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Chair

Mr. Art Hanger

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• (1545)

[English]

The Chair (Mr. Art Hanger (Calgary Northeast, CPC)): I call the Standing Committee on Justice and Human Rights meeting to order. Of course, on the orders of the day, the topic of discussion and debate here is Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

We have a good array of witnesses to testify before us today. Given the fact that there are three of you representing three different organizations, I would ask the witnesses, first, to be sure to put your points forward in short order so the members here will have an opportunity to question you. That's our regular process. The time is going to be broken down into seven or eight minutes for the first round, and then it diminishes thereafter.

I will go according to the order in which the witnesses are listed on my sheet. The Canadian Police Association, Mr. Tony Cannavino, president....

I understand, Mr. Cannavino, you're accompanied by David Griffin.

Mr. Tony Cannavino (President, Canadian Police Association): Yes, he is our executive officer.

The Chair: Thank you, gentlemen.

Mr. Tony Cannavino: Thank you. Mr. Chairman, members of the committee, good afternoon.

The Canadian Police Association welcomes the opportunity to appear before the House of Commons Standing Committee on Justice and Human Rights concerning Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment). The CPA is the national voice for 54,000 police personnel serving across Canada. Through our 175 member associations, CPA membership includes police personnel serving in police services in 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. 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.

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.

The Canadian Police Association has been urging governments to bring an end to Canada's revolving-door justice system. Chronic and violent offenders rotate in and out of the correctional and judicial systems, creating a sense of frustration among police personnel, fostering uncertainty and fear in our communities, and putting a significant strain on costs and resources for the correctional and judicial system. We believe that a positive first step to addressing these concerns is to eliminate access to conditional sentences for certain criminals.

Conditional sentencing was introduced in 1996 to bridge the gap between probation and incarceration for less serious, non-violent minor offences. The application of the law by the courts has in fact permitted offenders convicted of serious and violent crimes to avoid incarceration and serve their sentences in the community.

Bill C-9 amends section 742.1 of the Criminal Code. It provides that a person convicted of an offence prosecuted by way of indictment, for which the maximum term of imprisonment is 10 years or more, is not eligible for a conditional sentence. Although we support the objectives set out in Bill C-9, we are concerned that the maximum term of imprisonment of 10 years or more would leave out certain offences that should not be eligible for conditional sentencing.

The current law is inadequate. Canadians are acutely aware that current sentencing and parole practices are inconsistent with public expectations, which undermines public confidence in law enforcement and, more particularly, our entire justice system. Canada's front line police officers interact with members of the public and victims of crime on a daily basis. They understand and share in their sense of frustration. People who are introduced to our justice system as witnesses or victims of crime are frequently at a loss to understand the principles and processes applied in sentencing convicted offenders, how the sentences are served, and the opportunities available for early release. We believe that offenders should be held accountable for the offences they commit.

Each victim is equally important. Unfortunately, the current sentencing and conditional release provisions do not recognize this principle. CPA members are very concerned that court decisions applying to current legislation have permitted offenders to receive conditional sentences of imprisonment for crimes of serious violence, including manslaughter, sexual assault offences, driving offences involving death or serious bodily harm, drug trafficking, major theft, and theft committed in the context of a breach of trust.

Canada's police officers are frustrated, and they have lost confidence in a system that sees violent offenders regularly returned to the streets. We need to restore meaningful consequences and deterrents in our justice system, which begins with stiffer sentences, real jail time, and tougher parole eligibility policies for repeat and violent offenders. We raised this issue with the Minister of Public Safety as recently as this month.

• (1550)

These are the recommendations that have been consistently advocated by CPA: first, Parliament should convene an independent public inquiry into Canada's sentencing, corrections, and parole systems for the purpose of identifying measures to provide meaningful consequences for offenders, reinforce public safety, and instill public confidence; second, in determining the level of security for serving sentences, an offender's criminal history in crimes for which he or she is sentenced should be the predominant factor; third, give victims greater input into decisions concerning sentencing, prison classifications, and parole and release; and fourth, tighten our laws and prison policies to protect Canadians from violent criminals.

On limiting access to conditional sentencing, the CPA contends that persons convicted of violent sexual offences or crimes committed where the potential for violence exists should not be given an opportunity to be considered for conditional sentencing. We maintain that sex offences, especially those offences involving children or violence, should be banned from conditional sentencing. For example, criminals convicted of the following offences would not be covered by Bill C-9 in the present form: luring a child via the Internet, removing a child from Canada, abduction of a person under the age of 16.

On public safety offences, the CPA is further concerned that offences committed against those sworn to protect our communities, such as the crime of assaulting a police officer, and offences that have serious police officer and public safety consequences, such as flight—failing to stop a motor vehicle while being pursued by a peace officer—are not covered by Bill C-9. This is because the maximum sentence for these offences falls short of the proposed 10-year minimum.

We acknowledge that the current sentencing regime contained in the Criminal Code is at times contradictory and illogical. This serves to further support our contention that the sentencing regime should be reviewed, along with the current corrections and parole systems. We further submit that Bill C-9 should be amended to prohibit conditional sentences for the offences of flight, assaulting a police officer, disarming a police officer, and participation in activities of a criminal organization. We contend that any person who chooses to assault peace officers in the lawful performance of their duties or to jeopardize their safety and the safety of others by engaging police in a motor vehicle pursuit should be barred from receiving a conditional sentence.

In addition, Bill C-9 does not capture offences involving weapons where the Crown chooses to proceed summarily, such as possession of a weapon for a dangerous purpose, possession of a weapon in a motor vehicle, possession of a restricted or prohibited firearm with ammunition, and possession contrary to an order. We contend that a

conditional sentence is not an appropriate disposition of a charge involving unlawful possession of a weapon or firearm.

[*Translation*]

Non-violent offences. The arguments against limiting the use of conditional sentencing for serious non-violent offences are misguided at best. As front-line professionals, police officers see firsthand the far-reaching impact of minimizing the seriousness of property crimes and other so-called non-violent crimes.

The penalties for serious property crimes have become so trivialized, with an absence of meaningful and proportionate consequences, that criminals have come to understand and work within the system, committing more criminal acts. Whether they steal a vehicle or commit a break-and-enter into a home, they know that should they get caught, they will be back out on the street in no time. The lack of meaningful consequences has become so obvious to organized crime that they use it as an effective recruiting tool. The impact on families victimized by such offences is marginalized as it is expected that insurance will cover the monetary costs. Too often, however, the deeper emotional trauma of having a home burglarized, an identity stolen, or a family heirloom taken, are overlooked. In fact, property crimes have become so trivial for criminals and the justice system that police departments have reduced and often cut resources for officers to investigate property crimes, and resources are transferred to the priorities.

A glaring example of this situation is auto theft. Young offenders and car thieves know that there are no meaningful consequences for car theft. They steal cars for cash with little fear of apprehension and even less fear of consequences from the courts.

What is certain, however, is that having someone violate your privacy and having your precious possessions stolen out of your own home is not something trivial for the victims of these crimes. Victims will never feel completely safe in their own homes or in their community from that point on.

Property crimes are often linked with other serious criminal behaviours and social issues, including drug trade, organized crime, and white-collar crime. These are interconnected and cross-cutting issues that cannot, and should not be neglected. Unfortunately, drug trafficking and production offences also fall within the category of “non-violent” offences, which totally ignores the tragic consequences of drug abuse in our communities, and the inextricable link between gang violence and the drug trade. Drug lords and grow operators avoid meaningful consequences through conditional sentences and accelerated parole provisions; provisions originally intended for non-violent crimes. We have seen examples of captured drug traffickers apprehended in the United States seeking extradition to Canada, to take advantage of these lenient sentencing and parole provisions.

Level of supervision. According to the Library of Parliament's legislative summary on Bill C-9, the Canadian Centre for Justice Statistics reports that the annual cost of supervising an offender in the community is \$1,792. We are concerned that these costs are woefully inadequate given the nature of offenders being released into the community. We would estimate that the current level amounts to less than one hour per week for supervising offenders serving conditional sentences in the community. We contend that the probation and parole officers serving in our communities are seriously understaffed and overworked, minimizing the effect of supervision.

• (1555)

[English]

In conclusion, the experience since conditional sentencing was introduced in 1996 demonstrates that the application has far exceeded the intent. Bill C-9 is a required measure to tighten these provisions and exclude application to more serious crimes.

We contend that limiting the use of conditional sentencing reduces the risk for communities that continue to be victimized by violent criminals, sexual offenders, and serious invasions of their privacy and intimacy through property crimes. We do, however, recommend that the bill be strengthened by addressing crimes of violence, sexual offences, and serious risks that are not presently contained in the proposed legislation.

In order to provide consistency and balance to this legislation, we would urge Parliament to bring changes to Bill C-9 that would reflect the seriousness of certain violent and sexual offences that do not have a maximum term of 10 years or more, while keeping the option of conditional sentencing for less serious crimes for which an alternative sentencing mechanism is appropriate.

Bill C-9 is a positive first step to address the revolving-door justice system and instill meaningful and proportionate consequences for serious and violent crimes. The Canadian Police Association supports the bill in principle and urges Parliament to amend and pass this legislation without delay.

I thank you for your attention. I welcome, also, all your questions.

The Chair: Thank you, Mr. Cannavino.

The next on my list is Jean-François Cusson. Mr. Altimas will make the presentation.

Sir, would you please go ahead.

[Translation]

Mr. Patrick Altimas (Director General, Association des services de réhabilitation sociale du Québec Inc.): Mr. Chairman and members of the committee, thank you for this invitation and the opportunity to share our thoughts with you.

[English]

I welcome the opportunity to discuss Bill C-9 with you. Thank you again for the invitation.

[Translation]

The Association des services de réhabilitation sociale du Québec represents over 50 community organizations actively involved in crime prevention and working with adult offenders in most regions of Quebec.

We want to ensure that a fair balance is struck between the needs of victims in our communities and those of offenders. The association has been in existence for over 40 years, as have some of our organizations. Over fifteen organizations are currently involved in monitoring conditional sentences in the community. We therefore have direct experience with this particular clientele.

The ASRSQ is working with the Elizabeth Fry Society of Québec and Canada as well as defence counsel associations in Montreal and Quebec City to consider the issues raised by Bill C-9. We are pleased to share with you the fruit of our considerations. You have them before you. I will not read the brief in full, but I would like to draw your attention to a few points.

Our brief focuses on the fact that Bill C-9 wants to limit eligibility to conditional sentences despite the fact that there is no evidence today to show that that is needed. Conditional sentences seem to work. Judges seem to respect the provisions of the Criminal Code and the limits imposed therein.

Second, access to conditional sentences is being limited based on one sole criteria, in other words maximum sentences provided by the Criminal Code. Very different type of crimes would be treated in the same way. For instance, the possession of counterfeit currency and incest would be treated identically. This would involve one sole criteria, and the use of only one criteria goes against the very principles of sentencing within our justice system.

Third, we believe that conditional sentences are severe. Fourth, they are safe. Fifth, we consider them to be consistent and preventative, and so does the Canadian public in general.

No evidence has been put forward to suggest that the problem the bill aims to correct is widespread. There are no serious studies to show that conditional sentences are a problem today nor that there has been an increase in crime and recidivism.

Sentencing judges must consider the relative seriousness of an offence. They must also consider the dangerousness of the individual. Even though some offences may seem violent, judges must consider both the offence and the offender.

Bill C-9 strays from fundamental Canadian sentencing principles such as the use of incarceration as a last resort, proportionality of sentencing based on the seriousness of the offence, the degree of responsibility and the need to tailor sentences to individuals.

The bill could reduce the period of time during which offenders are being monitored. Some studies show that, in some cases, conditional sentences lead to longer prison terms than if the judge had decided to impose a custodial sentence.

Take, for instance, a person who is in prison for one year. Under the law they are released without being monitored after having served two thirds of their sentences.

Conditional sentences, however, must complete the entire year of their sentence and the monitoring period lasts twelve months.

By providing identical treatment for offences like the possession of counterfeit currency and incest, as I stated it earlier, the bill contributes to a growing sense of confusion about the notions of seriousness and dangerousness. We do not believe that reducing access to conditional sentences will make our communities safer. On the contrary, over the medium and longer term, the safety of our communities could be jeopardized.

Allow me to explain. Some people today could be entitled to a conditional sentence, but would not be under Bill C-9. The economic and social impact of that would be significant. Jobs could be lost, families could be shattered, etc.

We therefore believe that this bill is unnecessary. We do however believe more studies should be undertaken on conditional sentences since their inception. This will allow for better understanding of the issue and an accurate assessment of the effect of conditional sentences over the last few years.

According to the experience of workers within our community network, the conditional sentences they work with are not necessarily violent people. They successfully complete their conditional sentences and, when they do not, it is because of breach of conditions rather than recidivism.

So, what is the problem? That is the question we have been asking ourselves. We believe that further study, or even larger studies than those we currently have access to, should be carried out before any changes are made to the system.

Thank you, Mr. Chairman, and members of the committee, for having given me this opportunity to speak to you.

• (1605)

[English]

The Chair: Thank you, Mr. Altimas.

Mr. Elliott is next.

Mr. Richard Elliott (Deputy Director, Policy Unit, Canadian HIV/AIDS Legal Network): Thank you, Mr. Chair and members of the committee.

[Translation]

I want to thank the committee for giving us the opportunity to comment on Bill C-9.

[English]

I'm here speaking today on behalf of the Canadian HIV/AIDS Legal Network. You may be wondering at first glance why it is that an AIDS organization is concerned about this legislation. I hope that by the end of our time today you may have some sense of why we think this is a dimension of this legislation that the committee needs to grapple with as you go forward in your deliberations.

First, briefly let me tell you about our organization, the Canadian HIV/AIDS Legal Network. We are a national non-governmental organization, one of approximately 10 in this country that work in partnership with the federal government and other orders of government to respond to the AIDS epidemic in Canada. Over 14 years we've become one of the world's leading organizations working on legal and policy issues related to HIV.

We have over 200 members across the country and some internationally, many of them AIDS service organizations that are based in the community and are working on the front lines of the response to the AIDS epidemic. It's because of that particular expertise and those particular concerns that we're here today.

In brief, we're concerned that there may be some unintended consequences—or we would hope they are unintended consequences—of this legislation that need to be considered as it moves forward. We are concerned in particular that Bill C-9 may in fact be counterproductive and may undermine some of the efforts to respond to the HIV epidemic among some of those Canadians who are most vulnerable to HIV—who are most vulnerable in the sense of being socially and economically marginalized and who will, we fear, because of that, as I will explain in a moment, bear the brunt in particular of this kind of legislative approach.

For many years now, Canada has recognized in its stated policy that the issue of problematic substance use is a health issue first and foremost rather than an issue to be dealt with via the criminal law and law enforcement.

Unfortunately the rhetorical commitment to dealing with this as a health issue, which has also been accompanied by a rhetorical commitment to dealing with HIV through measures that are shown by the evidence to be effective and in ways that actually respect and protect human rights, has not always been reflected in the actual practice, certainly at the federal government level, in the response to drugs in Canada.

It's particularly the application of Bill C-9 to drug offences that we are speaking about today; we're not offering any comment on any other aspects of this legislation.

When I say that this stated commitment to dealing with substance use as a health issue rather than a criminal law issue has not been reflected in the practice of the government's response, I want to recall to you that a few years ago, in 2001, the Auditor General issued a report on the spending at the level of the federal government in response to drugs, which was around \$500 million. She reported at that time that almost 95% of that money was spent on law enforcement and criminal justice expenditures, notwithstanding the fact that Canada has repeatedly said we have a so-called "balanced" approach to responding to problematic drug use in Canada that includes not only law enforcement as one of the four pillars, but the three other pillars of measures to prevent drug misuse, to provide treatment for those with addiction and other problematic substance use, and to adopt proven and well-studied harm reduction measures, including things such as needle exchange programs.

Unfortunately now, in our view, with this legislation we are not moving in the right direction. We are in fact risking exaggerating the existing imbalance within the federal government's response to drugs. I want to urge upon this committee that you take some time after the comments you hear today to think about how this legislation may play out in the context of drug offences, and about what ultimately that means in terms of impact upon the health of some of Canada's most vulnerable and marginalized people and the public health more broadly.

Before this legislation was introduced, when it was something being contemplated, we put out a briefing paper that speaks in general terms of the notion of mandatory minimum sentences being applied to drug offences. We have tried to highlight why this is not necessarily good justice policy or good public health policy, particularly with a focus on an effective response to the HIV epidemic among people who use drugs. That briefing paper, I believe, has been shared with committee members. If it has not yet, we will make sure that it is. But since the bill was tabled and we've seen the actual provisions in the bill, we've prepared the additional brief that you have before you today, which looks specifically at how Bill C-9 will apply to offences under the Controlled Drugs and Substances Act.

• (1610)

In our view, Bill C-9 is a form—it's a variant—of mandatory minimum sentences; that is, Bill C-9 does not specify that if you commit x offence, you must spend a minimum y number of years or you must be subject to such and such a minimum sentence. It does, however, say in its removal of the availability of conditional sentences for some of the Controlled Drugs and Substances Act offences that if you commit those offences, a conditional sentence will no longer be an option if the sentence imposed is a term of imprisonment; that is, it mandates that a sentence of imprisonment be served in a correctional facility rather than a conditional sentence. So it mandates a certain minimum level of harshness of penalty, if you will.

There are two things I want to say specifically about how the legislation will apply to drug offences.

The first is a positive feature of the legislation, although I think it's really more a happy happenstance of the legislation in the way it's drafted. Simple possession offences under the Controlled Drugs and

Substances Act would not be covered by Bill C-9, and therefore, conditional sentencing would still be an option available to the court, assuming of course that the other criteria set out in the Criminal Code have been satisfied. This, in our view, is the silver lining in legislation that is, on balance, problematic.

Let me give you another example of how this legislation will apply to drug offences and why we think it's particularly problematic, and that is specifically the question of the offences of trafficking and possession for the purposes of trafficking. Why is it that we say that it would be problematic to apply Bill C-9, that is, to withdraw conditional sentences in the event of someone charged with a trafficking offence under the Controlled Drugs and Substances Act? There are a number of reasons for this.

The first is that, although it might be tempting to pretend that we can fairly simplistically target just so-called drug dealers and somehow not bring to bear the full weight of the criminal law against people who are simply drug users and who are dealing with addictions, and to think that therefore this is consistent with the notion that we deal with drug offences and drug misuse as principally a health issue rather than a criminal issue, it's not that simple to actually differentiate. In fact, the way the legislation is drafted right now, it would mean that someone convicted of trafficking any quantity of, for example, heroin, even someone who is in possession of a fairly small amount and is perhaps sharing that with someone else in their drug-using network, would not be able, if a sentence of imprisonment is ordered by the court, to serve that sentence in the community.

We're mandating sending people to prison for offences that are not necessarily a violent offence and that involve perhaps trafficking even very small quantities. In fact, there is evidence, including Canadian evidence from the largest cohort of injection drug users who have been studied over many years in Vancouver, to show that a significant number of people who are users by injection of certain controlled substances have also in fact engaged in small-scale, street-level dealing, often to support their habit. It's those people in particular who are going to be most easily targeted for law enforcement efforts and most likely to be caught up and charged with trafficking offences. They would also be the people who would therefore be most likely to be sentenced to spend time in prison if a conditional sentence were not available for someone convicted of trafficking. It would be rare that in fact it is the real profiteers, those who are engaged in very large-scale trafficking of drugs—criminal organizations and so on—who would actually be caught by the trafficking offences.

What we've seen amongst drug users in the Vancouver cohort, for example, is that a significant number of them have engaged in direct selling of small quantities of drugs, again to support a habit, or they've engaged in what's called "middling", that is, carrying small quantities, or what is called "steering", that is, directing someone to a dealer where they can purchase the drugs they're needing. Those kinds of things could all fall within the definition of trafficking of a controlled substance under the CDSA, and as a result, given that the penalties for trafficking set out in the Controlled Drugs and Substances Act would be caught by this 10-year threshold in Bill C-9, we would lose the opportunity for conditional sentencing of those cases.

•(1615)

I think it's also very important to understand that of those people who use drugs, who have also engaged in these "trafficking activities", it's predominantly those who have the highest levels of addiction who have been involved in these things.

The study that will be published fairly shortly from Vancouver finds that the involvement in this small-scale, low-level street dealing of drugs has been associated with the frequency of heroin or cocaine injection, binge drug use, borrowing and lending of syringes, accidental overdose, and recent incarceration. All of those are markers of a higher intensity of addiction, so in effect we're talking about targeting people who are users, many of them with addictions, with this kind of legislation.

I'm not suggesting that's necessarily the purpose behind this legislation, but it is a consequence of this legislation of which the committee should be mindful.

I mentioned that incarceration was one of the factors associated with those who had engaged in small-scale street-level trafficking, and that leads me to a point about why it's bad public health policy to actually be incarcerating people who are drug users. No one, including Correctional Service Canada, disputes that drugs are in prisons. This is a reality in every country in the world, and there's no dispute that prisoners are injecting drugs in prison.

Over a decade ago, Correctional Service Canada reported that 40% of federal inmates admitted using drugs in prison, 11% of them by injection. What we also know, of course, is that there is little or no access to sterile injection equipment in prison, so we're sentencing people with addictions to drugs, many of them who use their drugs by injection, to a setting in which they're engaged in drug use in one of the riskiest ways possible because they can't actually get sterile injection equipment, even though we've had very successful needle exchange programs operating across Canada for over 20 years now. Time and time again, in Canada and around the world, every single study that has looked at needle exchange programs has concluded that this is one of the most important interventions in responding to HIV and the spread of other blood-borne diseases among people who inject drugs.

The Chair: I will ask you to move your presentation to a conclusion, please.

Mr. Richard Elliott: I will. Thank you.

Finally, let me offer a couple of thoughts as to why—beyond those health considerations—implementing this variant of mandatory and minimum sentences for drug offences would not be particularly effective. A study done for Justice Canada in 2002 looked at the available evidence at that time and concluded that mandatory minimum sentencing approaches do not work for drug offences. As has been noted before, because of the way it is drafted right now, Bill C-9 would go beyond instances of violence and other serious offences, and as has been pointed out by our colleagues from Quebec, this goes in the face of fundamental sentencing principles. We note that the government's concern with Bill C-9, as stated, has been principally with crimes of violence or potential for violence.

Our basic conclusion is that the evidence shows us that mandatory minimum sentencing approaches for drugs don't work. They do have

potentially adverse consequences. From a health perspective, they will not permit us to easily distinguish between those who are so-called dealers and users—especially if any quantity of trafficking in a drug is criminalized and is not available for conditional sentencing—and they lead to bad public health outcomes.

In light of all of that, we ask ourselves why we would proceed with legislation that would have this potentially unintended consequence. This is a position that's been adopted not just by those who work in the field of HIV or addictions, but in fact a former Chief Justice of the United States, William Rehnquist, has himself said that mandatory minimum sentences for drug offences are a good example of the law of unintended consequences.

I urge the committee to think about that particular dimension of this legislation in your deliberations. I thank you for the chance to bring that to your attention.

•(1620)

The Chair: Thank you, Mr. Elliott.

We will begin the round of questions. The Liberals will have seven minutes.

Larry Bagnell will begin, please.

Hon. Larry Bagnell (Yukon, Lib.): Thank you, Mr. Chairman, and thank you all. It was very interesting.

I'd like to start with the police association. I'll put my bias on the table: I've been a big supporter of the police in a number of committee meetings over the years.

I'd like to comment on a couple of things. One of your comments was, "People who are introduced to our justice system as witnesses to or victims of crime are frequently at a loss to understand principles and processes..." I think that might be part of a problem. I think you're saying you believe that police officers are probably frustrated because they think that when they've gone to all the work of catching someone, the person will probably be given a sentence that would provide less safety to the public than is otherwise possible or could be legislated.

Is that the sense I am to get from your presentation?

Mr. Tony Cannavino: That is one problem. The other problem is repeat offenders. Our police officers haven't even finished their paperwork and the person they arrested is back on the street doing exactly the same things.

Hon. Larry Bagnell: Let me just go on further with that point, because I wanted to ask you about that. I would assume in most of the offences—and the jeopardy for victims, we're all trying to save victims—they are repeat offenders, because most of the criminals—

Mr. Tony Cannavino: One of the biggest problems is when victims see the person who committed the crime back on the street without even spending a couple of weeks in jail. It is significant. They are wondering. They start to doubt the system. For them, they think, what's the use? They have to go through the judicial system.

We're confronted with the criminal. We have to testify. We get all the pressure. We were victimized, and the criminal is laughing at us because he knows he's going to get out.

We're not the only ones to call it the revolving door.

Hon. Larry Bagnell: Okay, let me carry on here.

As I said, this could be a misunderstanding if they're actually safer with what's happening in the courts now compared to an alternative. First of all, everyone we're dealing with in this bill is going to get out again. At some time they're going to be on the streets. Everyone agrees with that. What the public wants is safety. So what is most likely to prevent them from being victimized again, or victimized the first time?

In our last meeting we were presented with a chart—and maybe Patrick could confirm this—that basically suggested that a significant number of people, 34%, who had been through incarceration were likely to reoffend...but only 16% had done a conditional sentence. In conditional sentencing you could have various types of treatment. I'm sure you would probably agree that for half a millennium the traditional system hasn't worked by locking people up, because they just come back and reoffend and reoffend. There has been, as Patrick was saying, some successes with conditional sentencing. Particularly the statistics we had last week suggested that the people on the street who are worried about their safety are safer when a person has been through conditional sentences, by a margin of 16% to 34%.

• (1625)

Mr. Tony Cannavino: I won't be talking about statistics. If you want to talk about statistics, there's one thing I can do. Our front line police officers deal with victims and deal with citizens in their communities, and when they say they're not safe, they're not safe. When you talk about 30% being repeat offenders, statistics include everything, all kinds of crimes.

In 1996 the intention was good for minor offences; for exceptions, you would have the conditional sentencing. It's not what happened. It became the norm. It did not become the exception; that's what the courts gave. The exception was the one who would go to jail. Listen, that wasn't the intent of this legislation in 1996. What we see more and more is the fact that young kids.... We're always asking, why do they get lured and join gangs? It is because the first thing the leaders tell them is that there will be no consequences if they do a break and entry, or if they steal a car; not to worry, they will not go to jail for that. So they trivialize all those crimes. That's why we always see them back on the street.

What happens then? You have communities wondering what's going on, and you see more and more kids getting together and joining street gangs.

Hon. Larry Bagnell: As I was saying, once again, here's the misunderstanding. The public think they are less safe and they think that when the person is let out again, they're just on a holiday. Conditional sentencing is a lot more than that.

I want to pursue another line. I only have so much time, but later maybe I'll get Patrick to comment on some of the things that happen during conditional sentencing.

I'm sure that people are worried about being victims, and a lot of police officers would want to make sure that someone who has these problems and is likely to reoffend is worked with for the longest time possible.

I and a number of committee members were shocked when the Canadian Centre for Justice Statistics told us that the person who is incarcerated, on average, is only worked with by the justice system to try to improve him and stop him from reoffending for an average of 47 days. Where it's a conditional sentence probation, the person is worked with on the cures and so on under the justice system for 700 days. I would much rather, to be safe, have someone being watched for 700 days than 47 days.

Mr. Tony Cannavino: We saw how much it cost for supervision. It's \$1,700 a year. So that's not a huge supervision to get, and they know that system there. As I said, I think when we're looking at what kind of message we want to send, where's the deterrence and where's the consequence? If you commit a crime you don't get anything, just a little slap on the hands saying, don't do that, because it could cost too much if we were to send you to jail. That's how it became in the courts. So we have to see two things.

We're going to consider the economy when we think we should take care of victims. We should make sure those kids on the street—and older people—don't repeat an offence. So what we've said to the public safety minister is that we need a review of Correctional Services Canada and the National Parole Board regarding where we could get those people treatment. But when they commit a crime, they should be responsible for that and there should be a consequence. It shouldn't be that they get inside and the next day they're outside and we see our police officers for the next three weeks completing their reports. There's something there that doesn't work.

The Chair: Thank you, Mr. Bagnell. Your time is up.

But I would encourage any other individuals who have come here accompanying the witnesses, like Mr. Griffin and Mr. Cusson, that if you have something to offer, you should make your statement. I would encourage that, please.

I don't know if you have anything you wanted to offer, Mr. Griffin.

Mr. Ménard.

[Translation]

Mr. Réal Ménard (Hochelaga, BQ): I am going to ask several questions and I would like you to provide brief answers to them.

The real question, as far as we are concerned, is how many conditional sentences reoffend. I have not found an answer to that in the brief provided by the police officers. Yet I think that is the most important piece of information. Aside from that, everything else is ideological in nature, bordering on demagoguery, and based on no data whatsoever.

One of the witnesses called for a commission of inquiry. We should not forget that sentencing reform, as set out in Bill C-41, was the result of the work of a royal commission, the Archambault Commission.

The police and the government have the same figures. In other words, out of 13,000 people who received conditional sentences, 5 to 6% of them served their conditional sentences in the community, depending on the year. You have the same figures.

I would like the Association des services de réhabilitation sociale du Québec Inc. to tell us how many conditional sentencees reoffended or committed other offences.

I am certain Tony Cannavino will also have information to share with us on that matter.

• (1630)

Mr. Jean-François Cusson (Crime Analyst, Association des services de réhabilitation sociale du Québec Inc.): We don't have data with respect to recidivism. Our workers tell us it is rare. When there are problems with conditional sentences, they often related to the conditions.

This is an important issue because last week, someone mentioned that when you incarcerate an individual for one year, you are precluding the commission of 10 to 15 offences. You must understand that when people are supervised in the community through a conditional sentence, there is not a great deal of recidivism either. So, we are avoiding approximately the same number of offences.

Mr. Réal Ménard: Very well.

Could you give us a precise figure, with respect to this question?

Mr. Tony Cannavino: That is why I was saying earlier on that there is a lack of available statistics and that some statistics cover all types of crime.

However, and you just have to look at what happens daily in courthouses — there are a great many people who receive conditional sentences, or sentences to be served in the community. There is a high rate of recidivism.

Mr. Réal Ménard: But you don't have any statistics to back that up.

Mr. Tony Cannavino: Statistics Canada is lacking those statistics.

Mr. Réal Ménard: I am not saying that you have the wrong impression, but it remains an impression.

You agree with me that...

Mr. Tony Cannavino: It is not just an impression, I'd say.

Mr. Réal Ménard: But let me move to my second question, because we have no statistics here. So, you can't come before parliamentarians and tell them to do away with this tool used by judges because of a public safety issue, when you have no figures on conditional sentences. That has already been mentioned.

We have no statistics on recidivism. More specifically, there is a missing piece to the puzzle, which is not your fault or mine. It means that we will not be adopting this bill quickly, and that we will be asking for studies to be carried out, for instance on rehabilitation.

So I move to my second question. How do you feel the judiciary has used this tool of conditional sentences? For instance, one of the recommendations made by the Canadian Police Association is to include within Bill C-9 all offences which are not covered. You would like us to add child luring, the removal of a child from Canada, and other offences to Bill C-9?

Mr. Tony Cannavino: Absolutely.

Mr. Réal Ménard: Do you have information indicating that judges, in the case of the sentences you are proposing, imposed suspended sentences?

Mr. Tony Cannavino: The reason why we are more than happy that something will be done is because judges, over the years, have given different interpretations of what was supposed to be applied in 1996. But, for economic reasons, judges have greatly exaggerated the use of suspended sentences.

Mr. Réal Ménard: In 6 per cent of cases?

Mr. Tony Cannavino: No. Just go to any courthouse, sit down and listen to the sentences which are handed down. Then compare the crimes which have been committed with the sentences which have been handed down, and you will realize that what is happening is a complete joke.

Mr. Réal Ménard: It doesn't say that in your brief.

Mr. Tony Cannavino: In our brief, we also call upon the government to include in its bill certain offences or crimes which would otherwise be beyond our reach if Bill C-9 were adopted. We also talk about the people who will not be affected by the 10-year threshold, those who receive a sentence of less than 10 years.

Let me give you an example...

Mr. Réal Ménard: No, wait. I would like to ask you a question before hearing your example. You are talkative, but I would like us to examine specific facts.

• (1635)

Mr. Tony Cannavino: I can give you more than one concrete example.

Mr. Réal Ménard: No, I would like to ask you my question first.

You would like us to include these offences because, as you say, they would not otherwise lead to a sentence of 10 or more years.

Mr. Tony Cannavino: It is because these offences may not seem violent, but in reality they are extremely violent. For example, drug trafficking...

Mr. Réal Ménard: That is not what I am asking you. I am not claiming that the only criteria for handing down a suspended sentence is based on the degree of violence.

Your brief has many weaknesses. I do not deny the fact that you are active in the field in question, but you are only giving us impressions. Unfortunately, we lawmakers do not pass legislation on the basis of impressions. Consequently, I would like you to tell me in how many cases, with regard to the offences you are proposing we include, judges have imposed prison sentences.

Mr. Tony Cannavino: That is not what we were asked to do. We could do that. We could come on board with a government group from the department in question. If opposition members also come on board, we would be pleased to give you the documentation. But we are here for a very short period of time. However, if you wish, we would gladly meet with you in committee to provide you with more information.

Our contention is that the underlying principle of the bill is a good one. The bill will impose stricter conditions. However, I think we should look beyond the 10-year threshold, because some crimes, which don't appear to be very serious, would not be dealt with adequately.

A little earlier, it was hard for me to keep still. It is true that I am rather talkative, but the fact remains that we see what is happening on the ground. When someone tells me that drug trafficking is not a serious offence, that when a person has drugs to sell them, that is not serious, I would say that, on the contrary, it is very serious.

Mr. Réal Ménard: Judges have not acted in the way you have described. Statistics do not reflect what you say.

But we do agree on one thing, that is that there are offences in the Criminal Code which are subject to two-year prison sentences, but these offences are just as serious as others which are subject to a 10-year prison sentence. It is not the only criteria.

I would have liked to hear the witnesses explain how judges have misused this tool, which is a marginal measure within the legal system.

Mr. Tony Cannavino: Mr. Ménard, the best facts at my disposal are the police officers' testimonies. The people involved in this area, those on the front lines, are our police officers who are assisting victims and who are intercepting people committing crimes. There are also those who are trying to help out organizations. In fact, many groups are trying to be of assistance.

I am not questioning the good intentions of the organization that represents the people beside me.

Mr. Réal Ménard: Are you questioning the fact that conditional sentences of imprisonment constitute a marginal measure? We are talking about 6% of sentences.

Mr. Tony Cannavino: No, not at all.

[English]

The Chair: Monsieur Ménard, your time is up. Thank you.

[Translation]

Mr. Réal Ménard: Mr. Chairman, time goes by so quickly with a man of Tony's quality that one does not even notice.

Why do we not go out for supper together? It would not be a date, please don't misunderstand me!

Mr. Tony Cannavino: You would have a problem if it was a date, because I have been married for 34 years.

[English]

The Chair: Mr. Comartin.

[Translation]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Thank you, Mr. Chairman.

Mr. Altimas, you have recommended two or three times that we do more research. Do you know who could do that kind of research? Would it take one year, two years or five years?

Mr. Patrick Altimas: I think it would primarily be the responsibility of the justice department. It would also depend on the tools at the government's disposal to undertake research on this

issue. Despite all the research that we have done using government and other statistics, we have found that there is currently no information. I think that at some point there has to be a will to research the claims that have been made. I think that the best organization to do that research is the government.

Mr. Joe Comartin: How long would it take to get results, something that could give us an overall idea?

Mr. Jean-François Cusson: That depends on the availability of data. For example, in the area of paroles, there is a system that provides reliable statistics annually based on criteria that were established beforehand.

When you work in a community organization, the means at your disposal are scarce, and it is difficult to produce information quickly. I would think that with more means, we would be able to do this quite quickly.

[English]

Mr. Joe Comartin: Those are all my questions, Mr. Chair.

The Chair: Thank you, Mr. Comartin.

Mr. Moore.

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

I note that oftentimes, as I've seen this committee, the opposition questioning does not focus on the victims. I'm interested in some comments made by the Canadian Police Association on how victims feel and also police officers, who, as you said, are on the front line, protecting society. I'd like to know what you hear from front-line police officers when they see someone who's committed.... Maybe use an example of one of these sentences that are punishable by 10 years, and I've noted that there are some sentences that are not included here that you would like to see included.

As parliamentarians, we do have to balance things. We have some people who say that too much is included; others say that not enough is included. I will note, for your information, that Ed Fast, one of our members, has introduced a private member's bill that would include luring in this bill, by raising to 10 years the maximum sentence for luring of a child. I support that initiative. That's a good move.

But can you comment a bit on that frustration and also on how victims you hear from feel when someone has committed an offence against them, and then that person, without serving any time, is back in the community where the offence was committed?

● (1640)

Mr. Tony Cannavino: I think our police officers experience that almost every day. We see more and more violent crimes. What we used to see on American TV shows about street gangs was happening only in the States. It's happening in Canada now. But why? Those are realities. Go to Winnipeg and Montreal and Vancouver and Toronto. And it's not only in those large cities. You see it more and more even in small cities.

When you go to a crime scene, you see the victim and understand what's going through her mind, what she's going through. You know that she's going to have to go to court, and you know by experience, with the way the courts handle those cases, that it's going to be a slap on the hand. He's going to be back on the street and he's going to be in the same neighbourhood, threatening and laughing at them. That's the other thing the victims are telling us, that they're being told, hey, I'm back here and I didn't get anything. They laugh at the victims.

Those are serious things. We need deterrents. When you commit a crime and you have a consequence, it's different. Look at what happened in Quebec. Everybody in Canada thought that Quebec had thrown in the towel with the bikers. What happened? They changed the legislation—stiffer sentencing, stiffer legislation—and created a special unit, Carcajou/Wolverine. What happened to them? They're all in jail. That was significant. It destabilized the organized crime, the bikers.

That's the way to do it, because there was a deterrent. Before that, how many young kids dreamed that one day they would become bikers because they thought that nothing could happen to them? Well, this is the message we have to send to the communities, to Canadian citizens—we're there to protect them. And you, as legislators, have to send that message. But if it's a message of a revolving door, that they'll never get anything.... Even though your intention was very good in 1996, it's not happening that way. Why? There's always the economic factor. How much is it going to cost us to put this person in jail? Well, do you know what's going to happen? The same person who thinks nothing can happen to them is going to commit and recommit again and again, so it's going to cost how much more to get police officers to arrest them so many times and get so many victims.

Our job is to protect and serve Canadian citizens. That's what we want to do. But we need help, and the only ones who can help us are you.

Mr. Rob Moore: Your organization is the only one here that's representing front line police officers. I think there's a bit of a myth out there; we saw some statistics, and one thing they showed us was that since 1996, there's been a steady increase in the use of conditional sentences. You mentioned in your testimony that when this was introduced—and we as legislators know this, because all of us have looked back at the debates of the time—it was for non-serious, non-violent offences. It was seen as a reasonable thing, as just opening the door a crack. Now the door has been opened full swing, and we see conditional sentences being used for very serious crimes.

One of the myths out there, I think, is that somehow there's this strict monitoring when somebody's serving a conditional sentence or house arrest. People intuitively know that this is a joke, but I've heard that perpetuated here. You represent front line police officers. Presumably these would be some of the people doing the monitoring.

When someone is serving a conditional sentence, how much or how closely are they monitored? When someone says it's cheaper to monitor someone dangerous, or a repeat offender, than it is to have them in jail, it would be cheaper still not to monitor them at all. Let them out; you'd spend zero on monitoring.

When I hear the figure used for what it costs to monitor someone...and you've already recognized that this couldn't buy much monitoring.

Mr. Tony Cannavino: Absolutely none.

Mr. Rob Moore: What happens in the real world when it comes to monitoring someone—

• (1645)

Mr. Tony Cannavino: They're understaffed. At an average of \$1,700 a year, how can you monitor, how can you supervise, how can you make sure that those persons will not be repeat offenders?

There's another thing about statistics. Years ago when I was a front line police officer, I remember reporting on the day's statistics—for instance, on accidents with injured people. Do you know what? They changed that maybe ten years ago. Now for it to be considered an accident with injured people, the person has to stay in hospital for three days.

So what happened? Are there fewer accidents with injured people? No. We consider it an accident with injured people now if they stay three days in the hospital. But who stays three days in the hospital?

Mr. David Griffin (Executive Officer, Canadian Police Association): Perhaps I could add something here.

The people responsible for the supervision, under the Correctional Service of Canada, are probation and parole officers, or they're provincial. In these cases, in 1995, when conditional sentencing was being introduced, the Auditor General said then that their caseload was too high. There hasn't been a great influx of new resources or new officers into the system to do the monitoring or do the supervision. The cost, as we mentioned earlier, is \$1,700 a year. That's not a lot of treatment, and not a lot of monitoring.

In terms of the types of offences, on page 11 of our brief you'll see that we have provided statistics from Statistics Canada on where conditional sentences were used—five manslaughter offences, 258 robberies, 307 sexual assaults, and 2,405 drug trafficking offences.

With due respect to Mr. Elliott's presentation—I certainly share some of his concerns in terms of drug use in prison—we would be laughed out of the courtroom if we walked in for people sharing needles, or dealing with small amounts of any drug, and suggesting that this was a drug trafficking offence that should be prosecuted.

Mr. Rob Moore: Thank you.

The Chair: I think this is an important line of questioning. There appears to be some concern on the part of the other witnesses that they would like to make some reply to Mr. Moore's question, and I'm going to allow that to happen.

Mr. Elliott, I know you had something, and **Mr. Altmas,** I think you might want to add to the discussion as well.

Mr. Elliott, go ahead.

Mr. Richard Elliott: Thank you. I have just two brief points.

First, to follow up on the comment that Mr. Griffin just made, if it's in fact the case that it would not usually be the kind of situation for which you would send someone to prison—for, say, a minor trafficking offence—then it seems to me there's little harm in accepting our recommendation that you might exempt those kinds of offences from this legislation, to remove the option of conditional sentencing. Why create an incentive in a system that is driving toward sending people to prison? Even if they're just trafficking small quantities, many of those people would be doing it to support an addiction. If, as my colleague here is saying, that's not necessarily how the courts want to see it anyway, why resist the notion of exempting drug offences, or at least some of them, from this legislation?

The second point is on cost. We must think responsibly about the cost of incarcerating people with addictions, given the very little return, especially from the perspective of health, that comes from that. That any money is actually spent on incarcerating people who might otherwise actually be able to serve time in the community and benefit from treatment programs were they better funded is, I think, a misuse of funds. We would actually get more return for the individual, and for the community order as a whole, if we were to actually take those funds and spend them not on more prisons for people who have addictions but actually on treatment, which is inaccessible for many people with addictions in this country.

The Chair: Mr. Griffin, did you have something you wanted to comment on in reference to his statement?

Mr. Tony Cannavino: I can't agree, although I understand what he wants to do. That's what has happened since 1996; the exception became the rule. That is not what we want to see—starting in 2006.

The Chair: Thank you.

Mr. Altimas.

Mr. Patrick Altimas: Yes. I'd like to make a comment concerning supervision. I take exception to the fact that it's considered a joke. In preparation for this appearance today, yesterday we met with two front line workers who work with conditional releasees to verify, at least empirically, some of the things we thought we saw in reality.

One of the things we found is that these two front line workers, who have been doing this for over six years and have seen dozens and dozens of conditional releasees, do not consider that the clients are violent. They feel that the judges and prosecutors have done their jobs in terms of eliminating people who are really violent offenders.

Secondly, when it comes to supervision, in a lot of cases, when a person comes out on conditional release, there is what we call in French *assignation à résidence*, or house arrest as you say in English. In that case, in Quebec in any case, the system is such that the supervisor is not alone in the verification process. There is also what we call an *agent du Service correctionnel*, better known as a guard, who is working in the community. They are verifying, either by telephone or with visits to the home—five, six, seven times a week at all hours of the day—to make sure the person is respecting his or her conditions. Believe me, the meetings with the supervisor are more than just once a month.

What we also heard yesterday from our front line workers is that in certain cases conditional release was considered harder than a sentence of incarceration—for example, wives were complaining that they were sick and tired of getting phone calls and visits at all hours of the day. It is a very serious process.

I take exception to the fact that supervision is not important and that there's an image that violent offenders are being released on conditional release. The fact that a person commits a crime that is considered violent does not make that person a violent offender, unless there is an evaluation of that person in addition to the offence.

● (1650)

The Chair: Thank you, Mr. Altimas.

I took the liberty of extending that debate by the witnesses. I trust the rest of the committee members got something out of the discussion.

Ms. Barnes, it's your opportunity.

Hon. Sue Barnes (London West, Lib.): Thank you very much for giving your input on this important matter.

I'll start with Mr. Elliott. I looked at the sections that this bill as it's presently set up would capture, and I note that possession for purposes of trafficking, schedule III; importing/exporting, schedule III or VI; possession for the purpose of exporting, schedule III or VI; and producing, schedule III, are all currently hybrids.

I want to confirm that you're reading this the same way as I'm reading it. The way the current bill is worded, when there are small quantities, they can elect to switch to a summary offence and those would be out of the purview of concern that you have. I just want to make sure I've done my homework the right way and that you're in agreement with that.

Mr. Richard Elliott: Yes. The way we read the legislation, the drugs listed in schedule III of the Controlled Drugs and Substances Act, which are things like amphetamines, LSD, and psilocybin, are hybrid offences. The offences you mentioned are hybrid and they could be prosecuted by way of summary conviction. If they were to be prosecuted by way of indictment, then the maximum sentence would be ten years, and conditional sentences would not be available.

What I should also point out is that for those substances listed in schedule I—heroin, cocaine, methadone—trafficking of any quantity of that substance is an indictable offence. Therefore, if there was a conviction and a term of imprisonment, a person who is convicted of trafficking in any quantity, however small, say of heroin or cocaine, would have to spend time in prison. So you're talking about sending people to prison, many of whom will be addicts, in places where they will continue to use drugs—because we know that happens—without access to sterile injection equipment. This doesn't make sense from a public health perspective.

Hon. Sue Barnes: Thank you.

Mr. Altimas, I understand from your brief that you noted that there had been another approach by the Liberal government in Bill C-70 that did a listing of things that they should want to narrow in on, which included things like organized crime, terrorism, and sexual offences, and then another sort of catch-all category where denunciation was the most important thing. In your brief you said you preferred that. The minister has come to this committee earlier and said he is open to other ways of looking at this. We are trying here, I think, to narrow this or put it into a perspective that people can feel comfortable with, both in the community and around this table.

But you must have had reasons for saying that, and I'd like to hear them.

• (1655)

Mr. Patrick Altimas: I'll let Mr. Cusson answer.

[Translation]

Mr. Jean-François Cusson: When we were talking about identifying certain misdemeanours or offences, we said that the current bill is not consistent with the way in which additional sentencing has been presented. If minimum sentences, for example, had been proposed, then we would have seen some consistency. That does not mean that we would have agreed, but we would have seen a consistency with what already existed.

[English]

Hon. Sue Barnes: I'll just follow that up. I think you made the point in your brief about the dangerousness as opposed to severity. Do you want to outline that?

Mr. Patrick Altimas: That's why we like multifactorial systems, because reality is not simple. Reality includes all sorts of factors, and dangerousness is not defined by just one factor; that is, the offence. Dangerousness is defined by all sorts of other factors that have to be taken into account and have to be evaluated by lawyers, crown prosecutors, judges, professionals, police officers, and what not. That's where we have to take exception to an approach where you rely only on one factor and one factor alone.

Also, the Criminal Code says you can't release somebody on conditional release if he or she is dangerous. Therefore, the judge does specifically have *des balises*, as we say in French, before he hands out a conditional release. So those protections are already in the code.

Now, do we pretend that the judges are not doing their jobs? I don't know. I have no hard facts on that. That's where we say, if we had hard facts, we could be talking about facts, not impressions, not perceptions.

Hon. Sue Barnes: Okay, maybe I'll go to Mr. Cannavino.

The old approach, in Bill C-70, had a way by which the sitting judge was told, for instance, you can't do a serious personal injury offence. But there was another clause that said, if there were exceptional circumstances and you provided written reasons to those exceptional circumstances....

Here, we are put in a closed box. That's the current system. If you're in this catchment area, there's supposedly never any situation where you should be a little bit outside—you know, that unusual

situation. That approach did give that, but the presumption was, here's where you're supposed to go unless you can prove that you're in an exceptional circumstance.

I'd like to hear your input on that, because frankly that's what we're going to be up against, and if you think there are some situations where that could happen.

Maybe Mr. Griffin could reply as well.

[Translation]

Mr. Tony Cannavino: Thank you. In 1996, parliamentarians had the best of intentions. We agreed with those intentions. Why not leave it up to the judges to decide whether or not to hand down conditional sentences and community sentences instead of imprisonment? However, the problem that we have seen emerging over the months and over the years is that that possibility has become the rule. Rather than only applying to people who do not really deserve a sentence of imprisonment, the rule has come to apply to all offenders. From our perspective, we have had to justify why these people had to go before the court. Coincidentally, all kinds of other economic and other constraints have also been added.

Mr. Altimas made a good point when he answered the question you asked him. He spoke about dangerousness and parole. Parole—

• (1700)

[English]

Hon. Sue Barnes: But you still haven't answered my question. Do you ever see that situation occurring in one of these cases?

Mr. David Griffin: As we've discussed ourselves this morning, the problem with exceptions is that over time they become the rule. And we've seen that time and time again.

Hon. Sue Barnes: So you wouldn't want that happening?

Witnesses: No.

Hon. Sue Barnes: Okay, that's fine. That's what I wanted to get down.

Mr. Tony Cannavino: I'd like to give an example, if I may.

[Translation]

Before parole is granted, the level of dangerousness of individuals must be assessed in order to determine whether or not they should remain in prison and serve their whole sentence. Parole has become almost automatic. We have seen several cases where people were sentenced to imprisonment for sexual assault and murder and were granted parole. I could give you several examples of cases, for example that of Brassard, who was granted parole and then committed aggravated sexual assault and killed his victim. He went back to prison and was released again. This happened three times. There are many cases like that. Why? Because the exception ends up becoming the rule over time. It is then incumbent upon us to emphasize the exceptional nature of this rule and to attempt through all possible means to keep these people inside. That is our problem, our burden.

We agree with the principle of Bill C-9. We would simply like to add other cases.

[English]

The Chair: Thank you, Ms. Barnes.

Mr. Lemay, go ahead, please.

Hon. Sue Barnes: I think Mr. Elliott wanted to say something.

The Chair: Did you have something that you wanted to say, Mr. Elliott?

Mr. Richard Elliott: Thank you.

I simply wanted to make the point that it sounds as though there is some agreement that the problem is with the application of the concept of conditional sentencing and not necessarily with the concept itself. But it seems to me that the remedy that is being proposed, perhaps without the benefit of adequate data—as has been pointed out elsewhere—is both underinclusive and overinclusive. Perhaps something a little more nuanced is needed here, rather than trying to crack the walnut with a sledgehammer.

The Chair: Mr. Lemay, go ahead, please.

[Translation]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): I would have liked to hear—and I was sure or almost sure that I would—some of you provide us with statistics, and answers to our questions. I will not repeat what my colleague Mr. Ménard said a few moments ago, but I would like to clear one thing up immediately: the Canadian Police Association has to understand that it is not the legislators who have broadened the scope of conditional sentencing. If you do not understand that, then we will explain it to you.

I think that you should ask your lawyers to read the Supreme Court's Proulx decision from the year 2000. If you had read it, you would have understood that it is the Supreme Court that explained, in a decision that cannot be appealed, the scope of conditional sentences.

As legislators, we want to know whether or not conditional sentencing has met the expectations that the public had in 1996. I look at the Canadian Police Association's statistics and I see some very good and very interesting examples. From what I found, there were 257,127 convictions. If, like myself, you know how to count, then you will note that there were only 13,267 conditional sentences in 2003. I have right in front of me the figures for that pivotal year, so do not try to make me believe that the justice system has become a revolving door through which you enter and exit. You will never succeed in making me believe that.

We are here to amend the Criminal Code. I agree that we need to respect the victims, but in this case we are dealing with the criminals. I want to be shown—and up to date I have not been—that conditional sentencing is useless and inappropriate and that it has not contributed at all to reducing crime levels in Canada.

My question is for Mr. Altimas. Through the Association des services de réhabilitation sociale du Québec, could you, over the next few weeks, obtain statistics on the number of people who were given a conditional sentence of imprisonment? I was a lawyer, up until only 20 months ago. Given the number of CRCs that you have, I think that you could obtain those statistics, even if you had to write them out by hand.

I also have a question for the Canadian Police Association. Could you honestly get us statistics on failures? You have police officers on the ground. I cannot believe that you would not be able to obtain statistics on those failures. We will deal with the successes; what we want are statistics related to cases where conditional sentencing failed, where files were reopened.

It is a yes or a no. Can you get those figures over the next few weeks? My question is for Mr. Altimas and Mr. Cannavino.

● (1705)

Mr. Jean-François Cusson: As far as we are concerned, the answer is yes with respect to the number of people receiving conditional sentences. However, once a sentence has been served, we have no access to data on recidivism. These are not data that we have.

Mr. Marc Lemay: But you could get statistics on conditional sentences.

Mr. Jean-François Cusson: That would be the number of conditional sentences who are being monitored by our network. Our workers are not the only ones to do this.

Mr. Marc Lemay: Mr. Cannavino.

Mr. Tony Cannavino: First, you seem intent on choosing the figures which you like. You take, for instance, 257,127. On the conditional sentence side there are 13,267 of them. Have you also looked at probation, charges?

Mr. Marc Lemay: I'm sorry but probation has absolutely nothing to do with that, you know that full well.

Mr. Tony Cannavino: You asked me a question, and I'd like to be able to respond. I intend to do that in full. First, I am also disappointed to know that your role in the House of Commons is not as significant as your constituents would believe. I think you are here to get legislation passed, and as you say, to crack down on criminals. I hope you will do that, indeed, because when you did that in Quebec City, in the case of biker gangs, and you enforced harsher laws, it delivered, despite what some people may have had to say.

I would like to see this issue fleshed out. You have different statistics on the types of crimes that are committed. You have some on homicides, some on armed robberies and sexual assaults. Perhaps I will not be able to convince you that the legal system is a revolving door. However if you come with me and travel throughout Canada, you will meet citizens and see that that is actually what they think of the system. They are generally not mistaken.

Mr. Marc Lemay: Mr. Cannavino, my question is clear: Can you provide us with statistics on police failure? I can't imagine the answer to that would be no.

Mr. Tony Cannavino: It is not our job to compile statistics for you, we are not statisticians. We're simply too busy putting criminals back in jail.

[English]

The Chair: Mr. Lemay, I understand your question.

[Translation]

Mr. Marc Lemay: You should go over to that side, they're looking for someone—

[English]

The Chair: Mr. Lemay, I understand your question about stats and I have to agree with the police association. They are not in the business of necessarily collecting them, apart from on an individual basis, and they're sent to a central depository. That's my understanding. That central depository was asked to present those stats here, in one form or another, the other day, and we really didn't get a very clear picture from what it presented.

To sort of take the heat off Mr. Cannavino, I know it's very difficult for him to come up with some specifics there, but there are other ways of doing that—because I think it needs to be done.

Did one of the witnesses have some comments to make?

Mr. Petit.

[Translation]

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Thank you.

First of all, I want to thank you all for being here today. Mr. Cannavino, I see you have not changed and that you are quite able to defend your positions.

I will start with a brief introduction and then I will ask a question of Mr. Cusson and Mr. Altimas, who will undoubtedly be able to answer.

I am certain you saw as well as I did yesterday on TV that the Pierre-Elliott-Trudeau International Airport in Montreal is literally a funnel for drugs and that personnel there, police officers and civilians, are being bribed. They are afraid of drug pushers. You seem to have a positive view of conditional sentences. We know that airport staff are afraid of drug traffickers.

Could you explain to me why correctional services officers who on a daily basis are responsible for supervising people involved in the drug trade, hard drugs and otherwise, are being bribed? Perhaps they are afraid. You have no statistics on that.

The only thing we do know is that it costs approximately 20¢ an hour to monitor drug traffickers outside of jail. Drugs, on the face of it, are not dangerous, but let us not forget that in Columbia and Afghanistan, growers are gunned down with machine guns because we buy drugs. That is the “not in my backyard” effect. We must put an end to it. It is not because the issue is not serious here that it is not elsewhere. Today, in Venezuela and in Afghanistan, people are getting killed because we are buying their drugs. That is just not right.

I learned one thing from my practice, which I would like to share with you. In Mr. Elliott's brief, which was read earlier on, we see that 40% more drugs are making their way into the jails. Imagine what it is like when you are not in jail! When you are not in jail, how many drugs are getting in? That is what I would like to know from you.

We are close to our constituents, we work for good honest people, people like you and me, and for the victims, because we all have family members who were victims. Is it normal to imagine that for serious crimes, when someone is behind bars... There is already a 40% higher probability that drugs are going to get in, but it is not 100% more, because the people who are monitoring these offenders,

that we have been referring to from the beginning, do \$1,792 worth of monitoring per year, in other words 20¢ per hour. If you think that these people are not afraid of drug dealers and that there is no chance of their being bought, you are living in some alternate reality. At the Pierre-Elliott-Trudeau International Airport in Montreal, they make approximately \$30,000 per year, they have a few duties to carry out, they are being bribed and they are afraid.

I would like to know your position on this. How can you try to convince me to accept your position rather than that which is set out in Bill C-9?

• (1710)

Mr. Patrick Altimas: Out of all of the cases of workers monitoring conditional sentences in the community, we see no indication of individuals similar to those who are frightening people at the Pierre-Elliott-Trudeau International Airport. If there were some, and there is no indication of that, we could consider the matter, but there is no evidence to show that these people are under conditional sentences.

We agree that dangerous individuals should not receive conditional sentences, but we do not agree on how to reach that objective. The Criminal Code is designed so that these individuals should not receive conditional sentences, because judges are responsible for assessing the level of dangerousness of individuals.

Jean-François would like to say a few words.

Mr. Jean-François Cusson: We must not forget that when judges grant conditional sentences, they have to assess not only an individual's dangerousness but also whether the sentence will allow for laying of information and constitute sufficient punishment. If these conditions are not met, conditional sentences should generally not be granted.

• (1715)

The Chair: Thank you.

Mr. Daniel Petit: Do I still have some time?

The Chair: You are out of time, Mr. Petit.

Mr. Daniel Petit: Okay.

[English]

The Chair: But I believe Mr. Elliott wants to make a comment in reference to your question.

Mr. Richard Elliott: Thank you, Mr. Chair.

I think your point is well taken, but it raises the question of whether or not mandating incarceration for people who are addicts to drugs and are therefore convicted of drug offences is somehow going to prevent the kind of global trafficking you are talking about.

If we're concerned about the fact that people are being killed in other countries because of the drug trade because we buy drugs here, it doesn't seem to me that it follows necessarily that mandating incarceration of people is going to solve that problem. We only have to look at the experience in the United States, where for many years now there have been mandatory sentences of incarceration for drugs, and yet obviously the drug problem in the U.S. continues. In fact, it has increased, notwithstanding those sentences, so that they now incarcerate more non-violent drug offenders than any other place in the world.

It doesn't seem to me that it makes sense to keep going down that road. If in fact we could use funds to not put people who have addictions in prison, where we know there are exaggerated health risks, but were actually to invest in things like better treatment programs, that to me seems an opportunity cost we can't avoid grappling with.

The Chair: Mr. Cannavino.

[*Translation*]

Mr. Tony Cannavino: I want it to be clear that we are not against conditional sentences. We are only seeking to limit their usage. We want to ensure that they are not available to the perpetrators of certain crimes. The crimes to which I refer are serious in nature, and issuing conditional sentences trivializes them. That is the clarification that we are seeking to make.

Secondly, you spoke about supervision, which is another important point. The annual budget allocated for supervising an offender in the community is \$1,792. With that amount, officers are not visiting offenders on a regular basis. The supervision consists of making telephone calls. But with today's technology, it is tough to pinpoint where people are. I could be in another country and have my calls forwarded to me. That is what is happening.

Lastly, I appreciate the commendable work that Mr. Elliott and his group carry out. It goes without saying that the problem of this incurable and rapidly spreading disease must be taken into consideration. However, another avenue is open to us. We are working with the government to develop a national anti-drug strategy based on education, prevention and helping those wrestling with drug addiction. We are focusing our attention on this scourge.

However, if we merely provide syringes so that they can simply go and shoot up in [*Editor's Note: Inaudible*], then we are only exploring one option, at the expense of education, prevention and treatment. We believe that, by working together with the government, we will be able to develop a national anti-drug strategy to help prevent people from veering down the road of drug use.

[*English*]

The Chair: Thank you, Mr. Cannavino.

Mr. Murphy.

[*Translation*]

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

I would like to begin by saying that I agree with Mr. Altimas, who stressed the importance of identifying where the problem lies. I have great respect for your testimony because, like police officers and Mr. Cannavino, you are working on the front line.

You will perhaps serve as an example for members on the other side and other witnesses. A very important statement is made on page 2, paragraph 5 of your brief. It states: "Public opinion approves the use of conditional [...]"

Could you provide us with figures or polls in support of the statement that the public supports the use of conditional sentencing?

• (1720)

Mr. Jean-François Cusson: It is important to mention that this information was provided by the Department of Justice, and is based, I believe, on an Angus-Reid poll. Such polls are few and far between, which is why we drew it to your attention. It is often said that the general public does not support the use of conditional sentences.

A few polls have shown that the public is in fact relatively supportive of conditional sentencing, provided it is not used for certain offences, especially serious violent crimes against children. Only a handful, including this one, reveal this attitude. There really are not any others. In general, people support conditional sentencing. This document refers to a study that shows that where people have been educated as to what conditional sentencing entails, they support its use even for violent crimes.

This is not insignificant, because we know that the general public struggles to grasp the ins and outs of sentencing. We can therefore assume that if these measures are misunderstood by the public, people will tend to underestimate how effective they are. If the public had a greater understanding, then I imagine that support levels for these measures would be even higher.

[*English*]

Mr. Brian Murphy: Rolling on, I'd like to take exception to the comments made by Mr. Moore. In fact, we share boundaries, and I care as much about the people who are broken into on one side of Whitepine Road as those on the other—and it is about the victims.

I would like to steer the discussion about the victims to Mr. Cannavino. What we are trying to suggest based on some of the actual evidence in the study we received the other day, the statistics suggesting that the chances of a criminal offending the same victim again, or another victim, are perhaps less if the conditional sentencing regime was kept, modified, or at least not completely thrown away?

Although that evidence might be flawed—and I invite you to take a look at it—in general it suggests that people who are given a sentence and incarcerated spend on average 47 days under supervision, because they are in the slammer, while people who get a conditional sentences have an average of 256 days of ordered supervision. I understand there is some dispute as to the level of that supervision and what you get for your money, but the claws of justice are over the offender for longer.

The other step is that I am going to try to encourage you to perhaps enlighten us more on what you see out there. The other statistic is that with respect to offenders who get conditional sentences, well over 50% are first offenders. Notwithstanding that there are some serious crimes, obviously a judge, given that discretion, has said, well, this person might not likely reoffend if I give these conditions.

Is there any merit to that? You're front line. I have tonnes of respect for police officials. I was the mayor of a city and a commissioner of a police board for six years. You are front line justice officials; you're there. But is there anything you can help us with to determine that some conditional sentences are worth keeping, because 50% are first offenders? Secondly, if there's a resource issue, if the \$1,700 offends you—and I know police officials are often talking about resources: problem-oriented policing, getting into the schools, and having more police officers as a deterrent presence—if it's about resources, about the \$2,400 per supervision, then tell us. This is another aspect that we can cut into the \$13 billion we gave them last year to do the right thing.

Can you help us at all?

Mr. Tony Cannavino: Mr. Murphy, that's what we see here. We're not against conditional sentencing, even though it seems that we feel strongly about certain crimes that are included in there that we think should not receive conditional sentencing. That's why for certain crimes we also asked the government to come up with mandatory minimum sentencing. Why? It is because we have to go that way. There has to be a deterrent.

The other thing is that of course we would like to invest...we think that education and prevention are very important. That's why we have asked the former government and this government to come out as soon as possible with a national drug strategy. It is because we see the link between a lot of crimes and the drug problem. That has to be pivotal. It is the cornerstone of the other approach of education, prevention and treatment; it is to help the people.

I know you're all willing to help people who are struggling with that problem. What we would like to see added to Bill C-9 is certain crimes that we believe should not receive conditional sentencing. We don't have a problem with the rest. It's all the other ones. What happens in court is that they get conditional sentencing and then we struggle with it. It's not only us. It's our job to arrest criminals. We see a lot of victims and we want to help Canadian citizens, we want to protect them. That's our job. That's why we need your support.

We come here maybe not with all the statistics you would like—it's not our job to bring the statistics—we're here because we're the national voice of front line police officers. We're here to tell you what they are telling us is happening in the streets and in their communities. That's why we're here with a brief that gives you an indication of where we would like you to support us, and by supporting us you will support Canadian citizens.

• (1725)

The Chair: Thank you, Mr. Cannavino and Mr. Murphy.

Mr. Thompson.

Mr. Myron Thompson (Wild Rose, CPC): Thanks for coming, everyone.

There's one statistic that I'm pretty well aware of. We talk a lot about statistics here, wanting information. I've been here 13 years, and some of my other colleagues have been here as long as I have. We'll remember some stats.

I remember in early 1994, somewhere around then—I know Mr. Lee would be well aware of this—there was a woman by the name of

Priscilla de Villiers, who was the president of victims of crime. We tabled over two million signatures—2,400,000, if I'm not mistaken—in this Parliament to clamp down on criminals and get tough on crime. Ever since that petition was tabled there have been hundreds and hundreds, thousands and thousands more signatures all indicating the same thing.

Those are stats that we have records of, petitions that have come to this place. Those people who are petitioning this government to do something about it are the taxpayers out there paying for a system that they're very disappointed in. That's a stat that nobody can argue with.

Not only that, these victim organizations are gaining numbers in membership every day that we prolong it. It isn't decreasing, because the people who are paying for the system are not being satisfied.

Bill C-41 was an attempt to answer that, and I think everybody pretty well liked the idea of making this kind of bill happen. Of course, as you said, Mr. Cannavino, it turned into the rule instead of the exception.

• (1730)

Mr. Altimas, I'm really surprised to hear the statement from you that just because a person did a violent crime, it doesn't mean he is violent. I'm sure glad I didn't take that attitude when I was principal of a school, because when a child committed a violent act against another child, it immediately told me that if this person is capable of committing such an event, he obviously would be capable of doing it again some time in the future. So you have to take action.

I agree with Mr. Elliott. There's another stat. Go to any penitentiary and ask the warden what their policy on drugs is. Zero tolerance; that's the policy. Isn't that what you always hear when you go to a penitentiary?

The Chair: Always.

Mr. Myron Thompson: I've had to laugh at that since 1993.

I'm wondering if Mr. Elliott would agree that if we did indeed have zero tolerance, maybe we could put people who have drug problems into an institution where they could get some genuine help. But putting a drug addict into a penitentiary today is like sentencing my Uncle Henry, who is an alcoholic, to the wine cellar for the next 20 years. It makes no sense. I think we really have to start buckling down and asking if it makes sense.

I had a personal case of a break and enter, a theft. All I was told to do was report to the insurance company. I'll bet you that happens thousands and thousands of times. That's not what law enforcement is all about.

What we're getting down to with Bill C-9 is that we're trying to create something that addresses the big problem that people see out there, as victims. I really personally get tired of constantly saying, "What about the offenders?"

As for sexual assaults and other sexual offences, I'd like to have a stat some day about what I think is a humongous number of people getting conditional sentencing for those crimes, and I'll bet you a lot of those are against children. We don't know that. But people see it. They see a crime against a child, and they see the guy walk with a conditional sentence for sexual assault. Then on the same day they see a guy who shoots an elk out of season go to jail for five years. That's what's not making sense. I think what Bill C-9 is trying to do is make sense of the purpose of conditional sentencing, recognizing that the punishment must fit the crime.

If you want to comment on what I said about what your statements were, please do, and I'll be quiet.

The Chair: Mr. Elliott, did you want to respond?

Mr. Richard Elliott: Thank you, Mr. Thompson, for two questions.

I think we agree on the statistics of zero tolerance. That is the stated policy. It's pretty much the stated policy of every prison system in the world and has been for decades. It's not achievable, and the stats show that as well. So I think we have to accept that and be pragmatic about it. We can continue to maintain interdiction efforts. We know the drugs will get into prison; therefore, we can't close our eyes to the health consequences.

Mr. Myron Thompson: I'd like to point out that I did visit at least three penitentiaries where there is zero tolerance. They do exist.

Mr. Richard Elliott: In the Canadian context, that's been the stated policy for decades. There's never been any way of actually achieving complete prohibition of drugs in prisons.

The second point is about the use of taxpayers' funds. If we have evidence that mandatory minimum sentencing approaches do not work in the case of drug offences, and we are going to spend money on pursuing an approach that does not work when we know there are adverse health consequences that we will pay for down the road, then it seems to me that's not a good use of taxpayers' money and that we ought to be putting that money into more effective responses.

The Chair: Thank you, Mr. Elliott.

Our time is running short. I know you want to make a quick comment, Mr. Cannavino.

Mr. Tony Cannavino: Very briefly, it's exactly the message we get every day in the streets. That's exactly what our front line police officers tell us. People are tired. They want us to be able to put those people in jail.

Let's put a little bit of energy into defending victims. I know that criminals have rights, but honest people do too. They have the right to live in a country they feel safe in. So for that we have to put those criminals in jail. It's sad, but that's the way it is. What can we say?

That's the way we see it. We represent 54,000 police personnel across Canada, and they all say the same thing. So there must be something. This message must be what they hear from Canadian citizens, whom you represent.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): I've enjoyed the presentations today. They add depth to the statistical information we got in our last couple of meetings.

Mr. Cannavino, the anecdotes you used were, from my point of view, a little unhelpful, but I understand that they come from the street, where the police officer has a job to do. Their goal is to put the bad guy away so the street will be a safer place. I understand that.

Mr. Moore took a shot at what he referred to as the opposition when he spoke of their not paying much attention to victims. But in fairness, Mr. Moore, this committee, on a non-partisan basis in the mid-nineties, wrote the book on victims and victims' rights, in large measure with help from the Canadian Police Association, which has for many years funded an office for victims' rights.

So this isn't a partisan thing. One could argue that the amendments being proposed to the conditional sentencing provisions will reduce the amenities available to victims in sentencing. Conditional sentencing, the way it's framed, allows components of restitution and reconciliation involving victims. If we're just going to put them away in the slammer, there'll be less recognition of this.

Mr. Cannavino says that guys are showing up on the street before the police have done the paperwork. In fairness, Mr. Cannavino, wouldn't you agree that an offender can end up on the street during judicial interim release on bail before conviction? After conviction, pending sentencing or an appeal, the judge can put him back on the street.

So there are lots of reasons why a victim can see a perpetrator, an offender, or a convicted person back on the street. It may be distasteful, but it's not always because of some failure of the conditional sentencing regime. Wouldn't you agree with that?

• (1735)

Mr. Tony Cannavino: Yes, but that's not what I was referring to. I was referring to the trial. Once the trial is over, by the time the police officer goes back to his headquarters and does his paperwork, the person he arrested can be back on the street. There are so many ways for them to go back—

Mr. Derek Lee: But it's not because of conditional sentencing. The trial may be over. The conviction may have even been entered, but the person may not have been sentenced yet and may be on release pending the sentencing hearing.

Mr. Tony Cannavino: I was talking about the ones after they received sentences.

Mr. Derek Lee: If a sharp lawyer decides there are grounds for an appeal and they do an appeal, the guy's out—often, not always, and for serious offences not likely, but the guy's out.

Mr. Tony Cannavino: Mr. Lee, you are experienced, but I'll be very practical on things that you've probably witnessed, or comments you've received from people you've represented, saying, "He's back on the street. He didn't get a sentence and now he's at the corner where I live and he laughs at me."

Mr. Derek Lee: But that could happen if the judge gave probation instead of an incarceration.

Mr. Tony Cannavino: I was talking about conditional sentences, because if you talk about other things on probation and the ones that get out after one-sixth of their sentence because it is qualified as a non-violent crime, we saw it so many times—

Mr. Derek Lee: But that's not conditional sentencing.

Mr. Tony Cannavino: That's why I'm saying I was talking about de-conditional. Well, we talk about

[Translation]

conditional sentences.

[English]

Those are the ones I'm mentioning.

Mr. Derek Lee: Okay. The way conditional sentencing is structured right now, the judge is only supposed to use it when the sentence is less than two years.

Mr. Tony Cannavino: Yes?

Mr. Derek Lee: So if conditional sentencing is a viable form of sentencing—and you've acknowledged that it is for much of its use, but not all of it—doesn't the problem lie with the judge's decision to use a sentence of less than two years? Isn't that the core of the problem here, the judge's decision that the offence involved warrants a sentence of less than two years and we're therefore into a conditional sentencing possibility?

Wouldn't it be appropriate to look back at the judge's determination that two years is the appropriate sentence? If we can get the judge up over two years, then he or she can't use conditional sentencing.

Mr. Tony Cannavino: Bill C-10 is one thing, and that's why we've been asking for a review of Correctional Service Canada and the National Parole Board and sentencing, because that is important.

As we've said, it's good to talk about it to try to find some ways and exceptions to this and that, but we also have to address that huge problem of the policies of Correctional Service Canada and the National Parole Board and the way they deal with the sentencing. That's another issue also.

Mr. Derek Lee: There are lots of issues.

The Chair: One more questioner, Mr. Brown, and that will be the end of our meeting.

I would ask members to stay, because we do have some witness issues to talk about afterwards.

Go ahead, Mr. Brown.

Mr. Patrick Brown (Barrie, CPC): Thank you, Mr. Chairman. We've touched on a lot of these topics. I'll be brief because I know we're pushing our time.

In your presentation, Mr. Cannavino, you mentioned two issues that I was intrigued about. One was about wiretaps and extraditions into Canada. Certainly that would speak to a problem with our current laws, that we'd be a tourist destination for criminals. Could you maybe speak to that point and let us know what evidence you have of that?

Secondly, we've heard some mention of \$1,700 and that maybe it's more money than is adequate. What are your sentiments in terms of

whether it would make any significant difference if you increased it by \$700 or \$800, or is it a larger problem of deterrence and a larger problem of not being able to simply supervise every neighbourhood and every convenience store?

● (1740)

Mr. Tony Cannavino: When we're talking about the way criminals exploit the system and the flaws in the system, it's unbelievable. They're experts in that. Plus they have the defence attorneys. They pay big money just to make sure that... I'm sorry Mr. Lemay isn't here, because he was one of those strong defence lawyers. You too? I'm sorry. But the thing is, that's their job, to find some flaws in the legislation or in the Criminal Code and exploit it. They're entitled to a defence, and that's their job.

I'll give you an example of a case we had here in Canada, the Erez case. That person was convicted of trafficking drugs in the United States and got 15 years. Here, the maximum was 10 years. So he asked to come and serve his sentence in Canada. When he came here, because it's considered non-violent here and the time he spent in the United States was considered, he stayed here two months. Two months, and then he was released because it was considered a non-violent crime. One month after he was released, he got shot in a hotel in Toronto, during a drug deal at the Harbour Castle.

That's one case. There are a lot of those cases. That's the example. Bill C-9 for us is one good step in the right direction. We're not here advocating that there should never be any conditional sentencing. The only thing we want to make sure of is that... The ones included in Bill C-9 we think are very good, and we suggest legislators also add some more, considering what kind of crimes they are. That is the way we see Bill C-9, as the first good step in the right direction, even though in 1996 the intentions were good from the House of Commons.

The other point about how much it costs for monitoring or supervising those people, which I think is \$1,700, is that it's a multi-pronged approach we need to have there. It's not only adding or doubling the amount; they have to have more resources. As I said, when you call one of them, you don't have a clue where they are, because of the transfers of calls. They could be anywhere in Canada or in the United States. Why? Because you transfer your house phone to your cell number, and they'll never know that it was a transfer of a call. So you would think he's at home and he'll probably say yes, he's at home, he's in his living room, because he knows you're not going to knock at the door. It never happens, or it happens once in so many times that he's going to take the risk.

The other thing is that they have to go every Friday and sign in at the police station. It takes about 30 seconds. He goes there. He's still in the area, so he signs in, as it was indicated in the sentence that he has to go to the police station.

So those are things that I think we have to review. That's why we're asking. I talked to the public safety minister maybe two weeks ago, saying we're hoping that this review will be announced very soon, because it is serious. And I think it goes in the way that we see with Bill C-9 and other bills, talking about mandatory minimum sentencing. So as I said, it's multi-pronged, but it's step by step. We need many tools.

The Chair: I would like to thank the witnesses. I know the committee members here really appreciated your input. I think we had a good discussion going, and it certainly revealed some areas that we can look at, concentrate on, and maybe fix. I appreciate your attending here. Undoubtedly we'll see some of you when we're into Bill C-10. Thank you for appearing.

I'm going to suspend this session for a moment and then were going to get into the—

• (1745)

Hon. Sue Barnes: Mr. Chairman, on behalf of the other people who have had to leave also, there's been some talk around the room. I understand—and I believe it's been agreed, as per my discussion with you—that we should have William Trudell's organization, which is the Canadian Council of Criminal Defence Lawyers; and also, at the request of Mr. Bagnell, Charles Stuart of the northern justice and criminology program, arts and science division, Yukon College, because we lacked somebody from the north. Those were the only two we discussed, and at this point in time, that's all.

The Chair: Just to make it clear, Ms. Barnes, there is going to be one other add-on. It will be Mr. Muise.

Hon. Sue Barnes: Who is Mr. Muise? That wasn't discussed with me.

The Chair: I know it wasn't, but I'm discussing it with the committee as a whole. It's coming from me.

Hon. Sue Barnes: Yes, okay.

The Chair: So we will actually add three: John Muise, Canadian Centre for Abuse Awareness; William Trudell, Canadian Council of Criminal Defence Lawyers; and Mr. Charles Stuart, the northern justice and criminology program, arts and science division, Yukon College.

Mr. Bagnell, I understand that's your presentation. I think that will cover a broad selection of witnesses.

Hon. Sue Barnes: Mr. Hanger, is Mr. Muise on this list?

The Chair: Yes, he was. I'm not sure what page he's on, but he's there.

Hon. Sue Barnes: Okay.

The Chair: It's page 3, the second from the top. Is everyone in agreement on that?

Thank you for staying so late.

I want to advise everyone that the meetings starting next week will be on Mondays and Wednesdays, from 3.30 p.m. to 5.30 p.m.

The meeting is adjourned.

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