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Chair

Mr. Bernard Patry

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• (1530)

[English]

The Chair (Mr. Bernard Patry (Pierrefonds—Dollard, Lib.)): Good afternoon. It's the Legislative Committee on Bill C-35, meeting number 8, and these are the orders of the day. Pursuant to the order of reference of Tuesday, March 27, 2007, we are going to be considering Bill C-35, An Act to amend the Criminal Code (reverse onus in bail hearings for firearm-related offences).

As a witness this afternoon we have Mr. Gary Mauser, who's a criminologist from Simon Fraser University.

Welcome, Mr. Mauser. We're waiting for your presentation, please.

Professor Gary Mauser (Criminologist, Simon Fraser University, As an Individual): Okay, thank you very much.

I have a few words to say as a preface and then I will walk the committee through the tables that I had cause to be distributed. I think I know many of you, but just in case my face is fleeting, I would like to give you a few key facets of my background so you will know a bit about who I am.

As said, I am a professor at Simon Fraser University in both the Institute for Canadian Urban Research Studies, which is in criminology, as well as in the faculty of business administration. My doctoral training was in social psychology and quantitative methods, and I have researched and published in criminology, mostly in the area of firearms and violence, for more than 15 years.

I appear before you today because I support Bill C-35. I believe it is a step in the right direction towards improving the safety of Canadians—a small step, possibly, but I think a positive one.

Despite my support for Bill C-35, I have a few reservations, and I'd like to outline them.

First, in my view, the focus should be serious violent crime, not merely gun crime. I say this for two reasons. Violent crime involving firearms is only a small fraction of serious violent crime, and second, knife-wielding criminals cause more and more serious injuries to their victims than do criminals with firearms.

To illustrate the small fraction of violent crime that constitutes firearms, only 3% of crimes classified as violent crimes involve firearms. A much smaller percentage than 3%, typically around 1%, consists of victims injured by firearms. One-third of homicides involve firearms, and about one-third, knives. Also, 15% of robberies are with firearms. So as you can see, firearms are not the only serious item used in violent crime.

To look at the claims about knife injuries, I urge you to look at tables 1 and 2—I trust this has been distributed. Here in table 1 we look at assault victims; table 2 looks at robbery victims.

So let us look at table 1. In the first line we see that 6% of the victims injured by firearms are injured seriously, while 11% of victims injured by knives are injured seriously, that is to say, Statistics Canada classifies those as major physical injuries.

These data were generated by a special request to StatsCan, so they went through their annual data. I did this in 2004, so the data are from 2003. I don't doubt, but haven't done it, that if we do the similar studies for 2004, 2005, other years, we will get approximately the same kind of distribution.

The second point about table 1 is no reported injuries. Over 50% of victims injured with firearms had no reported injuries, so an injury that is non-existent—this is StatsCan. Equally, in knife injuries, 47% of incidents received no injuries. In other words, victims attacked with knives were much more likely to have an injury—and if an injury, a serious injury—as opposed to guns. This is in assaults.

You get similar kinds of things with robbery victims. In 2% of incidents involving firearms, the victims had major physical injuries, compared to 3% of victims who were robbed by a knife-wielding person.

• (1535)

Similarly, with incidents involving no injuries, 80% were with firearms as opposed to 83% with knives. This is not to say that firearms are not dangerous; this is merely to say that knives are serious weapons, and Parliament might well be advised to look at knife-wielding criminals as well as gun-wielding criminals.

In tables 3 and 4 are some of the few statistics available on criminals who have been released from prison. In table 3 we look at statutory release and see that over 40% of the prisoners released on statutory release find their release revoked for either breach of condition or commission of a crime. About 3% are violent crimes.

So this goes to the argument that we have some data. The data are very scarce so we do not have very convincing or thorough data, but this is the best of what we have. Whether you classify this as a glass half full or glass half empty, if we look at this as a threat to the Canadian public we can see that 40% of the prisoners released cannot be trusted and are back in jail soon. That causes danger to the Canadian public.

In table 4 we have some data that look at recidivism. Depending on the last crime for which the person was imprisoned, from breaking and entering down to drugs, somewhere between 30% and over 63% of these released prisoners reoffend within three years. There's no information available on the percentage who reoffend if we look at a longer period of five to ten years. The argument here is basically that while it costs money and it costs the freedom of some people, keeping serious offenders in jail protects the public.

Next we look at the cost of crimes borne by the victims. We're not looking at policing costs, court costs, or correctional costs—none of the costs borne by government; merely the costs borne by citizens who have had crimes committed against them.

There are two dimensions to tables 5 and 6. The first is the number of crimes. We have two ways to estimate the number of crimes, and neither one is very good, but they're different and give you a range of estimates.

One way to estimate the number of crimes committed is by the crimes known to police. In 1996 when this study was published, there were 254,000 crimes known to police that fell into the violent crime category. In 2005, the most recent year that annual statistics are available from StatsCan, we have over 300,000.

The other way of looking at how many crimes are being committed is to do surveys. We have several types of surveys, but perhaps the best we have conducted in Canada involved asking people to report to them on a regular basis. Rather than showing 254,000 violent crimes, this shows about two million. Typically the police know about only a small percentage of the total crimes committed.

• (1540)

We believe the crimes that police know about tend to be the more serious of the crimes committed, but this is not always the case. Since we don't know much about the ones that we don't about, this is an unknown unknown.

The second dimension, and much more problematic, is how do we estimate the costs that victims bear when assaulted, robbed, raped, or killed? This is very difficult. What I have tried to do here is look at victim interviews where victims report what costs they incurred. I have limited my estimates to financial costs, by and large, and I've tried to make minimum estimates for these. Still, it's very problematic—I freely admit that—but it's just the best available.

If any of you have ever been involved in a violent crime—not as a perpetrator, I assume, but as a victim—you know there are many subtle emotional costs. People will not go back into their apartment after it has been burglarized. People will not go to certain areas where they've been attacked or even suspected an attack. There are strong psychological costs for violent or property crimes.

I have tried not to make any estimates of these, although I do have a quote from Welsh and Waller, where they did try to estimate the impact of what they called “shattered lives”. As you can see in the third line up from the bottom on table 6, this is a fairly substantial estimate.

Essentially what we have here is the cost that average citizens bear for crime: we have estimated, in 1996, \$4.6 billion as the cost that Canadian citizens bear—not the government, but the citizens—for property crime, and over \$700 million for violent crime. These are minimum estimates. I'm sure that, as in many variables in criminology, the better the research the bigger the number, whether it's marijuana smokers, crime, costs, or victims. I have tried very hard here to give minimum numbers.

In table 6, we have specifically broken things out in more detail, so you can see the various component rather than just the total of violent or property crimes. You can see direct monetary losses, productivity losses, hospitalization costs, and of course, the more subjective “shattered lives”.

Let me conclude by saying, first of all, I have a sheet of references so that you can look up and verify my claims. For example, the Welsh and Waller references are there, various Statistics Canada documents, as well as econometric studies that are illuminating.

In conclusion, I support this legislation because I believe its aim is correct: minimizing human suffering. The research shows that keeping violent criminals in jail protects the public through simple incapacitation. I've tried to outline the costs the public bears so you can get a more gritty feeling of what these costs might be.

However, I feel that by focusing exclusively on guns, Parliament may not be dealing with violent crime as effectively as it might. As I'm sure you know, good legislation requires more than merely reacting to media events. Guns are big in the news; knives are not. That may not be a good representation of what is actually out there causing the problems.

I'm sure we all know the dog-bites-man argument of how things get into the news. Airplane crashes make more news than automobile crashes, and many more Canadians die in traffic accidents than airline crashes. So I urge you to consider knives. This may be peripheral and passed over. I appreciate that.

Thank you.

• (1545)

The Chair: Thank you, Mr. Mauser.

We'll now go to questions and answers, with seven minutes by party, to start with.

Mr. Bagnell, please.

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

Thank you for coming. It's some very interesting information. I appreciate your point on knives. I think it's a very good one. Your other statistics are good to have for a number of reasons. Some aren't that related to this bill, but they're great to have. We appreciate your collecting them.

I interpreted table 4 differently. It shows that we shouldn't keep people in prison. It shows—as we've always said as Liberals—that the failure is in the retraining and what we do with people. They're coming back and reoffending. And everyone's going to get out; in fact, prison contributes towards that.

But my question is related to bail, because that's the issue. I sense that you're as frustrated as we are because there are no stats. A number of people are denied bail, and we have no idea of the percentage of people who actually commit violent crimes when on bail. Would you agree with that?

Prof. Gary Mauser: I thoroughly agree with previous witnesses. Statistics Canada and the justice system do not collect or distribute those statistics. You will also notice that when people talk about crimes committed while on release, they carefully, if not gleefully, mix bail, probation, parole, statutory release, and everything.

Hon. Larry Bagnell: Exactly.

Since that is the only thing we can discuss because it's the only thing we have numbers on, if we look at table 3, I just want to make sure I'm reading it correctly. Does it show that basically 58% have successful releases?

Prof. Gary Mauser: That's right.

Hon. Larry Bagnell: So if 3% commit violent crimes, which is not necessarily acceptable.... But we had stats from another witness that suggested roughly 40% of people who are charged turn out to be innocent. They aren't guilty, so in the eyes of the law they're innocent.

Prof. Gary Mauser: Yes.

Hon. Larry Bagnell: So for the sake of saving the 3% who commit violent crimes, we're incarcerating the 40% who are innocent people, after bail—if they got incarcerated through reverse onus.

Prof. Gary Mauser: “Innocent” is not perhaps the right word. “Not found guilty” is perhaps technically more correct. They may in fact be innocent.

Hon. Larry Bagnell: And there may be guilty people who were innocent too.

Prof. Gary Mauser: That's right.

Hon. Larry Bagnell: But just in rough figures, a number of people charged are innocent.

Prof. Gary Mauser: It's a matter of which way you look down the spyglass. The vast bulk of violent criminals are male, but the vast bulk of males are not violent criminals. So only a small percentage of

prisoners go on to commit crimes when released, but they commit many crimes.

As you say, the statistics show that the vast bulk of crimes are committed by repeat offenders. That's why I introduced this table that shows it's a matter of the glass being half full or half empty. I would like you to focus on the costs that victims bear and not just the imprisoned, for whatever reason.

● (1550)

Hon. Larry Bagnell: But just taking rough figures, we have 40% who are victims—the innocent people who are incarcerated, which is definitely being victims—as opposed to 3% who commit violent crimes if we let them out.

Prof. Gary Mauser: Again, don't let statistics take you in a direction that is not substantive.

Hon. Larry Bagnell: I'm using your stats.

Prof. Gary Mauser: We do not know what we do not know. These statistics are all we have collected. These are minimum estimates.

Hon. Larry Bagnell: But I'm just using your statistics for rough argument. The discrepancy is so big, I don't think juggling the statistics is going to make a difference in my point.

Prof. Gary Mauser: Which discrepancy?

Hon. Larry Bagnell: The one between 40% and 3%. We're trading 40% victims by keeping these people in jail, as opposed to 3% by letting them out.

Prof. Gary Mauser: Another way to say that is that you're perfectly happy allowing 3% of the Canadian public to be injured, raped, and murdered in order to protect the rights of the other 97% of prisoners.

Hon. Larry Bagnell: The other 40%.

Prof. Gary Mauser: No, no. Let us say that 97% of the people released from prison come out white as snow—as innocent, wonderful, and sweet as the members of this committee—for the rest of their lives, but 3% turn out to be murderers, rapists, killers, or horrible people. This committee, Parliament, or lawmakers, must decide how to balance that. Should we protect the public and possibly imprison a number of future saints in order to protect the public? That's a horrible trade-off; there's no win.

What I'm arguing is, let us look for some of the problems and costs that Canadians bear, as well as the costs of the justice system, including the prisons.

Hon. Larry Bagnell: Okay, that's a value judgment to be debated.

Another question is, would you agree with a number of other witnesses who basically said this bill wouldn't achieve very much? In fact, you've added to their arguments by saying there are very few gun crimes among violent crimes. And they've already said that most of the people who are violent and likely to reoffend are already kept in jail during bail hearings by judges, so this will make very little difference. You've even exacerbated that by saying that this captures very few of those crimes anyway.

Prof. Gary Mauser: Well, if you're raped, murdered or killed just one person, that is a tragedy. And if this Parliament figures that cutting back the percentage, whatever it is, in half is trivial, then yes, it is trivial.

[*Translation*]

The Chair: Thank you very much.

Mr. Ménard, please.

Mr. Réal Ménard (Hochelaga, BQ): Good afternoon.

You are a regular at this committee. You are obviously one of the government's favourite references. That affection is not limited to the government, since all committee members welcome your appearance. That said, I must admit that I am having a hard time understanding how your testimony today is of any help to us in understanding this bill. It seems to me that if we refer only to the statistics that you have quoted, if we interpret them in their strictest sense, it would mean that the government should draft a bill that would not deny bail for offences committed with a firearm but rather, for offences committed with knives or bladed weapons.

• (1555)

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): We need a knives registry.

Mr. Réal Ménard: Mr. Petit says that we need a registry for knives, and it is probably because of his cutting wit that he has made that suggestion.

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): That's not very sharp!

Some voices: Oh, oh!

Mr. Réal Ménard: We are getting a little giddy as the end of the session approaches.

Seriously though, I would like to ask you the following question. We can understand the government's intention, but you must admit, as a man of science and a university professor, and as someone with a Ph.D in criminology, that there is no hard evidence that would lead us to believe that justices would grant bail to just about anyone who appears before them. On the contrary, defence attorneys and all of those who have appeared in court have made it clear to us that people are not regularly released on bail if they have committed a crime using a firearm.

Finally, will you not admit, based on scientific evidence and hard data, that the government did not base its bill on any available data?

[*English*]

Prof. Gary Mauser: When students ask difficult questions—

Some hon. members: Oh, oh!

Prof. Gary Mauser: —I often paraphrase the question to be able to understand it and formulate a reasonable answer. So let me start by trying to paraphrase you, and I trust you will correct my paraphrase.

The data that lawmakers have available to them are terrible. Either in my hands or any of the other witnesses', there simply is not good data available to make solid decisions. Second—and I don't think I'm surprising you with this—this is not my fault. If I could control StatsCan, I'd make it better, but at this point we must live with what we have.

So the question is about the solidity, the value, of the data, I believe. But, please, correct my inadequate paraphrase.

[*Translation*]

Mr. Réal Ménard: When a professor does not answer my question, he gets a poor rating from me at the end of the term, but I am sure that that is not your intent.

These are the facts. The lawyers who appeared before us said that when an offence is committed with a firearm, the judges or justices of the peace do not release the perpetrator. That is what you must remember. Did the government draft a bill that is based on shaky data? Whether you are talking about someone who has committed an assault with a firearm or with a knife, that has nothing to do with the substance of the bill. On what evidence or for what objective do you support the bill? What you have told us has nothing to do with the substance of the bill.

[*English*]

Prof. Gary Mauser: Perhaps I should have said it explicitly. I am not a lawyer. Nothing I intended to say or have said speaks to the letter of the law. If that was not obvious in claiming that I was a social scientist, I apologize. Perhaps lawyers think of themselves as social scientists.

What I am presenting to you can certainly be dismissed if you don't appreciate it, but I thought it might be valuable to the committee to understand the actuarial existence of crime and its costs in Canada.

Lawyers, despite living in legal worlds, must touch down into reality. Lawmakers' laws have real effects on real people. I certainly agree with the point that nothing I have said speaks to the details of the law. It informs you about things that other statistical witnesses did not say, and that I think are important, and that is to say that guns are not the only violent weapon that one should be concerned with. Since the word "gun" appears in the law, this strikes me as legally relevant. Second, the cost to victims is important, as well as the cost to prisoners and taxpayers, and I've not seen the emphasis.

For example, in the tables on reoffending, it's a glass half full or a glass half empty. To rehabilitate is a glorious goal, but this is not always possible. By letting out people who have not been rehabilitated, there is a high cost to the Canadian public. Statutory release forces prisons to let people out before they have even received the treatment the law suggests they be entitled to. By statutory release, not only are we imperilling citizens, but we are not fulfilling our promises to rehabilitate.

I'm not ignorant or insensible to the costs that prisoners bear.

• (1600)

[*Translation*]

The Chair: Your time is up, Mr. Ménard.

Mr. Réal Ménard: Already? My, how time flies when you are having fun.

The Chair: Mr. Comartin.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): I have no questions, Mr. Chairman.

[*English*]

The Chair: We'll go to Mr. Hanger.

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

Mr. Mauser, some of your stats reflect the issue that many offenders, upon being released, show the propensity to go back to committing a similar crime within a certain timeframe.

Prof. Gary Mauser: That's right.

Mr. Art Hanger: The bill we're dealing with, of course, deals with bail—reverse onus on bail hearings for firearm-related offences. That release then throws the offender out into the community again. The question here is, by doing that, are we revictimizing or victimizing additional people, or if we cut that bail and prevent him from getting out, are we not creating more victims?

Prof. Gary Mauser: That isn't the intent of—

Mr. Art Hanger: Your information here?

Prof. Gary Mauser: Yes.

Mr. Art Hanger: I read that into your data. I know it doesn't deal specifically with the bail issue.

You're getting more now into the issue where, if an offender is striking out in a certain crime, he's going to go and recommit; it doesn't matter if he's out on bail or if he's out after serving his time. Is that a point you're making?

Prof. Gary Mauser: That's correct. Because we do not have bail figures, I am forced to look at statutory release and other conditional release figures. There we see a large propensity for the most serious offenders to reoffend. The statistics are scanty, but they do support that notion. And one of the positive parts of this bill is that it focuses on the most serious offenders. By keeping them in custody longer, they are not out in the community committing crimes. The reverse onus also encourages witnesses to testify, and so this is all a very good idea to keep the most dangerous people in custody.

Mr. Art Hanger: Now, I can reflect back to the time when the Bail Reform Act came into being. I was a police officer at the time. We saw a dramatic change on the street when the Bail Reform Act was initiated.

This concept that the prisoner had the right to be released because he had not been tried at that point was paramount. But the number of crimes from that day forward, from the time the Bail Reform Act came in until now—and we've looked at enough stats to know—increased dramatically.

Prof. Gary Mauser: In the law, the two reasons for keeping somebody in jail prior to the court date, are to ensure that they show up for court and to protect the public. It is not punishment. The person is not being punished. The two goals are very simple, very practical.

This bill supports the keeping of more dangerous people in jail longer; therefore, it protects the public. It seems to me a wise idea.

• (1605)

Mr. Art Hanger: I can say anecdotally that the personal connection I have had in arresting people for committing a certain kind of crime is that once released out on bail, many of them do go back and commit additional crimes up until their court cases.

Prof. Gary Mauser: It's a shame that Statistics Canada has not been motivated to collect that data. Your anecdotal data are at least as good as the statistics, because the statistics are just not there.

Mr. Art Hanger: Well, that's unfortunate.

Given the fact that there's an indication that the number of victims increases through early release, whether it's on bail or whether it's just out, the other issue is this whole business of the actual cost of crime. Apart from you, sir, I don't believe I've heard from any other testimony in a justice committee—although I haven't been in all justice committees—about the real cost of crime. And that is, how it personally affects an individual.

Prof. Gary Mauser: The whole goal of the rights of the offender is to make sure the offender does not get crushed by the state. That is an important goal. We must not forget that offenders are people. On the other hand, there are costs that the community bears when offenders and repeat offenders, and particularly serious offenders, are out in the community.

This committee must balance those needs, and the only way they can do that properly is to look at some of the costs of crime that citizens bear. And my contribution is small.

Thank you.

Mr. Art Hanger: I think this is information, and I believe it to be required data.

I know this is an argument that seems to crop up south of the border a lot more than in this country. Victimization is an issue down there, as it is here. Unnecessary victimization, I might point out, is a topic of discussion there, as it is becoming more so here. But it doesn't seem to be capturing the lawmakers, as you point out. We have the responsibility to balance it all out.

Where do you think we should be going with legislation like this? You would like to broaden it to the point where it includes more violent—

Prof. Gary Mauser: I would broaden it to look at serious violent crime.

The Chair: Thank you.

Prof. Gary Mauser: This bill looks at bail, and I would look at statutory release as well. But that's way beyond this committee.

Mr. Art Hanger: Thank you.

The Chair: Thank you.

Now we'll go to Mr. Murphy and Madam Jennings, together, one after the other, all your questions.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): But not at the same time.

The Chair: No. One after the other, please.

Mr. Brian Murphy: I'll be brief.

I've read your stats. I'm very interested in them. I don't quite understand what we could make of them. The fault of the statistics gatherers is pretty evident—we don't have the discrete statistics on bail, judicial interim release.

Anyway, I am quite interested in your references. I don't know if you can answer these questions with yes or no, and I don't want to keep you to that, but I'm interested in the topics of some of the studies.

Did the study called “Would Banning Firearms Reduce Murder and Suicide?” come to a yes or no answer?

Prof. Gary Mauser: This is a very complex issue, and we are only again in that study, as in my presentation, limited by the available statistics. Our study was a survey of surveys, so many statistics from many countries were not available.

But essentially there did not seem to be a link between the countries with very strict gun laws and those with very loose gun laws, the countries with many gun owners and the countries with fewer gun owners—suicide and homicide rates. Clearly, for example, in some places in India—

Mr. Brian Murphy: I don't want to get into India, and I really don't want to take you far off the topic.

Prof. Gary Mauser: You wanted a yes or no. Okay.

Mr. Brian Murphy: Well, just a brief little thing, because I do have to give some time over to the critic, who might let me have some favours in the committee at some point, so I have to be nice to her, you see.

On the impact of prison releases and the impact of prison growth on crime, on homicide, our concern is that you put a person in jail who is otherwise relatively savable and they stay in too long and they're ruined after a certain period, where they become recidivist again and again. Your statistics show that. I don't think that's a surprise to people.

Generally speaking, the impact of prison growth on homicide, the impact of prison releases on homicide.... Does putting someone in jail for a long period of time ever result in less crime from that individual or that group of individuals?

●(1610)

Prof. Gary Mauser: There are two issues there that have been hotly debated in the United States. It seems they've not been researched and just merely assumed here, but it's a hot debate in the U.S. The first one is, does putting more criminals in jail longer reduce the crime rate? And the best evidence appears to be yes, it does.

This is not rehabilitation. This is not deterrents. This is simply incapacitation. When a person is in jail, he does not commit crimes outside. The more violent criminals, the more serious criminals inside, the fewer outside. The Marvell and Moody study is the most thorough and the most recent on that issue. If you want to look at that or have one of your aides look at that, you will see that.

The second related question is, what happens when they get out? There's a theory in criminology that we should keep people in prison for only short periods of time, because prison's not nice and it irritates them to be inside, and when they get out, they get nasty. So in some of these studies we're looking at what happens when people get out. Is there an increase in crime in the year certain numbers get out? And no, there does not seem to be the empirical support for that.

But as I said, these are debatable issues and there are many reputable researchers on all, not just both, sides.

The Chair: Madam Jennings, for the same time.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Thank you very much for your presentation.

We had Professor Anthony Doob here, a criminologist from, I believe, the Toronto area. Basically what he said was something some of my colleagues on this table stated, which is that the criminal defence lawyers are coming and telling us that they don't really have an objection in principle to Bill C-35, because in actual reality, as we speak now, if someone commits a criminal act, is charged with committing a criminal act with the use of a firearm, they do not get bail. So Bill C-35 would in fact not change anything; it would simply codify an existing practice.

Prof. Gary Mauser: If that is strictly speaking true, then there is no cost to passing this bill.

Hon. Marlene Jennings: Exactly.

Now, the point he did make, however, was given that the government has been marketing this bill as part of its law and order agenda in that it is going to make communities safer, he ended his presentation by saying to members of this committee—and he used the word “you”, so I think it goes beyond this committee—anybody who supports this bill, please do not use the argument that, if adopted, it will make Canadians and their communities safer. It will have a neutral effect.

My question to you is this. The Liberals supported fast-tracking this bill, etc., precisely because our research has shown that the reality is that you don't get out on bail. However, we're in support of your bill, so would you want me to table something that—

The Chair: Madam Jennings, please, your question.

Hon. Marlene Jennings: So my question to you is, with the statistics that you have brought us, which show that criminal acts committed with knives and with other instruments, including blunt instruments—whatever the heck that is, a baseball bat I guess—

Prof. Gary Mauser: Anything blunt.

Hon. Marlene Jennings: —appear to be much more of a problem than criminal acts committed with firearms, are you suggesting or recommending to the government to amend its bill to cover not just criminal acts in which the use of a firearm is present, but any criminal act where you have use of a weapon, whether it be a knife, or a blunt instrument, or whatever? Would that be a recommendation that you're prepared to make to this government?

Prof. Gary Mauser: I would encourage this government to consider either amending, or introducing another bill at a later time to do just that.

If I remember what Professor Doob said, it was usually the case that attorneys were not releasing the people this bill would cover.

•(1615)

Hon. Marlene Jennings: Not attorneys, judges.

Prof. Gary Mauser: There would be a marginal improvement if it became mandatory, as opposed to no improvement. So it would be a small step in the right direction.

Legislation, beyond being immediately effective, also sets a goal for the police and courts. I think that by putting their stamp on it that one should be tougher on serious criminals, this will do more than merely ensure that 200 or 300 more people are not allowed out to murder, rape, or kill. And 200 or 300 who are not out is clearly an advantage.

The Chair: Thank you, Mr. Mauser.

We'll go to Mr. Thompson.

Mr. Myron Thompson (Wild Rose, CPC): Okay. Thanks.

Once again, I believe the information that you supplied in these tables is useful. I agree that maybe it doesn't apply directly to Bill C-35, which we're talking about, but I think these are things we need to know.

Also, it suggests that the costs revolving around a victim are difficult to measure in dollars and cents. I've seen what the results of a tragedy in violent crime can do to victims, and it doesn't amount in pennies and dollars; it amounts in a long-term tragic situation.

One witness said that if you commit a crime with a gun, the practice is that you won't get out on bail. But I have talked to police officers personally, and they know of several who have been released on bail. They know of them, and I happen to know of some. So if you talk to the people who make the arrests, they know pretty well what goes on in these things. Yes, it is happening, and so I think the legislation is necessary.

I also have a private member's bill to include all violent crimes, not just guns. I want knives and everything to be included. I've also been told there would be a fairly good chance that the bill would not pass the charter test. I find it very amazing to be told that, but I have been told that.

But what I want to point out is, once again, the one statistic we have is that a person has committed a violent crime with a gun. That person is under arrest and in jail. He has shown that he's capable of doing that very crime. You don't take a chance. You simply don't take a chance. It's just like a dog; if he bites, you leash him up. You don't take a chance that he'll bite again, because he might. He might not, but you don't take the chance.

I'm just wondering if you agree that this would simply be a statistic that indicates, yes, you've been arrested and charged with committing this crime, you've done it once, and that's enough for me. I know some of my colleagues over there would think that's ridiculous, but I'm sorry, once is good enough for me. That person won't get another gun if I can help it.

I wonder if you agree with that scenario.

Prof. Gary Mauser: I definitely agree that we should consider it. I would encourage legislators to consider seriously the cost that average citizens pay, and I agree with you that it is not adequately considered.

When prisoners, particularly violent prisoners, are let out, they are highly likely to commit more crimes. These crimes hurt. These crimes have high costs, as I've tried to show in tables 5 and 6.

Mr. Myron Thompson: Okay. Thank you.

[*Translation*]

The Chair: Mr. Lemay.

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Mauser, there is something that I would like you to explain to me. First, the statistics in your brief only relate to crimes that come under the jurisdiction of the National Parole Board, which means that would only involve time served in a penitentiary. Is that correct?

Prof. Gary Mauser: That's correct.

[*English*]

Table 3 and table 4.

[*Translation*]

Mr. Marc Lemay: Yes, tables 3 and 4 only deal with individuals who have been sentenced to serve their time in a penitentiary. That is the way I understand it.

•(1620)

[*English*]

Prof. Gary Mauser: Table 3 looks only at statutory release, that is to say, the prisoners who were let loose on the legal agreement to terminate their sentence short of their full sentence. That's what a statutory release is, as I understand it.

Is that your question?

[*Translation*]

Mr. Marc Lemay: Yes.

If I understand table 3, 58% of those who are released serve out their conditional release without any problem.

[*English*]

Prof. Gary Mauser: That's right.

[Translation]

Mr. Marc Lemay: Then, 10% of them are subject to a revocation for a breach involving a non-violent offence. So it could be someone who—

[English]

Prof. Gary Mauser: To paraphrase, 10% of the prisoners released on statutory release are known to have committed a non-violent offence and have been put back in jail.

[Translation]

Mr. Marc Lemay: Unfortunately, 3% of the statutory releases are revoked because of a violent offence. Have you any figures to indicate at what stage in their statutory release these individuals were when they reoffended? Had they served out one sixth, one third or two thirds of their sentence? Do you have that information?

[English]

Prof. Gary Mauser: No, I'm not sure I understood that last question. At what...?

[Translation]

Mr. Marc Lemay: Let me explain. If you are sentenced, then you are entitled to statutory release after having served one sixth, one third or two thirds of your sentence.

[English]

Prof. Gary Mauser: If I understand correctly, this is at the end of their statutory release. So they've typically completed two-thirds of their sentence, and within three years of their release—after however long they were in there—3% are known to have committed violent crimes.

[Translation]

Mr. Marc Lemay: Okay.

Table 6 refers to the cost of violence to the victims. According to the police, is the cost of property crime \$4.6 billion or \$4.6 million? Do these figures refer to billions or millions of dollars?

[English]

Prof. Gary Mauser: In table 5, it's \$4.6 billion.

Did I understand you correctly?

[Translation]

Mr. Marc Lemay: I am referring to table 6.

Prof. Gary Mauser: Table 6, okay.

Mr. Marc Lemay: Does this table refer to \$4.6 billion?

[English]

Prof. Gary Mauser: That's right.

[Translation]

Mr. Marc Lemay: Why is it that, according to what we know about the victims of crime, the cost is \$11.5 billion, while, according to the police, it is \$4.6 billion? Is someone overstating the size of the problem?

[English]

Prof. Gary Mauser: No. Neither method is perfect for estimating the number of crimes. The difference primarily is in surveys and police.

The police know only a certain amount of crimes. Many crimes are not reported. For example, victims are embarrassed, victims are afraid of threats of retaliation, or victims think nobody cares about them so there's no point in reporting. The police know only a little bit. And the police may or may not write it down if they get it reported, depending on budget, time, and priorities. So this is probably a minimum estimate.

As to surveys, social scientists have made an expensive and energetic effort to track down people and interview them. It is suspected that this is a much easier way to report crimes, and thus crimes that really aren't serious or really didn't even exist are reported. So it is possible that this is an overestimate.

There are two different methods that social scientists use to estimate numbers, and that is the difference between those two columns in table 6. They're both based on the same estimate of cost. If you look at the column on the far right, where we have the costs per victim, those costs per victim are used for both columns in table 6.

Does that help?

• (1625)

[Translation]

Mr. Marc Lemay: Yes, thank you.

The Chair: Mr. Petit.

Mr. Daniel Petit: Mr. Mauser, earlier, in answer to a question that was asked by a Liberal member, I believe, you said that if people were put in jail, there would be fewer criminals. You also mentioned statistics. Do you have the statistics or was this just your personal opinion?

[English]

Prof. Gary Mauser: Statistics on...? I'm sorry, I missed a word.

[Translation]

Mr. Daniel Petit: I am referring to statistics that demonstrate that when someone is incarcerated in a penitentiary or in a provincial jail, fewer crimes are committed or there are fewer criminals.

[English]

Prof. Gary Mauser: That is not what I have presented today, as you know. I merely included a few references that bear on that question.

This is very complex econometric research. It is easy to be confused with simple statistics, such as I've presented; when we get into econometrics, it is impossible to understand. I spared you the econometric analyses by those researchers, but they are available, if you wish.

[Translation]

Mr. Daniel Petit: Could you send them to the committee as soon as possible, so that we may read them?

Without wanting to go too far, do you think that Statistics Canada might be able to find these statistics?

[English]

Prof. Gary Mauser: I'm sorry, I have to turn this up; it seems to be quite quiet.

Would you mind repeating that? I apologize.

[*Translation*]

Mr. Daniel Petit: We have heard from representatives from Statistics Canada. Opposition members always ask them the same question, but the folks from Statistics Canada never seem to have the right statistics. They are constantly confused in the tables that they have with them, and we never seem to get the right answer.

Do you think that Statistics Canada might be able to provide the statistics that are in the work that you have done?

[*English*]

Prof. Gary Mauser: There are two answers to that question, depending on which statistics. In large part, it is not a matter of finding them in Statistics Canada's collection; they just have not been collected. Statistics Canada cannot collect all possible; therefore they have collected only some of the important statistics, either for cost interest or freedom of information limitations. Bail statistics, as this committee so profoundly knows, have been unavailable. They just haven't been collected.

The second answer is that, as you can see from tables 1 and 5, Statistics Canada has statistics but it hasn't pulled them out and displayed them in the ways that I have or that other researchers have. So these are good statistics, but one has to go looking for them and pull them out specially. There's nothing forced or phony about them; they're just not the ones that Statistics Canada usually produces. It depends on further analysis, and that's why I thought it was important to bring it to you.

Does that answer your question?

[*Translation*]

Mr. Daniel Petit: I have one final question.

The Chair: Go ahead.

Mr. Daniel Petit: When I read the statistics in tables 1 and 2, I see that there are victims of firearms and knife assaults and victims of firearms and knife robberies. If I look at the "knife" column, I see that there is more physical violence with knives than with firearms. If we rely on what you have told us, that means that there should be a registry of all of the knives in Quebec and Canada, rather than a firearms registry.

A voice: Are you suggesting that?

Mr. Daniel Petit: No, I am asking the question. This is what is called an intervention, Mr. Chairman.

The Chair: Go ahead.

Mr. Daniel Petit: I am not sure if you are for me or against me. We may have a repeat of what happened to Guy Lauzon. Be careful.

• (1630)

[*English*]

Prof. Gary Mauser: One of the findings of the Kates and Mauser paper, which is listed in the references, is that there are innumerable ways to kill people, if you are of the mind to do so.

Of course, this pencil is a deadly weapon if that is my intent. Luckily for all of us, we are not so intended. Knives are all over and are easily available, as are blunt weapons. There are fewer people

being killed by telephones now because telephone technology has changed from big, heavy, ugly, black things to little, light, plastic, pink things. Be thankful our local perpetrators don't watch more television or they would discover that bombs are much deadlier than guns.

The Chair: Thank you very much for attending our session.

Mr. Hanger, you may have a last question. Go ahead.

Mr. Art Hanger: I don't have a question, but I have a comment that's unrelated to Mr. Mauser's appearance here.

It's in reference to polling the committee members to see if they would be willing to sit for an hour tomorrow to conclude the clause-by-clause we started this morning. We're only going for one hour tomorrow. We could finish that one hour and conclude the clause-by-clause.

[*Translation*]

Mr. Réal Ménard: Would you like us to meet at 4:30 or 5:30? Is that what you want to do?

[*English*]

Mr. Art Hanger: Yes, it may not take that long.

The Chair: We could try. I only want to know what colleagues think.

Mr. Art Hanger: I have to sit as the chairman anyway.

The Chair: I don't know if any colleagues have amendments to this bill. I don't have a clue about this.

Hon. Marlene Jennings: Could you wait while we check our schedules?

Mr. Art Hanger: Yes.

The Chair: Go ahead. We can wait a minute. It's not a problem.

Hon. Marlene Jennings: The problem as well is that we have at least one member who's not scheduled to be here tomorrow, and it means a replacement.

[*Translation*]

Mr. Daniel Petit: I have an alternate for one hour only. If you want to sit for two hours, I will have to check.

[*English*]

Mr. Art Hanger: I think we've gone through most of the contentious amendments.

[*Translation*]

Mr. Réal Ménard: I think we need to finish studying Bill C-23 as quickly as possible. It is not a contentious bill. I see no problem with it.

[*English*]

The Chair: Are the Liberals okay with this?

Hon. Marlene Jennings: Well, at least two Liberals are okay. Do you want to move to clause-by-clause tomorrow?

Mr. Art Hanger: We are already on clause-by-clause. We're finishing the bill. We want to finish Bill-23, which we started this morning.

Hon. Marlene Jennings: Okay. I misunderstood. I thought you were talking about Bill C-35.

You're talking about continuing the clause-by-clause of Bill C-23, from 4:30 until 5:30 on Wednesday, May 16.

Mr. Art Hanger: That's right.

Hon. Marlene Jennings: Okay. It means we will need to get replacements.

The Chair: That's not my business. I only want to pinpoint the answer.

[*Translation*]

Mr. Daniel Petit: Excuse me, Mr. Chairman. Will we be meeting in the same location?

[*English*]

The Chair: Yes. We're not changing the room tomorrow. We'll have witnesses tomorrow.

When we come back on Tuesday, we'll go to clause-by-clause for Bill C-35. You'll also receive notice that the minister will appear on June 5 for Bill C-27.

[*Translation*]

Hon. Marlene Jennings: Mr. Chairman.

The Chair: Yes, go ahead, Ms. Jennings.

Hon. Marlene Jennings: I have just checked. We know that for three Liberal members of the committee, there will be no problem if we continue the clause-by-clause study of Bill C-23 tomorrow, from

4:30 to 5:30. If there is a problem for the fourth Liberal member of the committee, we will try to have a replacement. If the other committee members are in agreement, we can proceed as suggested.

[*English*]

The Chair: I just want to pinpoint that I'm not the chair for the other committee, and the clerk here is not the chair. We need to have the government side to work on that.

Mr. Art Hanger: We'll work on that.

The Chair: It's not my duty. I just wanted to let you know about this.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): We're making the forms. No action is required.

● (1635)

The Chair: Thank you.

[*Translation*]

Hon. Marlene Jennings: We will ask the chair to inform the other committee members.

[*English*]

The Chair: *Merci*, that's great.

Merci beaucoup.

Thank you, Mr. Mauser, for your appearance today.

This meeting is adjourned.

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