criminal Code. While crimes dealing with child pornography may be despicable, the offenders standing before the court are not the types of individuals who would otherwise attract custodial sentence. Often they are in court as first-time offenders without a criminal past. They often have employment, families, and community ties, and are not the type that judges typically send to prison.

Parliament must send the message to the judiciary that offences involving child sexual exploitation must carry a serious and meaningful sentence. Since Parliament has already indicated its reluctance to impose minimum sentences, the Canadian Association of Chiefs of Police would recommend to you that you consider other techniques, such as specific statutory criteria for judges to follow in sentencing these types of crimes against children, and/or a statutory requirement for sentencing judges to personally review the material that is the subject of the charge.

• (0935)

[Translation]

I would like to recognize the commitment of the Department of Public Safety and Emergency Preparedness to the National Child Exploitation Coordination Centre, as well as the work of the National Steering Committee on Internet-Based Sexual Exploitation of Children.

I would also like to thank the private sector for its assistance in combating this scourge. For example, Microsoft has set up, in cooperation with police, the Child Exploitation Tracking System.

[English]

In addition, as a member of the national steering committee, I have been impressed by the willingness of Internet service providers to work with police and government to deal with these issues.

I would like now to turn over the presentation to Detective Inspector Angie Howe, manager of the OPP's child pornography section, a unit within the Ontario Provincial Police with over 30 years experience in combating child pornography.

Det Insp Angie Howe: Good morning.

Please allow me to begin with a quote:

It's not like I was pinpointing this little girl... that night, I must have used some material beforehand. And I just got excited, and just went "I need to go out and see if I...". With time, and I don't know that it is for other people, but for myself, and I would say that yes, viewing the material does motivate you to do other things.... The more I wanted it. And there's the one time where I actually tried to do it.... I really wanted to do it.... Not the killing part. But I really wanted to have sex with a child. And that was all consuming. I just came out of my place, and was overwhelmed with desire, and she was just there and there was nobody around. That's all it took.... I was just in that frame of mind and it was just that easy....

I'm sure many of you will recognize that quote from Michael Briere, who acted on his desire to have sex with a child, and subsequently murdered Holly Jones, who just happened to be walking home from the corner store that day, that time, that place. This is the first time in Canada that a link has been so vividly demonstrated between the viewing of child pornography and a subsequent offence—and what a link it is.

I agree with Detective Sergeant Gillespie from the Toronto Police Service, who I know has been before you, that more than half of our offenders receive a conditional sentence. For example, last week we arrested a man in southern Ontario for the third time, after he had received two previous conditional sentences. We are beginning to see this trend over and over again.

In terms of our experience with offenders who collect and subsequently go on to commit contact offences, I would again agree with Detective Sergeant Gillespie that approximately 30% to 40% of

our offenders have a previous sexual contact offence, or have gone on to commit a subsequent contact offence.

I have seen the pictures of child abuse, and in my mind, that possibility that it might even be one child is one child too many. You heard Chief Bevan speak about offenders and our problem with determining a "profile". In our experience, child pornography offenders come from all socio-economic backgrounds. They're teachers, doctors, police officers, mechanics, boy scout leaders, and I could go on. We often find the only similarity, and this is the most important one, is that they have a sexual interest in children.

Historically, child predators have found their victims in public places where children tend to gather: schoolyards, playgrounds, shopping malls, arcades. Today, with so many children online, the Internet provides predators with a new place, cyberspace, to target children for criminal acts. It can be used to traffic child pornography, to locate children to molest, to engage in inappropriate sexual communication with children, and to communicate with other pedophiles.

Prior to the Internet, pedophiles were a relatively isolated group. But through this new technology, through this explosion of technology with the Internet, they have been able to form much larger social networks, which have been referred to as virtual communities. It empowers those who otherwise have felt marginalized in a conventional society.

The notion that Internet crimes are victimless is utterly false. The children in those images are being degraded, abused, and humiliated in the most vile manner possible. Every time that image is shared on the Internet, the cycle of exploitation is perpetuated and the child is victimized over and over again. Because the Internet is facilitating a larger number of individuals becoming involved in collecting and possessing child abuse images, it follows, and is highly likely, that more children are now being abused than would otherwise have been the case.

In child pornography cases, particularly possession offences, we often get guilty pleas. That's problematic, because it means not even judges or crown attorneys see the images that are the reason for the charges. They do not get a true understanding of what the images of child pornography are and the inestimable damage done to the children involved.

I've brought with me today carefully crafted briefing packages. These briefing packages contain a spectrum of images of child pornography. Child pornography is the abuse of a child. It's an image of a crime in progress. It's traumatic, and it's extremely devastating.

I have been in my position as manager of the child pornography section for a year and a half. I have been a police officer for 15 years. In my mind, I thought I could picture it, that I could comprehend what a picture of child abuse was, what child pornography was. That wasn't realistic, as I was quick to find out. An image of child pornography, of the sexual abuse of a child, is a paradigm. Our minds cannot comprehend what we are seeing.

It's not unusual to seize a collection of images that has over 10,000 images in it and is organized by the offender's preferences. In every collection of images that we seize via a search warrant, we find new images. These are images of children we have never seen before, but heartbreakingly we know we will start to see over and over again.

Worldwide, it is estimated that there are millions of different images on the Internet—millions of images of child pornography on the Internet, and approximately 100,000 different children being abused in these images at any one time.

● (0940)

Having discussed this with the chair of the committee, the CACP was of the view that it was important for parliamentarians to confront the content of child pornography. I caution you that these images are graphic and can be very disturbing. These booklets are not submissions to the committee. As stated on the cover, they are the property of the Ontario Provincial Police and are being provided to the committee for educational purposes.

I will be pleased to answer any questions about any of the images in the booklet. We are very strongly opposed to re-victimizing children, to exploiting children again. When we do presentations, we normally do not show images of child pornography, because that is re-victimization. It is exploitation of children, something we are firmly against. Until I actually saw these images, I really had no idea what they were.

These images do not even get close to the definition of artistic merit.

As I hand them out, if you have decided that you do not want to see them, please tell me that and I won't give you one. My husband has been a police officer for 27 years. I spent the morning putting together this booklet. I probably went through about 5,000 images of child pornography in four hours. I went home that night and I asked him, "Can you look at these images and let me know what you think?" He had not seen child pornography images before. When he got to the fourth or fifth picture, he closed the cover and said, "No, thank you, I'd rather not". Please, take that to heart. If a couple of images are enough for you, close the booklet. I'll talk about them. From an educational perspective, though, I think it's important for you to see them.

Thank you.

The Chair: Thank you.

Mr. Vincent Westwick: We'd hoped to provide you with a live demonstration of how Internet chat rooms are used to lure children. We also wanted to demonstrate to you, live, the availability of child pornography on the Internet. For technical reasons, we weren't able to do this. If committee members would like to see this kind of demonstration, it can be easily arranged in Ottawa. I would encourage you to consider this. You will be struck at how quickly luring can occur on the Internet, any time at all. This can be arranged through the National Child Exploitation Coordination Centre.

It is our fervent hope that the government will be introducing legislation dealing with lawful access at some point in the future. When that happens, we expect that the CACP will again be before this committee making submissions on that bill. We intend to refer to

today's submission, in relation to the importance of lawful access and the need for this legislation.

● (0945)

The Chair: Thank you. If members are interested in this demonstration, we will make arrangements through the clerk.

Now to the question period.

Mr. Toews.

Mr. Vic Toews: I mean no disrespect to the detective inspector. I've seen these pictures before. I've prosecuted them and am quite familiar with them. It's a horrendous job that police officers have.

I'm somewhat surprised that the suggestion was made that judges don't see these pictures. When I was prosecuting, they saw all these pictures. So I'm hoping this was a mistake. Even on a guilty plea, why wouldn't they see the pictures? You have to see the pictures to understand what the offence is.

Mr. Vincent Westwick: Not necessarily, sir. That was why Inspector Howe pointed to the plea arrangement. If there's a plea arranged ahead of time, the sentencing can proceed on agreed facts. I believe that this is often a strategy to keep the material from being viewed by the court. They don't want to inflame the judge and risk being given a higher sentence. We strongly believe that judges need to see this material.

Mr. Vic Toews: Absolutely, and I would think it's a poor strategy by a crown on a plea arrangement to do that. I'm somewhat concerned. I just make that note, and I don't know if there's anything this committee can do about that at this time, but I want to thank you for bringing that to our attention.

The other issue I do want to talk about is the sentencing issue. Ms. de Grandmaison has stated that we're increasing the maximum sentences for summary convictions from six months to 18 months, and everyone knows in Parliament that this is just a scam to tell Canadians that we're really doing something about this. Everyone knows that present maximum sentences aren't being imposed. As you indicate, 50% or more of these individuals are receiving conditional sentences, despite the fact that this government promised that conditional sentences would not be used for violent crimes. Yet judges continue to hand them out.

One of the things that concerned me was your statement that you noted a reluctance to impose minimum sentences by Parliament and therefore you're not going down that road. Chief, if that is your opinion, that there should be minimum sentences, I want to hear from you. I don't want to hear about what this government or this Parliament is reluctant to do. If that is your professional opinion as a police officer, as a chief, that there should be mandatory minimum prison sentences—and I believe that very strongly—for these kinds of offences, then you should come forward and say that to this committee.

What I am worried about is that we will leave this committee, and my Liberal colleagues will say that even the police don't want mandatory minimum sentences, when I know that the line officers are saying and I know that the police chiefs are saying that this sentencing regime is simply inadequate and that mandatory minimum prison sentences for these kinds of offences are essential for the maintenance of justice in this country.

I want you to consider that and perhaps be a little more explicit about what your position is, Chief.

The Chair: Chief Bevan.

Chief Vince Bevan: Thank you for that, Mr. Toews.

Certainly, through experience—and I know that the Canadian Association of Chiefs of Police has been here before talking about minimum sentences—we've seen what's happened over time with that position being eroded. So the experience we have had is that when we speak to the need to impose minimum sentences on these and other very serious crimes, quite often that has not been taken to heart. What we wanted to do was be constructive this time and offer this committee some alternatives that we think are workable.

Do I believe that sentencing should be much different in these types of offences? I do, absolutely.

• (0950)

Mr. Vic Toews: Your having said that is very important to me, because it seems to me that when I go to a doctor and I say that something is wrong with me, and I don't like the advice the doctor is giving, the doctor should still say, "Nevertheless, that's my analysis of what's best for your health".

What you are saying to me and to this committee is that in the interests of justice in this country, we need mandatory minimum prison sentences for these kinds of offences. Isn't that what you're saying, Chief?

Chief Vince Bevan: Would you like a list? Certainly in my view it goes beyond this offence.

Mr. Vic Toews: At least we're talking about these offences.

All right, thank you very much, Chief. I appreciate your frankness.

The Chair: Thank you, Mr. Toews.

Monsieur Marceau.

[*Translation*]

Mr. Richard Marceau: Thank you, Mr. Chairman.

I want to make sure I understand your position on sentences.

Mr. Bevan, are you in favor, yes or no, of minimum sentences in child pornography cases?

Chief Vince Bevan: Yes.

Mr. Richard Marceau: Thank you.

I was surprised, Mr. Bevan, when you said:

[*English*]

"I'm satisfied with the will of Internet service providers to work with the police".

[*Translation*]

Your colleague, Mr. Gillespie, said exactly the opposite.

I'd like to know who is right. My party is in favor of minimum sentences in child pornography cases, with a view to combatting the demand for child pornography as much as possible, albeit inadequately. There is also a problem with the supply of child pornography. That is what Ms. Howe was referring to when she

talked about easy Internet access. The bill we are currently working on deals with the demand; here are the penalties if you are caught in possession of all of that.

I want to know if we are doing enough to combat the supply. You seem to be saying that Internet service providers are doing enough, whereas Mr. Gillespie said otherwise. Who is right? Why is there a difference between what you say and what Mr. Gillespie says? What more could we do to combat the supply that is so readily accessible?

Chief Vince Bevan: Thank you for your question. In preparing for today's meeting, I reviewed Mr. Gillespie's comment.

[*English*]

As a member of the national steering committee on Internet-based child sexual exploitation, I was party to the discussion that invited private sector Internet security providers to the table to work with the police and with government to try to find solutions to the issues that are presented by the proliferation of this kind of material on the Internet. I have been very impressed by the position that Internet service providers, and the public sector generally, have brought to the table. I think that perhaps because Sergeant Gillespie has not been part of those discussions, he has not seen that first-hand.

For instance, I can reference our last meeting, when a representative from TELUS, who was there speaking on behalf of the larger industry, talked about the kind of work that has been done that has moved things ahead considerably in working with law enforcement to identify websites that are sources of this kind of information.

I'm very heartened on the steps that are being taken today. I think that if this law is passed, there will be further movement on behalf of the Internet service providers to assist with these investigations.

As Detective Inspector Howe has said, with the millions and millions of images that are out there, it is very difficult to screen all of the e-mail and all of the sites to find out where they are originating from and where they are destined.

I think we have to work through technology, as Microsoft has recently done, to begin to develop, with Internet service providers, the technology necessary to identify those critical elements.

• (0955)

[*Translation*]

Mr. Richard Marceau: I want to make a comment and ask a question.

The committee passed a motion stating that we were going to look into the problem of the use of the Internet and new technologies in disseminating and producing child pornography. That is coming, and you will surely have to appear before us again. If you have any ideas on that for the committee, we would be very pleased to hear from you when that study is undertaken.

Here is a very quick question, Ms. Howe. This time you agreed with Mr. Gillespie that over half of those convicted of child pornography got conditional sentences. What sample size did you base that statement on?

[English]

Det Insp Angie Howe: You're asking about the sample size of offenders who we've convicted of child pornography. For instance, we had approximately 200 convictions for child pornography last year. That's only in one year. Approximately 50% of those received conditional sentences.

A couple of weeks ago we had a case of a professor from Guelph University. He was a first-time offender, with no previous record for anything. He had child pornography in four different locations: his work computer at the University of Guelph; his home computer; his briefcase, when we arrested him; and a sample of pictures in his pocket, for quick access, we assume, at the time we arrested him. He received a 15-month conditional sentence.

For the first time in Canadian history, the judge allowed him to leave the country, for two weeks at a time, to go to Mexico or Thailand to teach. Mexico and Thailand are countries with extreme child exploitation. We are asking to appeal that case.

The Chair: Thank you.

Merci, Monsieur Marceau.

Mr. Comartin, for five minutes.

Mr. Joe Comartin: Thank you, Mr. Chair.

Thank you for being here.

Chief Bevan, to start with, if you read Sergeant Gillespie's testimony, we got a really significantly different picture from him from what you're giving us today.

Let me ask this specifically. He said when meetings were held with the Internet industry, if I can put it that way, they tended to send their lawyers, rather than their technicians, who would be able to work with police in trying to develop new technology to identify and therefore combat the use of the Internet for these purposes.

Is that not an accurate reflection of what's been going on?

Chief Vince Bevan: Perhaps in Sergeant Gillespie's experience in the meetings he has attended, that's what he has found. In the meetings I have attended in my capacity as a member of the national steering committee, I get a very different sense of what's happening. Certainly I can understand, because of privacy issues and the business interests of Internet service providers, why they would want to have legal counsel at the table to offer them advice, but I want to reiterate that in my experience, the level of commitment from Internet service providers is something I see differently from Sergeant Gillespie.

Mr. Joe Comartin: Have you spoken directly with Sergeant Gillespie since he testified?

Chief Vince Bevan: I have not. I researched his statement and I've had an opportunity to review it.

Mr. Joe Comartin: Have you any sense of a timeline for when the technology to identify these sites in some kind of effective, efficient manner will be available?

Chief Vince Bevan: I can't give you an estimate of a timeline. I can tell you, based on the experience with the product Microsoft just put out—and, as you know from Sergeant Gillespie's testimony, he

was the one who originally sent the message that launched it—it seemed to take a long time to run through the development and the testing to the implementation. If we used that as a bit of a guideline, I would think it would be a further two years before the technology is in place to help us do that kind of work.

• (1000)

Mr. Joe Comartin: There's been a fair amount of work done in the fight against terrorism by security forces, and quite frankly, Canada has been one of the leading countries in the world doing this. They have developed a number of technologies. Has any work been done with them trying to perhaps learn from that? I understand this has been reasonably effective in identifying the use of the Internet by terrorist forces. Has any work been done by regular police forces with our intelligence services to see whether they have technology that could be adapted to this fight?

Chief Vince Bevan: I know about some of the work that's been going on. I'm not aware that there has been any cross-pollination, except to the extent, for instance, that I can use the example of our high-tech crime unit within the Ottawa Police Service. They attend seminars where, because they're involved in these kinds of things in tracking sites, there is an exchange of information, of technique, and the kinds of technologies that are developing to assist them in this. For obvious reasons, I don't participate at that level, so I can't give you an answer about what indeed has been exchanged.

Mr. Joe Comartin: Where would that contact be made? Who would drive that type of contact?

Chief Vince Bevan: Inspector Jennifer Strachan is here today. She is the inspector in charge of the national centre and she might be in a position to answer some of those questions because of the links with the technologists who are doing these kinds of investigations.

Mr. Joe Comartin: Chief Bevan, I've had some criticism of the legislation, in the sense that I'm not sure it accomplishes a lot in the fight against this. The technical fight, I think, is going to be a much more productive one.

You've made a couple of points this morning about ways that you do see it as effective. I didn't follow your argument, quite frankly, other than about the increase in the sentences, and given the pattern of sentencing, as we've just heard, by our judiciary, there's not a lot of hope that it is going to advance. But you seem to think the legislation is in fact going to encourage Internet site providers to come to the table to do more active work. Could you expand on that? I didn't follow it.

Chief Vince Bevan: I think the messaging that underlies this legislation is going to be a great encouragement. Without this legislation, they have come to the table and they're working with us. So I think that the messaging—and certainly there's going to be some follow-on with the lawful access bill currently before government that I think many around this table are very familiar with—indeed will help further that.

Mr. Joe Comartin: Can you point to a specific section that encourages that? I didn't see anything where the Internet service providers were exposed in any way to any criminal charges under this bill.

Chief Vince Bevan: I don't think that was the purpose of the legislation.

Mr. Joe Comartin: I agree, but you had seemed to say that this was going to encourage them to be more cooperative. I don't see that in the bill. I can't see it.

The Chair: Thank you, Mr. Comartin.

We were scheduled to finish with this panel, but we will extend because of some of the arguments or discussions we had over the evidence.

We'll go to Mr. Macklin for five minutes.

Hon. Paul Harold Macklin (Northumberland—Quinte West, Lib.): Thank you very much, Mr. Chair, and thank you, witnesses, for appearing.

Inspector Howe, I believe I heard you say that when you go out to investigate child pornography you don't pay any attention to an artistic merit defence. That being said, we have a lot of advice and counsel from those who represent the artistic community that in fact there is a chill created within that community relating to areas of pornography. I am a bit surprised, because I would have thought—and I'd like to get you to expand on this—that if you were called—and I presume you'd act on the basis of a complaint—to investigate a painting hanging at an art gallery, the concept of art or artistic merit would be part of what you would exercise in your discretion as a factor in terms of whether or not you would lay a charge. Would it not?

Det Insp Angie Howe: Of course it would. In our experience, in my year and a half, since 1993, when we've been investigating child pornography offences strictly, from 1975, when the section basically dealt with obscenity charges, we have not had one single call to an art gallery for an opinion as to whether it is artistic merit. In not one single situation have we ever been in a home with a search warrant where we've had to vie with anyone around the room asking, "does anyone think that this picture holds some artistic merit?"

In our daily experience, what we come across is this stuff again and again. It does not have anything to do with Eli Langer's paintings, those types of things. It is absolutely abhorrent images of child pornography in the collections. In the 30 years that the child pornography section has been up and running, there has not been one question of artistic merit. That's the only point I'm trying to make. In the police's view—and it may be somewhat black and white because we deal with this stuff day in and day out—there isn't any artistic merit in this. There isn't any artistic merit in any of the investigations we do, any of the homes we go to. Even the very first image in the booklet, for those who looked at it, is more of a romanticized image of a child with makeup and nude, not strictly child pornography, but certainly the focus of the picture is on her genitals. Even that is extremely on the low end of what we see every day.

In this briefing package, there isn't an image that's over a level five. We go up to level ten. We often see between five and ten, and ten is more to the bondage scenes, extreme degradation, defecation, urination, violence, S and M, babies—all those types of things.

•(1005)

Hon. Paul Harold Macklin: From your experience, in terms of anything that would be based in art or artistic merit as a vehicle of conveying—whether it be in writing or hand art as was described in

Sharpe—you would say that you have few or no examples of where you've had to make judgment calls in this area.

Det Insp Angie Howe: Absolutely not. I can give you an example. We've all seen the little picture—I can't think of the artist's name right now—it's for bathrooms. It's a little boy with his back to you and you can see his buttocks, and then there's a girl in the tub. We would never even be questioned on whether that's child pornography or artistic merit. It doesn't fit under the definition of child pornography. Does that picture have some artistic merit? Yes, it certainly does, hanging in a gallery or hanging in someone's bathroom. But if we came across a picture like that in a pedophile's collection, we would not classify that as child pornography, but it would certainly be indicative as to his preferences.

Hon. Paul Harold Macklin: Thank you.

Chief Bevan, with respect to the commentary that you were engaged in with Mr. Toews, you talked about mandatory minimums. But I think you're equally aware of the fact that the recidivism rate for certain groups within this area of child pornography is close to 100%. Can you tell me why you believe, therefore, in those instances, mandatory minimums would be helpful?

Chief Vince Bevan: I think there is a need to hold people accountable and to make sure that they are introduced to programs for treatment. I know that Dr. Peter Collins is here, and he will speak to you about the kinds of persons who are involved in these particular crimes.

From my perspective, we've heard the stories from Detective Inspector Howe about people who are involved in this again and again. I think she used an example of someone for whom this is their third time around. If we treat it at a level where there is very little consequence for this kind of conduct, then I think that will send a message to other like-minded individuals that this is not as serious as I think the committee would view this kind of crime.

Hon. Paul Harold Macklin: Picking up on your thought that the fact is that they need treatment, wouldn't it be better to have a sentence that would be structured to make sure they had treatment, rather than simply setting out a standard mandatory minimum?

Chief Vince Bevan: I think that would be part of the strategy. I know that, for instance, in Correctional Service Canada, they do have treatment.

The Chair: Thank you.

Thank you, Mr. Macklin.

We'll go to Mr. Thompson, then Ms. Neville, and then we'll have to move to the next panel.

Mr. Thompson.

Mr. Myron Thompson: Thank you very much.

I appreciate you folks being here, but I especially appreciate your hard work in trying to protect the children of our country.

Ms. Howe, I just can't image the impact it would have on the people in your department who work with you. It must be a terrific mental strain, I would think, to some degree, dealing with this continually.

What amazes me the most about this whole episode is what I discovered back in 1994—I was first elected in 1993—going into the penitentiaries. I had no focus on child pornography or any of that. They asked me to do some work on prison reform and see what we needed to do with the penitentiary system, etc. It was on my tour through the various penitentiaries throughout the country that I engaged in some conversation with many inmates. I wanted to talk to all levels of people who were affiliated with these places. The number of times that I was told by child sex offenders who were in there for sexual offences that child pornography was a real precursor for them being there....

I began to question that more and more as I went throughout the country. There were case workers and there were many psychologists in the penitentiaries who felt the very same way, that a lot of these people wouldn't have been there had they not been hooked on child pornography.

Now, we know that there are adults who possess *Playboy* magazine and not all of them go out and rape people because they have a *Playboy* magazine. Maybe there are some who are motivated by it to do such a thing. But I do believe, when I talk to all the individuals that have been in this whole pornography area, that child pornography seems to have much more impact in a motivational sense. Do you agree with that?

• (1010)

Det Insp Angie Howe: I would definitely agree with that. Certainly Dr. Collins will speak to that a little further in his presentation to you, but that certainly has been our experience. Talking with some of the offenders we've arrested, without a doubt, they possess images of child pornography as a sexual aid, for a masturbatory fantasy. That is what it's all about. There is no doubt about that. It's not like collecting stamps, where we're proud that we have a stamp collection and once in a while we look at it to see what it's about. It's exactly like young boys collecting hockey cards.

Just as an example of how obsessive they can be, we went in to do a search warrant, and unfortunately the night before, the fellow received notice that we were going to be there—he received a tip through someone else. He had a massive collection of over 20,000 images of the type of child pornography that we showed you today. Even though he knew we were coming, he could not get rid of his collection. It was far too important to him and he had been collecting it for years. Even though he knew he was going to be arrested, he didn't get rid of it, and his comment to us was, "I'm only going to get a conditional sentence anyway, so it's not really a big deal".

They have news groups. They have chat rooms on the Internet where they'll get together and talk about it. They'll say, "Did you see the case last week where the Guelph professor got a 15-month conditional sentence and he's allowed to leave the province for two weeks a month?"

I hate to say this, and it sounds awful, but to them it's a joke.

Mr. Myron Thompson: You know, I'm really puzzled. I think child pornography has been a problem for quite some time in this land. It's not a new thing.

Det Insp Angie Howe: The Internet has just made an explosion in access. It's a much easier way.

Mr. Myron Thompson: They just expounded what had already been a problem for years, and I find it really difficult. I've been here nearly 13 years—damn, we haven't even come close to touching this! I don't know whether it's lack of courage, lack of guts, lack of common sense or just what it is that prevents a body of people who are elected into this place to take care of these problems, to provide you people with the laws that you need to enforce this stuff, to get rid of it to protect our kids.

But I do get pretty aggravated when I get into this contest about freedom of expression versus safety of our children. When it comes to the safety of the children, there is nothing that should interfere with that, nothing whatsoever. So I, personally, want to eliminate art as a defence totally from this particular bill.

Would you agree with that?

Det Insp Angie Howe: As a blanket statement, in our experience, from a police perspective, yes, I would. There's no art to this whatsoever. To what we see, what we charge as child pornography, there is not one ounce of art.

Mr. Myron Thompson: Thank you.

I would like to ask the lady on the other end—I'm sorry, but I can't see the name card and have a very short memory—the same question. How do you feel about that?

[Translation]

Mrs. Roseline de Grandmaison: That's exactly what I think. I didn't get a chance to say it, but I think the artistic merit defence should not exist.

With your permission, I'd like to state my position on the minimum sentence. I was startled when I saw the proposed maximum sentence in the document. That kind of sentence is ridiculous, absurd. As I said before, I would impose a much heavier minimum sentence than the one under consideration. It's important to have truly meaningful sentences. I'm sorry, but a minimum, not maximum, sentence of 18 months is ridiculous.

• (1015)

[English]

The Chair: Thank you. And now—

Mr. Myron Thompson: I have one last, short question, if I may.

Ms. Howe, you've stated you've never been called into an art centre, and you've never been called into a home to view what may have artistic merit or be any kind of art. Is this pretty standard across the country in your conversations with other officers across the land who deal with this?

Det Insp Angie Howe: Yes, it is.

Mr. Myron Thompson: Okay. Thank you very much.

The Chair: Thank you, Mr. Thompson.

We now go to Ms. Neville to complete this panel.

Ms. Anita Neville (Winnipeg South Centre, Lib.): Thank you.

I'll be very brief, because you've touched on my concern in part. I'm following up a little bit on the comments of my colleagues across the way.

You made a reference, Ms. Howe, in your comments about pedophile communities, and you've just expanded on that in your response to Mr. Thompson. We've heard the discussions about mandatory sentences, and I don't know whether that will shut down pedophile communities.

In your view, how do we address these pedophile communities? It's that exchange that you just talked about that's so concerning and, to my mind, frightening.

Det Insp Angie Howe: We find it incredibly frightening. There are news groups and communities where they get together and talk about the best way to abuse a child. What is the best way for the child's first time—they don't say rape because they don't believe it's rape; it's love, an expression of love. The first time that they're going to make love to their four-year-old daughter, what's the best way to do it? What's the best way to groom a child? What images should you show them? Should you show them adult pornography first, and then child pornography, so it becomes normalized behaviour?

Certainly, with the comments that Chief Bevan made in terms of Internet service providers, I think we need to shut down these news groups. We need to shut down the chat lines where these pedophiles begin.

We also need to work harder with Internet service providers, and we have done wonderful things so far. They certainly have been cooperative. We can call an Internet service provider and tell them that we know of this website that has child pornography images, and they'll shut it right down. The problem we run into is that it's up again the next day. It's just called something else.

Certainly that's something we need to work on. I agree with you 100%: we need to start at the foundation of this by getting all of this stuff off of the Internet, so they can't collect it, can't barter with it. It's a form of economy for them—you know, I'll give you three pictures if you give me the one in the Isabelle series. That's exactly what it is.

And, yes, totally, I think we need to work with the Internet. We need to shut it all down, and that's where we have difficulty.

Ms. Anita Neville: Thank you.

I'll ask you after, thank you.

The Chair: Good.

Thank you very much. I thank the witnesses for coming. The Canadian Association of Chiefs of Police were very informative.

[*Translation*]

Ms. de Grandmaison, on behalf of the committee, thank you for taking the time to share your concerns about this.

[*English*]

We'll suspend for as briefly as possible so we can change the panel and continue with the next panel.

•(1018) _____ (Pause) _____

•(1023)

The Chair: If we could prepare to resume, please, I'd ask the witnesses to take their positions.

In our next panel of witnesses, we have, from the Ontario Provincial Police, Peter Collins, manager, forensic psychiatry unit, behavioural sciences section, and associate professor at the University of Toronto. Welcome.

From the Mental Health Centre, Penetanguishene, we have Dr. Marnie Rice, scientific director—and I undertake to address you as Dr. Rice and not your Huronia Hash House Harrier name.

From the Department of Public Safety and Emergency Preparedness, we have Dr. Karl Hanson, senior research officer, corrections research division.

If we could proceed with each of the witnesses giving us approximately a ten-minute presentation, we can then go to questions.

We'll start with Dr. Collins.

•(1025)

Dr. Peter Collins (Manager, Forensic Psychiatry Unit, Behavioural Sciences Section, Associate Professor, University of Toronto, Ontario Provincial Police): Thank you, and good morning.

I do have a six-page brief, with attached bibliography, which has been given to the clerk and will be translated and distributed later.

In brief, I'm the manager of the forensic psychiatry unit for the Ontario Provincial Police. I've spent the last 15 years as the consultant operational forensic psychiatrist for the behavioural sciences branch of the RCMP, and I'm an associate professor at the University of Toronto.

I've been working in this area since prior to the Internet. I train the FBI when it comes to child pornography investigations. I'm a member of the Interpol Specialist Group on Crimes Against Children, and every other month I'm sent to a different country with a team, as the only Canadian on that team, to educate police officers and prosecutors in other countries in the area of child pornography.

Ms. Diotte was kind enough to provide me with a number of questions. I won't have time to go through everything, all the questions that I was asked. Maybe some will come up later.

The first question: Is there a connection between the consumption of child pornography and committing sexual offences against children? Does child pornography provoke or incite acting out of sexual fantasies?

I answer that by saying that at the very least, individuals who collect child pornography have a sexual interest in children. In a paper that's going to be published later this year, authored by Seto, Cantor, and Blanchard, they demonstrated that mere possession of child pornography is scientifically a valid indicator of pedophilia. As a group, child pornography offenders showed an absolute preference for children over adults when assessed in a laboratory method known as phallometric testing, or penile plasmography.

Now, the relationship between viewing child pornography and contact offences is complex. In 1988, Bill Marshall, from Queen's University, found that 53% of a sample of child molesters deliberately used pornography as part of a planned preparation for offending. It's generally felt that when there is a predisposition to offend, some of these individuals—and I emphasize “some”—will use this material to incite themselves, to escalate their sexual fantasies. Some people will look at it and be satiated. Indeed, when I was cross-examined by Mr. Sharpe during the trial out in British Columbia, this was one of the issues he raised, that he should be allowed to possess it because he would be satisfied, he'd masturbate and he wouldn't offend. The problem is that these people perhaps could be satiated on one occasion, but on the next occasion, if they're under stress, if they're drinking alcohol, if they're taking drugs—in other words, if they have the disinhibiting effects of drugs or alcohol—they can then act out.

There are a couple of studies that are not available, and I thought I'd mention them. The U.S. Postal Inspection Service is the second most powerful law enforcement agency in the States. They have been investigating child pornography cases for many years, but since 1997 have been keeping statistics. To March 2005—I have figures from March—they had arrested 2,114 individuals for child pornography. Of this group, 733 or 35% were identified as having had contact offences against children, either by history or as a result of being arrested. Therefore, just based on that, 953 children were rescued from sexual abuse.

The committee has already heard from Detective Sergeant Paul Gillespie. His group in Toronto—and they consult me from time to time—have a figure of 45%.

In an unpublished study, a study that's being conducted by the U. S. Department of Justice in Butner, North Carolina, in the penitentiary—the senior author is Hernandez—they examined 54 inmates who participated in a sex offender treatment program. All 54 had been convicted of crimes involving the production, the receipt, and/or the possession of child pornography.

• (1030)

Using pre-sentence reports of that group, 46% appeared to have had contact offences. After treatment, and also when asked to undergo polygraph examination, 79.6% then admitted that they had contact offences against children—totalling an additional 1,371 victims that had never been detected by the criminal justice system.

I was asked to provide studies that have been done on child pornographers who have victimized children. I have provided those studies and will provide copies of them to the committee.

I've been asked about the recidivism rate. Dr. Karl Hanson is here. I always quote Dr. Hanson, so I will leave it to him to address that. However, I am going to quote a publication that you won't have available—it's in press—by Seto and Eke. They have found that of 201 offenders, 17%, on an average of 2.5 years after their release into the community, reoffended. That seems like a small figure, and as Dr. Hanson, I hope, will tell you, when you look at recidivism rates, 2.5 years is not a long time. It's interesting to note that five of these men reoffended while they were still in custody.

I was asked to address the issue of pedophilia as a mental illness. Is it a mental illness? Can they be treated? Should they be imprisoned indefinitely?

Pedophilia is one of a number of paraphilias. It's a sexual deviance. However, it is described in the psychiatric nomenclature, in the *Diagnostic and Statistical Manual of Mental Disorders*. It is a condition that is diagnosed, treatable, and on a case-specific basis there is a prognosis, depending on severity.

I don't consider it to be a major mental illness such as schizophrenia or a mood disorder. The *Diagnostic and Statistical Manual of Mental Disorders* describes conditions of all forms of emotional disturbance. I have a form of dyslexia. I am described in the *Diagnostic and Statistical Manual of Mental Disorders*, but I don't feel—despite what Chief Bevan, who was my boss on Bernardo, may think—that I have a mental illness. So indeed it is a paraphilia, although it is treated by psychologists and psychiatrists.

Treatment can be successful in assisting a pedophile not to offend, but not always. It depends on their motivation. In my opinion as a forensic psychiatrist and as a criminologist, it's a very deeply ingrained erotic preference that cannot be cured. It can be treated but cannot be cured.

I've been asked to address the issue of consent. Very briefly, the question asked was, “Can a 14- to 16-year-old consent to a sexual relationship? Does the age of the sexual partner matter?”

Certainly the age of the sexual partner matters. Finkelhor, in his 1979 study, stated that sex between an adult and a child is inherently abusive because children are unable to provide true consent. He articulated two preconditions to true consent: full knowledge regarding what is being consented; and the absolute freedom to accept or deny—and children, certainly below the age of 16, don't have that capacity, according to Finkelhor and others.

There is a chapter in a book that's still in press. It's the second edition of this book—and as a matter of note, all the articles I'm referring to that are not in press or have been accepted for publication, I do have permission from the authors to present to you today. Howard Barbaree and Bill Marshall, in the first chapter of their book, *The Juvenile Sex Offender*, do address the negative outcomes for girls who engage in “consenting” sexual intercourse at an early age. I describe it in my brief to you, quoting the paragraphs in their chapter, that for girls who do engage in sexual activity at an early age, the earlier age that they do so, even though they may perceive it as being consensual, the more psychological problems they have. There are a number of references to that.

• (1035)

A good website in the pedophilia subculture is the North American Man/Boy Love Association. If I want to reference what the ages of consent are in various countries, I go to the pedophile websites, because the pedophiles keep track of this.

Certainly, Canada is looked upon as being somewhat of a soft nation. Internationally, even in European pedophile websites, Canada is designated as a country with a low age of consent, and the pedophiles identify this as being to their advantage.

Another question I was asked was, should all child pornography be banned? Some say it's used to groom children, or show them that relationships with older people are normal. Child pornography should be banned, because it sexually victimizes children. Each and every pornographic image of a child is a permanent depiction of their sexual exploitation and abuse.

In my experience as an operational forensic psychiatrist involved in these cases on the front line with the police, child pornography is not used as often as adult pornography when it comes to grooming, although it happens from time to time. I list the various stages of grooming in my report. Pornography, if it is used, occurs in the non-sexual touching stage of the grooming process. The pedophile will introduce sex as a topic, but they know that possessing child pornography is wrong. They know that if they use child pornography in grooming a child, there's a greater risk for disclosure if there is a complaint. They can always claim that it was poor judgment on their part if they show them *Playboy* or *Penthouse*. So usually child pornography is used in the grooming process later on, and it's adult pornography that's shown to children to demystify them at the beginning.

The Chair: Dr. Collins, could you conclude? Our time limit is has passed.

Dr. Peter Collins: I have no summary, other than what's written in my report. I'd be glad to answer any questions. Thank you.

The Chair: Thank you.

Dr. Rice.

Dr. Marnie Rice (Scientific Director, Mental Health Centre Penetanguishene): Thank you very much for the opportunity to appear before the committee today.

I am the scientific director of the McMaster/Penetanguishene Centre for the Study of Aggression and Mental Disorder, and professor of psychiatry at McMaster University and the University of Toronto, as well as of psychology at Queen's University. I'm also the former director of research at the Penetanguishene Mental Health Centre. I have more than 30 years of experience working with sex offenders.

I will try to address those issues pertaining to Bill C-2 about which I have scientific knowledge. Unfortunately, many of the really interesting questions to which we are seeking answers have not yet been investigated empirically.

My colleagues at Penetanguishene, Kingston, and Toronto and I have published several studies on child molesters, and I would be happy to provide copies of any of these to members of the committee. However, in my brief time today, I've tried to distill what I know into what is most relevant for you in considering Bill C-2.

There are two main issues I'd like to address, and these are summarized on the one-page handouts I've prepared and handed out to you. The first concerns increasing penalties for offences against children. The recidivism rates of sex offenders are high. The figures in box two of your handout show the rates of violent or serious recidivism among a group of about 400 male sex offenders.

We examined the criminal records of these men after five, ten, and fifteen years in the community. Most of these men had already spent

time in a federal penitentiary or in a maximum security psychiatric hospital, but there are a few men in the sample who had spent no time in prison or had been in provincial institutions.

We counted all new offences for hands-on sexual offences, plus any violent offences ranging from assault through to murder. We used violent recidivism as our outcome measure, rather than simply sexual recidivism, because we think Canadians are concerned about all acts of violence, and because we know that counting only new offences that can be determined to be certainly sexual from the criminal record severely underestimates the true number of sexually-motivated offences. This is because of plea bargaining or because offences like murder and kidnapping, when committed by past sex offenders, at least, are almost certain to be sexually motivated when we have enough information to investigate them further.

Now you can see that the violent recidivism rate for released sex offenders after five years at risk is 60%; after ten years at risk is 78%; and after fifteen years at risk is 98%. So the serious recidivism rates are high.

These rates, I emphasize, might be a little higher than for a random sample of Canadian men who've been convicted of at least one sex offence. This was, perhaps, a little higher-risk sample, because they were mostly federal offenders and offenders in a maximum-security psychiatric hospital. Also, these were a mixture of men who had offended against children or adults or both, and rapists are more likely than child molesters to commit a non-sexual violent offence following release. Child molesters, on the other hand, are more likely to recidivate with a sexually-motivated offence. So the numbers might be somewhat higher than they would be in a random sample of Canadian child molesters.

The bottom line is this. Sex offenders have a high rate of serious recidivism, and they continue to recidivate over a long period of time. Does this mean we should lock all sex offenders up forever? Well, no. Psychologists, especially Canadian psychologists, some of whom, like Dr. Hanson, work for Public Safety and Emergency Preparedness Canada, have made much progress over the last 25 years in assessing the risk that sex offenders pose to the community. Canada is actually the world leader in this type of research.

In box four of your handout, you can see the 10-year violent recidivism rates for a group of 288 sex offenders. The offenders are divided into nine categories of risk according to their scores on an instrument my colleagues and I have developed. It's called the sex offender risk appraisal guide, or SORAG. You can see from the figure that fewer than 10% of the men in the lowest-risk category committed another violent offence in 10 years at risk, while 100% of the men in the highest-risk category, category 9, committed another violent offence in the 10 years at risk.

•(1040)

So although this and similar instruments are not perfect, they can help us to try to make sure we keep the most dangerous men locked up for as long as possible. At the same time, we can release the low-risk offenders without putting the public at undue risk. Thus, allowing for longer sentences for higher-risk offenders can be expected to go some way towards increasing public safety by keeping the high-risk offenders locked up longer, but it will also increase incarceration rates unless we give shorter or non-incarceral sentences to lower-risk offenders.

The second main issue I'd like to address pertains to whether treatment reduces the recidivism of offenders against children. First, we might ask whether child molesters have a mental disorder that requires treatment. As Dr. Collins has stated, yes, many child molesters do suffer from a mental disorder called pedophilia. A few also, or instead, exhibit sadism. Many others also, or instead, have a personality disorder, about which there is more disagreement, about whether or not these should be considered true mental disorders. All of these, especially pedophilia and personality disorder, are known to increase the risk of recidivism among sex offenders.

However, it is important to note that especially with regard to pedophilia, we don't know how many men—pedophiles, like all sex offenders, are almost exclusively men—have pedophilic interests but have never committed an act of child molesting.

The other thing we don't know much about is the ideology or origins of pedophilia. However, many experts nowadays believe its causes are largely prenatal and not primarily due to childhood experiences such as being the victim of child molesting oneself or exposure to pornography, although it may be that these experiences, that is, being victimized oneself or being exposed to pornography, play a small part. They may play a larger part in turning a pedophile into a child molester. That is, pedophiles who have been victimized themselves or who have been exposed to pornography may come to believe that such behaviour is normative, but we don't yet have much empirical evidence about this.

Well, can child molesters be treated? My colleagues and I at Penetanguishene have conducted our own studies and also reviewed the literature on this topic in some depth. Our work leads us to the pessimistic conclusion that there is no evidence that any treatments reduce recidivism of sex offenders. Other researchers believe the evidence supports the view that there is a modest effect of treatment in reducing recidivism, but there's general agreement that if there is an effect of treatment, it's small and cannot turn a high-risk sex offender into a low-risk offender.

So there you see the take-away messages in box 6 of the handout. Risk of serious recidivism by sex offenders over the long term is substantial. Actuarial measures of risk such as the sex offender risk appraisal guide or instruments developed by my colleague Dr. Hanson should inform sentencing decisions. If treatment reduces risk at all, the effect is small. We researchers must continue our efforts to develop new and effective treatments.

Before I finish, there's one more question Diane Diotte sent us I'd like to address. She asked us whether child pornography should be banned because it is used to groom children or show them sexual

relationships with older people are normal. Although we have never made a formal study of this, I can say that in the 30 years my colleagues and I have assessed sex offenders—and we have seen hundreds—we have not seen more than a handful who have used child pornography in this way. As Dr. Collins said, more offenders have used adult pornography to groom children.

And that's all, I think, I can say on the basis of my expertise that's relevant to Bill C-2.

I thank you for your time.

•(1045)

The Chair: Thank you very much, Dr. Rice.

Now Dr. Hanson.

Mr. Karl Hanson (Senior Research Officer, Corrections Research Division, Department of Public Safety and Emergency Preparedness): Thanks for inviting me here.

I'll present in English.

[*Translation*]

However, I can answer in French any question I am asked in that language.

[*English*]

I'm here at your invitation to provide information about sex offenders and specifically child molesters. I'll be presenting what I consider to be some well-established observations that research has shown about child molesters. I hope these are useful in your deliberations on the bill before you.

A child molester is somebody who has committed a sexual offence against a child, including pornography-type offences. This is different from pedophilia. Pedophilia is a disorder that involves an enduring sexual interest in children. All of the men who have committed sexual acts against children are sexual deviants, but not all indulge in such acts as a matter of preference. There is a portion who do, probably about half. Others do it for other reasons.

Which features occur more often in child molesters than in other groups? What do these child molesters look like? First thing, they're men. It's been said before. They almost all come from negative family backgrounds, meaning that they have suffered some form of abuse. Quite a few have experienced sexual abuse—about 30%. But nearly all can point to some form of negative maltreatment.

They also show intimacy deficits, meaning that they tend to have poor relationships with other adults. They tend to be rather fond of their relationships with children. They tend to over-identify and be very emotionally close to children. That's a characteristic of child molesters you see fairly often.

Many have a sexual interest in children and have attitudes condoning this behaviour. Many believe that the North American Man/Boy Love Association, for example, is an acceptable social organization, and that we should lobby to lower the age-of-consent laws even further.

These are the established characteristics of child molesters. Among identified child molesters, how many of them go on to commit a new offence? What are the reconviction rates, or the recidivism rates?

What you see with all sex offenders is that after about five years between 10% and 15% are reconvicted for a new sex offence. If you wait longer, the rates go up. So if you wait for 15 or 20 years, the rates go up to 24%.

Rapists are similar to other child molesters. But within the child molesters there are substantial differences. Incest offenders, for example, have lower recidivism rates than those who choose boys, particularly extra-familial boys. You end up with long-term reconviction rates of somewhere around 35%. We know that not all sex offences are found out, so these are very conservative estimates. The overall, long-term recidivism rates are probably between 35% and 50%.

I'm reasonably confident about these numbers, because they're based on large, diverse samples. They're not quite random samples, but they're very representative of the samples you have in Canada at both the provincial and the federal level. They're reasonably unselective.

There is an interesting study by Seto and Eke in which they look at child pornography offenders and their recidivism rates. You find that approximately 5% commit new sex offences.

• (1050)

Not all sex offenders are equally likely to reoffend. The major predictors of reoffence are sexual deviancy—so offenders who have deviant sexual preferences and activities—and an anti-social or criminal orientation.

For sexual deviancy, there are two factors. One is what they're interested in doing. Are they interested in children specifically? And the other dimension is something called sexual preoccupation—how much time they spend thinking about sex, period, how many sexual partners they have—and this is the factor that is most closely linked to pornography. A lot of sexual preoccupation is expressed in pornography use, and one indicator of sexual preoccupation, for example, would be a large pornography collection. So that's where it links into the recidivism potential as a risk factor. It's the sexual preoccupation, and pornography is one way of maintaining or developing that type of attraction. But you're not going to commit a sexual offence unless you also have an anti-social orientation and you're willing to break the rules in order to go ahead and do this.

The recidivism rates vary—this is the next slide we talked to you about. In this case I used one of my scales. The low-risk groups have fairly low recidivism rates, approximately 10% after 15 years. Now, any recidivism isn't good. Ideally, it would be zero, but we haven't gotten to that point in our technology. But we're clearly able to identify groups that are substantially more likely than not to reoffend and those that are less likely to reoffend.

The next question I'll address is whether treatment is likely to reduce the recidivism rate of sex offenders. And there have been, I think, three reasonably good reviews of this topic—one by Gallagher and colleagues, one by me with another committee, and a more recent one by Losel and Schmucker—looking at large numbers of studies. And all of these reviews have concluded that those offenders who attend treatment have lower recidivism rates than those who don't. The number of types of effective treatment is not large. You'll see it in the next slide. We find reductions in sexual recidivism from somewhere from 17% to 10% after a four- or five-year follow-up, and you also find reductions in general recidivism from approximately 50% to 30%.

The next question I'll address is whether sentence length influences sexual recidivism rates. This is a question of specific deterrents. If you give longer sentences to offenders, do you end up with lower recidivism rates than if you give shorter sentences?

I identified seven studies that addressed this question, which looked at the sentence length given to a group of approximately 3,000, in aggregate, sex offenders. And what you find is that there's no difference in the recidivism rate based on sentence length. The sentence length varied from a few months to about seven years. A few would be a bit longer. Now, very long sentences, 20-year sentences, will clearly reduce the rates, but there are few of those sorts of cases in these samples. You also have aging effects you have to worry about at that point as well.

Are sex offenders different in this way of not being susceptible to specific deterrents? Well, no. For general offenders, you also find that the normal variation in sentence length does not influence recidivism rates. So if you give somebody a six-month sentence versus a two-year versus a four-year sentence, there's very little difference in whether they go on to commit a crime. This is consistent with a lot of psychological literature on the effectiveness of punishment. For punishment to be effective, it needs to be certain, swift, and painful. If you look at the functioning of our criminal justice system, the punishment is anything but swift, certain, and—you can argue about it—painful.

• (1055)

In conclusion, most child molesters are never reconvicted for another sex offence. Some child molesters are at much higher risk to reoffend, while others are at lower risk. The recidivism rate of offenders specifically involved in child pornography is similar to that of other sex offenders. Child molesters who attend treatment are less likely to reoffend than those who don't. The variability in sentence length has little influence on recidivism rates.

I'll stop there.

The Chair: Thank you very much, Dr. Hanson, and all the witnesses.

We'll now go to the questions, starting with Mr. Warawa.

Mr. Mark Warawa (Langley, CPC): Thank you, Mr. Chairman.

Thank you to the witnesses for being here today. It has been very informative. I'll keep my comments short so that we can have adequate time for your responses.

My questions focus on sentencing and the courts in considering appropriate sentencing. In my experience in dealing with corrections and sentencing, it's not necessarily punishment, but it's managing that individual, considering keeping our communities safe.

In the risk assessment, have you experienced the courts considering the risk assessment that you had, Dr. Rice? Depending on the profile of the person, the risk could be high or low. Do the courts consider that when they sentence?

Dr. Marnie Rice: Yes, they do, in many cases. There are still some cases where that's not considered. In Canada, now, there is some risk assessment, either this one that I've mentioned or others that have been developed by Dr. Hanson and colleagues. Yes, they are considered now in most cases in Canada.

• (1100)

Mr. Karl Hanson: May I respond as well?

Mr. Mark Warawa: Yes.

Mr. Karl Hanson: There are certain elements of legislation where risk assessment is required as part of the determination—the dangerous offender, the long-term supervision, as well as the conditional sentence, where risk assessment is an explicit part of the reasons for sentencing.

There are other elements or other circumstances where risk assessment or the prediction of future behaviour is a minor part of the reasons for sentencing, and public denunciation, for example, is a major reason.

So in terms of training of judges, or the influence of judges—and both Marnie and I just came back from a judge school, where we're training judges on risk assessment—there are certain times when it's very appropriate for judges to do risk assessment and incorporate that into their sentencing, whereas other times it's not part of their mandate, essentially, and it would be less likely to be involved in that. There's more of a specific denunciation or general deterrence.

Mr. Mark Warawa: Thank you.

Dr. Hanson, I have a question for you. In your conclusions you said that most child molesters are never reconvicted of another sex offence. Yet we've heard evidence that it's very likely that they will reoffend. Maybe you could clarify that.

Mr. Karl Hanson: Are you responding specifically to Dr. Langevin's study?

Mr. Mark Warawa: Yes.

Mr. Karl Hanson: I was a project manager of Dr. Langevin's study, and I decided not to publish it because he had a really peculiar way of using the records.

He took only records of people who had active criminal records. In criminal histories, if you go to the RCMP records, if you commit an offence it goes in, but it doesn't stay forever. They have a purge policy, and these purge policies vary at different years. Basically, in 1993, for example, the purge policy was that if a record had been inactive for 15 years, it was kicked out. So the only people who Ron was able to follow, so to speak, were people who were active. So he found almost 100% recidivism rates, because those are the only people who have active criminal records.

If you actually consider those missing records as inactive, his recidivism rates are exactly the same as mine. You end up with about a 35% rate after a 20-year follow-up.

Mr. Mark Warawa: My final question is in regard to conditional sentencing. Considering the risk assessment of the individual, are you suggesting that in some cases conditional sentences would be adequate for the protection of the community, and in some they wouldn't? Is that what you're saying?

My concern is that we have not only the protection of our communities, but also the emotional impact and possible revictimization emotionally of a victim. In my community we had a young man who, in his early twenties, molested two young girls. They live on each side of him, and he has conditional sentences. So those families live in fear of a possible reoffence. We don't want to build a policy based on one example, but in that example, it places those families in emotional trauma.

Should conditional sentences be used? We've heard from the police before you that there were concerns about the very liberal use of conditional sentences with pedophiles. Could you comment on that, please?

Dr. Marnie Rice: I'll go first.

I certainly understand the point of view of the police. In fact, I heard on the news last night that the State of Florida has now made it a mandatory 25-year minimum sentence for offenders against children under the age of 12. But I don't think we want to follow the model of the United States.

I think these risk assessment tools can really help us to identify those offenders for whom longer sentences and carceral sentences are indicated, but at the same time, there are offenders whose risk is low. Although in many cases I would agree that conditional sentences are too lenient on some offenders, there are also cases where they are appropriate.

Based on my research, I think we wouldn't want to disallow conditional sentences for low-risk sex offenders.

• (1105)

The Chair: Thank you, Mr. Warawa.

Monsieur Marceau.

Mr. Richard Marceau: When would there be cases where conditional sentences would be appropriate?

Dr. Marnie Rice: It would be for cases where the risk is low. For example, in the handout that I gave you, for those offenders in the lowest-risk category whose risk was category one, their risk of recidivism for committing any kind of hands-on sexual offence or any violent offence is under 10% in a 10-year follow-up. Of course, that's not going to be low enough to satisfy everybody, but it's certainly low enough that I think a conditional sentence would be indicated in such cases.

[Translation]

Mr. Richard Marceau: You say he would have no contact with children. I have a problem with that, and I'm telling you quite clearly. It seems to me that the mere fact that there's a demand for child pornography means that there are children being abused, tortured and raped, among other things, just to satisfy that demand. Even if the person isn't a repeat offender in the sense that he's going to go out and find a little boy to rape, the mere fact that he is using pornography means that a child is going to be abused in the taking of photos to satisfy that person. And if it's not in Canada, it will be somewhere else. I am pleased to see Mr. Collins nodding. There is a danger.

[English]

Dr. Marnie Rice: Yes, there is, but you have to realize that the figure I've shown here isn't for pornography offenders at all. This is only for offenders who have already committed hands-on sexual offences.

In regard to pornography, I think that Dr. Collins might like to comment.

[Translation]

Mr. Richard Marceau: Professor Collins, I do not know much about psychology or psychiatry. So I will try to do this as simply as possible. You said earlier:

[English]

“Those people are treatable, but not curable”.

[Translation]

I want to know how it works. If a person is naturally attracted to... let me make an analogy, and if it is wrong, please tell me. I am a 34-year-old man who likes women and I am supposed to get treatment. Is that at all possible? If I am naturally attracted to women, can that be changed? When you say...

[English]

“It's treatable, but not curable”.

[Translation]

what exactly does that mean? Does it mean that a person will always be attracted to some types of people, but that this person will not surf porn sites anymore and will not try to have sex with young boys or girls? What does it mean?

[English]

Dr. Peter Collins: It's an excellent question. I'll use an example similar to what you've done in this analogy. I'm going to ask you what community you are from. What riding do you represent?

Mr. Richard Marceau: Quebec City.

Dr. Peter Collins: Okay, let's say that it's decided that no one in Quebec City is allowed to be attracted to age-appropriate adult females any longer. As a matter of fact, we don't even want you to fantasize about adult females. But you can come to see me once a week, we'll talk about it, and I may give you some medication. Now, that may treat you and may stop you from acting out, but is that going to stop your inherent fantasies about adult females?

Mr. Richard Marceau: No.

Dr. Peter Collins: No, of course not.

It's the same analogy with pedophiles. We can treat them. We can help them, provide them with strategies not to reoffend, but we can't cure them, because, as Dr. Rice has stated, we're probably dealing with a template that's there. This is a deeply ingrained erotic preference that we cannot change. The same way that I can't change a normative homosexual or a normative heterosexual to having another sexual preference, I can't change a pedophile, but there are various methods of treatment.

Like anything else in medicine, conditions come mild, moderate, and severe. There are going to be some sex offenders out there, including pornography offenders, who are always going to reoffend. The problem when it comes to child pornography—I agree with you—is that they, even by merely looking at it.... And I've had cases I've been consulted on where even colleagues of mine or probation officers or crowns have said it's a victimless crime, it's only a picture. As we've already stated and you've already heard, it's a permanent depiction of victimization.

When it comes to the conditional sentences, if I could just segue into that, certainly again in the pedophilic subculture, the fact that they're only going to get a slap on the wrist for some is laughable, and for others it's not. So it's a case-by-case basis.

You're also dealing with people who are arrested later on in life. The average age of the child pornography offender is older on average than most offenders, and some of them, given their socio-economic status, have never been in trouble with the law before. So the mere sting of arrest perhaps could be a deterrent. But the frightening thing is, as Inspector Howe has also said, in my career I'm seeing people who have been arrested the second, third, and even fourth time. So they know they're not going to get much, and they can start again, and it's so easy for them to get their collection up again.

• (1110)

The Chair: Merci, Monsieur Marceau.

Mr. Comartin.

Mr. Joe Comartin: Thank you, Mr. Chair.

Thank you all for being here.

Dr. Rice, Dr. Hanson, I'm not clear, and I may have missed Dr. Rice when you were doing it. I looked at your stats in table 2 and those of Dr. Hanson on page 5. I get the sense you actually are agreeing with each other, but I don't understand how, when I look at those recidivism rates.

Dr. Marnie Rice: We do disagree with one another. However, I think we can come some ways to a middle ground here. The recidivism rates that you're seeing in my figure are not just sex offences that you can tell from the criminal record. They are all hands-on offences.

Mr. Joe Comartin: Let me stop you there.

Do you agree with that, Dr. Hanson?

Mr. Karl Hanson: I'm familiar with where her figures come from. Do you want me to comment on her figures?

Mr. Joe Comartin: I want to know if you agree that the significant difference is that you've only compared—

Mr. Karl Hanson: There are two differences: one, she's including a wider range of offences; also, the populations are quite different.

The specific populations are drawn from the regional treatment centres and CSC, which have the mandate to select the higher-risk sex offenders—they have treatment programs of questionable effectiveness—and from Penetang, which is the secure centre for the mentally disordered. This is not at all representative of the whole population of sex offenders.

Yes, it's possible—and I agree with you—to identify groups with very high rates of serious recidivism, and that's there, but I don't think it's representative of all sex offenders.

Mr. Joe Comartin: I just want to jump—because in fact it's being considered, I think, in a couple of courts in Ontario right now—to the issue of indeterminate sentences. For this category, you would tend to say they should get indeterminate sentences. So you would actually go along with the Florida number?

Dr. Marnie Rice: No, I wouldn't, because those are mandatory minimum sentences. What I'd say is that some of these offenders are still relatively low risk.

I would like to correct Dr. Hanson a little bit and note that about a quarter of the sample were offenders who had not received federal sentences. These were provincial offenders, some of whom had never spent any time in prison. Their rates of recidivism were somewhat lower, but not a huge amount lower than the other offenders. The other difference between this sample and Dr. Hanson's is that this includes the wider range of offences.

What we know is that a lot of men who commit a sex offence and are apprehended for a sex offence don't end up being convicted for something that you can tell is sexual from the criminal record, because of plea-bargaining, or because the offence itself is kidnapping or murder. Those wouldn't count as sex offences if we were only counting something that we could be sure was sexual from the criminal record.

So I think you have to think the conclusion is somewhere between the figures that Dr. Hanson presents and mine. But where we agree is that no matter how you define it, there are some offenders who are low-risk and other offenders who are high-risk. We want to save the long and indeterminate sentences for the higher-risk offenders.

● (1115)

Mr. Joe Comartin: I want to ask all three of you, perhaps starting with you, Dr. Collins.... We've had an ongoing debate on this committee, not on this bill alone, but on a number of others, about

minimum mandatory sentences. I think you've all indicated today that in the low categories—this is table 4 of Dr. Rice's presentation—you would not see minimum mandatory sentences as being appropriate. I'm asking you, because I think you've been the one who might lean that way.

Dr. Peter Collins: I actually feel there should be some type of clear penalty, and a minimum.

Mr. Joe Comartin: Which would be...?

Dr. Peter Collins: I'm not an expert in sentencing, and I didn't get a chance to address it in my report, but I said that some pedophiles regard penalties for possession of child pornography as extremely light compared, let's say, to the United States.

Harsher penalties may serve as a general deterrence, but a specific deterrence is going to have to be on a case-by-case basis. But if you have some type of—

Mr. Joe Comartin: But you say, Dr. Collins, that if you're going to judge it on a case-by-case basis, you can't have minimum sentences.

Dr. Peter Collins: Well, you can in the sense that a minimum is the minimum. You can only go up from there.

Mr. Joe Comartin: But you don't have a minimum yourself.

Dr. Peter Collins: I can't give you a figure, but I think it would be helpful to....

Now I'm taking off my psychiatry hat and putting on my law enforcement hat, because that's where I spend 95% of my time.

Mr. Joe Comartin: Put your psychiatry hat back on and answer this for me. There's a point that you made when you used the example of the person who had been convicted three and four times, and drew a conclusion we should have minimum sentences. Could you not also, more logically, draw the conclusion that they are incapable of being influenced by minimum sentences or by any penalty, that they are in effect compelled—and I think Dr. Rice made this point—almost genetically, to view pornography?

Dr. Peter Collins: Some of them are, and that's where you have to do a threat assessment.

Mr. Joe Comartin: And in individual cases, minimum sentences don't do any good?

Dr. Peter Collins: No, but that's when you're going to raise the bar, and give them more.

Perhaps, as I said before, you're looking at general deterrence, and then you're looking at specific deterrence. For those individuals who are on their third time around, it may or may not serve as a specific deterrence. But you're going to have a better chance if they know next time they're going to get penitentiary time, as opposed to three months or house arrest or what have you. But there has to be a threat assessment, I agree with that.

I'll give you an example. In our section, the behavioural sciences section in the provincial police, we have seven officers who do risk assessments using some of the tools that have been developed by Dr. Hanson and Dr. Rice. So even at the policing level, we recognize the value of a threat assessment.

But the reality is that when it comes to child pornography—less so for other sex offences against children, the contact offences—the pendulum has swung so far over to the side, where they're not getting much time. I also treat these folks. That's where I can put my psychiatry hat on again. I have a treatment group, which I meet with once a week as a co-therapist. It's known among these people that they're not going to be penalized for doing this.

The biggest penalty is that they're going to lose their collection.

Mr. Joe Comartin: Mr. Chair, I can't be out of time.

The Chair: You've served your maximum time.

Mr. Joe Comartin: I've got some really good questions left.

Dr. Peter Collins: We'll chat later.

The Chair: Ms. Neville.

Ms. Anita Neville: Thank you, and thank you all for being here.

My questions are along the lines of Mr. Comartin's.

I'm wondering, both Dr. Rice and Dr. Hanson, are the assessment tools that you use to determine risk similar, and can you tell us a little bit about them?

Like Mr. Comartin, I was having some difficulty following you in terms of where you would take those assessment tools as it relates to sentencing. I'd like to hear you speak to those as well, although we got a little bit of clarification in the exchange we just had.

Dr. Marnie Rice: Okay. Thank you. That's a good question.

The tool that we have developed, the sex offender risk appraisal guide, is, as I mentioned, designed to predict who's going to commit another violent offence. That includes hands-on sexual offences, plus any other violent offence in a 10-year follow-up time. It includes 14 items. The items that are in the SORAG are things that are somewhat difficult to obtain sometimes, so they require a fairly lengthy assessment to gather the data. They include things such as whether the person has deviant sexual preferences. So we have to test them in our laboratory and see whether they exhibit deviant preferences. It includes a score on something called the psychopathy checklist, which is again itself a 20-item checklist that has to be scored by a psychologist or a qualified person. It also includes things having to do with their criminal history, their childhood history, their psychiatric history. So then you just score them on each of these items, total it up, and you get a total score that leads to recidivism.

The instruments Dr. Hanson has developed are much simpler to score, so they don't require as much training. However, I think that

our instruments, because they are more difficult to score and include more items, are more accurate, at least in the prediction of violent offences for sex offenders. They can be used, I think, more in sentencing than they have been to date, although they are more and more used. I think that they definitely should play a large role in making sentencing decisions, because we have to try to give our spots in prison, which are limited, to those who most need them, so those are the higher-risk offenders. I do believe that we can make more use of these instruments in sentencing.

● (1120)

Ms. Anita Neville: Dr. Hanson.

Mr. Karl Hanson: I believe the decision about making risk determinations in sentencing is a judicial decision. It's not a researcher decision. There are specific areas I mentioned earlier in legislation where risk assessment is part of the legislation, and this has been included.

What I would say is that in the situations where a risk is part of the sentencing decision—and I'm saying that's not all the cases—I would recommend the use of these types of instruments as an important element in those assessments.

Ms. Anita Neville: One of you mentioned in your opening remarks that you were both recently involved in a—

Mr. Karl Hanson: Judge school, yes.

Ms. Anita Neville: —judge school. I wonder if you can tell us a little more, in terms of the nature of that and the receptivity of what you....

Mr. Karl Hanson: Yes, it's the National Judicial Institute, based here in Ottawa. They hold trainings on various topics a couple times a year. About a quarter to a third of judges, both federal and provincial, attend. Judges come from all sorts of different backgrounds, so they do require training. They may be a specialist in child custody but know nothing about civil litigation. So there are cross-references.

We've done a specific one on risk assessment and we've done an update on this in the context of criminal law. The judges aren't in a position to evaluate the risk assessments that they're given. It takes a certain training to do this. So I think that as courts become more familiar with these instruments, they'll become more used, but at this point there's still a lot of debate and uncertainty about how to conduct a risk assessment in the context of a sentencing hearing. There's training being developed, and some judges have educated themselves in that, but I think there's still quite a bit of work to do in that regard.

Ms. Anita Neville: Thank you.

The Chair: Thank you.

Now, to Mr. Breitzkreuz.

Mr. Garry Breitzkreuz (Yorkton—Melville, CPC): Thank you very much.

I appreciate your testimony before the committee. It's thought-provoking, to say the least.

I want to come back to Mr. Collins at the end of my round of questioning here because I would like to know if you can summarize some of the points you were not able to have time to make. So if you can prepare yourself for that.... You were cut off, and yet I think you had some very good points and I'd like to just give you a chance to do that.

I looked at Mr. Hanson's testimony. There's one aim we have here before the committee, and that's the protection of society. We often wonder if there are ways to prevent some of these crimes or predict who might offend. You mentioned that almost all come from negative family backgrounds, but you did not describe that. Could you briefly outline what you mean by that phrase? And maybe somebody else on the committee might have something to add to that.

• (1125)

Mr. Karl Hanson: Yes. With negative family backgrounds, you're looking at specific characteristics such as physical abuse—of a certain level, not just being slapped because you broke something. Sexual abuse is present, again, in about 30% of cases. Neglect is one of the biggest predictors of delinquency, period, and for becoming sexually delinquent as well.

You often find a lot of parental separation. One of the items that predicts becoming a sex offender and a certain amount of recidivism is separation from parents prior to the age of 16. It's a SORAG item included in the risk scales. So if you have a stable family background where kids are given support and guidance and nurturance, you don't get a big pool of sex offenders coming from those situations. You don't get big pools of offenders, period, coming from that sort of group. Now, whether they become sex offenders or not is another question, but from that pool you get a lot of delinquent and criminal behaviour.

Dr. Peter Collins: The problem is—and I think Dr. Hanson may agree with me—that his study is dealing with sex offenders in general. Because we don't really know enough about child pornographers as a specific group, we may be dealing with a different type of sex offender who doesn't share the characteristics

that Dr. Rice and Dr. Hanson have studied, and that I have been learned about as a student of theirs.

I'll preface my comments by saying that before the Internet it was exceedingly hard to get child pornography. It was expensive. It took some effort. The Internet has allowed affordability, accessibility, and anonymity, when it comes to child pornography. We are now perhaps seeing a group of offenders who would not have come to light before.

I'm struggling with this. I don't know whether we're dealing with latent pedophiles—I hate that term “latent”—but with some of these shared characteristics, a good proportion of them don't have the same background of deprivation, if you look at them, that Dr. Hanson has described.

Mr. Garry Breitzkreuz: That's interesting.

Dr. Marnie Rice: May I just say something there, too? I think Dr. Collins is right. We're just beginning to do good research on pornography offenders, so we can't say very much about them yet.

However, it's also important to realize that although a lot of sex offenders do come from these deprived backgrounds, that's not to say that it's the deprived background that causes their sex offending. What you also have to remember is that offenders who come from deprived backgrounds tend to have anti-social parents. It may be that it's the anti-social genes that are really the cause of the offending behaviour of the children, rather than the fact that they're just brought up in deprived backgrounds. So it's a complicated picture.

Mr. Garry Breitzkreuz: Thank you.

I have too many questions here.

Dr. Hanson, at the end of your presentation you conclude that most child molesters are never reconvicted for another sexual offence. Now, that seems to contradict what some of the others are saying: that these people are never cured, and they're always a risk to society. Why are they not reconvicted? There seems to be a disconnect here. Can't we catch them? What's the problem?

I'd like all of you to comment on that. There seems to be a real contradiction here, because in the next sentence you say that some molesters are at high risk to reoffend, but then you say they're never reconvicted. Why is that?

Mr. Karl Hanson: Some are high risk and some are low risk, but if you actually do the research, I think it's incontrovertible. You can't really argue the fact that most aren't reconvicted. If you do the very long studies—I've done them, and others have done them—the sole exception is Langevin's, but I've talked to you about why I think that study is of dubious scientific merit.

Empirically, most aren't reconvicted, so that's just what we find. You know, maybe if we had really good searching we could find more, and you may be able to push it up. My view is that we catch about 35% for new sex offences if we follow them for a long period of time.

Now, we don't catch them all, so I think the rates are higher, but I don't think the rates are 100%. You have to make an important distinction—which I said at the very start of my presentation—between a child molester and pedophile. Most child molesters aren't pedophiles. Most people who become sexually involved with children do it for a variety of reasons other than a preference for or an enduring interest in children.

There are some individuals who are pedophiles, and this is more difficult, based on the evidence that we're all presenting. The problem is more enduring, and I give the example of changing your sexual preference from homosexual to heterosexual or whatever. Those are the individuals we're talking about, but they're not all child molesters.

For a lot of child molesters, it was an occasion when they felt like they were having an affair with somebody who was sexually developed, but the person was young, and they probably knew it was wrong; they didn't want to do it, but they were drunk at the time—and there's a whole series of other factors that can go into that.

So I think there's a mistake we commonly make in thinking that all child molesters are pedophiles, and all pedophiles are an indefinite risk.

• (1130)

Mr. Garry Breitzkreuz: Does anybody else have comments?

Dr. Marnie Rice: I just want to say that I think Dr. Hanson and I disagree about these rates of recidivism. When he says that fewer than half are convicted of a new sexual offence, I believe the data support what he says, but part of the reason for that is that some of these people are in prison for committing a violent offence, so they're not out in the community at risk to commit another sexual offence. Some of them have died, so again they're not really successful; it's just that they're not out there at risk to commit a new sexual offence.

When we look, however, at rates of serious recidivism or violent recidivism, we see that some of them are very high.

On the other hand, where we both agree is that there are some low-risk offenders as well.

The Chair: Dr. Collins.

Dr. Peter Collins: It's important to study recidivism rates, but as I stated in my report, recidivism rates are misleading. They're an underestimate of the actual rates due to under-reporting. I always state that someone who is truly a pedophile is always going to be a greater risk to children than the non-pedophilic rest of the population. And we still don't know about that population of child pornographers. That's a group that still has to be studied.

The Chair: Thank you.

[Translation]

Mr. Ménard.

Mr. Serge Ménard: I have three brief questions and one long one. I hope to get to that one because it is the most important one.

First, could you send us documents on the risk assessment tools you have at your disposal so we can see what they involve?

Second, can you tell us what type of training a person who does the assessments gets?

Mr. Karl Hanson: I have with me two examples of the tools we have. I will give them to you after the meeting.

Mr. Joe Comartin: We would like each committee member to get a copy.

Mr. Karl Hanson: Each committee member wants a copy of all my tools?

Mr. Serge Ménard: We are all interested.

Mr. Karl Hanson: I think Dr. Rice feels the same way.

In order to use my tools, evaluators should have received basic training in risk evaluation. For instance, a probation officer can get this training. To use more complex tools, you need professional training in psychology or psychiatry, for instance.

Mr. Serge Ménard: Fine. Would you put a professor who falls in love with one of his students into the same category as a child molester? Under the law, he would be.

Mr. Karl Hanson: Yes. Generally speaking, the figures are based on the definitions contained in the legislation.

Mr. Serge Ménard: Would you include a professor who is seduced by a young girl, as in the movie *Lolita*, which, I might add, seemed a lot more credible to me than any Schwarzenegger film I have ever seen? It is the story of a professor who is seduced by a student.

Mr. Karl Hanson: As far as I am concerned, there is a big difference between the point of view of a child molester and that of his victim. Child molesters believe it is all about humour and friendship. But victims feel that what happened was more sordid, especially when they look back on it many years later.

Mr. Serge Ménard: I will now put my more difficult question to you. Based on everyone's testimony, a pedophile is born like that and cannot help himself, just like we cannot control our attraction for the opposite sex. You are aware of the issues this raises when it comes to punishment, aren't you? Did I hear you say that pedophiles are not responsible for their pedophilia? All we can hope for is that they do not act on their impulses, just as I would have to resist if I decided to become a priest. In fact, at one point I thought about it, but then I changed my mind.

• (1135)

[English]

Dr. Peter Collins: Perhaps a priest is not a good example.

It's interesting, because you've commented on a couple of things that pedophiles will tell you as well, and this is part of the cognitive distortions or rationalizations and justifications that they have for their acting out. They know it's wrong legally, but many of them truly believe sex with children is justified, and cognitive distortions—these justifications and rationalizations they have for their behaviour—become offence-facilitating.

There's a difference between having a condition and the responsibility for having that condition. The responsibility is that it's illegal and they know it. The interesting comment about *Lolita* is that *Lolita*, within the pedophilic subculture, is a trigger word to justify, again, that kids can be seductive. Again, it's externalizing the blame.

The Chair: Dr. Hanson.

[Translation]

Mr. Karl Hanson: I believe there is a big difference between an attraction and acting on it. Many men are attracted to young girls, or to the young models you see in advertisements, but it is quite a different thing to believe that acting on that attraction is reasonable, that it really is love, that such behaviour is not wrong.

[English]

The Chair: Merci, Monsieur Ménard.

Mr. Maloney.

Mr. John Maloney: We've heard this morning of different penalties between Canada and the United States, the United States being harsher. Is there a correlation between offences and offending? Are there fewer offences per capita in the United States than there are in Canada, and would a mandatory minimum sentence deter offending in Canada, in your opinion?

Mr. Karl Hanson: The best source of information on the sex offending incidence rates come from victimization surveys. These are surveys of either children or adults, asking whether you've been a victim of a sexual offence during a particular period of time last year, ever.

According to those rates, what we find is that the rates in Canada and the United States are very similar. The rates in the United States are higher on the west coast than on the east coast. In Canada, that's also true: they're higher in Vancouver than they are in St. John's.

There seems to be very little relationship with the existing legislation in terms of the exact punishments, as far as I can tell. There has also been a decline since 1993 in the reported crimes of child sexual abuse in the United States and in Canada, which has gone down about 30% since 1993 after a big increase from the early 1980s. We're still debating what that is, whether it's a real effect or whether it's a reporting effect, but most of the commentators now do believe there has been a general "nicening" of society, where you see a general reduction in violent crime in Canada and the United States, which is roughly parallel to each other.

Mr. John Maloney: How do you describe or analyze why the west coasts are different from the east coasts in the respective countries?

• (1140)

Mr. Karl Hanson: Why the west coast versus the east coast? The theory that I find most plausible has to do with society's stability, and what you find is that the west coast has many more people who've recently moved there, essentially. You generally find that in jurisdictions where people have lived there, their parents have lived there, and their grandparents have lived there, crime rates are lower and social cohesion is higher.

So you also find very high crime rates in Miami, for example, even though it's the east coast, because there's a lot of movement, there are a lot of people in and out of it. In those situations, you find higher rates. But it's one of those curiosities that researchers really don't know why, specifically, sexual abuse is higher on the west coast than on the east coast.

Mr. John Maloney: But in summary, the offending rates between the two countries are similar.

Mr. Karl Hanson: They're roughly equivalent.

Mr. John Maloney: The harsher sentences in the United States don't necessarily have an impact of what mandatory minimum sentences here—

Mr. Karl Hanson: No researcher has documented that.

Mr. John Maloney: I see.

Go ahead.

The Chair: Dr. Collins.

Dr. Peter Collins: If I may make a comment, I agree with Dr. Hanson. If you look at some of the work in Canada and the work of David Finklehor in the States, the rate of contact offences is going down, but child pornography rates are going up.

Mr. John Maloney: I was also perplexed over the recidivism rates between Ms. Rice and Mr. Hanson, but the common factor is that recidivism rates increase with passing years. Should we be looking at an expanded long-term or permanent long-term supervision, although not necessarily incarceration? Should we be watching these offenders throughout the balance of their lives in the community?

Dr. Marnie Rice: Again, we don't have much evidence that it actually does something to reduce recidivism. However, I don't think we've done good research on this yet, and I think it's entirely appropriate that we should look at stronger community sentence alternatives.

We could impose certain restrictions, maybe even electronic monitoring in cases. I think we really haven't done enough research on these kinds of conditions.

Mr. John Maloney: Is any research of that nature being anticipated in light of your statistics?

Mr. Karl Hanson: I'm doing one study on community supervision now, but I basically agree with Marnie Rice that we know very little about the effectiveness of community supervision.

I personally believe in it. I think it's something that can and should be used, and we have a number of provisions, like the long-term offender provision, for example, which is essentially designed for the problem you're responding to.

We also have 810 orders, which is the post-sentence supervision that we can use based on risk assessment. That's another category where risk assessments are used routinely by the police for the determination of what to do.

Mr. John Maloney: Dr. Collins, do you have a comment?

Dr. Peter Collins: No, I was just shaking my head because we recognize the value of 810s and 810.1s and 810.2s and the risk assessment that goes along with them. Certainly in the behavioural sciences section, our officers are engaged in that.

The Chair: Thank you, Mr. Maloney.

Mr. Comartin.

Mr. Joe Comartin: I have a question to all of you, but particularly, Dr. Collins, to you, on the point that you made in response to Mr. Maloney's question about the incident rate. When Dr. Bala was here from Queen's, he made the point, along the same lines as you have, that it would appear at least that the reported incidents of actual physical contact and crimes appear to be down, but that the rate of child pornography is way up, mostly because of the Internet. Can we draw this conclusion, that in fact child pornography does not lead inevitably to an increase in actual physical contact?

I'm not ignoring the fact that child pornography itself victimizes the children involved in that. But in terms of an increase in crime of physical contact with children in this country, that has not in fact occurred by this explosion of child pornography on the Internet and easy access to it.

Dr. Peter Collins: In a sense, we still don't know the figures, and the early figures do show anywhere from one-third to close to one-half of child pornography collectors are also engaged in victimizing children above and beyond what we've already recognized as the victimization based on the actual production of the child pornography. So it's still early on, and if you look again at the studies done by Hernandez and his group in the States, that may be an underestimation. We may be looking at close to three-quarters of the child pornography collectors are engaged in contact offences.

• (1145)

Mr. Joe Comartin: But the volume that we've had of child pornography on the Internet is about 10 years old now. Would we not have seen a significant increase in the direct crimes against children if it was a significant factor?

Maybe, Dr. Hanson, I should be asking you this, because I think it's more in line with your theory that there is a difference between a chronic pedophile versus the child molester, and that this sexual deviance at one end of the scale—perhaps, Dr. Rice, at the low end of your scale—reflects people who are at that end accessing the Internet for child porn, and it's not going to lead to crimes.

I'm sorry I'm making this really complicated and lengthy, but do you understand what I'm trying to do? I actually want Dr. Hanson to respond.

Mr. Karl Hanson: It raises an interesting sort of natural experiment about whether the proliferation of pornography results in an increase in certain types of crime. I'm very cautious about what we can actually conclude, because there are so many other factors going into the question—the vigilance of the police or prosecution, for example. Nothing in this world seems inevitable in terms of that; the world isn't like that. Rarely is there a single factor that causes anything—whether it's good, whether it promotes.... I think most general psychological theories would state that anything that facilitates thinking about any behaviour is likely going to facilitate acting on it. Think about advertising for chocolate cake.

But in terms of whether we can use the current figures as substantial evidence that the world isn't going to go to hell in a handbasket, I'm....

Mr. Joe Comartin: What explanation do you have, any of you, as to why we haven't seen an increase in rates since the explosion of pornography on the Internet? It's been a huge increase in accessibility. Why have we not seen an increase?

Dr. Marnie Rice: I don't have evidence for this, but I think some pornography users at least are pedophiles; however, they're also not anti-social people, so that although they're viewing the pornography and fantasizing about it, they're well aware of the law, they're well aware of the harm the actual behaviour has on children, and they're not acting on it.

We don't have enough empirical evidence about this, and this is certainly something we need to study more.

Mr. Joe Comartin: But we listened to Inspector Howe when she was here today, and we've constantly heard about the Holly Jones case. I have my own theory about that, in terms of justifying your conduct by pointing at child porn, but I come back: if it was there, if that were such a factor in encouraging people to act out, why have we not seen an increase?

Dr. Marnie Rice: It's very difficult, when you're looking at these rates of crime. One plausible explanation for the general decrease in crime—it isn't just sex offences, but it's all kinds of violent offences that have gone down—is the aging of society. As people get older we have fewer youth, and youth are the ones who commit most of the offences. So it's very difficult to make conclusions on the basis of the data we have so far.

The Chair: Thank you, Mr. Comartin.

Now we go to Mr. Thompson, then to Mr. Macklin to conclude this session.

Mr. Myron Thompson: I won't be long. I was just going to make a couple of comments, and Mr. Macklin can finish it up.

I'd like to say thank you to all of you once again for a fine presentation. I think the committee should be commended; the questioning has been excellent, and I think it's very helpful.

We have to do something in this country; we have to make laws. When we talk about deterring people or preventing things from happening, I've heard a number of times—not just today, but Mr. Hanson, you expounded on it quite firmly—that negative family background is a major player in the cause of crime, and that we need to do something. I believe all political people who are in Parliament should in all legislation, whether it comes from economic legislation, whether it comes from law and order, or social programs—whatever—always analyze the impact it would have on the family, because obviously you're saying, and others have said, that when you have a negative family background it impacts on the nation. I think it's a fair statement.

We should have family as a major concern—the impact it's going to have on the family. I mean, we need to look our drug laws; we need a national strategy, because drugs are destroying families. Alcohol is one of the major drugs, a legal one. It has a major impact on the destruction of many families.

I think if we listen to all the testimony, not only does it apply to this particular legislation but I think it applies overall.

Also, in terms of a deterrent, I heard a comment about Florida—I'm not sure which one of you talked about the penalty of 25 years—but I'm a grandfather, and I know lots of grandparents and lots of parents in Wild Rose, and I know a few victims, and I think if I went back to my riding and said as of tomorrow anyone who offends, sexually abuses, or violently attacks a child will go to jail for 25 years as of today, I'd probably win with the biggest majority I've ever won with.

We always talk about that kind of thing as being “what a shock”, yet we now have a state that says nope, that's the way it's going to be. I would assume that the public we're serving is cheering that decision.

• (1150)

Dr. Marnie Rice: They may be, but they may not be cheering the tax increases that are going to come from these sorts of decisions. All of these things have economic implications too. What Dr. Hanson and I would try to say is that we don't want to be locking up low-risk people who are very unlikely to commit another offence.

Mr. Myron Thompson: Just to intervene, notice I said violent attacks on children—25 years and you're gone is a heck of a good idea. I'm sorry, give me the \$2 billion we spent on gun registry and I'll build more prisons to put the suckers in. We have to get our priorities straight. Are we going to protect the children or are we not? We have to quit messing around about it. I really think we need to start talking about protection, prevention, and real deterrence. I don't think we do that. I hear a lot of fine reports of excellent research and hours and hours of this, but really get down to the meat of it.

I think, Mr. Collins, I want to compliment you, I think you sounded more like a person who's speaking from the heart on the issue rather than from the masses of other things. I have no objections to doing the best job we can to protect our kids; that's first over and above anything, including the protections of freedom of expression.

That's how I feel, and if you want to comment on that, that's fine; if not, I'm sure Mr. Macklin will ease the tension.

The Chair: Thank you.

Mr. Macklin.

Hon. Paul Harold Macklin: Thank you very much.

Any time we go to any sort of study, we're always having to look at the foundation of that study, at what definitions are being used and whether the definitions of recidivism and the groups we're measuring are equal, and it appears to me that we really don't have identical samples that we can look at. We certainly have a mix of results, but I think it represents the way in which recidivism has been defined and what groups you're looking at.

Have you done comparative analysis of any other country in the world that has tried to deal with this issue, where in fact they are having a degree of success that appears to be greater than what we're having here? I'd like to find out where that is and see what we might be doing to follow that concept or program.

Mr. Karl Hanson: I've been involved in a number of international collaborations in looking at the recidivism rates with some major interventions, some that came with a lot of hope and some with less hope. Unfortunately, I can't point you to any society or country at this point that's done a substantially better job. The recidivism rates in England and the various states in the United States look remarkably similar, if you divide it by risk level, essentially.

Good question. We should be looking. There have been some spectacular failures. At this point there's nothing I can really point you to.

• (1155)

Hon. Paul Harold Macklin: Is that right across the board?

Dr. Peter Collins: In regard to child pornography, it's such an international problem that it goes beyond just one nation and the struggles that we're having here today are being echoed throughout the world. It's become not just a national problem, but given the nature of the Internet, an international problem.

Hon. Paul Harold Macklin: I suppose we're not much further ahead in that regard. In terms of going back to the treatment—

The Chair: Excuse me, Mr. Macklin, but for the benefit of members, those are 30-minute bells for votes, so we're going to be interrupted. We'll conclude this session, but it's for our next session that we'll have to discuss that. That's why the bells are ringing: it's 30 minutes.

Hon. Paul Harold Macklin: In terms of medical treatment, there is something I don't believe we've discussed today, and that is whether this is driven in males by a testosterone level as well as a psychological... In other words, are you actually able to physically deal with this? I think in some places castration has been used as a suggested way of dealing with this and other methodologies. Is there really nothing there that is effective when you're dealing with a pedophile, or are you saying that there is something that's effective but in fact you'd never get consent?

Dr. Marnie Rice: We don't even have good evidence, surprising though it may seem, that castration reduces the incidence of violent offending. It probably reduces the rate of sexual offending at least, but doesn't eliminate it; we certainly know of cases of people who have been physically castrated and still go out to commit another sex offence because testosterone is produced at a number of sites in the body. However, once you castrate someone, you then have a very angry person, so they may go out to do some non-sexual but horrible offence. We just don't even have good data that this works, but also, there is a huge issue of consent. And I don't think that any medical person or psychologist would recommend such a procedure.

Dr. Peter Collins: We don't physically castrate, and as Dr. Rice says, even physical castration is not effective. There was a study of physically castrated rapists in Sweden; about 16% went on to commit violent crimes again.

We have chemical castration in our country—it's the most effective method—but even then you just can't give someone an injection and send him away; you have to provide him with relapse prevention treatment, and other forms of verbal treatment as well. But it comes down to whether that person also accepts it. On a continuum, sex offenders can be, pedophiles included, very motivated not to reoffend; others see it as their God-given right, and they will tell me that—that sex with kids is okay—and will not accept chemical castration. And there are medical side effects. Some people who agree to be chemically castrated can't be kept on the medication because the side effects are too harmful to them.

Hon. Paul Harold Macklin: If we go back to some of the earlier commentary about being able to grade types of offender and classify them, have there been any studies as to the quality of that grading, such that we could rely upon it or suggest that the courts could rely upon it as being a valid basis or a valid tool for them to use? Has that been done?

Dr. Marnie Rice: Yes, we've both done lots of research to show that these instruments work; that is, that if you score an offender on these instruments before he's released to the community—and some of them get released even though they might score high on these tools—yes, indeed, they do predict recidivism very well.

Mr. Karl Hanson: The specific issue of what level of accuracy is enough to justify judicial decisions has been debated in Canada a certain amount, but it's been debated a lot in the United States around the use of these instruments, and they have specific rules about the quality of evidence. Basically, the conclusion is that these are substantially better than any other thing we're using for doing risk assessment. Dr. Collins now uses these sorts of instruments in his work because without them he isn't as good.

Are we certain that someone is going to reoffend? No, we can't do that level. Is he more likely than not to reoffend? Yes, we can say

those sorts of things: on the balance of probability, this guy is in the dangerous camp.

It's always a choice—unless the guy is very mentally deranged, which is rare. Sex offending fundamentally is a choice, given certain pressures, and human behaviour is never completely predictable.

● (1200)

The Chair: I think that will have to conclude this session. I thank our witnesses, all three.

Dr. Rice, would you please bring back the message to the Harriers that I'm still an FRB and I will return?

Dr. Marnie Rice: All right. I'll remember.

The Chair: Thank you very much.

Now, committee, we have another session scheduled. We have a vote in 20 minutes—it's a half-hour bell—so we could start our hearing and agree to come back. We'll suspend just for a couple of minutes and ask Mr. Hepworth and Mr. McLeod to join us at the table and we'll start this session before we have to leave.

● (1201)

_____ (Pause) _____

● (1251)

The Chair: We'll commence.

Welcome, Mr. Hepworth and Mr. McLeod. Sorry for that delay and inconvenience. Some of the members are back, and others may come in in the course of the hearing, but unfortunately others have other appointments they were committed to.

We'll proceed with your submissions now, so go ahead.

Mr. David Hepworth (As an Individual): Thank you.

I'd like to thank the committee for inviting us here today.

My name is Dave Hepworth. I'm an ex-member of the RCMP. I retired from the position of assistant lab manager of the Regina lab in April 1997. Two years later I returned to the lab to help process backlogged DNA cases. I spent the next four and a half years searching exhibits for more than 500 DNA cases.

I was present when the bulk of lab reorganization took place. I witnessed the introduction of case receipt and evidence recovery units and I observed DNA case processing develop into an assembly line. Although these changes were designed to increase the efficiency of exhibit handling and sample processing, case productivity did not improve. In fact, exactly the opposite occurred. The gains made in reducing the backlog during 2002 were quickly lost as the backlog escalated. From a scientific perspective, the new assembly line also created some large red flags, a situation that caused us great concern.

Rather than increasing resources, management responded by applying pressure to increase productivity. This led to high levels of employee stress that increased workplace tension. By late summer of 2003, morale was at an all-time low. The case backlog was in excess of 600, and response times were such that Canadians were being put at increased risk. The system was clearly in crisis.

The lab service has a significant impact on our justice system. In fact, it's one of the key elements of our justice system. It's a service far too important to our national security to be in such a state of disrepair. It's also too important to be under the control of a single police agency to the exclusion of all other stakeholders.

Unlike many of my colleagues, I had options. When I was offered an extension of my contract in September 2003, I declined. It should have been easy for me to walk away, but my conscience wouldn't allow me to do that. I felt obligated to attempt change from the outside, so I went to the press in October 2003.

The choice to publicly criticize the RCMP was a difficult one for me. I'd spent my career with them and I'm proud of the organization. Because of their icon status, however, many of us tend to trust their judgment. As a result, I believe we are less likely to hold them to the same level of accountability that other organizations face. In the end, though, they need to be held accountable for this crisis.

Since retirement, I've attempted to educate the general public and lab stakeholders. They need to know how DNA backlogs impact their security. They need to know how DNA can solve crime, how it can prevent crime, and how it can save their tax dollars. They need to know why we must maximize the potential of this science and why we can't afford not to.

To that end, I've engaged the interest of the press whenever possible. I've written to every MP and senator in Canada, every major newspaper in Canada, and every Minister of Justice in the provinces policed by the RCMP. I've discussed this with key stakeholders such as Saskatchewan Justice, the Saskatchewan Association of Chiefs of Police, the mayor of Regina, the provincial coordinators of sexual assault centres in Alberta and Saskatchewan, and other interested parties. I've even discussed it with my MP, Minister Goodale, and Mr. McLeod and I have discussed it with Minister Goodale's staff, as well as with the President of the Treasury Board.

I'm here today because of concerns we both have with respect to the misleading impression left at this committee by the RCMP. On one hand, they claim success with their new model for the delivery of forensic services, but on the other, there is substantial evidence suggesting exactly the opposite. If this were a lab examination, we'd

be consulting the investigator, because the evidence doesn't support the theory.

While these are the matters of immediate concern to us, we also have others that are equally troubling, and Mr. McLeod will speak to those issues.

• (1255)

Mr. Gary McLeod (As an Individual): Thank you, Dave.

My name is Gary McLeod. I've also spent 35 years in the RCMP. I was a manager of the Regina lab for the last 10 years. Perhaps the question most of you are asking is why we are here. I'm not sure I have an answer, but let me review for you some of the factors that individually you might feel aren't all that bad, but collectively have had a significant negative consequence on our justice system.

RCMP management competence has been questioned by four reputable Canadian institutions. The Auditor General's audit team said the RCMP does not have the competence to manage the labs. We are told that changes are being made as a result of the Auditor General's report, yet clearly they are the result of internal RCMP deliberations. As a lab manager, I couldn't dream of engaging an incompetent biologist to do case work because the work would be unreliable, and yet the recommendations made and studies conducted by management believed to be incompetent would be just as unreliable.

In the 1990s the RCMP embraced at least three truly seminal approaches to management: the fifth discipline, which talked about a systems approach to thinking; principle-centred leadership; and recently they've talked about the balanced scorecard. When it came to applying principles of those three works, they not only failed themselves but were aggressive in preventing others from using them. Why, for instance, wasn't an aligned lab service envisioned or articulated in advance of the alignment task force deliberations, as Covey suggested? With respect to the fifth discipline, the effects on the rest of the justice system as a result of lab restructuring were treated as insignificant or ignored completely. If the balanced scorecard is in fact being used, where are the 20 to 25 measures that are suggested as necessary to see whether or not you are in fact balanced and that your strategy is working? What was the average cost per case in 2000 before restructuring, and what is it now? What is the average productivity per person then and now, and what was the average response time then and now?

As a consultant for Saskatchewan Justice in 2001, I couldn't believe the business case justifying this restructuring. Of course, neither could justice officials or police chiefs who were gathered for that meeting. The business case didn't meet one of the five requirements for the RCMP's planning for results, nor did it meet any of those required by Treasury Board. Yes, you will see things like options identified, but they are unidirectional. Nobody ever asked, what would happen if we actually added resources to the lab? What would happen to our crime rates? What would have happened to the efficiency and the effectiveness of clients? That's the foundation for the theory of the investigative cost curve. That's what systems thinkers look at, but not the RCMP, and certainly not the alignment task force that precipitated all this change.

Peter Drucker told us that "If you can't measure it, you can't manage it", but if you won't measure it, that's something quite different. This is a complex, multifaceted issue, and the brief we provided really only reveals the tip of the iceberg. I do hope that as a result of these deliberations you will at least be open to the idea that forensic science as practised in our labs, including Quebec and Ontario, is an investment, not a cost, and that Treasury Board as managers of the public service has a more important role to play at this time with respect to the positioning and management of these federally provided laboratories.

• (1300)

The Chair: Thank you.

We'll go now to questions. Mr. Breitzkreuz.

Mr. Garry Breitzkreuz: Thank you very much.

I appreciate your coming here before the committee. I apologize for the disruption that we incurred here.

I am sitting here and trying to carefully analyze what you have said, but at this point I would like you to clarify your motives as to why you are coming here before this committee. Can you tell us in essence why you are here? Because in listening to what you have to say, this is evidence that is going to probably create a bit of a stir, and it would not be easy for you to do this. So what is your motive in coming before this committee?

Mr. David Hepworth: I can speak first to that.

Basically, when I left the lab service I was motivated to come forward because I realized there was a crisis on our hands and we needed to do something about it. As I indicated in my opening remarks, I had contacted a lot of people, talked to a lot of people, and I would say there has been no response, so far as I'm aware. When I read the testimony before the committee on March 22, I was somewhat astounded at what was being said by the Commissioner of the RCMP on this particular issue. That's what motivated us to write the letter to you.

Mr. Garry Breitzkreuz: Do you have a similar response?

Mr. Gary McLeod: Certainly I share Dave's concerns. The information that was provided that day and in previous testimony was indeed misleading, and I simply wanted to straighten it out. I had deeper motives, I think. For instance, I know the cost of crime in Canada and I know that the withdrawal of lab services is actually increasing those costs. When police forces can't use forensic science to solve crime quickly, their costs mount. This was an observation of

the Auditor General, and it's been an observation of the Canadian Association of Chiefs of Police and our local association of chiefs of police. Everybody seems to know that, except the executive making decisions to restructure labs and curtail service.

Mr. Garry Breitzkreuz: Thank you.

You said there's a cost to crime, that because of the lack of an appropriate turnaround time on these cases there's a crime problem out there. Do you have any idea how many repeat offenders would be on the street today because of a backlog in DNA cases in the RCMP labs? Have you, in any of your research, compared maybe what's happening here to other countries? Have you any way of determining how many people would be out on the street and a risk to the public?

Mr. David Hepworth: The only meaningful data we have with respect to that is what has happened in Britain. We know that Britain, for example, has probably world-class DNA technology. They've maximized the use of it. We know, for example, the hit rate on their national DNA data bank is around 40%. So if we were to consider 1,000 DNA cases, we know that we would get DNA profiles on roughly half of those, so there'd be 500. If you were to apply 40% to that, you're going to end up with the activities of 200 repeat offenders being identified. In Canada, we have a hit rate of somewhere around 10%. That means we can only identify 50 of those individuals, which leaves 150 of them free to carry on their activities. We know that there are a number out there; we just can't know exactly how many there are.

Mr. Garry Breitzkreuz: If I were to pick apart your answer, if there are 150 people out there, they could be committing a variety of violent crimes, etc., that potentially would be a cost to society. How would you balance the costs of increasing the turnaround time on DNA cases to that? Have you given this any thought?

• (1305)

Mr. David Hepworth: We know that the cost of additional crimes is high. We know, for example, that there are roughly 23,000 sexual assaults reported in Canada every year. We also know that the reporting rate on these offences is extremely low, some suggest as low as 6%, which means there's a huge number of these offences that occur that are never reported. What this does is it creates an environment in which repeat sexual offenders can carry on their activities with little risk of being apprehended, so we know that there have to be a lot of repeat offenders involved in these activities.

I don't know that you can actually put a price tag on the effects of the sexual assault on an individual. If we were just to apply the technology we have right now, today, with our current rate of 10% on the hit rate on our data bank, we know that we could probably present somewhere in the vicinity of 1,800 sexual assaults in Canada per year. There's a tremendous cost associated with assaults, when you consider police investigative costs, medical costs, loss of productivity, etc. I don't have a dollar figure for that, but we've estimated just in police costs alone it could be as much as \$50 million a year.

Mr. Garry Breitzkreuz: Earlier today we had witnesses come before this committee, and one of them made the statement that if you are the victim of a sexual assault as a child, you are like a dead person walking throughout the rest of your life. I think that might give you a bit of an idea of the cost to society.

Mr. David Hepworth: I think so, and I would agree with that; I call these acts of domestic terrorism. This is what I refer to in my brief as a two-tiered system of justice. If we had 23,000 people assaulted by people outside our country in a terrorist act, we would leave no stone unturned to bring those responsible to justice. But we have these domestic acts of terrorism going on in our country, and they're like background noise. We expect them to happen, we know they're going to happen, and we're not applying our best tools to preventing this.

Mr. Garry Breitzkreuz: My final question in this round is this. What do you think it would cost, in dollars and cents, to bring the DNA analysis in the RCMP labs up to, say, the same standard of efficiency and even effectiveness that labs in other countries, such as England, have? What do you think? Have you given any thought to how much it would cost to bring them up to the same standard?

Mr. Gary McLeod: No, I couldn't give an absolute number like that. But I think to arrive at a figure like that, you might want to look at England's total costs. They are probably the benchmark in the world. I think they bring in about £60 million a year in income, and they're serving a population of 50 million. Certainly, using that model, it would appear that we would at least probably double what we're doing now.

Mr. Garry Breitzkreuz: To clarify, do you mean to say their budget is £60 million? What do you mean by "income"?

Mr. Gary McLeod: The Forensic Science Service in Britain is an executive agency. It charges police forces for all its service.

Mr. Garry Breitzkreuz: Oh, I see. Okay.

The Chair: Thank you, Mr. Breitzkreuz.

Mr. Maloney.

Mr. John Maloney: How long has each of you been retired from the RCMP?

Mr. David Hepworth: I retired the first time, as I said in my opening remarks, in 1997. I went back to work in 1999 and I've been retired since October of 2003.

Mr. Gary McLeod: I retired in June of 2000.

Mr. John Maloney: I was looking at your brief, which is very detailed. Being out of the system even since 2003, I'm just very much interested in where you got this information. How can you be so thorough?

Mr. David Hepworth: I have a lot of contacts and former colleagues in the system who report to me—I shouldn't say report to me, but talk to me. Some of it has been obtained through access to information documents, and some of it is from personal knowledge I've had of the system when I worked there. I think Gary is probably much in the same position.

• (1310)

Mr. Gary McLeod: My involvement was as a consultant for Saskatchewan Justice in 2001. Much of the research I did was into publicly available documents. I was also given access to a lot of documents by the project leader, Dave Morreau, back in 2001, when he asked his lab managers to cooperate with me. I had access to a lot of documents at that time.

Mr. John Maloney: I'm quite surprised. We took a visit to the lab here in Ottawa—we were very much impressed with it—at which time they indicated their backlog was minimal, actually. But I understand restructuring has taken place since the both of you worked there. Would that have had any impact on—

Mr. David Hepworth: I was there when restructuring was taking place. I was there when the bulk of it took place.

Mr. John Maloney: But it concluded and has operated since then when you haven't been there.

Mr. David Hepworth: Well, things haven't changed. Lots of people have confirmed that, and some of the access to information documents have confirmed it.

Mr. John Maloney: How do we compare with other jurisdictions? This morning we were talking about Florida and California. How do we compare with their jurisdictions, or is that within your prerogative? Do you know that?

Mr. David Hepworth: It was suggested that the FBI has a reporting standard of 60 days. But you can't compare that with the RCMP. We're not talking about service standards; we're talking about actual response to cases. The RCMP has a service standard requiring a 30-day response on a routine case. But according to the testimony on March 22, it varies between 108 and 120 days, so we know that they're not meeting their service standard at all. Unless you can compare apples to apples, it doesn't make much sense.

Mr. John Maloney: You were saying that the costs have increased significantly. The old model was much cheaper?

Mr. David Hepworth: The old model was cheaper, but it was lacking in resources. I had gone back to work in 1999 to help with the backlog of DNA cases. Incidentally, the backlog of cases is not minimal; it is quite significant.

Mr. John Maloney: How significant?

Mr. David Hepworth: The reports I have through the Access to Information Act indicate that on February 25 there were 959 cases in backlog. That's a significant number of cases. If you give those cases anywhere from 108 to 120 days to complete, and you've got repeat offenders in the group, all you're doing is giving them opportunities to reoffend.

Mr. John Maloney: I'm picking up that the RCMP has mismanaged the system. Could you be more specific—in point form perhaps?

Mr. Gary McLeod: Back in 1998, I did a bit of research. I calculated cost per case and productivity per person. Then I put the cases into table form. I worked with biologists. We discovered was that one of our sections was the most efficient in the country.

•(1315)

Mr. John Maloney: What section was that?

Mr. Gary McLeod: Winnipeg.

The RCMP in this restructuring simply said, “We're going to have centres of excellence”. But this was by declaration, not identification. If that man in Winnipeg who was so effective had been allowed to manage the whole system, biology, we would have up to double the productivity we have today. All we would've had to do was put him in charge and let him do what he was doing so well. We wouldn't have had to add more people. But this is one of the people we drove out of the country with this restructuring. He's now working with a lot of his staff down in San Diego.

My figures are a bit different. They tell me there was a 1,700 case backlog in November 2004. There are many numbers floating around. The truth has to be out there somewhere. All I'm saying is that the evidence suggests that they're worse today than they were before restructuring.

Mr. John Maloney: So what are your recommendations?

Mr. Gary McLeod: My first recommendation—and you could almost divorce it from RCMP management—is that the stakeholders in the DNA technology are so varied and numerous that you should never put control of the service delivery in the hands of only one of them. This should be a nationally driven thing. Stakeholders should have a say in the quantity, the quality, the service delivery standards, and the actual effectiveness of the program—what it will do, where you will use it, and so on.

Mr. John Maloney: You're saying that you shouldn't leave a central authority in control. But did you not just recommend that the fellow who went to San Diego should have been left in charge?

Mr. Gary McLeod: What I was trying to say was, yes, we'd have been more efficient if we'd had somebody like him in charge of the whole program in biology, with the decentralized service delivery model we had at that time.

The Chair: Thank you, Mr. Maloney. We're going to go over the Mr. Breitkreuz, but there'll be another round if you wish.

Mr. Garry Breitkreuz: I just want to follow up on one of the answers that you gave to Mr. Maloney's question. Could you elaborate on why the stakeholders are so diverse and why it shouldn't be left in the hands of just one? I would like you to explain a little bit more who these stakeholders are. Who were you referring to? Could

you please take a few moments and elaborate on that? Your suggestion to the committee was a positive one.

Mr. Gary McLeod: Certainly the most obvious stakeholders are the judiciary, our prosecuting attorneys, our defence attorneys, and certainly our prison systems. There are also victims and the agencies that work with those victims, including our health care industry, and even our universities and Statistics Canada, so that we can simply sit down and ask if we are collecting the right kinds of statistics and whether they are usable. Those are just a few stakeholders.

I think that one of the most troubling things about the issue of restricting DNA technology is the tendency to restrict the number of samples that come in. On several occasions, both Dave and I have seen representatives of the force say they're really only going to do enough to satisfy the needs of the investigator. In other words, if the investigator has a theory and they can support it, that's all they're going to do. That raises a real spectre of ignoring exculpatory evidence. So I think our defence community is a key stakeholder.

Mr. David Hepworth: If I could just comment on that as well, it's been my experience that the DNA analysis process has been turned into an assembly line. However, we're not running an assembly line in a general sense of the word. We all know that cars, for example, that come off assembly lines all have faults, which is why they have warranties and service agreements and those sorts of things. But when you're running DNA on an assembly line, the product that comes off the end line has to be absolutely flawless, 100% of the time. So that's a big problem to start out with.

When you start limiting the number of exhibits that you will look at, there's a probability that certain evidence will fall through the cracks or won't be detected. In fact I can think of cases I've done in the past that would have gone through this assembly line process and could well have ended up with the conviction of an individual for an offence they didn't commit. So there are a lot of serious scientific flags raised in my mind with respect to the assembly line process. When you start trimming things from the assembly line in order to speed up the process, you run the risk of things falling through the cracks. At the end of the day, I think you have to ask yourself, okay, what is the acceptable error rate for this assembly line? Because every assembly line we know has an error rate associated with it. So what's the acceptable level for this?

•(1320)

Mr. Garry Breitkreuz: Every time you give me an answer, I have another question. Who is restricting the number of samples that come in? This is the first time I've heard there's some kind of a restriction on how much sampling is done and how many samples are analysed. How does that come about? That's one question.

Before I forget, are there other police forces that are also stakeholders? You mentioned a whole bunch of stakeholders, but are there any other enforcement agencies, or customs, or any people like that who would use your service and be a stakeholder in it? Or is just the RCMP at the present time who use it?

Those are two questions.

Mr. David Hepworth: No, it's basically any law enforcement agency in the provinces policed by the RCMP. So you're talking about the municipal police forces of every kind and shape.

Mr. Garry Breitzkreuz: And do they have input into how things are run?

Mr. David Hepworth: They have input as to what they feel about the level of service, but they have no input as to what level of service will be provided, and what will or won't be done.

Mr. Garry Breitzkreuz: Could you answer the one on restricting the samples?

Mr. David Hepworth: This is done in the case receipt unit. It cuts down on the amount of material that comes through the system. It reduces the cost at the DNA end of it. Problem is, when you're only looking for DNA evidence and nothing else, there can be other evidence that simply gets missed. Sometimes the case receiving unit will not accept a certain exhibit.

Quite often the examinations proceed by doing the most obvious samples first. If the obvious samples support the theory of the particular crime under investigation, all the other work ceases. It doesn't mean it may not be available for examination, but it ceases at that point. Because these things are restricted when they're received from the lab, there's a huge risk here.

Mr. Gary McLeod: There are other key stakeholders, like the insurance industry. The RCMP, Treasury Board, have a long list of standards that they expect at the executive level. One that keeps coming up over and over again is the idea of partnerships and consultation. That's not happening.

When you close two labs to the complete surprise of the justice system in the provinces as well as the employees themselves, that hardly constitutes consultation. Two other key stakeholders, the Auditor General and Treasury Board, influence the future of Canada. The Auditor General expects positive change. They made a lot of positive statements about laboratories and adequacy of funding.

I want to give you an idea about the insurance industry. It cost SGI in Saskatchewan \$200 million a year in auto claims. About 25% of those are alcohol-related—that's \$50 million. If SGI were offered the opportunity to partner and contribute just 1% of that \$50 million cost, they could finance an entire alcohol section in Saskatchewan. It could completely manage the breath-test program, including supervision of the breath-test operators. But that option isn't open to them when you have single-stakeholder control. Their idea of getting it right is keeping the labs within the RCMP to the exclusion of all others.

• (1325)

Mr. Garry Breitzkreuz: I have a hard time understanding why this partnership isn't taking place. You've suggested that it would be a monetary incentive to partner with some of these other groups. This is maybe a little bit off the topic, but it's something I would like to

know. If we're going to better the service and we want promote partnerships, why isn't this happening?

Mr. Gary McLeod: What the RCMP executives are saying about consultation and partnerships simply isn't being practised at the executive level. They have their CAPRA model. They expect this of their members on the front lines, but at the executive level it just doesn't seem to be happening.

The Chair: Thank you, Mr. Breitzkreuz.

Mr. Maloney.

Mr. John Maloney: In your brief you indicated that DNA response times are unacceptable. What is the acceptable response time?

Mr. David Hepworth: In Britain, for example, the target date for DNA analysis is 24 days. Actually, at the current time, I think it's somewhere around 35 days. You brought up an interesting point there, because what we learn from that has a lot of significance for Bill C-13. We know that the offence of break and enter is being upgraded to a primary category offence, so the labs could find themselves swamped with a large number of requests for analysis of DNA from break and enter cases. Well, in Britain they experienced a 14% increase in requests for analysis, but their response time went up by 35%, so we know that there isn't a one-to-one relationship between those two. So even if the RCMP gets a 4% or 5% increase in requests for break and enter cases, it's going to have a significant effect on their response time now.

Mr. John Maloney: What about U.S. jurisdictions, what's their acceptable...?

Well, going back to England, does England meet those response times of 24 days?

Mr. David Hepworth: I believe in 2000-2001 they met them. I think they were only off by one day in 99% of the cases, and since then I think it's around 94%.

Mr. Gary McLeod: Yes, I just want to correct the 35-day figure. Their standard was 24 days, and they were meeting 26 days, but when it escalated to 35 days, it became a major concern to their own auditor general, who insisted those folks get their act together and get it back down to the standard.

So speed of response is important: it's important to their auditor general, and I suspect it's equally important to ours. I think they said that the reports we publish in our lab systems are useless; they couldn't rely on them for anything.

Mr. John Maloney: What is our response time?

Mr. David Hepworth: According to the testimony before the committee on March 22, I believe the RCMP indicated it was somewhere between 108 and 120 days. So we're a long way from 24 days, and we're certainly a long way from their service standard of 30 days. They went on to say that all of their urgent cases were being done within 15 days—except that when you look at what actually took place there, they severely restricted what they would classify as an urgent case. In fact, in 2003 there were 483 service requests classified as urgent, but in 2004 there were only 68. So it wasn't quite the remarkable achievement they had led you to believe.

• (1330)

Mr. John Maloney: But DNA can be used to exonerate individuals as well as to implicate them. Perhaps in cases of serial killers, you'd want a very, very quick response time, but has anybody sat down and done a triage of which is more serious than another?

Mr. David Hepworth: The trouble is that you can't know whether a predator or a serial person is involved in any of the offences; there's no way you can absolutely know for certain. The only way these things get classified as being of that nature is if the police have very strong evidence that those activities are involved. We know there are serial offenders committing sexual assaults, for example, but we don't know how many and where they are. The longer we leave it, the worse it is.

Mr. John Maloney: How do we compare with other jurisdictions, perhaps in the United States? Are they worse? Are they better? Are they the same?

Mr. Gary McLeod: Again, I personally couldn't find statistics, because there are so many labs in the United States. I recall that one of the questions was whether the FBI was the standard. Yes, they're a big lab, and they're a national icon as well, but when I did my research in the nineties, there were 500 forensic labs and 35,000 forensic scientists. You find them at the city, county, state, and federal levels, or at all of those levels.

Yes, they have problems too; they do.

Mr. John Maloney: I think they also suggested that morale was bad and there was an increased workload, with the inference that it perhaps would lead to increased error.

Aren't ISO standards applied to these labs? Are there not systems of checks and balances, or reviews of lab workers' reports? Is there not independent review of these?

Mr. David Hepworth: They are ISO accredited, but I don't know that those particular issues are taken into consideration. I don't have any personal knowledge as to whether or not they are.

Mr. John Maloney: Are there no quality assurance standards? Is a report not verified by another technician?

Mr. David Hepworth: There are quality assurance standards, but I think one of my major points here is if you don't look at all the evidence, the quality of the service may be excellent, except that you haven't done a thorough examination of the case, and that's pretty significant in my mind.

Mr. John Maloney: But what evidence other than the DNA sample are you looking at?

Mr. David Hepworth: Perhaps I can give you an example of a case I worked on. It was a case where a woman reported a sexual

assault and the exhibits were submitted to the lab for examination. This was back before DNA came on stream. And for that particular examination, if it were to occur today, the exhibit receipt unit would probably receive the exhibits from the case—I don't know whether they would take them all or not, but they would take a certain number of them—and we would do the examination. We would determine whether human semen was present or not. We would do the DNA analysis of it, and once we had confirmed that the DNA was there and it linked to the suspect in the case, that would be the end of it. Except in this particular case when we were doing our routine examination we were searching the articles of clothing for adhering hair and textile fibres. We didn't have the kind of technology we have today in terms of DNA, so we would do these hair and fibre examinations.

During the course of that examination we discovered that some of the garments had tears, and when we looked closer we found out that the tears were actually started by little cuts. So we phoned the investigator and discussed it with him. Further investigation revealed that in fact the complaint wasn't legitimate, that the victim herself had a falling out with the suspect, accused him of sexual assault. DNA would have proven that, but the little cuts preceding the tears indicated that something was not correct here, and the investigator discovered that she had done these herself in order to enhance her story.

So this is an example of a case where a person would legitimately have been convicted on irrefutable DNA evidence, but they didn't actually commit an offence. Pretty dangerous, I would say.

Mr. Gary McLeod: I have a comment about where ISO wouldn't detect or identify any morale problems, and this is more along the lines of management. In 1998 a biologist at the bench level put forward a very compelling argument by PowerPoint presentation of a need for \$4.8 million just to handle the current backlog and get it down to a reasonable level. He spent a lot of time putting it together. I just happened to be their spokesperson. That never happened. No approach was made to anybody for more money. In that presentation we identified several levels, from federal to provincial to municipal, right down to individual police departments, but under the existing management Chief Cal Johnston in Regina couldn't take two of his identification staff and say we're going to give you those salary dollars if you'll give us two more DNA people.

The second thing is that in 1999 one of our young biologists had a great idea for what was to be a DNA summit meeting where we could have brought all stakeholders together in one location and reviewed the remarkable success of DNA and its potential impact. This was handed off to Ottawa. It never happened. They gave it lots of verbal support. But something like that would impact this committee and it would impact all parliamentarians who are actually framing Bill C-13. They might have an entirely different attitude, I suppose. It could have helped immensely, is all I'm saying.

•(1335)

Mr. John Maloney: Are you in a position to advise us as to how many defence counsel are successful in knocking out DNA evidence because of alleged or proven deficiencies in taking and analysing the samples?

Mr. Gary McLeod: This was a huge problem for Dave and me, or me in particular, because those kinds of statistics are not being kept by the RCMP. As private citizens we don't have the power, I suppose, to go in and ask Saskatchewan Justice how many cases have been dismissed because of that, but we do know for sure that cases have been cancelled by prosecutors because of the expense of bringing in witnesses.

The Chair: Thank you, Mr. Maloney.

Mr. Moore.

Mr. Rob Moore (Fundy Royal, CPC): Thank you.

A lot of reference has been made to the British system. We've heard a good deal of testimony in our study on the DNA database of the British system. Can you compare the two models? How does a sample get from the police force to the lab? You mentioned that in the United States there are city, county, state, and federal labs. We don't have all these levels. I don't know if there are any at the city level; I know there are some regional labs. Could you compare the British system with ours?

Mr. Gary McLeod: The British have a system of seven labs; they're all within two hours driving distance of any investigator in England and Wales. They have crime scene processing units that attend crime scenes. These units are custom-made, depending on the crime. They do workload sharing. They move exhibits between labs, but not on the scale practised here, where we have virtually one or two specializations per lab. We have sent two delegations over there, and they could answer your question very well. Our Auditor General was there in 1999, and the labs themselves sent people over. They have a compelling report, but it's a long document that would probably take the whole meeting to summarize.

•(1340)

Mr. David Hepworth: One significant difference is that the funding for the RCMP labs is all part of the RCMP budget. One of the primary problems they have with the lab is that they're at the mercy of whatever the RCMP decides they're going to spend on that particular service. This service has such a big impact on so many different parts of the justice system that it should never be under the control of a single agency. It needs to be operated by an agency that looks after the benefits of all stakeholders, not just the RCMP.

In Britain, the lab services an executive agency. The police forces pay for this service, and they obtain their money through the government. The police make decisions on what they're going to send into the lab and what's going to be processed. There's a significant difference between our system and theirs in that respect.

Mr. Rob Moore: You've mentioned that they have seven labs and they're all within a two-hour driving distance of wherever an incident might take place. We're comparing turnaround times, which are important when it comes to an investigation and reducing the cost. We're a bigger country, and we can't be within two-hour driving distance of a lab, unless we have maybe ten times as many labs. Can we achieve their standards under our model? What is your

recommendation? Are we too centralized, or can we reach British-level efficiencies under our current conditions?

Mr. Gary McLeod: The alignment task force looked at alternate service delivery.

I have an MBA for which the paper was based on RCMP labs becoming a special operating agency within that alternate service delivery model. It has been looked at by the RCMP but rejected for various reasons, but as a special operating agency, you open the door for many alternative forms of service delivery—storefront operations, for instance, with a small complement of people, that might serve the north of the province, and still have one central lab. But you kind of look at the structure of Canada and ask, "Why isn't there a lab in Calgary and Edmonton?"

These kinds of questions can only be answered with a thorough cost-benefit analysis and the opportunity for stakeholders to actually invest in the service delivery itself and then have a say in how that's done.

The Chair: Thank you, Mr. Moore.

Mr. Cullen.

Hon. Roy Cullen: Thank you, Mr. Chairman.

Mr. Hepworth and Mr. McLeod, I'm sorry I wasn't here for your presentation, but there was another debate in the House that I had to participate in. Thank you for being here.

I have read your brief, though, and I want to start by asking, how long has it been since you actually worked for forensic laboratory services? How many years has it been?

Mr. David Hepworth: The last time for me was in October 2003.

Mr. Gary McLeod: For me, it was June 2000.

Hon. Roy Cullen: Have either of you worked directly in DNA processing?

Mr. David Hepworth: Yes, I did.

•(1345)

Hon. Roy Cullen: You did.

And yourself? No? Fine.

Since you haven't worked in the labs for some time, when you left, was it around the time of the restructuring?

Mr. David Hepworth: I left after the bulk of restructuring had taken place. There were still some small parts of it left.

Hon. Roy Cullen: Okay, and Mr. McLeod, you left around that time.

Mr. Gary McLeod: Yes.

Hon. Roy Cullen: Would it be fair to say that neither of you really agreed with the way it was restructured at the time?

Mr. David Hepworth: I had no problem with the concept of it until we started to turn the DNA case processing system into an assembly line, and then a huge number of red flags appeared on the horizon.

Hon. Roy Cullen: You spent a number of years with the RCMP in this area or related areas, both of you.

Mr. David Hepworth: Yes.

Mr. Gary McLeod: Yes.

Hon. Roy Cullen: In your work with the RCMP over many years, had there been other areas where you had disagreements with senior policy decisions, or would you say you just kind of rolled with the punches and this was the one thing that really aggravated you?

Mr. David Hepworth: Never anything of this magnitude.

Hon. Roy Cullen: No.

And Mr. McLeod?

Mr. Gary McLeod: I was there in the planning process for this restructuring. It started in about 1997 with seriousness, and I disagreed with it then because it was perfectly unaligned with the force's own policy, it was unaligned with their own mission vision value statements, it was unaligned with their CAPRA model, and it was completely unaligned with Treasury Board guidance in management for results, or as published in that particular document. It bothered me because there was absolutely no consultation with clients, at least by any reasonable definition of the word "consultation".

Hon. Roy Cullen: Since you've left the RCMP and the DNA processing organizationally has changed, aren't you concerned that you might be a little out of touch with what's happening there, or are you currently in contact with a number of RCMP officers?

Mr. David Hepworth: I'm currently in contact with lots of them. I have to say that my former colleagues have been very supportive of my efforts here. As one of them termed it to me, "Dave, you're the tip of the spear." The tip of the spear is always out there on its own, all by itself. There may be lots behind it, but you're always there by yourself.

They have no voice in what's going on, and that was one of the things that motivated me to come forward when I left, because I knew this was a crisis situation and I knew we needed to have this problem fixed.

Hon. Roy Cullen: I just come back to "this was a crisis situation". It's my understanding—and correct me if I'm wrong—that the RCMP has done some benchmarking against other forensic laboratory services, such as in California and Florida and even in fact the FBI. I was told very recently that the FBI, which participates in various meetings with the RCMP and other law enforcement agencies, was in fact commenting that what the RCMP was doing was the model they wanted to pursue.

In fact, if you look at the DNA processing times, they're hitting 60 days on average. I notice that in your brief you talked about a two- or three-day turnaround time. The information available to me says that's simply not feasible anywhere; it's not achieved anywhere in the world. Correct me if I'm wrong, but I thought that's what you said in your brief.

Are you saying then that the benchmarking the RCMP has done is faulty, or would you challenge that benchmarking? If you look, for example, at the RCMP process for the urgent cases, I'm pretty sure they're meeting those 100% of the time. I gather that you dispute that, but I'd like to know what evidence you have to dispute that.

Secondly, I understand that the timelines of the ones considered non-urgent are negotiated with law enforcement, in terms of when the cases come to court or how urgent they are, and that those timelines are agreed. In fact, the RCMP labs have done some surveying among their clients, and there is a very, very, very high level of satisfaction with the service.

So I'm troubled by what you're saying versus the information that's been presented to me, and I'd like to know on what evidence you base your position.

Mr. David Hepworth: You've covered a lot of things there, but let's talk about the 15-day response time to urgent cases. I mentioned this earlier, but in 2003 there were 483 service requests classified as urgent. In order to reduce that load, the RCMP simply redefined what they would accept as an urgent case, and in 2004 there were only 68 service requests identified as urgent. So while it may sound like a wonderful accomplishment, in fact it's rather misleading, because a large portion of those cases previously designated as urgent are now falling down into the category of routine offences or cases.

• (1350)

Hon. Roy Cullen: On that point, how would you stack that up against the surveys among the clientele, who indicate somewhere up to the 90% quartile—or I think that's the number I saw—that they are very satisfied with the service and the timeliness of the response?

Mr. David Hepworth: I don't know how to do that.

As I alluded to in my opening remarks, I do know that the RCMP is a national icon and that there is a huge reluctance to criticize a national icon, as I discovered in the various meetings I've had with people. These quality service questionnaires are coming from people who, at the end of the day, have to work with that national icon, and lots of those people feel that if they criticize the lab, they're actually levelling criticism against the individual examiner who did the examination. So I question the validity of that particular type of questioning. I think that if you're going to do that kind of questioning, it should be done from completely outside the organization or independently.

Hon. Roy Cullen: Well, I can tell you that this committee went to see the DNA lab and had a tour. While the committee members were in the room, the senior honchos were not only there, but also all the staff and people who did all of this stuff, and maybe the reports went to them, but it was certainly the senior management of the DNA data bank and the middle range and some others who argued very, very strenuously that there was no backlog, that they were working out and negotiating with those agencies. In fact, the members of this committee had an opportunity to challenge that directly with the senior staff and some of the other officials. That wasn't done. They were saying this in front of a wide range of staff people at that facility.

Mr. David Hepworth: That's what disturbs me, the fact that this is misleading information. To say that there is no backlog is absolute nonsense. For example, if you were a police investigator, it doesn't matter whether you call it a backlog or a case in process, if you have to wait 120 days for your case to filter down through the assembly line process. Call it what you want, the waiting time at the bottom end is just as long. We're arguing or talking about terminology here.

The significance of the issue is how long do you have to wait for the results, and are those results timely? The evidence tells us that timely results save money and prevent crime.

Hon. Roy Cullen: Well, I would concede one point, Mr. Hepworth, and that is that the word "backlogged" is somewhat confusing. The analogy I use in my own thinking is that I might have 40 issues I've asked my staff to follow up on, and by me passing it on to one of my staff, I could say it's in process. But if nothing has happened, I think the analogy stops there. I think once the processing starts in the lab, there is work done on it.

But I come back to the point that if the agencies can agree on the urgent cases and we're meeting those 100% of the time, and the other cases.... My understanding—and you can correct me if you know something else that I don't know—is that there's hardly ever a disagreement in terms of where this is going to take 80 days or 90 days and it's not acceptable and it has to be renegotiated. If there is negotiation, it's done there. There's a sign-off on the timelines for the non-urgent, and that is met in almost every case.

If you look at the client satisfaction, yes, you could argue, well, let's turn them around in two or three days, but that's just not realistic, given other agencies or any other reasonable benchmarks.

Mr. David Hepworth: I don't think any of us have ever suggested two or three days. We just say that it has to be done as quickly as possible. The standard in Britain, for example, is 24 days. If the RCMP were able to meet their 30-day turnaround time, their corporate diary date of 30 days, that would be a major accomplishment, but we're not even close to reaching that. The implications are that when Bill C-13 comes forward, they're going to be in even worse condition.

•(1355)

The Chair: Thank you.

Mr. Breitkreuz, I think we're going to have to conclude, because most of us have to be back in the House for two o'clock.

Mr. Garry Breitkreuz: Thank you, Mr. Chair.

I have a few more questions. I just want to go on to something else here. I want to put into perspective the testimony you're giving us when it comes to policing costs and speed of response.

We talked about how public safety would be improved, and I don't know if you've given this much thought, but how much money do you think taxpayers could save if our RCMP labs operated as efficiently and effectively as Britain's? I talked to an RCMP officer who told me that we would actually reduce our policing costs and our investigation times, I think he was saying, if we could have the turnaround on these results be more timely.

Mr. Gary McLeod: Several years ago I was challenged to come up with a theory of the business of forensics, and I did that in what I

call the investigative cost curve. In the curve that I have in my presentations—whenever somebody will listen to me—I point out that for a theoretical case taking 30 days—not 120—and costing \$60,000, if you could increase the speed of response by the lab from 30 days to 15, you could save roughly \$15,000. Now, an average DNA case at the operational level is about \$5,000, so the saving is three to one there. If you could improve your speed of response by five days, a 33% improvement, you'd save an additional \$11,600. That's a 78% improvement in cost saving on just a 33% improvement in speed of response. If you go even further and provide the lab results in five days, a further 25% improvement, you save an additional \$14,900, or a 56% saving.

Speed of response is everything. The Brits measure it and they insist on performance to those standards. I understand Montreal measures it, although I don't know what it is. Police departments intuitively know that speed matters.

So to say that 120 days is acceptable...it certainly isn't to the investigating officers I know, because during that wait they have to be doing something. They have to be either trailing that suspect, depending on what kind of offender he is, or they have to be doing administrative follow-up, reports on where the case stands—things like that. So there are ongoing costs.

Mr. David Hepworth: The 2000 Auditor General's report describes that very situation—an investigation that cost \$1 million more than it should have because of poor response by the lab.

Mr. Garry Breitkreuz: I want to get to your meeting with the President of the Treasury Board. What was his reaction to your evidence and your proposal when you met with him?

Mr. Gary McLeod: It was very favourable. He understands the concept of the special operating agency. He was very receptive, a fine gentleman, and we couldn't have been treated better. I did sense, however, that there may be a bit of conflict between the doctrine of increased ministerial authority and his role as manager of the federal public service. I think they're conflicting responsibilities, and I believe this was a concern of his. At this point, I have no feedback on whether he might be taking further action.

Mr. Garry Breitkreuz: Maybe you could summarize. One of the reasons you came here was that we had some concerns about previous testimony. What statements that you previously heard give you cause for concern?

•(1400)

Mr. David Hepworth: One of them was a statement by Deputy Commissioner Martin that the system was able to handle 25,000 cases. That's absolutely unbelievable. The assembly process of the DNA analysis is limited by the final stage of the process, in which the reporting officer interprets the results and writes a report. These individuals are expected to complete about two service requests per week. When you go through the mathematical calculation, you discover that the most these people can produce in a year is between 3,000 and 3,500 cases. This is way off the 25,000 figure that Deputy Commissioner Martin cited.

Mr. Gary McLeod: My biggest concern was that we're being told repeatedly that the labs are now more efficient, more effective, and more responsive. The evidence we have is that between 2003 and 2004 response times increased by 18% and productivity declined by 7.4%. In 1999, they were producing 29 cases per person discipline-wide, while in 2003, based on seven months of figures extrapolated to a full year, they were only doing 23.5 cases per person. Efficiency has gone down in virtually all of the areas we looked at.

Mr. David Hepworth: The deputy commissioner also said that murder cases, violent assault cases, those kinds of things would go right into the priority queue and be handled right away. I find this misleading. Today, there are over 700 service requests sitting in the lab waiting to be analysed that involve crimes of violence. Last year, only 68 managed to get into the urgent queue. So it's a misleading statement to say the least.

Mr. Garry Breitkreuz: Out of 700, only 68 got in?

Mr. David Hepworth: That's correct.

Mr. John Maloney: It was my understanding that Deputy Commissioner Martin inadvertently stated that the FLS handled 25,000 cases per year. What he meant to say was that they handled 25,000 samples per year. That volume of samples would translate to roughly 2,500 cases per year, which would be in line with the national and international standards.

Mr. Garry Breitkreuz: Is that a fact?

Mr. David Hepworth: Yes, if that's what he meant. But that's not what he said.

The Chair: Thank you very much, Mr. Hepworth and Mr. McLeod. We appreciate your indulgence when we were away.

We're adjourned.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliamentary Internet Parlementaire at the following address:
Aussi disponible sur le réseau électronique « Parliamentary Internet Parlementaire » à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.