



House of Commons  
CANADA

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

---

JUST • NUMBER 060 • 1st SESSION • 38th PARLIAMENT

---

**EVIDENCE**

**Thursday, November 17, 2005**

—  
**Chair**

**Mr. John Maloney**

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

Thursday, November 17, 2005

•(1105)

[English]

**The Chair (Mr. John Maloney (Welland, Lib.)):** I call our meeting to order.

From Statistics Canada, we have Mr. Roy Jones, who is director of the Canadian Centre for Justice Statistics. Mr. Jones has a lot of information for us and has requested some additional time for his statement.

Please proceed, and we'll acknowledge your request for another five minutes. There will be questions and answers following that.

Go ahead, Mr. Jones.

**Mr. Roy Jones (Director, Canadian Centre for Justice Statistics, Statistics Canada):** Thank you very much, Mr. Chair.

I'd like to thank the committee for the invitation to come today to present some information to you. I'll be providing a brief overview of statistics related to selected firearm-related crimes and sentencing in Canada, based on the data collected through three national surveys.

The uniform crime reporting survey began operation in 1962 and collects data on criminal incidents under the Criminal Code, as well as other federal legislation. Police-reported data in this presentation is current to the year of 2004.

The second source of data is the homicide survey. That's a national census of police-reported homicide incidents. The data in the presentation reflects the year in which the homicide was reported, rather than the year in which the death occurred. Data is collected in this survey on both the accused and the victim, of course, in cases that are solved homicides.

The third is the adult criminal court survey, which collects data on cases disposed in adult courts. It's intended to be a census of federal statute charges heard in both provincial and superior courts. Unfortunately, this survey is not fully implemented in all courts across Canada. There are currently 10 jurisdictions reporting to this survey, which represent approximately 90% of the national coverage. Data is currently not reported by the Province of Manitoba, the Northwest Territories, and Nunavut, nor from the superior courts in Newfoundland and Labrador, Quebec, Ontario, and Saskatchewan.

Last, there's a little data on homicide that I've included from England and Wales, which originates from the Home Office, and American data from the FBI.

First is trends in homicide rates for Canada, the United States, England, and Wales. As you know, homicide includes first and second degree murder, manslaughter, and infanticide. The homicide rates have generally been declining over the past two decades. After reaching a 36-year low in 2003, the Canadian homicide rate increased slightly in 2004. Although this was the highest rate since 1997, the rate was lower than it had been 10 years ago.

The homicide rate in Canada was 1.95 per 100,000 population in 2004. There were a total of 622 homicides reported in Canada last year. In England and Wales, the rate was 1.58 per 100,000, which is a total of 833 homicides. In the United States, it was 5.5 per 100,000, with a total of 16,137 reported through the FBI.

The homicide rate in the United States has generally been three to four times the rate that it is here in Canada. The rates in England and Wales have generally been lower than Canada, but the two national rates began to converge during the 1990s. In fact, the rate in England and Wales surpassed that of Canada in 2003.

Next is firearm-related homicide rates for these same three countries. The firearm-related homicide rate per 100,000 was 0.54 in Canada in 2004. That's a total of 172 firearm homicides. In England and Wales, it was 0.14 per 100,000, which is a very low number at 73. In the United States, it was 3.18, which is roughly 9,300 homicides committed with firearms.

In the trend, there was an increase in firearm-related homicides in the United States during the late 1980s and early 1990s, as well as a decline that began subsequent to that period. The Bureau of Justice Statistics in the United States has attributed this to changes in the volume of gun violence among youth and young adults in the States.

The Canadian rate for firearm-related homicide has decreased from over 1 per 100,000 in the late 1970s to about 0.5 per 100,000. It has been at that level since about 2001. In 2004 over one-quarter or 28% of all homicides were committed with a firearm in Canada. This compares to about two-thirds or 66% in the United States and less than 10% in England and Wales. There's quite a differential among the three countries in terms of the proportion of homicides that are being committed using firearms.

●(1110)

On slide 4 we're looking at homicide rates by primary method, from 1974 through 2004. We'll see that shooting was the primary method used to commit these homicides in Canada early on. In 1985, stabbings overtook shootings for the first time. The two rates have remained relatively similar thereafter from that point.

Among the 622 homicides in 2004, as I mentioned, 172 were the result of shootings; 205 were the result of stabbings; 136 resulted from beatings; and 109 were from other methods, such as strangulation or suffocation or fire. There are a number of other causes of death associated with the other methods.

Firearms overall accounted for 28% of all homicides in 2004. Thirty years ago, firearms accounted for 47% of all homicides, so it's a decreasing proportion of the total homicides in Canada. Handguns accounted for two-thirds of firearm-related homicides in 2004. Prior to 1990, shotguns and rifles were more common than handguns in firearm-related homicides.

On slide 5 we're looking at firearm-related homicides for the nine largest census metropolitan areas. This slide presents rates per 100,000 population over the last five years for these nine centres. Five-year means are used, given the relatively large year-to-year fluctuations in the numbers of firearm-related homicides in urban centres. The three largest CMAs in Canada—Vancouver, Toronto, and Montreal—reported the highest five-year rates, roughly 0.7 to 0.9 per 100,000—in other words, seven to nine per million inhabitants of those centres. These three largest CMAs also had the highest five-year rates of robbery with a firearm. In the case of Montreal, it was about 28 per 100,000 population; Vancouver was about 24 per 100,000 population; and Toronto was about 19 per 100,000.

On slide 6 we're looking at rates of robbery with weapon use from 1977 through 2004. You can see the overall total robbery rate—that's the red line at the top of the chart—reached its highest point in 1991 at roughly 120 per 100,000 population. It's been generally declining since that time. In 2004, police reported about 27,000 robberies; this produces a rate of about 86 per 100,000. At that level this rate is 14% lower than it was a decade ago, and about 28% lower than it was in its peak in 1991.

The rate of firearm robbery—that's the black line at the bottom of the chart—peaked in the early 1980s, hitting its highest point in 1981 at 36, and it's been generally declining since that time. The rate reached 12 per 100,000 in 2004, which is the lowest it's been since 1977. As a percentage of all robberies, those committed with firearms have steadily been declining since 1977, and robberies with firearms represent about 40% of the total robbery offences.

You will also see in the chart that concurrent with the decline in robberies committed with firearms there's been a general increase in robberies committed with other weapons. More than half of these committed with other weapons involved knives. You'll also see that overall the rates of robberies where no weapon was present have been relatively stable almost for the whole period in the chart.

●(1115)

As a result of these trends, by 2004 roughly half of robberies were committed without a weapon, 35% were committed with a weapon other than a firearm, and 14% were committed with a firearm.

On slide 7, we're looking at the percentage in 2004 of violent incidents with firearms or knives present. Overall, these data represent a non-representative subset of 120 police departments that are capable right now of reporting to our incident-based survey, which provides much greater detail on the nature of offences. They represent roughly 58% of the national volume of crime, based on our aggregate survey, but I do need to mention that these aren't representative of any geographic region. They simply represent that subset of 120 forces that are reporting.

Overall, within that subset, over 200,000 incidents of violent crime are reported. About 6% involve a knife or some other piercing or cutting instrument, and about 2.5% involve a firearm. Overall, knives outnumber firearms in violent crime by a bit more than 2:1.

In the graphic, looking at some selected individual offences, we see there's considerable variation in the percentage of firearms and knives present, depending on the offence. For example, sex assault levels 2 and 3, and assault levels 2 and 3, involve a high proportion of knives present at the commission of the offence—about one-third and one-quarter respectively. That's considerably higher than the presence of firearms in those two types of offences, at 8% and 3% respectively.

In the case of homicide, about one-third involve a knife. At the far right of the distribution, we see that a relatively small proportion of threats and harassment incidents involve either a firearm or a knife.

Overall, from this subset of police-reported information, roughly three-quarters of violent incidents reported by the police do not involve the presence of a weapon of any kind. This includes common assaults.

Turning to the next slide, slide 8, we're now looking at courts and sentencing information. A number of points need to be made with regard to our survey coverage. I mentioned up front that we don't have complete national coverage. We do have information from all provincial courts—except Manitoba, at this point—but we are missing Superior Court information from the jurisdictions I mentioned earlier. So this really does limit our ability to speak to some of the more serious court outcomes that take place in that level of court. The data in these charts do include, however, data reported by superior-level courts in Alberta for the past six years, in the Yukon for the past five years, in Prince Edward Island for the past four years, in both New Brunswick and British Columbia for the past three years, and in Nova Scotia for the past two years.

In this slide are data that have been aggregated for the past eight years, from 1996 to 2003-04, to enable us to generate enough numbers to provide statistical distributions and summary statistics.

The offences we looked at in preparing this presentation included all of the ten offences for which there's a minimum sentence of four years—sections 220, 236, 239, 244, 272, 273, 279, 344, and 346. Unfortunately, more than 60% of the charges that are reported through the courts under these sections aren't coded in a manner that allows us to make the distinction as to whether or not a firearm was present in the case. That is to say, the coding of the offence under the Criminal Code was restricted to the section, so we could identify the section number but we couldn't identify whether or not a firearm was present in over 60% of the cases. A further third were coded to paragraph (b) under these sections. Those are sections that do not involve a firearm but that may involve a weapon. That leaves us just 6% of these offences in that 10-section group for which we have information coded specific to firearms.

● (1120)

I should say before we go to the chart that we also looked at the three hybrid offences containing the provisions for the one-year mandatory minimum sentence if the Crown proceeds by way of indictment under paragraphs 95(2)(a) for possession of a prohibited weapon or restricted firearm, 96(2)(a) for possession of a weapon obtained by the commission of an offence, and 102(2)(a) for making an automatic firearm, where there were insufficient numbers in the court jurisdictions that were proceeded with by indictment to support distributional analysis and presentation of summary statistics.

What we have here is what we're able to produce among the 10 offences that I mentioned earlier. Looking at the first two bars on the left of the chart, we have a total of 97 convicted cases under section 244, causing bodily harm with intent involving the use of a firearm. In these cases the final plea of the accused was guilty in two-thirds of the cases. The final pleas of guilty were also entered in about 90% of convicted robbery cases involving a firearm under paragraph 344(a), and for robberies not involving a firearm under paragraph 344(b). Last, the final plea was guilty in roughly three-quarters of convicted robbery cases, coded simply to section 344, where we couldn't reliably interpret and there wasn't information provided to us to determine whether or not there was a weapon or a firearm present.

In slide 9, we're looking at these same firearm cases that were disposed of in the provincial and superior courts for which we have coverage over that same eight-year period. We can see that a vast majority of these cases resulting in conviction result in sentences to custody. It should be noted, though, that for section 244 and paragraph 344(a), which have a mandatory minimum provision, there are 10% to 14% of these convicted cases that have a more serious sentence other than custody. These are normally related to cases for which consideration has been given to time served in custody while awaiting trial or sentencing.

On slide 10, we're looking at mean and median sentences for this same set of offences. We can see that the mean and median sentence lengths for custody are clearly higher for those offences under the mandatory minimum provisions of section 244 and paragraph 344 (a). The median custody length for causing bodily harm with a firearm and for robbery were both 1,460 days. That's four years. The 80th percentile of custody for these two offences was six years, meaning that 20% of the convicted cases for the data we had resulted in a custody sentence of at least six years. The median sentence length among the nearly 7,700 convicted cases of robbery without a

firearm—that's paragraph 344(b)—was 600 days, so roughly 20 months.

Overall, we know that time in custody prior to sentencing is taken into consideration when sentences are imposed. Unfortunately, the length of time in custody prior to sentencing is not available through the survey, nor is information available on any aggravating or mitigating circumstances that may have been taken into consideration at the time of sentencing.

● (1125)

In conclusion, the statistics that are presented here, though very limited, are those that are readily available from our existing databases. To better understand detailed sentencing patterns, research and analysis would need to be undertaken to complete the coding of offences to the paragraph level of precision by the courts. We'd also need to collect data on time served. We'd have to conduct record linkage analysis to compile criminal histories, and we would need to gather data on the circumstances of the offender and the criminal incident, which were considered at the time of sentencing.

Equally important to inform these distributions would be filling the gaps in the superior court jurisdictions we currently have across the country, as these certainly are the venues in which the most serious cases are being heard and sentenced.

That's the completion of the presentation.

**The Chair:** Mr. Toews, you have seven minutes.

**Mr. Vic Toews (Provencher, CPC):** Thank you very much.

I understand, sir, that generally speaking there is very little research dealing with the effectiveness of mandatory minimum sentences in Canada, particularly in the area of firearms legislation. Would that be a correct statement?

**Mr. Roy Jones:** That would be a fair statement, yes.

**Mr. Vic Toews:** But we do see that where there are mandatory minimum sentences, as indicated in slide number 10, the sentences are clearly much higher. Is that not correct?

**Mr. Roy Jones:** Where we have that information, yes, they are.

**Mr. Vic Toews:** That's the evidence that we have?

**Mr. Roy Jones:** Yes.

**Mr. Vic Toews:** You made a comment in respect of slide number 8, about the final plea of guilty and the percentages involved in that. I assume when you say the "final plea" of guilty, you're also including findings of guilt, and not just pleas of guilt.

**Mr. Roy Jones:** Yes. That's the final plea or final disposition of the plea, and disposition at the time.

**Mr. Vic Toews:** Thank you.

There is evidence in the United States now that one of the reasons for the falling homicide rate, aside from mandatory minimum prison sentences for firearms, is timely medical intervention. Ten years ago, where we would have seen a homicide, we now see an aggravated assault or an attempted murder charge, because of timely medical intervention. Do you have any evidence relating to that in Canada?

**Mr. Roy Jones:** We've not looked in a dedicated way at doing research on explaining the trend in the homicide rate from that perspective. We have been advised there doesn't appear to be a relationship there. We're not seeing an offsetting change in the number of charges or convictions for attempted murder, because of the intervention of trauma and paramedic.... But we haven't done that analysis per se.

**Mr. Vic Toews:** Are you planning on doing that analysis?

**Mr. Roy Jones:** It's an analysis that would be very interesting to do. We conduct our statistical activities on the basis of the priorities set by the federal-provincial-territorial deputy ministers who sit as our board of directors. More or less, they lay out a workplan of priority areas for us to undertake.

**Mr. Vic Toews:** Thank you.

In respect of slide number 2, regarding the English and Welsh experience, and the steady climb of homicide rates, have you looked at it as to why? I realize that the homicide rate in those countries is much lower than in the United States, for example. But it appears to be climbing to meet the Canadian rate.

We know that a few years ago there was a ban on firearms for the average citizen in those countries. Yet we see homicide rates continuing to climb. Is there any examination of that?

•(1130)

**Mr. Roy Jones:** We've not done an analysis of that information, and I don't have information from the Home Office on the analysis they may have conducted.

**Mr. Vic Toews:** Also, I understand that in some of the Australian states with their ban on firearms, we have seen a marked increase in firearms-related homicides, robberies, and other violent offences. Do you have any comment or evidence on that?

**Mr. Roy Jones:** I don't have statistics on that, no.

**Mr. Vic Toews:** In conclusion, I think your information is very helpful to me in showing what the statistics do in fact establish and what they don't establish.

We've heard consistently from the Parliamentary Secretary to the Minister of Justice, as well as from the Minister of Justice, that mandatory minimum prison sentences are neither effective nor a deterrent, that essentially they don't work. But we do see from your slide that at a minimum, in those cases where there are mandatory minimum prison sentences, there are higher prison sentences, and that's about the only conclusion we can make based on your evidence. Is that not correct?

**Mr. Roy Jones:** That is true, yes.

**Mr. Vic Toews:** Thank you.

**The Chair:** That's it, Mr. Toews?

**Mr. Vic Toews:** Yes.

**The Chair:** Mr. Marceau.

[Translation]

**Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ):** Thank you very much, Mr. Jones, for your testimony this morning.

In your comparative analysis, you generally compared Canada to Anglo-Saxon countries. Do you have similar statistics for other western countries, from western Europe, for example?

[English]

**Mr. Roy Jones:** I don't have those statistics with me, no.

[Translation]

**Mr. Richard Marceau:** Does your office have them?

[English]

**Mr. Roy Jones:** We could obtain them, yes. We don't currently have them.

[Translation]

**Mr. Richard Marceau:** Would it be possible for you to send those to the committee through the clerk? We could then make comparisons with other cultures than Anglo-Saxon ones.

[English]

**Mr. Roy Jones:** Yes, we'd be pleased to do that.

[Translation]

**Mr. Richard Marceau:** Thank you very much.

On another topic, I am not sure I understood some of the figures on page 9. These are figures on section 244 violations, causing bodily harm with intent with a firearm. Do these numbers mean that in 85.6 per cent of cases, the accused was incarcerated and that in 14.4 per cent, a non-custodial sentence was handed down?

[English]

**Mr. Roy Jones:** That indicates that the most serious sentence recorded on the file that was reported to Statistics Canada did not include a custody order. As I mentioned during the presentation, that may have resulted from a period of time served prior to sentencing, and credit was given for that time.

For us to be able to determine the amount of time somebody served in a custodial facility awaiting trial, we'd have to go to Correctional Service Canada and obtain that information for each of these cases, which would be a considerable bit of field analysis for us to undertake and would be very time-consuming and expensive. We just didn't have the time to pull that information together. It would take some dedicated resources.

•(1135)

[Translation]

**Mr. Richard Marceau:** What exactly is included in the red column, 6.2 per cent, referring to other sentences?

[English]

**Mr. Roy Jones:** Those include all other dispositions, other than probation and custody. So it would include fines and anything else they would have been ordered to comply with. I'm looking for my note on that, but I don't see it. It would also include absolute and conditional discharges and suspended sentences.

[Translation]

**Mr. Richard Marceau:** I'd like to know — still on the same page — what sentences are handed down by our friends south of the border for corresponding crimes, for each column.

[English]

**Mr. Roy Jones:** I don't have the American detailed sentencing information available to me today. I could endeavour to get that information for the committee and submit it through the researcher.

[Translation]

**Mr. Richard Marceau:** Thank you very much.

My last question does not really have to do with statistics. Mr. Kramp tabled Bill C-215 on which you have come to testify. Recently the Justice Minister made an announcement along the same lines, at least, to my understanding. Do you believe that the measures announced by Minister Cotler are in line with the objectives of Bill C-215?

[English]

**Mr. Roy Jones:** I don't have an opinion on that, I'm sorry.

[Translation]

**Mr. Richard Marceau:** That's fine. Thank you.

[English]

**The Chair:** Mr. Comartin.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Thank you for being here today, Mr. Jones.

In terms of the validity of these statistics, have there been any academic studies challenging the accuracy of these statistics that you're aware of, or any studies of any kind, academic or otherwise?

**Mr. Roy Jones:** Academics have used these databases for conducting analyses, and to date there hasn't been any significant controversy or concern in terms of the reliability of the information that's presented within the constraints and limitations of the coverage that we have and of the quality of the coding we have to produce information specific to offences.

**Mr. Joe Comartin:** Just to be a bit more specific, we know, for instance, in sexual abuse cases that a large number of those go unreported. I assume that would not be true of the crimes you've covered in the statistics you presented to us today. There isn't a disproportionate under-reporting or disproportionate overemphasis on any of these; these are as accurate as we can possibly get them?

**Mr. Roy Jones:** These reflect the offences of this nature that come to the attention of the justice system in our process. There are, as you know, differentials in the rates at which individuals report to police or those incidents become known to the police for follow-up.

**Mr. Joe Comartin:** Typically, with murder and attempted murder, very few of those would go unreported?

**Mr. Roy Jones:** Yes, absolutely.

**Mr. Joe Comartin:** With regard to the murder rate in Canada in 2005, are you able to tell us anything as to what has happened so far? With all the reporting we've had on this, particularly in our major cities, can you tell us if it's up or down from the previous years?

**Mr. Roy Jones:** It's difficult to say; that's year to date, and we don't process and release information for periods of time less than a

full year. We need to wait for police services to complete their filing of reports before we would make comment on what we anticipate the final numbers would be.

Clearly, there's been a lot of media coverage in certain urban centres like Toronto about the number of firearm-related homicides that have taken place in certain sectors of that city. But we don't pre-release the information that we receive from the police for the current year.

**Mr. Joe Comartin:** How soon into the subsequent year do you have the data that is available?

**Mr. Roy Jones:** Our first release of homicide statistics will occur in late July or early August of 2006.

**Mr. Joe Comartin:** Thank you.

In terms of the comparison you've done on the charges where there are minimum mandatories, have you or your agency done any comparative study showing the level of incarceration on these charges before minimum mandatories were implemented?

**Mr. Roy Jones:** No, we have not done a pre-post implementation analysis. That's not part of the research program that was identified as a priority for us to do. So the answer to that question is no.

**Mr. Joe Comartin:** Is it possible to do that?

● (1140)

**Mr. Roy Jones:** We could go back for the jurisdictions for which we have data. The further we go back, obviously, we do start to lose some coverage from participating jurisdictions and we might have to undertake some primary field collection of information to get sufficient numbers to make the comparisons.

Technically, yes, it's possible to do. Practically, it would take a considerable period of time and effort to do a relatively coherent set of comparators pre-post.

**Mr. Joe Comartin:** Who would have to authorize that? Who has the authority to authorize that?

**Mr. Roy Jones:** It could be undertaken through the analysts I have within the Centre for Justice Statistics if it were identified as a priority to be resourced within our base resources. There are other means, however; we could participate through partnership by providing access to some of the data we have to somebody who wanted to pursue it. That could be one of the federal departments or a group of academics with a SSHRC grant, for example. It is a matter of our finding the resources or reassigning the priorities within the A-base resources we have at the centre to undertake that work. In effect, we'd be displacing something else that's been identified as a priority.

**Mr. Joe Comartin:** Who makes the determination on those priorities?

**Mr. Roy Jones:** We take our direction from the deputy ministers provincially, territorially, and federally.

**Mr. Joe Comartin:** Have you any idea how long it would take to do it if authorized?

**Mr. Roy Jones:** I am reluctant to give a guess off the top of my head. We could prepare a proposal that would outline a couple of options for conducting a study like that, or we could discuss the options for undertaking research of that nature with the research and statistics section of the Department of Justice and come up with an estimate.

**Mr. Joe Comartin:** Mr. Chair, I'd indicate that I would like some discussion on this at one of our future planning meetings.

**The Chair:** We are going to have a planning meeting, hopefully, after our session today.

**Mr. Joe Comartin:** Thank you.

With regard to the drop in the murder rate in the United States, there are two theories. One is that it's because of the aging population within the criminal element, if I can put it that way, in the United States, and I ask for a comment on whether there is any validity to that. Secondly, as much as we may not recognize it, there has been a series of gun control measures implemented in the United States, particularly at the state level. Did that have an effect on the drop in the murder rate?

**Mr. Roy Jones:** I don't have the information on the drivers for the trends in the American homicide rate with me. I know they have been looked at fairly extensively in the States, but I don't have that information with me today.

**Mr. Joe Comartin:** Could you get back to us on those two figures, please?

**Mr. Roy Jones:** Yes, I'd be pleased to.

**The Chair:** Thank you, Mr. Comartin.

Borys.

**Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.):** Thank you, Mr. Chair.

I am looking at table 5, and something worries me. I understand the statistical reasons for taking a five-year average, but when people's lives are at risk, five years is a long time to wait to get some statistical information. That's the situation we're in right now in Toronto.

It would have been very helpful to see the breakdown over years and to see a trend graph similar to the other trend graphs. You've done them back to 1977. Would you be able to prepare something from 1977 up to this year so at least we could see a trend?

I understand that as a statistician you may have some reluctance to do that, but as I said, for us to see a trend and to wait five years to see if we are trending one way or another when people's lives are at risk is counter-productive. These stats don't help us at all in those sets of circumstances. So could we get that kind of trend graph from 1977 forward?

• (1145)

**Mr. Roy Jones:** Yes, we could prepare such a trend line for single years of age by CMA.

**Mr. Borys Wrzesnewskyj:** Can you go even further? Things may be encouraging in a city of the size of Toronto overall, but we have what people acknowledge are at-risk neighbourhoods. Even though you may have a good trend for the city as a whole, you have

neighbourhoods where the trends may be going right off the sheet. Do you have the sort of statistical information that goes into specific neighbourhoods to show what's happening there?

**Mr. Roy Jones:** We do have information on the location of the incident in most cases, certainly in the case of homicide. Some of the information from some of the police services is being geo-coded, which would allow us to look at patterns of violent crime and of homicide within communities.

We've recently partnered, with funding from the National Crime Prevention Centre, to look at distributions of crime patterns and socio-economic conditions within communities in a number of sites across the country, and that work is starting to generate some interesting results at the sub-CMA level.

**Mr. Borys Wrzesnewskyj:** If those could be provided, that would be quite helpful.

**The Chair:** That is an undertaking for what information?

**Mr. Borys Wrzesnewskyj:** It's to provide information to the committee on neighbourhoods at risk or to graph where the gun-related crimes actually occur.

**The Chair:** If they have that information.

**Mr. Borys Wrzesnewskyj:** Yes, and once again, we'd like to see any of the statistical information year by year over a number of years.

**Mr. Vic Toews:** I think that would be very helpful information, but I understand that there are crimes—

**Mr. Borys Wrzesnewskyj:** Hold on a second.

**Mr. Vic Toews:** No, this is right on your point.

There are breakdowns riding by riding as to crime, and I have seen those breakdowns. I can go into each and every riding and tell you exactly what crimes are committed in those ridings. Perhaps Statistics Canada can make those available.

**The Chair:** Mr. Jones, can you provide that information?

**Mr. Roy Jones:** We can provide the information we have available at the sub-community level, yes. We don't have detailed information for all types of offences at the sub-level because the numbers get to be too small, but we have started to look at that. Where we do have that information available, we'd be pleased to provide it.

**The Chair:** Thank you.

Proceed, Mr. Wrzesnewskyj.

**Mr. Borys Wrzesnewskyj:** Thank you.

A lot has been talked about in terms of the stats, provided mostly from the United States, on mandatory minimums and how they don't have an effect, but I also understand, as it relates to gun crimes, that may not be the case according to a number of those reports. Is that correct?

**Mr. Roy Jones:** I don't have that information with me.



**Mr. Borys Wrzesnewskyj:** As I said, a great deal of time is spent referring to these American studies. Is it not correct that they have a very different cultural background in the States? They have a constitutional guarantee of a right to bear arms. They basically have a gun culture there. Those particular stats, even if they should perhaps show a certain trend, may not in fact apply in a very different cultural milieu like Canada.

**Mr. Roy Jones:** I'm not in a position to make a statement about the impacts of cultural differences between Americans and Canadians. As I mentioned, where we have done analysis on socio-economic conditions at the community level, we're starting to look at some of the statistical associations that are available, but we have not looked at cultural differences.

**Mr. Borys Wrzesnewskyj:** Thank you.

I'm sorry, I'm rushing because there are a lot of questions. When numbers are thrown at you and they seem to be saying one thing yet you see a different situation on the ground, it worries you.

The studies that are always being referred to as well talk about the deterrent effect. Are there any studies that show, if someone is constantly rotated every six months back into a community after committing a gun crime, what the reoccurrence rate in those cases is as opposed to the reoccurrence rate if it happens every six years, not in terms of the individual and their deterrence but in terms of violence within a neighbourhood?

The trend I seem to see, without having the statistical backing for it, is a ghettoization of these at-risk neighbourhoods, where people are rotated back into the neighbourhood. Besides the individual deterrent effect, perhaps there is an effect.... But if you take these individuals out of society....

In fact, as a parliamentarian I have an obligation to guarantee the security of society. Whether or not time spent in jail is a deterrent, we have an obligation to protect society. Are there stats that show that if you keep them out of circulation for six months, you may in fact be decreasing the number of violent acts within those at-risk neighbourhoods?

• (1150)

**Mr. Roy Jones:** As I mentioned, we haven't done analysis specific to violent repeat offenders within communities and the impact differential custodial sentences may have had on crime rates. That analysis hasn't been done, to my knowledge. We certainly haven't done it.

**Mr. Borys Wrzesnewskyj:** Do I have a little more time?

**The Chair:** No, you are three seconds short, so I'm going to cut you off right there.

Mr. Breitkreuz, please.

**Mr. Garry Breitkreuz (Yorkton—Melville, CPC):** Oh, you're not going to give him another minute. Okay.

**Mr. Borys Wrzesnewskyj:** Well, if you're willing to lend—

**Mr. Garry Breitkreuz:** You'll have another chance.

Following up on that, there seems to be some correlation, from what you presented to us, that with an increase in sentencing—mandatory minimums would have resulted in that—these people are

not on the street and therefore there is a decrease in the number of robberies using a firearm.

Could we not extrapolate that from your statistics on page 10?

**Mr. Roy Jones:** I'd be reluctant to agree with that extrapolation in the absence of having done analyses of other programming options.

**Mr. Garry Breitkreuz:** Okay, so maybe that's something you could do on that.

I want to follow up also on my colleague's questions in regard to culture and so on, because I have come across statistics—and I'm hoping you can provide this to us—showing that 70% of the firearms-related crime in the U.S. occurs in 3% of the jurisdictions. So if you're going to do the analysis for Canada, it'd be helpful to do it for the U.S., because I'm aware of a study that was done comparing cultures in western Canada with similar ones in the U.S. For example, the prairie provinces have a firearms rate that is considerably higher compared to a very similar culture right across the border in the U.S.—North Dakota and Montana—where they have virtually no laws in relation to firearms. Yet firearms crime in Canada is much higher in those jurisdictions.

Could you also supply that to us, on where you have a cultural similarity between two areas?

**Mr. Roy Jones:** We could provide provincial-level information of that nature, but we wouldn't be making the linkage to commonalities of culture or differences in culture. We could provide you the numbers, but we wouldn't provide that nature of analysis in a cultural context.

**Mr. Garry Breitkreuz:** We could try to make that link.

But you would be able to provide us the riding-by-riding statistics in Canada, and also the narrow counties in the U.S.?

**Mr. Roy Jones:** We'll ask our American counterparts for the information at the greatest level of geographic detail possible, and we'll look at the level of offence detail that we can provide for small areas.

**Mr. Garry Breitkreuz:** Yes, because we'd like to compare the prairie provinces to the areas in the U.S. right across the border that are also prairie states. I think that would be a valid comparison.

I think with that, if you come back, then we'll be able to further pursue this.

**The Chair:** Thank you, Mr. Breitkreuz.

Mr. Lemay.

[*Translation*]

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** Good morning, Mr. Jones.

I like to talk about statistics because you can have them say pretty much whatever you want. Now, as to the charts on pages 8 and 9, would you agree that for these types of crimes, incarceration is generally the rule and other sentences the exception? Would you agree?

• (1155)

[*English*]

**Mr. Roy Jones:** Yes, that's true.

[Translation]

**Mr. Marc Lemay:** Do you know if there are statistics for the period that preceded the coming into force of mandatory minimum sentences? We started to impose these types of sentences for certain crimes some years ago. In my own practice, I have seen these mandatory minimum sentences in cases such as the use of a firearm with intent to commit a crime. There is first a one-year sentence, and then a three-year sentence.

I'm wondering if you have statistics for the period before these mandatory minimum sentences came into being. If you do, could you send them to us fairly soon?

[English]

**Mr. Roy Jones:** Yes, we'll certainly endeavour to get those as quickly as possible.

[Translation]

**Mr. Marc Lemay:** You do have such statistics?

[English]

**Mr. Roy Jones:** We haven't done the analysis comparing before and after changes in mandatory minimum sentencing, but we would have information on the database in some jurisdictions prior to the mandatory minimum provisions being enacted, where we will try to compile and look at sentencing distributions.

[Translation]

**Mr. Marc Lemay:** Does your data come from police departments or from ministries of Justice? Where do your numbers come from?

[English]

**Mr. Roy Jones:** The court-based information comes to us right off the information management systems of the provincial and territorial ministries responsible for courts. So we have automated electronic interfaces that run against their databases using standard protocols for that collection that are then reported to us for editing, processing, and statistical analyses. So they're coming off the information that's compiled from each court registry.

[Translation]

**Mr. Marc Lemay:** How long have you been doing things this way?

[English]

**Mr. Roy Jones:** Our first collection of information in jurisdictions began in 1994—so about 10 years. The jurisdictions are beginning to participate as their automated information systems that contain this information are capable of responding to the national information requirements that have been identified, and they're capable of providing data that is of acceptable quality and completeness.

[Translation]

**Mr. Marc Lemay:** Do the statistics you have include cases heard, in some provinces, in the criminal division of the Superior Court?

[English]

**Mr. Roy Jones:** Yes, because the information systems are often separate in the jurisdictions, we have to create separate interfaces for the various levels of court. Where they are integrated, we are able to collect data from all levels of court through the same collection protocol.

[Translation]

**Mr. Marc Lemay:** Finally, concerning the types of crimes committed, we see on the one hand a significant increase in the use of firearms, and on the other hand, a significant increase in the use of edged weapons. That is knives and weapons of that type. Would you agree with that?

[English]

**Mr. Roy Jones:** We are seeing a proportional increase in the numbers of violent offences that involve weapons other than firearms, yes.

[Translation]

**Mr. Marc Lemay:** Thank you.

[English]

**The Chair:** Mr. Cullen, please.

**Hon. Roy Cullen (Etobicoke North, Lib.):** Thank you, Mr. Chair, and thank you, Mr. Jones.

If we go to page 10, “244—Causing bodily harm with intent—firearm”, I'm not a lawyer, so excuse my ignorance, but does that include murder?

• (1200)

**Mr. Roy Jones:** No, it doesn't.

**Hon. Roy Cullen:** Okay. Do you not have the same data for murder?

**Mr. Roy Jones:** I don't have information in this graphic for murder, but we do have the information on murder and manslaughter cases from those jurisdictions reporting. For first and second degree murder, because of the exclusive jurisdiction of superior courts, in the absence of the participation of Ontario and Quebec and a number of other jurisdictions, we don't have a large body of first and second degree murder convictions sentencing information. We have a little bit in each year. We could make that available to you as well, by level of court, but it's not in this deck.

**Hon. Roy Cullen:** It's not in this deck. I don't understand your work that well, then. Murder would be a pretty serious thing. You're saying it's a problem with collecting the data?

**Mr. Roy Jones:** It's a question of having access to the data in certain jurisdictions. We simply are not receiving information from superior courts in the two largest provinces in the country. We are working with Ontario. We actually have a meeting this week with Ontario to try to rectify that, beginning from next year.

**Hon. Roy Cullen:** In my riding in Toronto there are a lot of murders going on with firearms.

If we look at this section 244, you said the median was four years, with 20% at least six. These are sentences given out by a judge, right? It's not time served. I'm not going to ask you for more data, because I think you'll be busy for the next two years with all the data we've asked you for, but do you have any sense of or data on, if we say four years, let's say, the median, how many years those people would actually serve?

**Mr. Roy Jones:** We have more limited information from correctional authorities on time served. We don't get that information from the courts. Unfortunately, we don't have offence-specific information from Correctional Services right now. We're developing a case-based microdata survey. We started last year. We have Saskatchewan sending pilot information to us now that we've analyzed, but we don't have access to that information right now.

**Hon. Roy Cullen:** One of the issues that have come up in Toronto is that people who have been convicted of gun violence often become repeat offenders. Also, there are questions around bail. I know this is outside of your scope, in a sense, but do you keep any data on repeat offenders or the bail conditions, terms or how often people convicted of these serious firearms offences are out on bail and reoffend or reoffend after the completion of their sentences?

**Mr. Roy Jones:** In the past we have conducted analyses to look at repeat contact with the police and repeat contact with the courts. We're talking about relatively small numbers generally, with the coverage that we have, because we have to have a fairly lengthy time series to be able to do that. I'd be pleased to provide the summary reports we've produced to date on that. However, we don't have a lot of offence-specific information.

**Hon. Roy Cullen:** If you have that available, that would be useful.

My final question, and this is outside of the scope for what you do, I'm sure, but I'll throw it out there in case you have any data on it. Your data would suggest, I think, that if we're looking at gun crime we should also be looking at crimes with other weapons, such as knives and stuff. It's actually something this committee has discussed, and the prevailing view seems to be let's at least deal with guns first. Certainly, as a Toronto MP, I would like to see us deal with guns, but there are some cities, like Winnipeg or Regina, where mostly people stab each other to death if they are going to commit homicide.

It is more of a behavioural science question, I guess, but it is so easy to pick up a gun. It is relatively easy, unfortunately, to get a gun. If you listen to *W-FIVE* or whatever, they'll say they can pick up the phone and get one within a few hours. Unfortunately, I think there's some truth to that.

To shoot someone with a gun...for someone who is going to kill someone, it's fairly easy to pull a trigger. It's fairly sterile, in one sense, whereas with a knife it's pretty ugly and brutal. I'm thinking out loud, in the sense of why should we differentiate between guns and knives, but I would certainly like to see us do that, because in my riding knives are not in vogue but killing people with guns is.

Have you done any work in that area at all?

• (1205)

**Mr. Roy Jones:** No, we have not.

**The Chair:** If there are no more questioners from the Conservatives, we'll go to Mr. Macklin. We can't recognize you yet, Mr. Toews, because everyone has to have one shot.

[*Translation*]

**Mr. Richard Marceau:** Excuse me, Mr. Chair, weren't we suppose to conclude with this witness at 12, so as to hear Mr. Sullivan?

[*English*]

**The Chair:** We still have two on the list so we can wrap up. From all the information we have requested undertakings on, it would appear that we might want to hear from this witness at another time.

We have Mr. Macklin on the list, and Ms. Sgro, Borys for a second time, and Mr. Toews has now indicated he would like a second round.

**Mr. Vic Toews:** No, it is simply a matter of clarification. What the rule is in this committee is that each member is allowed to speak before any other, but if a Conservative gives up their turn, they can give it to another individual, regardless of what the party is. The Conservative speaking could give it to Mr. Cullen, if he or she were so inclined, but not to Mr. Macklin. I think that's specifically in the rules that we can't give it to Mr. Macklin.

**Some hon. members:** Oh, oh!

**Mr. Garry Breitkreuz:** Mr. Cullen just asked a really good question.

**The Chair:** Would you like to have Mr. Jones return to the committee at a future time?

**Some hon. members:** Yes.

**The Chair:** Mr. Jones, we would ask you to reattend, armed with the information that you've undertaken to provide. We'll be back in touch with you and we'll continue your examination.

Yes, Borys.

**Mr. Borys Wrzesnewskyj:** Chair, just for clarification—and this flows out of the fact that we're going to be asking witnesses to come back—obviously we're in the peculiar dynamic that this government may not be around long, and I'm a new MP. What are the mechanisms that would allow bills or legislation in committee not to die when the government dies? Is it a case of House leaders reaching an agreement, or a committee—

**Some hon. members:** She dies.

**The Chair:** On dissolution, everything dies.

**Mr. Borys Wrzesnewskyj:** So there's mechanism to...?

**An hon. member:** Including on proroguing?

**Mr. Garry Breitkreuz:** Proroguing is a different story; it can be reintroduced. If you prefer to prorogue, I'm sure the government might entertain your representation.

**Mr. Borys Wrzesnewskyj:** Thank you for that clarification.

**The Chair:** Thank you very much, Mr. Jones. You were a very popular witness.

• (1208)

(Pause)

• (1210)

**Mr. Joe Comartin:** Yes, Mr. Chair, with regards to the planning of future business, which we were to do at the end of the meeting, I have a flight at 2 o'clock, so I will have to leave at a quarter to 1. Just from a practical standpoint, given the uncertainty of Parliament at this time, could we just put this off for another week and see what the consequences are in the House next week? I believe the next two days and the Tuesday of the following week are already scheduled.

**The Chair:** Even the Thursday is, Mr. Comartin. We have enough on deck for the next two weeks.

**Mr. Joe Comartin:** We might not be here by then.

**The Chair:** Your concern is in light of the opposition suggestion of bringing down the government next Monday, or a week Monday?

**Mr. Joe Comartin:** There are all sorts of rumours like that floating around, Mr. Chair.

**Hon. Roy Cullen:** Let's wait until Justice Gomery has submitted his final report.

**The Chair:** The request is to defer the...

**Some hon. members:** Agreed.

**The Chair:** *D'accord? Merci.*

Mr. Sullivan, welcome back. Please proceed with your presentation.

**Mr. Steve Sullivan (President, Canadian Resource Centre for Victims of Crime):** Thank you, Mr. Chair.

As always, it's nice to be back before the committee. These are interesting times. I wasn't sure if we would make it this far, but I'm glad to see that we have.

I want to congratulate Mr. Kramp for his hard work on this bill, in introducing it. I think he certainly added to the debate that's out there in the public and brought the issue to Parliament to be discussed, the issue of gun violence and how, as a system or as a country, we can respond to that.

First, I support the principles of the bill, and I think there's agreement, certainly within Parliament and with the public, that we need to get more serious with gun violence. I think there's even some agreement that mandatory minimum penalties may be one of the solutions to that problem. I guess, as a committee, you'll decide what the appropriate numbers for those mandatory minimums are. Although not all of us may like it, I think there is some credence to the concerns raised by the department about these numbers and whether they'd be constitutional. But there are probably far more experienced and knowledgeable people on that issue than me.

I did meet yesterday with the Minister of Justice on a variety of issues. He talked about the package that he hoped to introduce later this month, which I also understand will include some mandatory minimum penalties. So there seems to be some consensus on that. I think it's a question of determining what those penalties will be.

I don't know that I have a lot to add to your debate as far as statistics go. I heard a little bit of the testimony of the previous witness, who gave you a lot of information to digest and consider. But what I wanted to share very briefly with you this morning, and then I'm happy to take your questions, is this. We talk about crime and violence, and I'm pleased to see the committee—I've read some of the transcripts—talk about the issue of crime victims, because it is crime victims who really bear the cost of violence.

The Department of Justice did some research and they found that in 2003 the cost of crime was around \$70 billion, and 67% of that cost was borne by crime victims. In another study, they found that when you looked at the self-reporting of violent crime—not the police statistics but the self-reporting—looking strictly at pain and suffering for victims of violent crime, the numbers were in excess of \$20 billion a year. For property crime, the numbers were in excess of \$15 billion a year. And these are pain and suffering numbers for the people who are most affected by crime.

These are large numbers, and I think even the researchers will admit that they don't truly capture the impact of violent crime. We work with many families of homicides involving guns, involving knives, involving other forms of violence. The impacts on those families go beyond just the husband and wife or the parents. It goes beyond just the immediate family to include friends and loved ones and work colleagues.

We work right now with several victims who've experienced physical violence but survived. One lady we know lost her eye when her husband shot her with his shotgun in a domestic violence situation. Another individual we work with was beaten over the head with a hammer and suffers from brain damage; he has, in essence, lost custody of his daughter because he is no longer able to function at a capacity to take care of her. These are the real impacts of crime. I know that certainly Toronto has, in recent months, seen some horrific incidents. A four-year-old boy was injured. That little boy will suffer the impact of those injuries forever, as will his parents, who are caring for him.

These are the true impacts of crime. When we're talking about the justice system, certainly sentencing is an important aspect of what victims will look to in deciding whether or not they feel justice has been done, but equally important is how we treat crime victims. We need to make sure the measures are there to ensure that they're taken care of—counselling, compensation, and sentencing.

Sentencing is a very complicated procedure, as you know. You've probably talked a bit about it at this committee. We deal with victims who will go into court, say, on a sexual assault with a weapon—it might be a gun—and see that the maximum penalty for that might be 14 years. When they come out of the sentencing process, which they don't understand because no one explained it to them, the individual who victimized them might be looking at a sentence of less than two years.

•(1215)

How do you explain to someone who has to live with this that the maximum penalty for the most serious offence is 14 years, but the real penalties we give are not anywhere near that? And I'm not here to pretend—I don't think Mr. Kramp is either—that the solution lies in longer sentences or tougher sentences, but sentencing is an important aspect.

Whatever the numbers end up being with minimum sentences, I think equally important is the need to educate the public about what these sentences actually are. I think there is some truth to the notion that a lot of the people involved in these crimes frankly have no idea: they don't think they're going to get caught.

We did some research recently into the impact of unsolved homicides on family members. We looked at cases of unsolved homicides going back 20 and 30 years. We found some evidence to suggest that in the U.S. and in Canada, the rate of unsolved homicide seems to be growing. If you look at the situation in Toronto this year, I think you can in part see why; there's been a reduction in the kinds of homicides that are relatively easy to solve—the spousal homicides, the family-related homicides. They still represent the majority of homicides across the country, but there has been somewhat of a reduction. The increase, certainly in Toronto this year, has been in those gang-related, drug-related crimes, and those are the most difficult to solve. In the last couple of years, a quarter of all homicides in this country have gone unsolved. The amount of resources put into those investigations is huge, as is the impact on the families.

So an equal part of solving the problem is, one, dealing with sentencing, making sure that those who take part in this behaviour understand what the sentence will be, and two, increasing the chance that they're going to get caught. A lot of people don't think they're going to get caught, and unfortunately some of them are right. In these situations of gang violence and drugs, witnesses aren't going to come forward.

I think this is an important part of the debate, and I congratulate the committee. I know you've heard from a variety of witnesses. I congratulate Mr. Kramp for taking the lead. I'm not sure if we're going to see the government's package, but we certainly look forward to that as well.

I'm happy to take any questions.

**The Chair:** Thank you, Mr. Sullivan.

Mr. Toews, seven minutes.

**Mr. Vic Toews:** Thank you, Mr. Sullivan, and thank you for your dedication and work with the centre for victims of violence.

There are two issues I'd like to raise with you. One deals with the rights of victims, not simply in legislation but in the Constitution. More and more I'm attracted by the theory that section 7 of our Charter of Rights, which deals with the right to life, liberty, and the security of the person, the right not to be deprived thereof, may afford some kind of a constitutional basis for victims to demand certain rights of government where governments are insensitive to what has been happening to them. That's the first issue.

The second issue you raised is the matter of educating the public. In a debate just recently, when we were talking about sentencing in the context of Bill C-53, the animal cruelty bill, we got onto the issue of sentencing. One of the Liberal MPs said that the problem wasn't with the law, the problem was with the judiciary. That Liberal MP may have stumbled onto something that many had already stumbled onto years ago.

The issue then is not so much educating the public but educating the judiciary. Although judges are, of necessity, independent—we vigorously protect their independence to apply the law and administer the law—they still need to understand the social context of the law that they're applying. Often that social context is lost. A precedent that may have been appropriate five years ago is no longer appropriate today. My colleague from Toronto just mentioned the gun shootings in his area. Clearly, precedents that may have been appropriate ten years ago are no longer appropriate in that context.

The theory I've been advancing is that one of the responsibilities Parliament has in terms of educating the judiciary in a constitutionally proper fashion is by bringing about mandatory minimum prison sentences, which then essentially state that the existing precedents are no longer appropriate and new ones should be established by the direction that Parliament is giving to these judges through the statute it's passing. We've seen that imposing higher maximum penalties in the legislation doesn't result in a corresponding increase in greater actual sentences imposed.

On those two issues, sir, I'd like to hear from you.

•(1220)

**Mr. Steve Sullivan:** Thank you, Mr. Toews.

Certainly on the issue of section 7 of the charter, we have for a while now talked about the issue of the charter and crime victims.

You may be aware that in the U.S. there is a movement to amend the U.S. Constitution. It's been supported by the current President Bush and it was supported by former President Clinton. They were actually very close to doing that last year but didn't have the vote, so they had a compromise. But there's still a movement to do that. I think the majority of U.S. states have amended their own constitutions to support victims' rights.

One of the discussions we had with the minister yesterday was... It's a challenge, I think, for the federal government because the provinces have jurisdiction over victims, but we really need to find ways to make victims' rights more prominent in the system. He talked about a Canadian crime victims act.

I think it sort of leads into your second point about education. The victims' movement has made significant improvements in the last 10 or 20 years, but the attitudes of people in the system—judges, sometimes crowns, and certainly defence lawyers—haven't changed very much. They still don't think victims belong in the system, and I think educating them at the very base level... I think the charter will send a very strong message to them.

To your second point about educating the judiciary, we're very frustrated with the judiciary when it comes to victims' rights, because there's a provision in the Criminal Code—it came before this committee and was passed in 1999—that says that judges shall inquire of crowns at the time of sentencing if they have canvassed the victim impact statements from the victims. Anecdotal evidence is that, at best, one-third of judges are actually making those inquiries. And Parliament said, “You shall do this”, and they're not doing it. So it's very frustrating to have what's supposed to be a dialogue, I think, with Parliament and the courts when the courts really end up doing what they've always been doing.

It was earlier this year when this committee passed mandatory minimum sentences for possessing child pornography and those kinds of offences. The courts weren't reflecting the seriousness of those offences that Parliament felt, and I think that Canadians felt, they deserved. So you had to send a message to them.

I think this is one of those areas. The seriousness of gun violence is such that we need to send a message to the courts.

I don't completely understand why the courts are so reluctant to have more education about a variety of issues. We've tried with victims' rights. Independence, I think, is used as a shield. I would think more information from all different walks—not just from victims—on all issues for the judiciary would make for better decisions, better court-imposed conditions, and those kinds of things.

So I agree with you on both issues.

• (1225)

**The Chair:** You have one minute, Mr. Toews, for question and answer.

**Mr. Vic Toews:** Yes. Well, I'll let it go.

**The Chair:** Thank you.

Mr. Marceau.

[*Translation*]

**Mr. Richard Marceau:** Thank you very much, Mr. Chairman.

Mr. Sullivan, it is a pleasure to welcome you to this committee. I just want to make sure I understood what you said. You have testified in favour of Bill C-215. And yet, I get the impression—and correct me if I'm wrong—that given your opinions and your nature, you would under normal circumstances favour education campaigns focusing on the often far too dramatic consequences of firearm use, rather than imposing minimum sentencing. Am I mistaken?

[*English*]

**Mr. Steve Sullivan:** I don't think it's an either/or. We support the principles of Bill C-215. Again, I'm not sure what the number is, because I'm not sure they would withstand a charter challenge, but in addition to that, we support a broader education of the judiciary and the public about what the impact of firearm violence is.

[*Translation*]

**Mr. Richard Marceau:** The statistics which were read to us just before your testimony show that knife crimes are much more frequent than gun crimes. If you follow that logic through, do you think that in such cases we should not only opt for an education campaign but also for mandatory minimum sentences?

[*English*]

**Mr. Steve Sullivan:** Certainly, and I think it's logical that you would see a higher incidence of knives. As easy as guns are to get, knives are that much easier.

I think it would be nice to educate the public and the judiciary about the impact of violence in general. I talked about gun violence because that's what we're dealing with in this bill. People read the newspapers and then turn the page after reading about a horrific incident. So should there be a broader education? Certainly.

Looking at minimum sentences for knives might be appropriate. I think in last year's statistics there was a rise in homicides committed with knives. But be careful. Because they are so easy to get, you wouldn't necessarily want to give a mandatory minimum sentence to some young person who was carrying a knife for his protection, for example—those kinds of incidents. There may be somewhat of a difference in the motives of people who carry guns and carry knives, so I think there needs to be some flexibility. But certainly for those who commit violence, who actually use the knives, it may be appropriate to look at the use of mandatory minimum sentences.

To be honest, I don't know what the average sentences are now, so I'm not sure I can give you any guidance on that.

[*Translation*]

**Mr. Richard Marceau:** Of course, this subject has been raised both within and outside this committee. Every act of violence, every crime has its victims. It's sad to think about the physical, emotional and psychological suffering that may result.

Unfortunately, we are bound by a number of budgetary constraints. A group of victims, whom I met with in my office, complained of the lack of resources available to victims. I agree that victims are the forgotten ones in our legal system. In some cases, we might even consider them to be victims twice over.

In such cases, wouldn't mandatory minimum sentences impose a hefty financial burden on an already costly justice system? And given that resources are limited, will some groups of victims be disadvantaged? I'm not saying that one consideration is more important than another. I'm asking you this question quite innocently. Keeping someone in prison costs a lot. I'm not saying we shouldn't keep them there. I don't want to be misquoted either, and have people say that I want to reduce the number of people in prison because it cost too much to have them there. That's not what I'm saying.

Don't we risk depriving some components of the judicial system, which are already lacking resources, of what they need, especially when it comes to victim assistance? Thank you.

•(1230)

[English]

**Mr. Steve Sullivan:** I haven't heard all the evidence you heard this morning, and you may hear more witnesses if there's time for that. I think mandatory minimums can be part of a solution, but you have to look at whether they work.

In general, as a country, we haven't relied on mandatory minimums as much as our neighbours down south. If there's some evidence that mandatory minimums can reduce future violence, for example, then in essence we're spending the money at the front end but maybe we're preventing more victims down the road.

The other thing about victim assistance—and it is a good point, because you have to find the money somewhere—is that the majority of money that goes into victim assistance right now, in most provinces, comes through victim fine surcharges, which are really paid through parking tickets and those kinds of things by the provincial and federal levels. Despite our best efforts, there really isn't a whole lot of money put into victim services by the provinces or by the federal government.

The federal government, as you may know, stopped providing assistance to the provincial governments to pay for compensation plans back in 1993. Since then, we've seen compensation plans reduced and in some provinces and territories eliminated completely. So it's not like there's really a big pot of money now being spent in the justice system on victims of crime.

Your point about maybe spending too much on prison sentences and not putting it into prevention or rehabilitation programs is an absolutely good question to ask. You have to look at the impact of these sentences. Are they working? I think the witness before me talked about assessing some evidence about the current mandatory minimums, what the impact has been. I think that will help answer your question. If it's to prevent future violence, then it's probably the way to go.

**The Chair:** Mr. Comartin.

**Mr. Joe Comartin:** Mr. Sullivan, thank you for being here.

It would actually behoove the committee, Mr. Chair, to look at some of the evidence that we got yesterday to follow up on the points Mr. Sullivan just made about the cutbacks that have occurred with regard to supporting victims rights and compensation for them.

Our subcommittee yesterday on national public security heard from family members of the victims of Air India and, actually, the wife of one of the men who was killed in the twin towers in New York. To categorize their treatment by our government, by Canada, as atrocious and downright terrible would be generous. You may want to take a look at some of the evidence they gave. Actually there are a couple of briefs. Perhaps I'll forward them to the committee and we can circulate them for both of those groups.

Mr. Sullivan, I really have just one question that I want to ask, and I apologize, I'm going to have to leave. You used the statistic—and I'm wondering about it—that 25% of murders go unsolved in this country. The last time I looked at the statistics it was about a 10% rate. I don't know if that statistic is limited to certain areas of the

country or if that is the statistic across all of Canada. If it is, what is your source for that?

**Mr. Steve Sullivan:** In the 2004 homicide statistics, of the 622 homicides, 161 are unsolved as of the time of the report, and that number will change; obviously they'll catch up. But in a general sense, in the last couple of years we've seen about a quarter of all homicides unsolved. Again, that number changes with DNA evidence and those kinds of things.

There is some evidence that we looked at from researchers in the U.S. who looked at both the U.S. and Canada, and although it wasn't the evidence in Canada with violent crime in general, they found there was a lower solve rate for violent crime in the U.S. They compared the U.S. and Canada and found that there is evidence of a lower solve rate in Canada for homicide. If you look at our numbers also, the homicide rate has generally been declining over the last number of years. You would expect that more resources could go into each homicide, but unfortunately that's not the case.

My statistics are from the *Juristat*.

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

**The Chair:** Thank you, Mr. Comartin.

Ms. Sgro, please.

**Hon. Judy Sgro (York West, Lib.):** Thank you very much, Mr. Sullivan, for being here, and thank you also for the time and effort you're putting into the whole issue of victims and so on.

I have some real concerns, similar to what Mr. Comartin said, but on a personal basis, and over and above that, with the fact that Louise Russo and the four-year-old you referred to are both constituents of mine. I am well aware of the violence that's happening out there and the need not to necessarily have new laws but to get the current laws applied. When I get worked up on some of these issue and look, the laws are there. It's a question of getting the judiciary to apply the laws that we currently have.

As much as I am sympathetic to mandatory minimums and practically anything you could possibly mention to do, the reality is that we have to get the judiciary to apply what we already have. We may need more victims, unfortunately, to be speaking out and demanding that the judiciary use the tools they already have as we move forward.

Mr. Kramp's intent here is to strengthen the system, but if we're not getting what we currently have applied, I question whether or not it's going to help us in the long run.

What I'm interested in is exactly what your organization is doing and how you are helping the victims we currently have.

•(1235)

**Mr. Steve Sullivan:** Our organization is very small. I'm one of two full-time employees, although we have several students who help us out from the local universities.

We provide assistance to victims from across the country. The majority of victims who come to us for assistance are people who are having a problem in the system—maybe the crown's not communicating, or they can't find out what the police are doing investigative-wise. A lot of our work deals with corrections and parole. Someone has been transferred to a lower security prison, living near the victim, and they're concerned about those kinds of things. We often go to parole hearings with or on behalf of crime victims.

Our mandate is very broad. As Mr. Comartin mentioned, yesterday the families from the Air India case and 9/11 testified. We're currently working with them to help them further their voice in the system.

We don't provide counselling, but we can help victims find counselling in their areas. We will assist victims with their compensation applications, if that's applicable in the province they're from.

Really we try to let victims tell us what they need and then try to provide assistance, given the fact that we're very small. I don't pretend that we either speak for or can provide assistance to all victims across the country.

**Hon. Judy Sgro:** We currently are dealing with Bill C-46, and in Bill C-46, as you would be aware, there is a package for victims. Tell me what you think about the package.

**Mr. Steve Sullivan:** The amendments in Bill C-46 with regard to the victims are something for which we've pushed for a long time. Of those victims we deal with whose offenders are in the federal system, almost all have told us they'd like to know what this individual is doing in prison to further his rehabilitative efforts. Is he taking programs? He may be or he may not be, but victims want to know those things.

The thing about the cases we often deal with is that the victims know what the offender was on the day of sentencing or on the day of the offence. It might have been 15 or 20 years ago. They don't have any idea what he is today. It may be that he's changed completely. It may be that he hasn't, but they live in that sort of cocoon, remembering only what he was then and really living in fear for the day that he's released. When we attend parole hearings with victims—and the government's announcement of the fund to attend parole hearings is very welcome by the victim community—and victims are involved in the process and understand why the parole board released the guy or didn't release the guy, they may not like the decision, but they are much more able to accept it and move on.

I've been in hearings with victims who were terrified of the release of the man who killed their son, for example, who walked out saying they didn't have anything to worry about anymore, and if they'd known that 10 years ago, they wouldn't be living in this kind of fear right now.

The proposals in Bill C-46 with respect to the victims of crime are very much welcome.

**Hon. Judy Sgro:** Over and above that—and I've been through this twice on a personal level myself, so when you talk about these issues...but that's only a small part of it. What about dealing with the issues of the level of financial compensation, the ways that we as a

government can move forward in assisting them in rebuilding their lives? You must have done some work on that, or have you been very focused just on the judicial side?

**Mr. Steve Sullivan:** We try to do some of that work. One of the problems in our society and in our system is that we look to the justice system to meet the needs of victims. It was never set up to do that. It was, in fact, set up to exclude them. As the victims' movement, we've had some successes within the system with impact statements, parole hearings, and those kinds of things, and a lot of the laws are there. We're moving to trying to change people's attitudes in the system, to really make victims feel more welcome.

We know through the research that victims put less emphasis on the sentence if they feel they've been included in the system, meaning they've been consulted by crown attorneys. We know that when crown attorneys sit down and explain plea bargains, most of the time victims will agree with them, because they understand there may be evidentiary issues.

We have those rights now in the system. We need to focus on education, but also we need to build this parallel system for crime victims that says your satisfaction or your treatment doesn't depend on what happens to the offender. It's independent.

Currently the compensation plans we have in every province require victims to cooperate with the system, with the police and the Crown, and if you don't, you don't get compensation. We know that 50% of victims don't report crimes in the first place, so they're excluded. I think we need to focus on building this parallel system of justice or social welfare to say that we're going to meet your needs, whether it's counselling or retraining and all those things; then, if you have interest in the system, you can go to the parole hearings and do all those things too, but it's not dependent on that.

That's a dream we have, but I think we're learning that we need to deal with the social needs of crime victims. The impacts are lifelong; there are immediate needs for information, but there is also the long-term impact. There is job retraining—we deal with victims who simply can't work in their old professions—and those kinds of things. There's counselling in the long term; in the unsolved homicides I've talked about, if you don't make an application for counselling in the first year or two, you'll never get it, so if the guy's arrested 20 years later, everything's back for you, but you can't get any counselling.

I can go on forever.

• (1240)

**The Chair:** Thank you, Mr. Sullivan.

Mr. Thompson is next, please.

**Hon. Judy Sgro:** I'm currently working on a plenary for May on that very issue of the victims and the social aspect of it, so I'll be inviting you to be part of it.



**Mr. Steve Sullivan:** If we can be of any help—

**The Chair:** Mr. Thompson, please.

**Mr. Myron Thompson (Wild Rose, CPC):** Thanks, Steve, for being here, and thank you so much for all the work you do in regard to victims.

I don't know how many people here in this committee or any others close by may have experienced this, but about 45 years ago I and a couple of my chums were held up at gunpoint. We had to lay our goods down, throw our wallets on the ground, and we didn't know if we were going to get shot or what. When we talk about these things, I can't tell you the feelings that come over your body 45 years later. I can only imagine the seriousness of the impact on the victims where it really turned out tragically. It is not a good thing.

I think that Mr. Kramp's attempt and the committee's sincerity about trying to do the right thing to eliminate these kinds of events from happening for the sake of our law-abiding people is very commendable. You always hear arguments against some kind of action that you want to take.

As far as your work goes—I'll just talk about the victims for a moment—I recall so many incidents where the criminal who caused the event was provided with all kinds of psychiatry, psychology, all the benefits that, rightfully so, should be applied to that particular person. But at the same time, I've seen many cases where the individual victim had no opportunity for the same kind of service. I think there's really a big imbalance there, and I appreciate your work in trying to alleviate that. I know it happens, and every member on this committee knows very well that this takes place.

There's one argument that I heard against this bill. I was on the street, visiting with one of my colleagues from one of the other parties, and they said, you know, you can't support this kind of bill, because it will prevent people from pleading guilty. If they realize the sentence is this tough now, they're going to plead not guilty. When they do that, it means more legal involvement, more court time, more this and that. If you invoke this kind of thing, it is going to cause that reaction.

I really objected to that comment. We debated it quite strongly on the street—not a good place to debate.

How do you feel about that comment, that it will eliminate more guilty pleas, where you can deal with an offender, and it will make more not guilty pleas, where you're going to end up spending tonnes more money in courts and the legal system? Could you respond to that comment?

• (1245)

**Mr. Steve Sullivan:** I think one of the dangers...I shouldn't say danger. One of the impacts of this is that you might actually have more guilty pleas, but to offences that don't involve these sentences. We know that with the current mandatory minimums a lot of them are plea-bargained away. I think this will happen. There's nothing in the bill to prevent crowns from accepting pleas to deal away these kinds of sentences.

Certainly, there will be people with the crown sticking to their guns and saying we're going for this. If you're an accused person, and it's this or plead guilty, and if you go to trial you might get off,

there will be those who will roll the dice and go for it if there's no room to manoeuvre when it comes to sentencing. I think one of the problems will be what we see in the current legislation, that crowns will plea-bargain these sentences away. They won't have the kind of impact and send the kind of message that I think we want to.

On your point about people arguing against doing things, we heard it when it came to impact statements for victims. We heard it when it came to victims going to parole hearings. We hear it when we're giving victims more of a voice in the system. Our argument is always that we absolutely believe in protecting the rights of the accused person, and victims' rights don't interfere with that, and shouldn't interfere with that.

But this is a system that people built, the justice system. It didn't just fall from the sky. You know, we built it; we can change it. We can change it so that we give more attention to crime victims and those kinds of things. There are people who would be happy with the status quo on a whole variety of issues. It takes courage sometimes for parliamentarians to do the right thing.

**Mr. Myron Thompson:** Thank you for that.

I know that in my experience—I don't even like to remember it, let alone talk about it that much—the one thing that came across our minds was, boy, I hope they catch this guy and lock him up so other people don't have to face the same circumstance. Locking him up was the only thing that came to our mind as victims—you've got to lock him up and put him away. I know that's the initial thought that comes to mind. It's for the safety of future victims that this thought came in. I don't know how you avoid that.

**The Chair:** Mr. Thompson, your time has expired.

Mr. Lemay.

**Mr. Myron Thompson:** Can he respond?

**The Chair:** Was there a question there?

I think it was just a comment.

**Mr. Myron Thompson:** Do you have anything to say to my comments? I should be entitled to that.

**The Chair:** Do you have a quick response to Mr. Thompson?

**Mr. Steve Sullivan:** [*Inaudible—Editor*]

**Mr. Myron Thompson:** That I appreciate.

**The Chair:** Thank you.

Mr. Lemay.

[*Translation*]

**Mr. Marc Lemay:** Do you know the Quebec organization CAVAC, which is a victims of crime crisis centre? Do you work closely with this organization?

[*English*]

**The Chair:** Mr. Sullivan.

**Mr. Steve Sullivan:** We often make referrals to them. To victims who contact us we'll make referrals to CAVAC.

[*Translation*]

**Mr. Marc Lemay:** I used to be a criminal lawyer and as such, I defended the accused. It is, indeed, a procedure which was recently implemented. It enables crown prosecutors and judges to speak to victims. However, there is a problem with this and I had to deal with it at least ten times over the past two years. Of course, I'm not including my year and a half as a member of Parliament.

Judges and crown prosecutors don't know that the victims are in the room. And as I defended the accused, they asked me how come the victim was in the courtroom. Under the new legislation, this was permitted. Often, it was up to me to inform crown prosecutors that the victim was there. So there is clearly something lacking. Under the Criminal Code, the judge must, before handing down his sentence, allow the victim to address the court. And yet, if he is unaware of the victim's presence, he is not at fault. He is neutral. But the crown prosecutor should know.

Who is not doing his job? I don't want to blame the victim support centres. Moreover, you are right to say that often, what victims have to say is important. Everything you said earlier was right. I acted on behalf of a client in a murder case which lasted two months. By the end, victims start to understand the system a little better. Obviously, I'm not talking about the deceased person, but his family and friends.

Who is not doing his job?

[*English*]

**Mr. Steve Sullivan:** I think it's a problem of lack of resources in most jurisdictions. Just take here in Ottawa, for example. In the crown-based victim service office, there are three or four people who work there. The majority of their work is dealing with domestic violence. I would say three out of four of them deal with strictly domestic violence, and that's obvious. You have concerns about safety, and housing, and those kinds of things. The other deals with sexual assault. But all those other victims—homicide, robbery, assaults—generally get very little, if any, assistance from anyone in the criminal process. They rarely have contact with victim services. Here in Ottawa that's happening. In British Columbia they've recently completely wiped out their crown-based victim services.

So most of the resources, which are limited, go to domestic violence, which requires the most amount of work, so the other victims have no contact. Often, as you know, cases are plea-bargained, so crowns don't require people as witnesses, so there's no communication between the crown and the victim.

In a perfect world, there would be someone on behalf of the crown victim services who would assist that victim. In a perfect world, crowns would have the time to meet those victims and explain what's happening and what's not, explain a potential plea bargain and why they may or may not support that.

In a perfect world, we wouldn't have to rely on judges to ask crowns about impact statements, because crowns would know.... A lot of victims don't want to do impact statements. It's a choice. You don't have to do one, but currently in the Criminal Code, as you know, judges are required to ask at a sentencing process of the crown, have you canvassed with the victim an impact statement?

And if the crown says no, the judge has the discretion at that point to adjourn sentencing until that's done. Those questions aren't being asked.

So whose fault is it? I think we all probably have some ownership in that process, and unfortunately it's not one or the other. It's just the system in general—resources.

[*Translation*]

**Mr. Marc Lemay:** Thank you.

• (1250)

[*English*]

**The Chair:** Mr. Macklin.

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

Your advocacy is very important, and we do appreciate that advocacy in moving forward the cause of victims. As I reflect on what we're really dealing with here today, we're trying to deal with this massive movement toward mandatory minimum penalties of huge severity, quite frankly. When you get to the point where you're saying a person who commits murder will get life in prison plus 15 years, that certainly is messaging, but I'm not sure how practical or pragmatic this is.

But let me go back to the issue, because you're here representing victims, and the key for me and for the justice minister is, how do we stop having victims? That's the first one.

Secondly, we can work on the other issue of how we deal with victimization and help those who in fact have been so victimized.

Surely there's one thing we might start off by agreeing upon, and I think maybe all victims would agree that in fact they don't want to see another person victimized. Therefore, I think it's important that we look at the history of penalties of the type we're looking at. The history, to me and to the minister...although as the minister says, sometimes it may seem counter-intuitive that in fact mandatory minimum penalties would produce the results that you would expect, that they would be effective, that they would not only denounce but in fact also cut down on recidivism and deter others from going forward. Looking at the evidence I've seen, including the Canadian Sentencing Commission's report in 1987, it came to the conclusion that mandatory minimum penalties do not have any obvious special deterrent or educative effect, and they're no more effective than less serious sanctions in preventing crime.

Secondly, a more recent study in 2001 by two university professors, one at Carleton University, Nicole Crutcher, and one at the University of Ottawa, Tom Gabor, went through the entire effort of looking at mandatory minimum penalties and their effects on crime. They not only surveyed research from this country, but they also looked at the United States, Australia, New Zealand, Malaysia, and the U.K. That research concluded that it didn't support the use of MMPs for the purpose of deterrence.

So effectively at the end of the day we say, if research into the effectiveness of mandatory minimum sentences has shown that they don't have any obvious special deterrent or educative effect, then why would you be supporting, are you supporting, this bill as proposed? As I look at the evidence, the suggestions are that we're going down a road that isn't necessarily going to be effective, and that, rather, you should be looking at other aspects of crime and root causes and at other ways in which we could deal with it in other forms of education. This just doesn't seem to be the effective method that maybe initially one may think it is.

I'd like to get your comments on that.

• (1255)

**Mr. Steve Sullivan:** In a general sense, I'm not a huge proponent of mandatory minimum sentences. I think there's some value in providing the judiciary the discretion to craft sentences based on the offender in the offence. I can tell you that victims don't speak with one voice about the use of longer sentences. We deal with some victims who want that punishment aspect, with some victims who want the rehabilitative aspect, and with some victims who focus more on rehabilitation and don't see prison as that avenue.

Victims, I think, want fairness in their sentencing. They want to feel that the harm done to them has been reflected, and they want to see that reflected in the sentence. It doesn't mean that it might mean jail; it might mean restitution. Some of these people are suffering life-long problems and they want restitution. Victims want apologies. There is a whole range of things that victims want.

So I'm not a huge proponent of mandatory minimums, and as I said earlier, I'm not sure these numbers are the right numbers. Whether people think it's okay or not, there's a good chance that the Supreme Court would say these are unconstitutional.

You mentioned the life plus the 15 years. I'm not even sure that 15 years would have any impact on the sentence. I know of cases where people have been declared dangerous offenders, but they're lifers. The life sentence takes precedence. Even with the 5, 10, 15...with 5 years, you can apply for parole on one-third; with 15 years, you can apply for parole after 5. So I'm not sure these numbers reflect what people think they might.

Having said that, I think there may be a role in certain provisions when we're dealing with certain kinds of crimes and maybe certain societal problems. I supported the mandatory minimums for the child pornography offences. I thought those were of such a horrendous nature and the courts weren't reflecting them adequately. I think there may be a place, although I think looking at what the impact of the current mandatory minimums have been is really important to determine (a) what the numbers would be, and (b), if it's really effective.

**The Chair:** I think your time has expired.

**Hon. Paul Harold Macklin:** Let me just conclude, if I could, Mr. Chair, with just one point.

**The Chair:** Very quickly, Mr. Macklin.

**Hon. Paul Harold Macklin:** When we looked at the mandatory minimums with respect to child pornography, we kept them very low just to make sure we were sending an educative message to the courts, but we still allowed a fair amount of flexibility. Unfortunately, some of these sentences proposed in this bill, I would suggest, don't do that.

**The Chair:** Thank you.

Mr. Moore is our last questioner.

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

On the issue of sending a message, I'm wondering, then, how else we send that message. Can you contemplate any other way?

We in Parliament make the law. We can amend the Criminal Code, we can introduce maximum sentences, and we can introduce minimum sentences. But other than minimum sentences, when it comes to instructing judges, if society as a whole, reflected through this House, is not satisfied with the sentences that individuals are receiving.... You had mentioned victims feeling a sense of fairness. They have to live maybe forever as a victim or with the impact of whatever has happened to them, and they see someone who serves maybe no time in prison whatsoever or a very short amount of time. There's that confusion, where someone may get a 10-year sentence, but in reality they're not in for that long.

Is there any other way we can send that message? The exact amount of the minimum is obviously something this committee can look at, but does the minimum have that effect of sending a message to the court?

• (1300)

**Mr. Steve Sullivan:** Yes, I think it can have that effect. You can decide on the numbers, but if your intention is to tell the judiciary you're not happy with the way they are currently sentencing people who commit crimes with guns, telling them the bare minimum they have to do would certainly send a message.

I'm not suggesting you shouldn't do that. Some of the problems, though, are in making sure people get caught. That's a huge problem that we're seeing in Toronto. The message isn't going to the courts, because the offenders aren't going before the courts.

**Mr. Rob Moore:** I agree that a whole other area is getting the people before the court. Mr. Macklin asked what we do to ensure there are no more victims. Obviously, in a perfect world, we wouldn't have victims and we wouldn't have criminals, but we do have both and we always will. So the issue we deal with is how we make sure there are fewer victims and less criminal activity. I think that's the—

**Mr. Steve Sullivan:** I'm sorry to interrupt. In sending a message... what are the crowns going to do with this? You may want to hear from crowns, because I suspect a lot of crowns will plea-bargain these sentences away, which they do on a daily basis. Eighty per cent, if not more, of cases are plea-bargained. So to find out the real impact of this bill, you need to talk to the crowns.

**Mr. Rob Moore:** You're right. That hits on it. Because of the confusion out there when it comes to plea bargains, people think that maximum sentences are the going rate, when in reality it's less. So we do have to look at those impacts. That's something we as a Parliament can address.

The only other question I have is that you had mentioned there's this growing consensus on the issue of mandatory minimums, but time and time again we have seen the minister say they don't work. To say something doesn't work is kind of a broad brush. It doesn't work for whom? It doesn't work at what?

Where do they work? I would suggest that if someone was in jail for four or five years, they wouldn't be able to victimize someone else from their neighbourhood or in the street. It does work for some things. What are your comments on that?

**Mr. Steve Sullivan:** If you talk to correctional guards and people who do treatment in corrections, they will often tell you that one of the biggest problems inside our prisons are these guys who are in there for short stints—two years, three years. They really can't do anything with those guys. By the time you get them processed at the appropriate security level, those kinds of things.... That's not to suggest that prison is the best place to treat people, but that's what our options are.

I guess one of the arguments in support of it might be this: if you had some individuals for longer—and I think having the right people for longer—would it increase your ability to influence that person's behaviour when they get out? If you believe in rehabilitative programs at all, you need the time to actually have that influence with the person. So there might be some evidence there.

**Mr. Rob Moore:** Thank you.

**The Chair:** Thank you, Mr. Moore.

Mr. Sullivan, thank you for your attendance here today and your comments. It will certainly provide some assistance in our deliberations.

This meeting is 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.**