



House of Commons
CANADA

Legislative Committee on Bill C-35

CC35 • NUMBER 006 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Tuesday, May 1, 2007

—
Chair

Mr. Bernard Patry

Also available on the Parliament of Canada Web Site at the following address:

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

Legislative Committee on Bill C-35

Tuesday, May 1, 2007

• (1530)

[Translation]

The Chair (Mr. Bernard Patry (Pierrefonds—Dollard, Lib.)):
Good afternoon, everyone.

This is meeting no. 6. As the agenda indicates, pursuant to the order of reference of Tuesday, March 27, 2007, the committee is considering Bill C-35, An Act to amend the Criminal Code (reverse onus in bail hearings for firearm-related offences).

[English]

As witnesses we have, from the Canadian Police Association, Mr. Tony Cannavino, the president; David Griffin, executive officer;

[Translation]

Mr. Yves Francoeur, President of the Fraternité des policiers et policières de la Communauté urbaine de Montréal—I doubt that the community exists anymore, but in any case—

[English]

Dave Wilson, the president of the Toronto Police Association; Daryl E. Tottenham, sergeant, Westminster Police Service.

[Translation]

We also have, from the Canadian Police Association,

[English]

Mrs. Amanda Connolley.

We're going to have two presentations. The first one is by Mr. Cannavino. Mr. President, the floor is yours.

[Translation]

Mr. Tony Cannavino (President, Canadian Police Association): Mr. Chairman, members of the committee, good afternoon.

I would like to introduce the colleagues who are with me and who are members of the Canadian Police Association's board of directors. They are Yves Francoeur, President of the Fraternité des policiers et policières de Montréal; Dave Wilson, President of the Toronto Police Association; Daryl Tottenham, President of the BC Federation of Police Officers. I am also accompanied by the Executive Director of the Canadian Police Association, David Griffin. I will begin my presentation and then my colleagues will be available to answer your questions.

The Canadian Police Association welcomes the opportunity to present our submissions to the House of Commons Legislative

Committee on Bill C-35, An Act to amend the Criminal Code (reverse onus in bail hearings for firearm-related offences).

The CPA is the national voice for 56,000 police personnel serving across Canada. Through our 170 member associations, CPA membership includes police personnel serving in police services from Canada's smallest towns and villages as well as those working in our largest municipal cities, provincial police services, members of the RCMP, Railway Police, and First Nations Police Associations.

The Canadian Police Association is acknowledged as a national voice for police personnel in the reform of the Canadian criminal justice system. Our goal is to work with elected officials from all parties, to bring about meaningful reforms to enhance the safety and security of all Canadians, including those sworn to protect our communities.

• (1535)

[English]

Urban violence has been a significant concern for our association. For over a decade, police associations have been advocating reforms to our justice system in Canada. In particular, we have called for changes to bolster the sentencing, detention, and parole of violent offenders.

Make no mistake about it, repeat offenders are a serious problem. Police understand this intuitively as we deal with these frequent flyers on a routine basis. Statistics released by the Toronto police homicide squad for 2005 demonstrate this point. Among the 32 people facing murder or manslaughter charges for homicide in 2006, 14 were on bail at the time of the offence, 13 were on probation, and 17 were subject to firearms prohibition orders.

In November 2006, statistics provided by Toronto police indicate that of the nearly 1,000 crimes committed so far that year involving firearms or restricted weapons, nearly 40% were committed by persons on bail, parole, temporary absence, or probation. The revolving door justice system is failing to prevent further criminal activity by these repeat violent offenders.

Gun violence requires a non-partisan approach. Stopping the gang violence in Canada's major cities is a concern for police officers across this country. The solution begins with bringing an end to Canada's revolving door justice system.

Canada's police officers have lost confidence in a system that sees violent offenders regularly returned to the streets. We need to restore meaningful consequences and deterrence in our justice system, which begins with stiffer sentences, real jail time, and tougher parole eligibility policies for violent offenders.

We need to protect Canadians from offenders who commit crimes with guns or any type of weapon. We support the introduction of reverse onus legislation for offenders charged with serious offences involving firearms and other regulated weapons.

Support for tougher measures to thwart gun violence transcends party lines. During the last federal election, all three major parties promised tougher legislation for crimes involving firearms. The NDP platform promised to increase the mandatory minimum penalty for possession, sale, and importation of illegal arms such as handguns, assault rifles, and automatic weapons, and to add mandatory minimum sentences to other weapons offences, including a four-year minimum sentence on all weapons offences such as possession of a concealed weapon.

Former Prime Minister Martin promised to introduce reverse onus bail rules and to toughen penalties by reintroducing legislation to crack down on violent crimes and gang violence, by doubling the mandatory minimum sentences for key gun crimes.

On Thursday, November 23, Prime Minister Harper, Ontario's Premier Dalton McGuinty, and Toronto's Mayor David Miller held a joint news conference in Toronto to announce new federal legislation to toughen bail conditions for gun-related crimes.

Premier McGuinty has been a proponent of tougher measures to deal with gun crime. On December 29, 2005, following the Boxing Day shooting death of Toronto student Jane Creba, Premier McGuinty wrote a letter, entitled "An Open Letter from Premier McGuinty to Federal Leaders on Gun Crimes". In the letter, the premier proposed the following initiatives to address the gun crime concern: impose a ban on handguns; impose a mandatory minimum sentence of four years for illegal possession of a handgun; impose increased mandatory minimum sentences for all gun crimes; create two new Criminal Code offences with mandatory minimum sentences for robbery with the intent to steal a gun and for breaking and entering with the intent to steal a gun; impose a reverse onus on bail for all gun crimes; and set more severe penalties for any breach of bail conditions.

Premier McGuinty supports reverse onus legislation. As he stated, "When you pick up a gun and commit a crime, you lose your right to be free."

In January 2006, Ontario Attorney General Michael Bryant released the province's anti-gun strategy, which includes a call for reverse onus bail.

● (1540)

Toronto Mayor David Miller stated that he supports the new legislation, because "guns are different than anything else. Witnesses need to know that if they help police in apprehending a criminal using a gun, they'll be able to come forward and speak without fear, because the criminal will remain in jail."

Liberal leader Stéphane Dion has "pledged that his caucus is prepared to offer the Conservatives the vote they need to pass 'reverse-onus bail hearings' legislation that would make it more difficult for those arrested on firearms offences to be released on bail". The Liberal crime strategy announced on March 14, 2007, includes a commitment to "continue to support reverse-onus bail hearings for those arrested for a gun crime".

Canadians are rightly concerned that our criminal justice system does not provide an adequate response to firearms offences. They are looking to Parliament to move swiftly to fulfill these commitments.

Gang violence is a major problem in many of our cities, as we have seen in recent months in the city of Toronto. But make no mistake about it, urban violence is not only a Toronto problem. Statistics Canada confirms that the cities of Regina, Winnipeg, Abbotsford, Edmonton, Saskatoon, and Vancouver have had consistently higher homicide rates than Toronto for the past decade.

The tragedy at Dawson College in Montreal has reinforced the need to strengthen Canada's controls over civilian firearms possession. To our knowledge no new firearms have been added to the restricted or prohibited categories in Canada for over a decade, yet many new firearms are being offered for sale that would arguably meet existing criteria. As a consequence, some weapons are being legally sold in Canada despite the fact that they meet existing criteria for restricted or prohibited status and present significant concerns for public safety.

Retailers understand and exploit those loopholes, as demonstrated by the posting of the website for Wolverine Supplies in Manitoba—you'll find it in your brief. We submit that further steps must be taken to close the loopholes by updating and maintaining the restricted and prohibited firearms classifications.

[*Translation*]

In conclusion, stopping the gang violence in Canada's cities is a concern for Canadian police officers, and the solution begins with bringing an end to Canada's revolving door justice system. Canada's police officers have lost confidence in a system that regularly releases violent offenders and lets them go free in our streets.

Bill C-35 is a positive step in addressing the pre-trial custody of persons accused of serious crimes involving firearms and regulated weapons.

In addition, we need to restore meaningful consequences and deterrents in our justice system, which begins with stiffer sentences, real jail time, meaningful intervention and rehabilitation, and stronger parole eligibility policies for violent offenders. We need stiffer minimum sentences for offenders who commit crimes with guns or any type of weapon.

Bill C-35 provides a positive component in an integrated strategy to address current shortfalls, specifically pertaining to the concern with gun violence. We urge Parliament to proceed swiftly with passage of Bill C-35.

[English]

We thank you for your attention, and we welcome your questions. Thank you.

[Translation]

The Chair: Thank you very much, Mr. Cannavino.

[English]

Now we will pass to the Canadian Association of Chiefs of Police. We have Mr. Peter Cuthbert, the executive director, *et aussi Madame Connolley, qui est la conseillère juridique.*

Ms. Connolley, your presentation, please.

Ms. Amanda Connolley (Legal Counsel, Canadian Association of Chiefs of Police): Thank you.

Good afternoon, honourable members of the committee. My name is Amanda Connolley and I appear on behalf of the law amendments committee of the Canadian Association of Chiefs of Police.

For the purpose of clarification, I'm here today on behalf of Vincent Westwick, the past co-president of the law amendments committee. He is unable to attend today due to illness.

The Canadian Association of Chiefs of Police represents 950 chiefs, deputy chiefs, and other members of the executive of over 130 police services across Canada. The association is committed to progressively modifying the law surrounding crime and questions of community safety.

It is an honour and a pleasure to appear before you today in order to address this important piece of legislation known as Bill C-35, which proposes to reverse the onus in bail hearings for firearm-related offences.

Quite simply, the Canadian Association of Chiefs of Police supports Bill C-35. The provisions are both reasonable and supportable. It is not unreasonable or unduly burdensome for a person alleged to have committed a serious offence with a firearm to have to meet the burden of proof before being released back into the very community where the crime was committed.

More importantly, these provisions are consistent with positions the CACP has previously submitted to the government. For example, the provisions are in sync with the principle of serious consequences for serious crime. There needs to be a direct correlation between the two, in order to have the proper deterrent effect on the criminal element, as well as to instill a sense of confidence in the public with respect to the effectiveness of the law in dealing with crime. This is also true for the policing community.

Another issue the CACP has been emphasizing is the growing public disaffection with the criminal justice system among police services and communities across Canada. Too often, we hear that people are frustrated, disappointed, and losing confidence in the process. We also hear that the system is letting Canadians down. Provisions such as Bill C-35 intend to counter some of these unproductive trends and restore public confidence in our judicial system.

It is the position of the CACP that a successful anti-gun crime strategy must be multifaceted and include proactive and preventative programs and provisions, such as those in Bill C-35, which allow for reasonable enforcement and community safety.

That concludes my opening remarks. I would welcome any questions members may have today.

I would just add this caveat: I am a last-minute stand-in for Mr. Westwick, so I may not be able to provide fulsome answers to your questions. However, I can undertake to provide written response to your questions if I'm unable to answer them today. The Canadian Association of Chiefs of Police did not want to miss this opportunity to comment on such an important piece of legislation.

Thank you.

• (1545)

[Translation]

The Chair: Thank you very much.

[English]

I just want to tell my colleagues that the first round will be seven minutes and the second round five minutes.

We'll start with Mr. Bagnell, please.

Hon. Larry Bagnell (Yukon, Lib.): Thank you.

Before I ask my question, I just have a comment for Mr. Cannavino. Thank you very much for the stats on bail; we have a hard time getting those, and I might ask you about them later.

Also, Mr. Jennings, I quite enjoyed being at your awards ceremony, where we honoured the bravest in the country. I appreciate that you did that. We also appreciate your support for Liberal demands for an inquiry into the pension scandal.

My first question is for all the witnesses—everyone at the table. Do you disagree on anything?

The Chair: He's from the Yukon.

Who would like to volunteer?

Mr. Tony Cannavino: I think that we're almost members of the committee, we come here so often. We feel like family here.

Hon. Larry Bagnell: It's going to be hard to ask hard questions about this bill, because I think all of the parties basically agree, and all the witnesses agree, except for one we had this morning.

The facts show that when a person is in jail, they generally come out worse; they get trained by hardened criminals. I would not say it's a good environment for them to be in, with the type of people they are living with. They could have better mentors, let me put it that way.

I assume the witnesses agree with that.

Mr. Tony Cannavino: The thing is that most of the time, if they don't spend enough time there, they can't get into rehabilitation programs, because the first thing you know, they're playing the system. We're talking about "dead time", that if they spend, let's say, a year, it's counted for double or triple the time. There's a strategy that criminals use right now, or defence attorneys use, based on the fact they won't fast-track a trial, so the accused spends more time in jail before the sentence and they know it's going to count as double time, and in some places triple time. Meanwhile, when they're in jail, there are no rehab programs; there's nothing. That's why they call it dead time.

So, for us, why we think this bill is important, and why there seems to be a consensus here—which we appreciate—is that we're talking about violent criminals. They're the ones committing the hideous crimes. Releasing them and waiting for trial—I don't think it should be done that way. It's going to be up to them to prove whether they should get out.

•(1550)

Hon. Larry Bagnell: I understand that. But setting aside this bill for a second, you do agree that when someone is in prison, they come out worse?

Mr. Tony Cannavino: Well, the problem with that is that they don't stay in for enough time—and that's what we were saying. When we talk about mandatory minimums, one of the reasons we insist on those for violent crimes is that criminals will then spend enough time in jail to go into those rehab programs. But actually that's not the case.

Hon. Larry Bagnell: Yves Francoeur, we had some good stats from Tony. We had a hard time getting them from many other witnesses; the department didn't have them. It's embarrassing that as legislators we do a bill when there are no stats.

Could you give us some stats from Montreal on crimes committed by people on bail—and firearms-related stats?

[*Translation*]

Mr. Yves Francoeur (President, Fraternité des policiers et policières de la Communauté urbaine de Montréal Inc., Canadian Police Association): I did not bring any statistics on Montreal because they do not indicate the number of people out on bail pending trial. However, Montreal probably has the best statistics in Canada. People told me last week that only Montreal and Toronto had detailed statistics. One thing I do know is that, on Saint-Laurent Street in Montreal, 28 handguns have been seized since January 1st, 2005, including 11 that were directly related to street gangs, with the rest connected to organized crime.

If Bill C-35 had been in force, Basil Parasiris, who murdered Laval police officer Daniel Tessier, would never have been on bail while awaiting trial. It was Basil Parasiris in this case, but in Montreal we are often dealing with street gangs. We might, for example, arrest three of them with handguns in a car. If a street gang member happens not to have a criminal record because he has never been caught before, he will receive a bail hearing in court and be released.

This legislation needs to be passed in its entirety. But we also need to look at firearms more broadly. Bill C-10 and the firearms registry will probably be back in the spotlight soon.

I am particularly sensitive on firearms issues. On December 6, 1989, at 4:40 in the afternoon, I was patrolling on Décarie Boulevard in Montreal, when I received a call to go to the École Polytechnique. Unfortunately, we arrived too late; there were 14 victims. For 12 hours, I guarded a crime scene a little larger than this room, where 6 female students had been killed and were lying on the ground. Against the back wall stood a metal ladder leading up to a small window. Those young women had tried to escape, and there were bits of flesh everywhere.

In Montreal and other major cities, we have seen a trend toward greater use of firearms. I was a patrol officer in Montreal from 1987 to 1998. During that period, we very rarely seized any handguns. We seized sawed-off weapons, prohibited weapons, because handguns were not available. These days, anyone can get hold of a handgun. I work for the police in Montreal and I could bring you to an Indian reserve in Châteauguay and find you a 357 or 9 mm handgun to buy.

Bill C-35 is a first step in the right direction, but it is up to you, as our current decision-makers, to ensure that future generations, our children and grandchildren, will be able to live in a society without firearms. So please, it is important to begin by passing this bill.

Thank you.

•(1555)

The Chair: Thank you, Mr. Francoeur.

Mr. Tony Cannavino: Mr. Chairman, Daryl Tottenham can give some statistics from British Columbia.

[*English*]

The Chair: Yes, if you want to bring statistics please do so.

Mr. Daryl Tottenham (Sergeant, New Westminster Police Service, Canadian Association of Chiefs of Police): Thank you.

Fortunately, on very short notice I was able to get some statistics for British Columbia on the lower mainland district, which is essentially from Vancouver out to the Fraser Valley and Hope. So it's not a huge area in British Columbia, but it's a fairly concentrated area.

In 2006 we had a total of 20 homicides involving firearms, and a further 83 incidents of attempted murder and woundings with firearms. We also recorded 268 incidents involving confirmed shots fired calls for this one region.

In 2006 members of the RCMP and municipal agencies in that area seized 447 firearms in relation to their duties in a one-year period in the greater Vancouver district, an average of 1.25 firearms a day.

Of the 268 calls for confirmed shots fired that we attended, 29 were in residential areas and 222 were in public areas. That is staggering when you think about public safety. We're going in to deal with shots fired calls when a vehicle has been sprayed by gunfire in a very open area—a parking lot of a mall in broad daylight—where obviously a lot of civilians are present and have been hit. We've had some fatalities as a result of that.

Just prior to leaving to come here late last night I was able to get one small snippet of information. I picked one jurisdiction, Abbotsford, which is out in the valley. They've had a high number of incidents of gang violence out there in the last few years. I contacted one of the members out there and specifically said I was looking for something on firearms and bail applications. But it wasn't a case of finding one; it was a case of narrowing them down to one.

They were able to provide me with information on a recent file concerning a two-year project that was undertaken involving several known gang members who were involved in drug trafficking and weapons trafficking at a very high level. At the culmination of this project, arrests were made and two of the four members who were targeted were arrested in possession of a huge number of semi-automatic and fully automatic weapons, kilogram levels of cocaine, and a large amount of cash.

They were subsequently turned out on bail. There were three more incidents after that when they were released and arrested and released, with more shootings and more firearms. At this point they're still out on bail on the same charges, with multiple shootings and multiple arrests over the course of six months.

The Chair: Thank you very much.

We'll go to Monsieur Ménard.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Thank you, Mr. Chairman.

Mr. Cannavino, Mr. Francoeur, good afternoon. I have a few comments to make. Mr. Francoeur, thank you for your testimony and, in particular, for pointing out the contradiction between the fact that the government wants to have stiffer sentences, but is not concerned about the easy availability of weapons. You will not have to work very hard to convince a number of us.

It seems to me that there are two types of measures that are really needed to fight crime. First, there is the firearms registry. If I were appointed Minister of Justice or Public Security, the first thing I would do would be to look at parole. I do not think that this bill will have a big effect on the problems you are describing.

Mr. Cannavino, you will be pleased to know that the Defence Lawyers' Association supports this bill. They told us—see how all is right with the world!—that in practice, magistrates, justices of the peace and judges did not release people on bail who had committed firearms offences. Obviously, not everyone might agree. I introduced a motion on street gangs, and I hope that my colleagues on the government side in a great gesture of friendship such as we have seen all too rarely over the past few years in this committee, will pass it on Thursday morning.

Mr. Cannavino, you were there when parliamentarians considered Bills C-84, C-24 and C-36. You know how concerned the Bloc Québécois and others are about gangsters and street gangs. People in Montreal and Toronto, especially your colleague Mr. Robinette from Montreal, have told us that drive-by shootings are not covered by the definition of criminal organization in the Criminal Code. Should we not include that immediately? When people are intercepted, a drive-by shooting is not enough to prove that they belong to a street gang and can therefore be charged. They can obviously be charged with

homicide and other offences, but it would be better to have a charge of gangsterism, since that delays parole and results in longer sentences.

If we have to choose between a bill like C-35, which seems to us to entrench a practice which already exists, and not being more vigilant with the firearms registry and not changing the definition of criminal organization in the Criminal Code, I would opt for the latter approaches.

I would like to hear from your colleague, Mr. Francoeur, yourself or any of the other witnesses who might like to comment, but I would first say that I find the current system, which allows people to serve only one-sixth of their sentences, totally unacceptable. One-third would be understandable. But the revolving door scenario that you have described does not seem to me to have too much to do with Bill C-35; it stems more from the fact that people can serve just six months of a sentence—Some crimes that allow perpetrators to be eligible for release after one-sixth of the sentence are much more serious than these. Gun smuggling is a real concern. There are people eligible to serve no more than one-sixth of their sentences who pose a much greater danger to society, in my view.

I would have liked us to review this issue of serving one-sixth of sentences and of amending the Criminal Code to change the definition of criminal organization, which seem to me to be much greater priorities than bail for firearms offences, which is basically a non-issue in practice, if we are to believe the people who work on the frontlines.

• (1600)

The Chair: Mr. Cannavino, if you would, please answer the questions about Bill C-35.

Mr. Tony Cannavino: Yes.

Mr. Réal Ménard: Mr. Chairman, if you are implying that I am getting off the subject, it won't fly. Mr. Cannavino is man with broad general knowledge, and I know that he will be able to connect the dots.

Mr. Tony Cannavino: Thank you very much, Mr. Ménard. I appreciate the compliment. I should buy 6/49 lottery tickets today. If I can get along with defence lawyers, I am sure that I will be able to win the big prize.

Mr. Réal Ménard: You have a lucky star.

Mr. Tony Cannavino: All that to say that on important issues like Bill C-35, we have had a number of discussions in our organization, the CPA. The board of directors alone has 30 members from across Canada. We have tried to come up with solutions to present to you as legislators on how best to fight crime and deal with violent criminals.

We want to find a different way to deal with violent criminals because we make a distinction in their case. Unfortunately, we did not find a panacea or any one solution that would address everything. These issues will take a lot of effort, on both your part and ours. They require a variety of approaches. We will need more than one piece of legislation or one bill that has a number of different facets.

You were talking earlier about street gangs and criminal organizations. The problem is that police forces also have to prove that the individual belongs to a criminal organization. You know that proving that is not always easy. I remember when I first started investigating the Hells Angels. It was easy: they were so stupid that they wore their colours on their jackets when they committed offences. We photographed them and it was in the bag. At some point, they got wise and seemed to change their approach. When they were all imprisoned, they decided that they had not been very smart. So they changed their techniques and their approach.

In the case of violent criminals, what needs to be done? You talked about borders, and I agree entirely with you on that. We have been saying for a long time that we need to strengthen and protect our borders. We are also going to have to protect our ports. Moreover, criminal organizations are recruiting young people and individuals who are not members, but who commit crimes for the organizations using weapons. Things may change if these people learn that if they commit a firearms-related offence, the first thing they will have to do is show that they are not violent individuals, or else they will stay in detention, that they will face stiffer minimum sentences and that the principle of two-for-one or three-for-one will be abolished.

Mr. Chairman, I am making a connection here with the bill. The government has announced a review of the Canadian parole system, and we will be participating actively in that. Why? We feel that parole should not be systematic, but rather that it should be earned. We want to make things difficult for people who commit violent crimes by placing the onus on them to prove that they are not violent. We want them to understand that once they are imprisoned, they will stay there for a long time, that they will have to take part in rehabilitation programs in order to earn parole and that they will not get out after serving one-sixth of their sentences. That is indeed an unacceptable practice.

The list of offences should also include drug smuggling and trafficking. Although it is not considered to be a violent offence, it does cause a huge amount of violence. It is time that we look at that problem properly.

That is why I feel this bill is important, Mr. Chairman.

• (1605)

The Chair: Thank you.

[English]

I'm going to ask if there any comments from the Association of Chiefs of Police.

Mr. Cuthbert.

Mr. Peter Cuthbert (Executive Director, Canadian Association of Chiefs of Police): My comment right at this moment is that an individual who uses a gun to commit a criminal offence is a different type of individual and has to be treated differently, and the reverse onus.... Someone who walks into a corner store, uses a gun, and threatens the life an individual is different from the individual who shoplifts. The shoplifter is released, promises to appear, is quickly through the system and out of the system, and is then asked to appear back before the courts. But an individual who intentionally has a gun in his or her possession and has the nerve to go into a store or dwelling with the intent of using that gun to commit a criminal

offence has to be treated differently from the other so-called criminals we have in our system.

I would also emphasize that by keeping that individual—if that individual cannot explain to the courts why he or she should be released—the courts will have the opportunity to assess that individual at the time when, if convicted, appropriate programs are in place and an appropriate placement is in place for that type of individual.

The Chair: Thank you, Mr. Cuthbert.

Mr. Comartin, please.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): I was going to pass, but I'm going to ask one question. Maybe Mr. Cannavino or Mr. Wilson may be able to get this.

When Professor Doob was before us this morning he challenged the relevance of this figure that you constantly throw forward, the 40% of crimes being committed by persons on bail, parole, temporary absence, or probation. I'm not going to ask you to go back, Mr. Wilson, and recall those thousand cases of crimes in Toronto, but I think you would be able to do the following. Of the 32 people facing the manslaughter and homicide charges in 2006, you have 14 on bail and 13 on probation. Could you find out and get back to the committee on what charges they were confronted with on bail, what they had been convicted of, and what they were spending time on probation for? I'm assuming you can't get me that now.

Mr. Dave Wilson (President, Toronto Police Association, Canadian Police Association): Unless Tony is going to pull it out of his hat, I can't give it to you right now.

Mr. Joe Comartin: He doesn't use statistics that way, Mr. Wilson.

Mr. Dave Wilson: I'd be happy to get that information and get back to you with it.

Mr. Joe Comartin: You can get it to the clerk of the committee. Thank you.

That's all I have, Mr. Chair.

The Chair: Mr. Hanger, please.

Mr. Art Hanger (Calgary Northeast, CPC): Thank you, Mr. Chairman.

Thank you, gentlemen, for appearing, and ma'am, thank you for coming before the committee.

I'm always interested to hear what the police have to say. I know the police associations don't always agree on everything. When you look at the regional differences across the country, there are viewpoints that are somewhat different between regions. Be that as it may, I know that it's very clear you're looking at this legislation in a very favourable light.

Most of the representation here reflects big cities, but there may be some rural differences. There are shootings in the rural areas as well as in the urban centres.

Some statistics were offered on page 6, Mr. Cannavino, and I'm curious about something. When you talk about, for instance, the 32 people facing murder or manslaughter charges for homicide in 2006, and that 14 were out on bail at the time of the offence, are you inferring that in each one of these cases there was a firearm involved?

• (1610)

Mr. Tony Cannavino: I could check and make sure.

Mr. Art Hanger: You don't know, then.

Mr. Tony Cannavino: It was the question Mr. Comartin asked, and we'll provide you with the right information.

Mr. Art Hanger: I must not have been listening very carefully when Mr. Comartin asked this question. I apologize for that.

Going back to these arrests and this legislation, how many individuals do you really think are going to be affected by legislation like that?

Mr. Tony Cannavino: In my mind, they will all be affected by it, for one reason. Actually, the onus isn't on the crown attorney; it's on the police officers to prove that these people are dangerous. For instance, the officer who was shot and killed in Brossard a couple of weeks ago—that is a pure example of somebody who shot and killed a police officer and is now released, waiting for the trial.

That means that in every violent crime or crimes committed with a gun, they would be submitted to that.

Mr. Art Hanger: In your view, in this legislation, who is the target of the reverse onus?

Mr. Tony Cannavino: It's going to target—

Mr. Art Hanger: I'm asking you to give me some examples.

Mr. Tony Cannavino: —all street gangs, for sure. You know the way the street gangs work. They recruit people to do their job, their dirty work. It's going to include them, also. It will be all crimes, all violent crimes, all crimes committed with guns.

Mr. Art Hanger: It's individuals, and you're looking at—

Mr. Tony Cannavino: Organized crime is one thing. There is also a burden to prove that those people were part of organized crime. When you have a bill like this one, then it's the individual. It's not only if he is part of organized crime. That's why, for us, this part is very important.

Mr. Art Hanger: Monsieur, you brought up the issue of École Polytechnique and Mr. Lépine, I believe his name was, the individual responsible for the shootings there. It's very difficult to assess an individual like him unless he has come under some sort of review.

We were talking about organized crime here. We know about their propensity to use firearms. We know they're involved in drive-by shootings, gang shootings, drugs, and you name it. We know that.

Then you have another element, with different motives, that gravitates towards the use of firearms. We're dealing with a different class of people, as Mr. Cuthbert said. The man who goes in to rob a store is one type, but we're dealing with another type here, too, and it's an individual, as well.

I know it's pretty hard to equate this legislation to a man like that, who has a propensity for anger and retaliation. But how do you see this fitting into any legislation here?

• (1615)

Mr. David Griffin (Executive Officer, Canadian Police Association): First and foremost, what we're really talking about is prevention in those cases, and in particular, how we screen people who can access firearms. It's not just a question of screening the person—as is being suggested at present—at the time they first get firearms. How do we screen people ten years later, or five years later, or at the time they may have a marital breakdown or a family crisis?

What we see as one of the essential components of the current firearms program is the continuous screening of people who are in the firearms database as owners and the ability of people who are either living with them or working with them, if there's a problem, to call a hotline and say that this person is causing us concern because they've made threats. Or this person has some psychiatric problems and we're concerned because there are guns in our house. Or this person is demonstrating some unusual behaviour and we're concerned because we believe there are firearms. It's having the checks and balances in place to do that.

It's true that we're never going to solve or prevent every one of those types of tragedies. But certainly, having up-to-date information about firearms and about firearms owners, in a manner that's not intrusive but that allows the police to check that, is critically important.

The Chair: Are there any other comments?

Go ahead, Mr. Tottenham.

Mr. Daryl Tottenham: In response to your looking for where this would come into play, the case I have here, and I can leave copies of this, I think is just one example of where I see the value of this legislation.

In this incident, at the first instance, when the arrests were made, the two individuals, if there had been the reverse onus on them, would have been held in custody. The spinoff that followed this involved five different shootings. One person was shot nine times, with 20 shots fired, in an open-area mall. In one, 15 shots were fired and a 10-year-old child was hit with shrapnel. In another, a person was hit and almost died at the scene. There were a number of shots fired—12 to 15—in an open area in a mall parking lot. All the things that happened in this case, right through to the end, would have been avoided if this legislation had been in place and those people had been detained and held in the first instance.

The charges are still before the courts, and that was two years ago. They would still likely be before the courts and we could have avoided a lot. That's just one example of a spinoff where I would see the value of this. It's taking people who are out doing this and preventing them from injuring other people and putting the public at risk, which I think is quite significant.

The Chair: Yes, Mr. Wilson.

Mr. Dave Wilson: Speaking to that public risk, people who commit offences with firearms are really playing Russian roulette with the lives of innocent people. They've made a choice to carry the gun. Once they've made a choice to carry a gun, they've made a choice to use it. A bill like this is very important in hitting not only the gangs, but in hitting the general population, people who are prepared to play Russian roulette with other people's lives, and that's why this kind of legislation is very important.

The Chair: Thank you.

We'll go to Ms. Jennings, please.

[Translation]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Thank you, Mr. Chair.

I'd like to thank you very much for your presentations.

I have to admit that I like Bill C-35, despite the fact that I don't think it will really do much to make Canadians safer in their communities. In fact, based on the information we received, as a general rule if someone is accused of committing a firearms-related offence, the judge considers this as an aggravating factor. In such cases, the accused may be held in prison while awaiting his trial.

What I like about this bill is that when an accused person meets with his legal counsellor or attorney, his representative will not tell him that the onus is on the Crown to prove beyond all reasonable doubt in a bail hearing that the accused constitutes a threat and therefore must be detained until he goes to trial. The lawyer is going to have to tell his client that it is up to him to prove that he should be released. That's a major change in philosophy. And that will probably have a bigger effect on the accused person than the process itself. Currently, the accused can simply off-load the burden of proof, which is actually quite substantial.

I read the Canadian Police Association's brief. There was something that really struck me on page 10 of the section entitled "The Canadian Judicial System Needs a Major Overhaul". You stated the following:

We contend that the time is long overdue to reform our criminal justice system. An independent review of Canada's sentencing, corrections and parole systems remains a top priority for the Canadian Police Association.

I'd like to know if you feel frustrated at all by the fact that rather than carrying out such an overhaul and making sure an in-depth public inquiry is held on the sentencing, correctional, and parole systems, that a piecemeal approach is being adopted.

● (1620)

Mr. Tony Cannavino: Thank you, Mr. Chair.

To begin, Ms. Jennings, you would indeed think that in any incident involving violence along the lines of what you referred to in your preamble, the judge would take these facts into consideration and keep the accused in prison. But, this is not the case. One of the most striking examples of this was the slaying of one of our colleagues in Brassard. Everybody was astounded by the decision. In any event, there are procedures which are followed. But this is a flagrant example of someone killing an individual and yet being released while awaiting trial, while a claim of self-defence was already made. So let's leave it up to the courts to make these

determinations, shall we? What is more violent than murder? That's just one example, but there are others which are not as well known because a police officer was not involved. There are other cases.

The other issue you raised is in relation to responsibility. The onus is on the individual who committed a violent crime to demonstrate that he or she should be released. That's why we've said that this bill makes sense and that it sends out a clear message: if you want to play at this kind of game and jeopardize Canadians' safety, well then you will suffer the consequences.

We have been calling for years for an overhaul of the Canadian corrections, parole, and sentencing systems. Last week, Minister Stockwell Day announced a review of the correctional system and struck a committee called the blue-ribbon panel. The blue-ribbon panel will have a mandate.

We'll be very active, and we'll make our voice heard, that's for sure. I think a whole cross-section of policies needs to be reviewed, and not only the Criminal Code and its statutes. The Canadian prison system's internal policies also need to be reviewed because there are a lot of things wrong with the way these institutions treat their inmates.

Quebeckers will always remember what happened with Conrad Brassard. How do you treat a psychopath whose diagnosis indicates a 100% chance of repeat offending and who, on three occasions, committed crimes which included sexually assaulting and killing his poor victims? There is something wrong with that. How is it possible that an individual considered to be dangerous and who was imprisoned in a maximum security penitentiary was able to get transferred in the space of a few months to a medium-security prison, and then end up in a half-way house? This individual did not even serve a third of his sentence and didn't even take part in a rehabilitation program.

That is also part of the tool kit. I get a kick out of saying that I need a tool kit. People that know me know that I'm not much of a handyman, but I need a well-stocked tool kit to deal with criminals. That's what we need.

● (1625)

Hon. Marlene Jennings: What is missing in what you have recommended, and this is something you have been fighting for for a long time, is the part on sentencing?

Mr. Tony Cannavino: As I said earlier, Ms. Jennings, that's why I've been coming here so regularly for some time now. I get the sense that we are part of a team or family.

Since there are a number of bills, if you follow the logic, the objective is quite clear: if somebody commits a serious crime, he or she will suffer the consequences. Such an individual would know from the word go that if he or she chose to go down that path, there wouldn't be a seasoned defence lawyer or magician able to get them released easily. Any individual going down that path would suffer the consequences.

Mr. Ménard raised a point. I recall that at the time I was part of the law enforcement squad that became the Carcajou squad. We were going head-to-head with the Hells Angels who literally controlled Quebecers' everyday lives. People thought that in Quebec the police and government had thrown in the towel and that they weren't able to get a handle on this file. It took tough legislation, like the Antigan Act which was really put to good use. The upshot of the Antigan Act was that these individuals suffered consequences at the hands of the courts which they had not suffered before, in other words they were sent to prison for a long time.

But things are getting tougher with each and every case because these people exploit the system, identify its weaknesses and see how far they can get. That's why, bill after bill, you see us here saying the same thing over and over, hammering in the same message, and asking you to help us. We need several bills.

The Chair: Thank you, Mr. Cannavino.

I'll now recognize Mr. Petit.

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Good afternoon, gentlemen. We do indeed see each other regularly. We're not a family, but we're a good team.

Mr. Tony Cannavino: We're Quebec cousins.

Mr. Daniel Petit: Yes, indeed.

My question is for you, Mr. Cannavino.

When Bill C-35 was tabled, I asked myself a number of questions. As you indicated earlier, currently, when an individual is arrested by the police, that person appears with his lawyer, and the Crown has to determine that the accused is dangerous in order for him not to be released. Of course, in the case of an individual without a criminal record, even if you do have information, the information cannot be used to detain the individual. You have no right to do so, and neither the Crown nor the judge would allow it.

I want to make sure I am properly understood. Bill C-35 adds a dozen serious offences. These are not minor offences, where reversing the burden of proof could create problems. I understand that the question I will be asking you, Mr. Cannavino, might be philosophical in nature, but it is important.

Many people, including senior citizens, watch television programs on TVA, Radio-Canada, TQS and other channels where stories of people shot in the streets are shown every night. For having worked in this field, I know that the problem is not security, but the sense of security. That is not only true for senior citizens. There are 50-year-olds who are scared, and there are 20-year-olds who are already scared.

Bill C-35 will ensure that people are brought before a judge, and as Ms. Jennings indicated earlier, will have to prove that they are fit to be released. Will the fact that an individual is not immediately released have an effect on people's sense of security? The Crown may postpone the trial by three days, as is currently done, and an arrangement can be made with the Crown on fairness issues to release the individual.

Could the fact that an individual is not immediately released, pursuant to Bill C-35—that does not mean he is guilty—create a sense of security? I call that philosophy, something you spoke about

earlier. I do not want to speak about the case you alluded to where one of your police officers was killed, but I did see it on television. We all were shocked. I myself, as a defence lawyer, was surprised. I would like to know whether Bill C-35 addresses the issue of safety. The law is one thing; safety is another.

• (1630)

Mr. Tony Cannavino: The sense of security you speak of is an excellent point. I have to tell you that the current case goes somewhat beyond that. As this future law, which is currently a bill, comes into force, it will lead to more than a sense of security. You know, we hear about all kinds of pressure, intimidation and the like, exerted in some neighbourhoods. Citizens are asked to cooperate by denouncing the individuals that threaten and assault them. Unfortunately, it is difficult to convince them not to worry, because every day we see offenders who, a short while later, catch up with their victims on a street in the same neighbourhood and taunt and threaten them. People do feel quite intimidated.

When we talk about the burden of proof, the word "burden" is meaningful. Proving that you are not dangerous is not easy to do. Nor is it easy for the Crown to determine that an individual is dangerous. Therefore, if the burden of proof rests with the person who committed a heinous or violent crime, the chances are that person will be detained, which will increase people's sense of security, because they will think that if they denounce someone, that individual will not be released prior to his trial and will likely remain imprisoned for some time. People will think that they did their job and got rid of the offender.

That is what will happen when the bill is passed. I think it is the cornerstone that will ensure that violent individuals are treated very differently than people who shoplift in a store, for example, although I do not want to minimize shoplifting. But people who threaten citizens are not considered the same way as people who shoplift.

The Chair: Thank you.

Ms. Freeman.

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): I would first like to thank you all for appearing today. This is all very interesting.

Since we began studying Bill C-35, only one witness has expressed reservations; that was this morning. Everyone, except for one person, was in favour of the bill. One of the reasons why he was more or less in favour of enforcing the bill was that, in his view, most people who commit firearm offences are already incarcerated de facto.

I would like to know whether you have any statistics to that effect. You have some concerning Toronto and Montreal. I would like to know the proportion of criminals who are incarcerated under existing laws. We are studying this bill and we understand, on a philosophical level, the scope of your arguments, but do you have any figures to provide to us?

Mr. Tony Cannavino: As my colleagues from Montreal and Toronto said earlier—

Mrs. Carole Freeman: It would be helpful for us to have the information. We have been unable to obtain adequate information elsewhere. We were given Statistics Canada figures, but they did not help us much.

Mr. Tony Cannavino: I am pleased that my colleagues from Vancouver, Toronto and Montreal were able to appear with me because we wanted to show you how things are going in those cities and areas. We can try to find those statistics for you. We could send them to you.

Mrs. Carole Freeman: The committee would find that extremely interesting and useful. Up until now, we have constantly addressed that issue, and nobody has been able to provide us with statistics, be it Statistics Canada or anyone else. If you could give us some material, that would help us.

•(1635)

Mr. Tony Cannavino: We have been collecting more and more information over the past few years.

Earlier, you spoke about the impact of reviewing, among other things, the prison and parole systems. You also spoke about the bill and the day when time will no longer count for double. If that was all there was, we would have problems.

Mrs. Carole Freeman: Yes.

Mr. Tony Cannavino: But that is all part of a whole. We know that we will come to a point where offenders will no longer cause a backlog in the courts, there will no longer be the steady stream of adjourned trials. Why is that? Because offenders will not win out by remaining behind bars before their sentences are handed down. They will be incarcerated, and the time served before sentencing will no longer count for double.

Mrs. Carole Freeman: In your view, that would unclog the system.

Mr. Tony Cannavino: That would greatly accelerate the process. There would no longer be an accumulation of cases and pro forma trials.

Mrs. Carole Freeman: All right.

I have a question for Mr. Francoeur. First, I would like to thank you for your testimony. Since I come from the Montreal area, the dramatic events which took place at the École Polytechnique also left me—

In your presentation, you talked about how guns moved around freely, how it was possible to get them. You also talked about Châteauguay and Kanawake, which are municipalities located in my riding. It seems that it is easy to get weapons there. Since we are talking about crimes committed with a firearm, can you tell us more about the problem of the free flow of firearms? This is all relevant to our study of Bill C-35. It makes sense. We have to be logical and consistent. When you want to pass this type of legislation but ignore the firearms registry, in my mind that just does not make sense. Now we are talking about the free flow of weapons. Can you tell me a bit more about what goes on?

Mr. Yves Francoeur: This is all very well known in police circles. The guns enter at Châteauguay. The biggest native reserve where they come in is Akwesasne. Indeed, this is well known. If you are in the Châteauguay area, you know that Sûreté du Québec

officers do not intervene on their own initiative, that is, they will only intervene if they get a tip or if they are suspicious. In that case they ask the band council if they can go to such and such an address. That's how it works.

That's why we are telling you that Bill C-35 is part of a larger group of measures. It also involves tightening border controls. That's something else I'd like to talk about, but I don't want to get off the subject.

As Tony said a few moments ago, we don't have specific statistics for Montreal because there are no official statistics. You can get statistics on almost anything, but not on the number of crimes committed by persons who are out and about.

A detective sergeant who works with us told me that he was on the intelligence squad of a federal program funded by the federal. He supervises 18 Quebec police officers working on firearms. They recently seized three guns in Montreal, or in Quebec, which all came from the same address in Wisconsin. When they realized this, they asked American police officers to look into the matter. They went to the address of the individual in Wisconsin to meet with him. He was a trucker who crossed the border at Vancouver once a week. In the United States, people must register their firearms, but they do not have to renew their permit. This man had 750 weapons registered in his name, and they were all handguns. The investigation found 250 of them, but there are still 500 missing as we speak. We're not inventing things. Detective sergeant René Comtois could come before the committee to give you more details. This is what's happening. As I said, this can help us with other cases, and I think it is important to make these issues public because it is in everyone's interest to know.

The Chair: Thank you, Mr. Francoeur.

Mr. Dykstra, please.

[English]

Mr. Rick Dykstra (St. Catharines, CPC): Thank you, Mr. Chair.

To Mr. Francoeur, in your comments early on, you spoke about what you had witnessed. I think sometimes all of us get a bit caught up in expecting all of you to be tough cops—you've got jobs to do, and you simply do them without feeling, you do them without emotion. But you come here not just based on what you think should happen because you're non-emotional; you're here because you actually see it, you feel it. I think that gives you ostensibly the type of credibility that certainly helps us move forward.

So I just wanted to make that comment, that certainly your feelings on this are very well received and appreciated.

I do have a couple of questions. One is somewhat about the comments Tony made and the statistics he showed.

What we haven't heard here is a reference to the victims, who obviously have this intense sense of fear if the perpetrators who made them victims actually have the potential to be on bail. I wonder if you could comment on that a little bit.

•(1640)

Mr. Tony Cannavino: The point you're making right now is a very important point. As I said a little bit earlier, we ask people to help us by denouncing those who've committed the crimes. We need help. We need to have communities participate in helping police services arrest those people.

The thing is that we often get the comment—this is on a daily basis, which my colleagues could talk about as well—that, “You know what? If I do that, the next day he's going to be back on the street. He's going to threaten us. He's going to look at me, smile, and say, ‘You see how long it took me to get out?’”

You see that in your community. Go anywhere in Canada and it's always the same comment from people: “How can you protect me? If I give this guy away, how can you protect me? We know he's going to be back in the community within 24 hours.”

That's why we think this bill is so important. As I said, we're dealing with violent people here, people who have committed serious crimes. If they become convinced that—

It's going to take a couple of months—it might take year—for people to realize that they will be protected. But then the comment will be, “If I denounce him, he'll go to court, he'll stay behind bars until he goes through his trial, and he'll get his sentence. I won't see him for a while, that's for sure.” This thing will just grow bigger and bigger. We'll have the support of some communities, and people will say, “You know, we're going to help police officers, because these guys won't be back on the street within 24 hours.”

Mr. Rick Dykstra: Ms. Connolley, is that the position of the chiefs as well?

Ms. Amanda Connolley: Could I have a moment, please?

Mr. Peter Cuthbert: Allow me to answer. In a follow-up to Ms. Jennings and Mr. Petit, the community has lost confidence in the justice system. We had a great debate last year in St. John's, Newfoundland, with the justice minister, defence, crown attorney, and the public. We had a two-hour debate on the views and opinions of those professions and the community. The sense of fear is there, and the lack of confidence in the system.

The CPA and the CACP think this is one more tool. This is the basket of tools we have to move forward so the community will gain some respect in the criminal system. It's becoming a mockery, sadly. Every day you read in the paper about the release of an individual who committed a criminal offence or used a gun in the commission of an offence—they're out on the street prior to the initial police investigation. The tape is still up, and the people are back on the streets. That's why we see this as having value.

Mr. Rick Dykstra: Mr. Chair, may I follow that up with one quick question?

The Chair: Yes.

Mr. Rick Dykstra: Thank you.

Madam Freeman alluded to an individual, Mr. Doob, who presented this morning. I just want to read this and get a quick response from you. He stated:

My concern about this bill has less to do with its direct effect on the operation of the criminal justice system than it does with the clearly incorrect messages that it

gives Canadians about the relationship between crime and the criminal law, and the false pictures it paints of the operation of the criminal justice system.

•(1645)

Mr. Tony Cannavino: First of all, I have a little problem understanding what he means by that. How can somebody be opposed to this bill when it's focused on certain crimes and all of them are violent? What would be the logic if you think there are no consequences as soon as you're arrested? I can't follow his logic, I'm sorry.

The Chair: Thank you.

Mr. Dave Wilson: One of the things the committee needs to understand is the level of frustration that police officers experience. You're talking about officers with extensive investigative background in our homicide units. There are many cases when they know who committed the crime, but they are not able to charge the person because they do not have people coming forward. This has been expressed to us time and time again. They know who it was, they can't prove it, and they don't have the reasonable grounds to bring it before the courts. If something is in place to create trust in the system, we will be able to put more of these people behind bars.

The Chair: Thank you.

Mr. Murphy.

[*Translation*]

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Thank you, Mr. Chairman.

First, I would like to thank you, Mr. Francoeur, for your testimony. It touched me deeply. This is why we have a deep respect not only for police officers, but also for police chiefs. As a former mayor, I know there is a difference between both positions, as they involve different functions.

[*English*]

Also, the evidence we have heard on Bill C-35—a bill that we support—has been generally supportive, but there has been a different view of how it will play out. The Criminal Lawyers' Association, and others, suggest that the effect of Bill C-35 is to basically codify what is happening on very serious crimes.

With serious recidivists, bail is hard to get. That all goes to our first discussions on justice issues; it's the discretion of a good magistrate or good judge. I think Bill C-35 is just that. With the reverse onus—which sometimes puts somebody's liberty at risk, so it's an important issue—I'm confident that a properly funded legal aid system will give the accused representation, and a properly appointed and instructed practising judge will make the right decision on the three grounds of bail or interim release. So I'm totally in favour of Bill C-35.

What gives me a little *inquiétude* is that some of the witness statements perhaps suggested that the reverse onus is a sure thing, that in every case the person is going to be out on a judicial interim release. I don't think we should lead the public to think that's the case. It shifts the likelihood that the person will be kept; it makes it more likely. I think we might all agree on that, rather than giving the public the idea that it's pretty much automatic that they're going to stay—It still depends on the discretion of the judge, and I have confidence in that.

We've had this discussion before, and we've been in Toronto to hear the police chief speak. I think the big thing that comes up—and Mr. Cannavino and Mr. Griffin are almost veterans, and they should get a badge of attendance here—is that it's really about guns. That's really where we should turn our focus. Many of you have talked about guns, but how are we going to get to the issue? There's the gun registry.

We have the current Minister of Justice saying in the Commons that he doesn't want to target duck hunters; he wants to target criminals. Well, I am a duck hunter and I have registered shotguns. I grew up interfacing with the outdoors and learning the responsible use of guns. I don't need the Minister of Justice to protect me. I don't think he has ever owned a gun. That kind of hyperbole bothers me.

As some of the witnesses have said, the issue really is whether you are going to use a gun if you have it. I think Mr. Wilson said that. There's legal use of guns. There are people who believe that handguns can be used for other things than shooting human beings.

I didn't grow up in that culture, but I think we have to have a cultural debate. I think there's a difference between rural and urban Canada. In some cases I think there may be a difference between western and other parts of Canada. Mr. Bagnell said that about the north, as well. I think it's a cultural thing.

Are there effective models for gun control, which if properly resourced—that means detection, prevention, education, etc.—could work?

• (1650)

Mr. Tony Cannavino: Well, there's so much to be done first.

I'm hoping we're going to start by protecting our borders. The problem right now is that we have RCMP officers policing municipalities. I think that should be the municipal police. We should have RCMP officers patrolling our borders, taking care of ports. Those are all the places where you see the gun-smuggling into Canada. Let's start with that. Let's shut the door. Let's help by doing that first step. Then we can improve and improve.

If you have a big hole in the wall of your house and you put the heat up, you don't resolve the problem. The first thing you should be doing is to repair the hole in the house. You'll shut down some of the heat, it will cost you less, and you're going to have fewer problems. That's the way it should be done.

We need a first step. A significant step is to make sure that the Americans don't see an opportunity to sell or to trade guns for our good marijuana in Canada. Those are the things we should address first. Then we can improve.

Second, we need an update on restricted guns or firearms. It has been over ten years, and it's not there. We see weapons that should be restricted or prohibited. We have companies, as we said in the presentation, that exploit that. It's on their website, that it's legal to buy this kind of gun or rifle because it's not under the legislation.

So those are first steps.

The Chair: Thank you, Mr. Cannavino.

We'll go to Mr. Moore.

Mr. Rob Moore (Fundy Royal, CPC): Thank you to all the witnesses.

One of the things we've heard today at committee and in the past in dealing with other bills is that even if this bill impacted on getting one or two guys who would have gotten bail not getting bail, at the discretion of the judge, but because of the change in onus the judge errs on the side of keeping someone who might otherwise be out on bail—

We've heard testimony that in Toronto and other cities a relatively small number of people are creating the problem, the recidivists, the gang members, and that when the small number of people are taken off the streets and are in custody, the police and those jurisdictions see a profound impact on overall crime in the area. We heard from a chief in Toronto that when they took a small number of individuals off the street in one neighbourhood, the crime rates dropped dramatically in that neighbourhood just because of a few people. I'm wondering if you can comment a bit on that.

I don't think anyone is interested in locking up all kinds of people. I think the focus is on repeat offenders, who in the current system are not getting the message. They continue to victimize Canadians. We want to, in a very cohesive and strategic way, target those people and say if they aren't getting the message about criminal justice and about targeting innocent Canadians, they're not going to be on the street; they're going to be in jail. That has to be coupled with resources for police and coupled with prevention. But this is a very specific bill, part of our legislative package. I wonder if any of you want to comment on what you've seen about who's committing the crime and what happens when they're off the street.

[Translation]

The Chair: Mr. Cannavino.

[English]

Mr. Tony Cannavino: This bill, Bill C-35, expresses it very well because it addresses violent crimes and violent criminals, the ones who commit those violent crimes. So it is targeted.

Also, I think Mr. Wilson expressed the impact of this legislation very well, the fact that there's fear in the communities. When the onus is reversed, it's up to the criminal to prove he's not dangerous. It has a huge impact. Although we understand the judge has discretion to release him, I could give you.... We said the impact would be.... As an example, we witnessed a week ago what happened to one of our colleagues who was shot and killed. That person should have stayed in jail. If we had that, it would have been easier for the crown attorney to prove. When the person tries to prove he's not dangerous, if he's a drug trafficker, has a full load of guns, and kills a police officer, how can he find bail? How could he be released? If we had Bill C-35, he would still be in jail.

[Translation]

The Chair: Mr. Francoeur.

Mr. Yves Francoeur: If I may, I would like to make a digression to respond to Mr. Murphy's question on long guns, hunting weapons. First, the majority of police officers who were killed in Canada in the last 10 years were shot with long guns, including those who died in Mayerthorpe.

When people talk about long guns, you think of domestic violence or spousal violence. I can give you an example. At the end of 2006, a woman was the victim of spousal violence in Montreal. Pardon the expression, but he had "got her real good". The woman was brought to the hospital. The man did not have a criminal record, but she was afraid because she knew that her husband owned several hunting weapons. However, she did not know whether he had 2, 10 or 12 of them. The police officers and the investigators consulted the firearms registry: the man had 16 weapons registered to his name. They searched the premises and seized 16 weapons and 45,000 bullets. This was a domestic case.

After the Dawson College shooting, in the Montreal region, three cranks from different areas made threats. The gun registry was consulted and, in two of the three cases, the police were able to immediately seize firearms in the places where these individuals lived.

We're not talking about organized crime. These things happen in daily life. In Montreal, not all of the 1.3 million service calls received each year come as a result of weapons being fired. There have to be between 50,000 and 100,000 domestic violence cases a year. We're talking about things that happen in the daily lives of people and citizens.

Thank you.

• (1655)

[English]

The Chair: Mr. Lee, you have one question, a short question, and no preamble if possible.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): No preamble. I want to thank—Oh, this is a preamble. Sorry.

I want to thank the witness, Mr. Wilson, for pointing out that indirect impact that is allegedly there, the greater confidence of the public in the ability of police to protect them after a charge is laid. That's an important thing.

I just want to seek from you an acknowledgement as well that the net we've created here is not foolproof, and it's not going to produce huge results overnight, but it will allow police and courts to target appropriately and to have better ammunition in that regard, legal ammunition.

Having mentioned the word "ammunition", won't the net that we create here also in theory include the individual, the buffoon, who has a couple of bullets in his pocket and tries to sell them? This is very theoretical, but it is a fact that the sections we've included in this reform include someone who has some ammunition in their pocket and they try to sell it. That's not really what we're trying to target here. So I'm seeking an acknowledgement that the net has been cast fairly wide—some will say not wide enough—but that we have to

make sure that our courts, our police, and our legal aid components are at least on the case here, so that we don't end up misusing this section.

[Translation]

The Chair: Mr. Cannavino, you may make the closing remarks.

[English]

Mr. Tony Cannavino: *Très brièvement*, I don't think it would target the buffoon, because if we look at the 12 indictable offences, they're right there and they are significant here.

• (1700)

Mr. Derek Lee: Of course all the bad offences and all the bad guys, yes, that's right. But the net also includes possessing ammunition and transferring ammunition, even if you haven't shot a bullet, even if you don't have a gun. That's all I'm asking for the acknowledgement of.

Mr. Tony Cannavino: Mr. Lee, as we said, it's not mandatory. It's still the judge who will determine whether that person should have bail or not.

[Translation]

The Chair: I would like to thank all the witnesses.

[English]

Do you have something else to add?

Mr. Derek Lee: I think Mr. Tottenham wanted to add something.

The Chair: I'm sorry, I didn't see your hand. Mr. Tottenham.

Mr. Daryl Tottenham: I'll keep it very short.

I acknowledge the point you're trying to make here, and I think you have to realize that in any legislation you put forward, you have that human factor where the police are part of the process, where we actually go through the bail process with the JPs in the bill application. We have, obviously, the intelligence and the information before us, from who we're dealing with, to be able to determine when you have somebody who's a hardened criminal who is clearly a threat to the public safety, as opposed to somebody who is naive and has kind of wandered into a trap and has a handful of bullets. So I think that human factor side is your safety net to make sure, because we certainly don't want to go down that road either and just arbitrarily put everybody who falls under that category in. I think that's how it would play out.

Mr. Derek Lee: Thank you for putting that on the record.

[Translation]

The Chair: I would like to thank the witnesses from the Canadian Police Association and those from the Canadian Association of Chiefs of Police for having appeared before the committee this afternoon.

[English]

Thank you.

The 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 Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada 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.