



House of Commons  
CANADA

# Standing Committee on Justice and Human Rights

---

JUST • NUMBER 031 • 1st SESSION • 39th PARLIAMENT

---

EVIDENCE

**Wednesday, November 8, 2006**

—  
**Chair**

**Mr. Art Hanger**

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

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

## Standing Committee on Justice and Human Rights

Wednesday, November 8, 2006

• (1535)

[English]

**The Chair (Mr. Art Hanger (Calgary Northeast, CPC)):** I call the Standing Committee on Justice and Human Rights to order.

On our agenda today is Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

The witnesses appearing are from Correctional Service Canada, Mr. Ian McCowan and Mr. Ross Toller.

Who will be presenting, of the two of you?

**Mr. Ian McCowan (Assistant Commissioner, Policy and Research, Correctional Service Canada):** Mr. Chairman, I will be doing the initial presentation, and as the questions arise, my colleague, Mr. Toller, will also be available.

**The Chair:** Great. The floor is yours, Mr. McCowan.

**Mr. Ian McCowan:** Good afternoon, Mr. Chairman.

[*Technical difficulty—Editor*]...Service Canada. Ross Toller is with me. He is the assistant commissioner for correctional operations and programs.

Mr. Chairman, I haven't prepared an opening statement. We have been made aware of some areas of the committee's interest with respect to the costing implications of the mandatory minimum legislation involving firearms. I am also aware that Minister Toews was here yesterday and that he provided certain bottom-line information in terms of what the costing implications would be...  
[*Technical difficulty—Editor*]

[Translation]

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** We're having sound problems.

**Mr. Ian McCowan:** We're here.

**Mr. Marc Lemay:** Excellent! Go ahead then, slowly.

[English]

**Mr. Ian McCowan:** Mr. Chairman, what I was going to say is that we're very much in the committee's hands. If it's helpful, I can give you a very quick synopsis of the costing implications of the legislation, perhaps a couple more details than what you heard yesterday. If you would prefer to launch right into questions, we're happy to do that. We're very much in your hands.

**The Chair:** That synopsis would be good, if you could provide that.

**Mr. Ian McCowan:** Why don't I do the synopsis, keeping in mind the suggestion that was just made that I do it slowly? I will launch through a couple of thoughts.

My understanding is that the committee is interested in getting information in three areas with respect to the costing implications: first of all, some statistics on the increase in the inmate population that would occur if the bill went through; secondly, some information generally on how much it would cost to keep a person in jail for a year; and finally, some information as to whether or not there are differences in costing as between federal and provincial levels and also as between different levels of security.

Dealing with each of those three issues in turn, I'll deal first with the statistics on the increase in the inmate population that is projected if the bill passes.

My understanding is that Minister Toews was here yesterday and gave the committee what's effectively the bottom line, which is that by the fifth year after the implementation of the bill, we anticipate an increase of approximately 270 offenders per year. Based on historical analysis of federal offenders who have been convicted of firearms offences and on projected population trends, it's our estimate that this increase of 270 offenders could be broken down further across security levels as follows: we are anticipating 82 additional offenders in maximum, 164 in medium, and 24 in minimum security.

What that means in practical terms is a new medium security institution and some additional maximum security space. The increase in minimum security can be accommodated within existing institutions because we have a surplus, apparently, at that security band.

In terms of the bottom line, what it comes down to for cost—and my understanding is that Minister Toews has already given this to you yesterday—it would mean approximately \$246 million over the first five years, that's operating and capital included, and approximately \$40 million ongoing thereafter.

That's the first question, and I'm going to turn to the next two.

How much does it cost to keep a person in jail for a year? I should indicate at the outset that the latest data I can give is for the 2004-05 costing year. The 2005-06 figures will be available for public release soon, and if it's helpful to the committee, we can provide those to you when they're available.

In terms of the cost at the institutional level to maintain an offender, using the 2004-05 estimates—I'll read out some numbers slowly—it's \$87,919 in an institution, or \$241 a day, and it's \$20,320 in the community, or \$56 a day, for an overall combined total of \$68,216, or \$187 per day. If you take the institutional number and the community number and tie them together for an organizational average, that's how you get the \$68,216.

I'm going to break it down now on the basis of security level—and I'm happy to go through the numbers a couple of times, if that's helpful. In terms of the cost at each security level, it's obviously more expensive at a maximum level, where it's \$113,591; at a medium level it's \$75,661; and at a minimum level it's \$83,643. I can explain to you in a minute why that's slightly higher than at the medium security level. For women's facilities it's \$166,642. When you do an average of our institutional ranges, which I've just read to you, that gets you the \$87,919 that I mentioned to you a moment ago.

• (1540)

Dealing with the community side of the equation, if you look at our CCCs, it's \$49,043. When you look at those individuals on parole, it's \$19,113. That results in an overall average in the community of \$20,320—a number I shared with you a few minutes ago. It's an overall average, when you look across our entire system, of \$68,216.

Would it be helpful, Mr. Chairman, if I went through the numbers again?

**The Chair:** Committee, do you need those numbers one more time?

One more time, please.

**Mr. Ian McCowan:** From the top—again, these are 2004-05 numbers.

Maximum security, \$113,591; medium security, \$75,661; minimum security, \$83,643; women's facilities, \$166,642; and overall average in the institutions, \$87,919.

In the community, CCCs, \$49,043; for those individuals on parole, \$19,113; and the overall average in the community, \$20,320. The overall average cost of maintaining an offender across the system, \$68,216.

**Hon. Larry Bagnell (Yukon, Lib.):** Sorry, did you say it was \$241 if you're in jail, but \$113,591 for maximum...? I don't understand that.

**Mr. Ian McCowan:** The average for all of the institutions, all bands of security levels, is \$87,919. If you look at just the maximum security stripe, it's \$113,591.

**The Chair:** How many inmates currently serve time?

**Mr. Ian McCowan:** I can get you that number, Mr. Chairman.

As of October 2006, CSC is responsible for 21,277 offenders, of whom 12,992 are incarcerated and 8,285 are supervised in the community.

[Translation]

**Mr. Marc Lemay:** *Repeat slowly* because we need interpretation.

**Mr. Ian McCowan:** I'm sorry, I'll speak carefully and more slowly.

[English]

Again, that's 21,277 offenders. In terms of incarcerated offenders, it's 12,992; and in terms of offenders supervised in the community, it's 8,285.

[Translation]

**Mr. Marc Lemay:** What was the last number?

[English]

**Mr. Ian McCowan:** It's 8,285.

So, Mr. Chairman, to round out a couple of additional facts in answer to the three questions that were posed initially by the committee, the explanation, very quickly, for why minimum is more expensive than medium is that we have a considerable amount of surplus space at minimum at the present time.

Turning lastly to the issue of provincial comparisons, I can indicate that the Canadian Centre for Justice Statistics does publish some comparative data. It's a little difficult to compare, for a few reasons. It's a bit of an apples and oranges problem. There are differences in how various correctional systems calculate their inmate populations and also differences in terms of what expenses are attributable to maintaining offenders. That said, clearly the federal system is more expensive than the provincial systems, and there are a few reasons for that.

First of all, there is a need for a higher level of security in the federal system, given the nature of our inmates. Second, we have a greater presence in terms of programs and interventions, again given that we have a more difficult population who are with us for longer periods of time. All of that said as qualifiers, Mr. Chairman, I can give you some comparative data that, again, the Canadian Centre for Justice Statistics published in relation to the 2004-05 year. They calculate the provincial cost on aggregate as being \$141.78 per day. That's \$141.78 per day compared with \$259.05 per day federally. That's \$259.05 per day federally.

You will have noted, Mr. Chairman, that I provided you with another figure a few minutes ago of \$241 per day in terms of the cost of maintaining an offender federally for the 2004-05 year. The difference is simply that there are some different costing assumptions that are in play between the two figures, the one from CSC and the one from CCJS, the largest one being the inmate count that's used. It's a flow-through population, so there are different methodologies you can use in terms of how you count inmates. That effectively is the major difference for the two numbers being different. They are both working on the same institutional operating expenditures.

Mr. Chairman, I apologize for the number of numbers that were used in the course of that presentation. I hope they're all there in terms of everyone's notes.

Mr. Toller and I would be pleased to answer any questions the committee might have.

•(1545)

**The Chair:** The numbers are certainly valuable, and I know there was high interest by the committee as to the costs as well as available space.

Mr. Bagnell.

**Hon. Larry Bagnell:** One of our witnesses, I think it was on Bill C-9—anyway, one of these many bills that could incarcerate people longer—suggested there would be 5,400 more people serving their time in prison. That works out roughly to \$475 million a year, if I calculated right, but in that ballpark. We don't want to get into exact figures, but that works out to roughly \$475 million simply for operational costs.

If you needed to—let's say they overestimated the 5,400—bring it down to 5,000, plus whatever the other bills might bring into the prisons, do you have room for 5,000 more prisoners, or would there have to be capital costs?

**Mr. Ross Toller (Assistant Commissioner, Correctional Operations and Programs, Correctional Service Canada):** If the question was, do we have room for an additional 5,000 inmates, the answer is absolutely not.

**Hon. Larry Bagnell:** Sorry, I'm not only talking about federally, but federally you don't.

**Mr. Ross Toller:** No, federally we don't, not at all.

**Mr. Ian McCowan:** If I may, much of it depends on the level of security that we're talking about here. Basically, we have some flex at the minimum security level, much less as you get higher in the security level. So depending on what legislative change meant in terms of specific security levels, you could be looking at different scenarios. But the short answer is that we don't have that space available right now.

**Hon. Larry Bagnell:** So if there were 5,000 more prisoners spread out on the average between minimum and maximum and all that, you would need, over and above the \$475 million, significant capital costs.

**Mr. Ian McCowan:** I think I'd need to consult our costing experts back at headquarters, simply to get some accurate projections. I'm not familiar with the numbers you've referenced, to be perfectly frank.

**Hon. Larry Bagnell:** That's okay. I don't need that for now.

If you had 12,992 incarcerated—that would be almost approaching half again the number of prisoners—is there more cost? We had an aboriginal group make a submission from the far high Arctic suggesting that it was more problematic for them because there are no jails close to their area. They would be so far from their families that it would cause many social and psychological problems.

I'd like to ask if you consider the differences of those northerners in the high Arctic, if those people are in a different situation. Do you see them as being in a different situation when it comes to incarceration?

•(1550)

**Mr. Ross Toller:** Yes. Currently, if you look at Nunavut, there is no federal capacity to contain offenders there. As you know, there is an institution on Baffin Island, which is territorially governed. So

when inmates receive a federal sentence from Nunavut, they are transported into our federal system.

What we have done is create an institution specifically to accommodate Nunavut types of offenders, which is located Fenbrook, just north of Toronto. So we have adapted to some level of Nunavut programming and engaged with some Nunavut communities to try to bring Nunavut culture and spirituality there. We have special food feasts with those types of inmates and so on.

If we were to look at the possibility of building a federal institution in that area, as Mr. McCallum pointed out, it would be the best of the operation planners.

But I can certainly tell you that costs in the northern Arctic are generally much higher for what you would do with personnel concerning the northern allowance. There's a capacity to attract people to work in that particular type of environment—transportation costs and things along that line.

**Hon. Larry Bagnell:** Are the vast majority of prisoners allowed visitors?

**Mr. Ross Toller:** Yes.

**Hon. Larry Bagnell:** I assume it would be almost impossible for a number of people from the high Arctic to afford to come to Fenbrook.

**Mr. Ross Toller:** It is difficult for some. We have had some, but it is difficult.

**Hon. Larry Bagnell:** Could you tell me what in reality is the difference in treatment that a person would get towards rehabilitation in jail versus being on a community discretionary sentence or on probation?

One of the witnesses suggested that on average a person was on probation or community sentence for 700 days, and in jail it was around 47 or 50 days. They would have a lot more time to work with a person on rehabilitation, but I'm curious as to the types of services, if you're aware of them, that a prisoner gets to reintegrate and rehabilitate when they're incarcerated, and then when they're not incarcerated, but still under your auspices.

**Mr. Ross Toller:** Yes. Maybe I could just back up a step. When a person receives a federal sentence and comes into the federal system, there's always an individual assessment made of their needs. What is it that they need to have in programming to assess their level of rehabilitation? A person with serious substance abuse would identify in those areas.

What we do within the Correctional Service is differentiate between someone who, for example, might be a hardcore heroin user and require a more intensive type of program and someone who might just be a casual user and have some sort of level of ability.

It is similar with violence and all those particular skills that we would look at—employment, education, and so on. So everything is based on an individual's needs.

As you know, we look after inmates serving two years and more. We could have a person for a life sentence, for ten years, or for two years. Within the realm of what a person has, we look for the individual needs, and we prioritize based on potential sentence length.

For those who go into the community, there's a natural extrapolation of programs delivered on the inside that would go to the outside. Some are sustaining ability. If a person has been incarcerated and has been involved in programming for substance abuse, the community would have programs available out there for sustaining the gains made within the realm of the program the person took. It is similar with violence.

So there is a movement in which the programs that are initiated for the needs of the maximum, the medium, or the minimum move into the community. In the community, we have program delivery officers, parole officers, who provide both a counselling and a supervisory approach to the inmate's behaviour.

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

Mr. Lemay.

[Translation]

**Mr. Marc Lemay:** First, I would like to thank you for joining us.

Your statement today to the committee was very interesting. Having practised criminal law for 20 years, I know that several of my clients are housed in CSC facilities. Well, at least a few of them are. I'm really fascinated by the day-to-day side of your operations.

I want to have a good grasp of the issue. There are a few things that I didn't quite get, and I assure you that it is not the fault of our interpretation services.

Inmates in a maximum security facility are serving sentences of 10 years or more. How does it work? Can you explain to me which penitentiaries are minimum, medium and maximum security facilities? For example, La Macaza is a minimum security penitentiary. Is Cowansville a medium security penitentiary? No, it's not. I would simply like some concrete examples, in terms of the length of sentences. Port-Cartier is a maximum security penitentiary. What about the others? How does it work?

•(1555)

[English]

**Mr. Ian McCowan:** Our system is set up in our legislation and regulations to manage inmates. One of the aspects of that is that inmates are given a security classification—minimum, medium, or maximum—based on a number of factors. You can imagine the things that have been enshrined in that, for instance, the risk of escape, the potential harm that would come from an escape, and also our ability to manage them in the institution. Depending on those considerations, an inmate can be slotted in at the minimum, medium, or maximum level. We have institutional space available at those three levels in a variety of parts of the country, and the appropriate level for an inmate will determine where they'll be.

[Translation]

Have I understood your question properly?

**Mr. Marc Lemay:** I'll complete it. You got off to a good start.

When a person is convicted of an offence, he is sent to a federal reception centre where a determination is made whether to send him to a minimum, medium or maximum security penitentiary. Is that right? However, if that person is sentenced to a minimum prison

term of 25 years for murder, will he be sent automatically to a maximum security institution? Yes or no?

**Mr. Ross Toller:** Perhaps I could answer that once you have finished with this part of your question.

**Mr. Marc Lemay:** I would rather you give me an answer right away, because my next questions will depend on your response.

**Mr. Ross Toller:** Fine then.

Not automatically.

**Mr. Marc Lemay:** Okay.

I was surprised by the figures you quoted. Why is it cheaper to house someone in a medium security institution than in a minimum security institution? The difference is almost \$12,000 per year, per individual. Why is there such a difference?

[English]

**Mr. Ian McCowan:** The explanation is that we have some surplus space for minimum. In terms of economies of scale, that tips the balance to make it a more expensive venture.

[Translation]

**Mr. Marc Lemay:** I see.

When an inmate convicted of a federal offence — and we agree that applies to sentences of two or more years — is released on parole, is he accounted for in your books until his sentence runs out, including his time on parole?

[English]

**Mr. Ian McCowan:** As long as they are under our control, yes, there are costs associated with them. If they are sentenced to supervision in the community, they are still under our control.

[Translation]

**Mr. Marc Lemay:** I understand.

So, if someone is sentenced to five years in prison, plus three years' probation, you stop supervising that person after the warrant expiry date. You don't continue your supervision during the probationary phase.

[English]

**Mr. Ian McCowan:** I'm not sure that I totally understand what you mean by probation. If, during the course of the sentence, right up to warrant expiry, an individual is out under parole, or under a statutory release under conditions, we have parole officers who will be working with them and monitoring their conditions. There are, however, a number of other things that can happen in the criminal justice system after the warrant expiry date.

For example, the Crown could apply for a section 810 under the Criminal Code to get conditions imposed on a recently released inmate. We would not play any role in the enforcement or the supervision of those conditions. However, we would play a role in terms of long-term supervision orders. Sometimes an individual gets a so-called LTSO, which extends past the end of WED, and we would play a role in LTSOs.

Ross, did you want to expand on the LTSO piece?

• (1600)

[Translation]

**Mr. Marc Lemay:** May I continue? I want to understand.

Are the offenders to be monitored pursuant to the Criminal Code included in the 21,277 inmates that you mentioned? Because there are offenders who will remain incarcerated for an indeterminate period of time. Did you include them in the figures that you presented to us today?

[English]

**Mr. Ian McCowan:** The figures we give you today—I can go back to them just here—do not include the section 810 order situation, but they do include the LTSO situation. Of the 8,285 inmates supervised in the community as of October 2006, 15% were on day parole—

**Mr. Marc Lemay:** Slowly—*c'est important*.

**Mr. Ian McCowan:** 15% were on day parole, 48% were on full parole, 35% were on statutory release, and 2% were on long-term supervision orders. Not included in that number is the scenario under section 810 of the Criminal Code, which we just discussed.

**The Chair:** Mr. Comartin.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Thank you, Mr. Chair, and thank you, gentlemen, for being here.

Mr. McCowan, can you give us numbers of how many people are incarcerated in maximum, medium, and minimum security?

**Mr. Ian McCowan:** Somewhere in my notes I will be able to uncover the most recent data.

Ross, do you have that?

**Mr. Ross Toller:** I don't have the totals. I have the maximum. There are nine maximum security facilities.

If time permits, I could do one of two things. I could go down the counts for each of the nine. I don't have the totals here broken down like that. Similarly, with the mediums—or I could give you the sheet afterwards.

**Mr. Joe Comartin:** Give it to us subsequently. Send it to the chair or the clerk of this committee.

If I could, Mr. Chair, if it could be circulated at that point—

Mr. McCowan, the reason I wanted that information is I'm trying to figure out the criteria or the assumptions you or your department made to determine the \$246 million figure. Given the severity of the penalties, am I safe in assuming most of the people, if convicted and sentenced under this bill, would go into maximum security?

**Mr. Ian McCowan:** Of the 270 additional inmates we're projecting, starting in year five, 82 will be in maximum, 164 in medium, and 24 in—

**Mr. Joe Comartin:** I'm sorry. I'm like Mr. Lemay. They didn't teach us shorthand in law school, so we can't keep up with that speed. I got the 82 maximum. How many in the medium—

**Mr. Ian McCowan:** In medium, 164, and 24 in minimum.

**Mr. Joe Comartin:** That was done based on the analysis you did of the bill?

**Mr. Ian McCowan:** Correct.

**Mr. Joe Comartin:** In terms of the figures you gave us for the amount per year, per individual, \$246 million does allow for some capital expenditure, if I understood your comments?

**Mr. Ian McCowan:** Correct.

**Mr. Joe Comartin:** How much over that five-year period?

**Mr. Ian McCowan:** I don't have the specific number in front of me, but we're talking about the additional space that would be required to house the 270 individuals.

**Mr. Joe Comartin:** Okay. Today, or I guess it was yesterday, there was an announcement from the Minister of Public Safety that people convicted of murder were now going to have to spend their full two years' minimum in maximum security before they went into other parts of the prison population.

Have you taken into account the impact of the capacity of the system to absorb these additional ones under Bill C-10?

• (1605)

**Mr. Ian McCowan:** That has not been included in these particular projections. I'm aware of the items in the news this morning. I have been focused on preparing for this committee appearance, so I cannot give you a full sense of the latest, in terms of that development, but—

**Mr. Joe Comartin:** Will you do that, Mr. McCowan, and advise us if there are some changes in the cost analysis because of this decision by the minister? What I'm concerned about is this. If we're going to keep that many more people in maximum security, are we going to have additional capital expenditures, given that the maximum security category is the one that is the most expensive of the three?

So I need to know, if by keeping those additional convicted murderers in maximum security for longer periods of time than they currently have been, in the last few years anyway, is it going to increase the cost of the imposition of this legislation?

**Mr. Ian McCowan:** First of all, the figures in the projections I've given you deal exclusively with the projected impact of the mandatory minimums firearms piece. That's the only thing it covers.

I understand what you're saying about the comment that was made yesterday about whether there is an additional projection in terms of an impact. We can certainly undertake to look at that issue and get back to the committee with a response.

**Mr. Joe Comartin:** I would like a response. If it doesn't change anything, I want to know that. If it does change, I want to know to what degree it changes, in both operational dollars and capital dollars.

**Mr. Ian McCowan:** Understood.

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

Mr. Thompson.

**Mr. Myron Thompson (Wild Rose, CPC):** Welcome, and thank you for being here.

I wasn't surprised by the figures. I know that protecting society is a very costly venture and something has to be done, but the cost of crime is pretty expensive too. I'm going to do quite a bit of research in the future on that.

In New York City, for example, when they brought in their broken window theory, graffiti, it didn't matter, you went to jail if you were arrested. Apparently there has been a tremendous savings to that city because of the decrease in crime versus the incarceration of the people who committed it.

Do you have any information on that?

**Mr. Ian McCowan:** The costing projections we have been asked to put together have focused purely on what the operational costs would be of additional cell space. I take your point that there are some other competing costs that get factored into the equation when you look at it at a higher level. That's not something we've costed, but it's something for this committee to consider in the course of deliberating on this bill.

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

I might deliver that information to you when I finish my work with those authorities. I found it very interesting to see that you could actually save money by putting people in jail, in terms of protecting society. It was very effective.

Out of the 8,285 people who are on house arrest, community service, or whatever, do you have any information on how many break their commitments, parole, or conditional sentencing and end up back in jail?

**Mr. Ross Toller:** As you noted, on conditional release they could be released on a number of types of avenues. For those on day parole, 99% did not reoffend violently; 3.3% ended up with non-violent offences; and 0.6% ended up with violent offences while under supervision. For those on full parole, approximately 99% did not reoffend violently; 3.2% ended with non-violent offences; and 0.7% ended up with violent offences.

For those who were released on statutory release at the two-thirds point of their sentences, approximately 97% did not reoffend violently; 7.6% ended with non-violent offences; but 2.4% ended with violent offences.

It's important to note that these numbers are based on flow-through populations of offenders and include only offenders found guilty of new charges. They do not account for outstanding charges.

• (1610)

**Mr. Myron Thompson:** Do you have figures on how many of the 8,285 who made day parole, or whatever, committed violent offences versus non-violent offences, or something of that nature?

**Mr. Ross Toller:** For those on day parole, the reconviction rate is 0.6%.

**Mr. Myron Thompson:** No. Do you have any information on what portion of the 8,285 were convicted in the first place—?

**Mr. Ross Toller:** Oh, I'm sorry. Of the whole incarcerated population, I don't have the figure with me on those serving time for violent offences.

**Mr. Myron Thompson:** Okay, thank you.

I want to move to something I call solitary confinement. They have a new word for it now in corrections, I believe.

**Mr. Ian McCowan:** Administrative segregation.

**Mr. Myron Thompson:** Yes, administrative segregation; I'll call it solitary confinement.

I've been to several prisons in the last year, as I was ten years prior, so I've been renewing my visits. The increased amount of gang activity in the penitentiaries is phenomenal, just amazing.

When checking on the solitary confinement areas, or administrative whatever-you-call-it, they're full almost all of the time. And most of them are full because of requests from the inmates, not because they're being punished and sent there; most of the inmates are there at their own request, for protection.

Is there quite an additional cost when you fill up your segregated units?

**Mr. Ross Toller:** I would say there is not a direct cost.

What you speak to is certainly, without question, the immense increase in gangs in our incarcerated population. Right now we're trying to manage over fifty different types of gangs within our facilities. I think what you speak to really does create some population management difficulties for us in trying to manage those different types of groups. We continue to work to try to develop different types of gang strategies for the manageability of this.

A number of people do go into administrative segregation because of fear for their own safety or concerns about what's going on. It doesn't create additional costs per se; those would be reflected in the numbers that Mr. McCowan gave you. But segregated inmates do create operational difficulties for us, which we struggle with in getting them back into a regular population, creating those conditions of success for inmates to be able to participate in programs, and so on.

**Mr. Myron Thompson:** When visiting with these inmates, I asked why they felt they needed protection. Most of them said it was because they owed money; 99% of the time they said, "I'm in debt". And when asked, they usually said, "I'm in debt to a gang". And when asked for what, they said, "For drugs". And the response that blew my mind was, "I'm in debt because I haven't paid my 'rent'". I said, "What? You're in a penitentiary and solitary confinement for your protection because you haven't paid your rent?" It's because gangs demand rent money from other inmates, and there are other ridiculous reasons for being in debt.

Is there any action at all? I mean, this has got to be a costly thing in an overall picture. What are we doing in our institutions to bring this kind of thing under control? Are there any steps that are being taken, and if so, how much additional funding are we going to need to do that?

I'm not paying my "rent" and I'm in prison? Come on!



**Mr. Ian McCowan:** One of the things I guess I would say in responding to your question is that there is clearly a changing offender profile of those who are coming into our institutions. I'll give you some specific examples of what I mean by that. We're seeing an increase in the number of individuals with affiliations to gangs or organized crime. We're seeing an increase in the number of individuals who have mental health problems. We're seeing an increase in the number of offenders who have a potential, or propensity, if you will, towards violence. It is a tougher and hardened crowd who is coming through the door.

When that plays out within the institutions, you get into a lot of the dynamics and difficulties you alluded to during the course of your comments, Mr. Thompson. It's a changing offender profile and it's a hardening offender profile.

• (1615)

**Mr. Myron Thompson:** Are we providing any additional training for our front-line officers and case workers in these institutions? Is that an additional cost that is beginning to rise? There must be some special training, I would think, for what needs to happen, from what I've seen compared with ten years ago.

**Mr. Ross Toller:** Yes, there is some training that is provided right now. It's necessary to evolve even the training associated with gangs because there are so many differentiations and so many differences between what would normally be seen to be your traditional motorcycle gang versus an aboriginal gang versus an Asian gang versus all these different types. What's their motivation? What's their *raison d'être*? What's their goal? What's their purpose?

As Mr. McCowan points out, the amount of gang activity has increased dramatically for us here. This is what we do in terms of responsivity to try to deal with these particular gangs. Each institution has a security intelligence officer who looks to gather information. A lot of systems we've developed are sharing information. So if visitor X is visiting somebody at Kingston Penitentiary and then also now is visiting at Millhaven Penitentiary, we can do cross-correlations. We work extremely closely with the police.

One of the newest initiatives that we are heading into in this particular year from the funding we received is we're hiring community liaison officers. They are actually police officers who are coming to work with us in the institution, to begin to look at sharing intelligence and gang information. We have 17 who are on track to be hired. We don't have them all ramped up yet. I think seven or eight are right now on site, as we speak, and I think the other additional ones are supposed to be hired before the end of December, to try to be responsive to this particular issue.

**Mr. Myron Thompson:** Under Bill C-10, do you anticipate more gang members coming into penitentiaries?

**Mr. Ross Toller:** We don't have anything that would say one way or the other on that.

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

Mr. McKay.

**Hon. John McKay (Scarborough—Guildwood, Lib.):** Thank you, Chair.

I wanted to pursue Mr. Bagnell's line of questioning a bit more.

What you told us was that to put somebody in jail, the whole luxury deal is about \$260 a day, and to have somebody in community service it's about \$56 a day, roughly a \$200 difference. Is that a fair statement? Is that correct?

**Mr. Ian McCowan:** The estimate I think was \$241 per day in the institutions and \$56 per day in the community.

**Hon. John McKay:** Where did I get the \$260 from then?

**Mr. Ian McCowan:** The \$259 is from the CCJS figure, which, as I explained, is a slightly different amount.

**Hon. John McKay:** It was a different averaging figure. All right.

Essentially, the committee has heard that this bill, combined with other bills, will move roughly 5,000 people out of the community and into jails. Is that something you agree with?

**Mr. Ian McCowan:** On the impact of this legislation, we've assessed it in terms of being an additional 270 offenders per year. I heard the comment earlier about 5,000. Frankly, I'm not aware of those numbers, so I'm not really in a position to comment on them.

**Hon. John McKay:** So if the number is 5,000—and I'll use the higher figure because that was the one I initially heard—on the face of it, that's about \$475 million, and then you would presumably save about \$100 million because you're not in communities.

**Mr. Ian McCowan:** I'm not completely comfortable in terms of responding to the question for a couple of reasons.

First of all, I'm not sure of the projections you're referring to. There are a couple of different variables that kick in when you're looking at analyzing any given legislative change. What levels of security are you going to require space for? How much? Depending on the numbers, it could be cleaner to have the whole institution or part of an institution.... It's the sort of thing where a great deal of expertise has to be brought to bear by our planning folks.

• (1620)

**Hon. John McKay:** Well, your number varies. One witness said 5,000; you're projecting 256. So either this is 256 people or this is 5,000 people. If it's 256 people, it's not a very significant impact.

**Mr. Ian McCowan:** We're projecting an additional 270 people per year, starting in year five.

**Hon. John McKay:** But what does that mean over the course of a lifetime? Are we talking about 25 years? Are we talking about 10 years? Is it a compounding number?

**Mr. Ian McCowan:** We're talking about an increase of 270 offenders starting in year five.

**Hon. John McKay:** So every year you increase by that?

**Mr. Ian McCowan:** No, every year it's 270 more than what we have right now.

**Mr. Ross Toller:** That's where it levels out to—270. No more than 270 would be the projections, unless new legislation comes in and changes it. But it wouldn't be five times 270; it would be 270, 270... because those who are coming in will eventually be going out as well.

So in a very quick summary, if you take, on average, a person, for argument's sake, serving a four-year sentence today for a weapons-related offence, and new legislation comes in and makes it seven years, for argument's sake, then the differential is really three years of that. So eventually those numbers will catch up, but those others will be released as we go through.

**Hon. John McKay:** What I'm not understanding is, does this become a wash at the end of the day?

**Mr. Ian McCowan:** It's an additional expense, because you're requiring additional beds that you don't require right now, which require additional staff.

**Hon. John McKay:** So your testimony is a little less than 300 folks, on an annual basis, and that's each and every year. So presumably your cost would be 300 times \$260 or \$240, times 365 days.

**Mr. Ian McCowan:** It doesn't quite work out that way because it depends on how many offenders you are adding, and does that mean you have to add a whole new institution or just a wing? It all depends on the specifics around the number at security levels. But that's an estimate.

**Hon. John McKay:** But your numbers don't include capital costs.

**Mr. Ian McCowan:** Yes, they do. The numbers per day do not, but the number you got yesterday from Minister Toews does include the capital costs. The \$246 million over the first five years is operating and capital.

**Hon. John McKay:** So that's your ceiling cost. That's your position, that effectively \$250 times roughly 300, times 365 should be your ceiling cost.

**Mr. Ian McCowan:** I apologize. I'm not sure I'm following your question, sir.

**Hon. John McKay:** I'm just trying to round out the numbers so that the committee has some feel for what this actually is going to cost.

**Mr. Ian McCowan:** What it's going to cost is the estimate that Minister Toews gave you, which is \$246 million over five years in terms of operating capital and approximately \$40 million ongoing thereafter.

**Hon. John McKay:** I'm puzzled as to how to get to that number from your other numbers.

**Mr. Ian McCowan:** The other numbers, as you just pointed out to me a minute ago, do not include the capital component. Additionally, there's a complexity that goes with whether you are adding a wing or adding a full institution.

I appreciate your question. You want to know how much this is going to cost. The bottom line is what Minister Toews gave to you yesterday in terms of the number.

**Hon. John McKay:** You'll understand that we might, on this side of the table, approach Minister Toews' numbers with some skepticism. So I keep going back to this.

If you have, say, 300 offenders and 365 days, what am I supposed to multiply that number by—\$250, \$241, \$216?

**Mr. Ian McCowan:** You're confusing a couple of items here.

**Hon. John McKay:** You're right, but I've been listening to your testimony for going on an hour now and I'm still confused. Either I'm pretty slow at getting it, which my colleagues would probably agree with, or your numbers are confusing, one or the other.

**Mr. Ian McCowan:** Let me have another go, and I apologize if I haven't been very clear in the way I've put it forward. What I've been trying to indicate is that the numbers you received yesterday from Minister Toews are from our cost projections. They're exactly what we had projected in terms of costs. What we're discussing is \$246 million over five years in terms of operating and capital and approximately \$40 million ongoing thereafter. That is the total cost associated with adding 270 offenders, starting in year five, which is what we project the impact will be.

If you want to come at this from the other way, in terms of looking at the daily costs—and I appreciate that's where you're headed—what I'm trying to indicate is that those costs have a slightly different flavour to them, and they don't capture, for example, the capital component, which is captured in the earlier figure that I had referenced from Minister Toews.

● (1625)

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

Mr. Brown.

**Mr. Patrick Brown (Barrie, CPC):** Thank you, Mr. Hanger.

My questions start off with Correctional Service Canada. Do you analyze the costs of the party platforms, when it comes to what their proposals could potentially cost? On the proposals that the Conservative Party, for example, put forward in the last election, did your department at the time analyze what the potential cost would be?

**Mr. Ian McCowan:** I wasn't in this job at the time, so I'm not actually sure. There is certainly some analysis that happens, but frankly, until you see a draft piece of legislation, it's very difficult to project precisely what a given legislative change is going to cost. Again, you have to get into what levels of security and so on are involved as a result.

**Mr. Patrick Brown:** I'm sure you can get a good idea. I'm going to mention some platforms that were put forward, and maybe you can give us an idea of the type of costs that would be associated with those.

The 2006 NDP platform promised:

Firm punishment and deterrence through legislation, regulation and much stronger targeted sentencing provisions for crimes involving guns—  
—gun violence has reached crisis proportions—

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Mr. Chairman, could I just make a point of order here? We're studying a bill here, Mr. Chairman, and for reasons totally not explained, Mr. Brown now wishes to invite our witnesses to cost out a platform position from a previous election, made by one of our recognized parties in the House.

I don't see this as being relevant at all to the costs involved in Bill C-10. I think it's not only irrelevant, but it's unfair to ask our officials to cost out something that a political party might have recommended a day ago or a hundred years ago. I just do not see the relevance.

That's my point: relevance.

**The Chair:** Mr. Lee, if the officials are able to hypothetically make comment on some other presentation, that's fine. I don't really see that as a point of order.

Mr. Brown, continue.

**Mr. Patrick Brown:** Thank you, Mr. Hanger.

Speaking of relevancy, it's difficult to see that coming from the member who raised the point of order, but I will continue.

The NDP platform says:

—gun violence has reached crisis proportions. Firm, balanced and urgent action is needed without delay. ...illegal guns – many of them imported from the U.S. or stolen from homes – must be taken off the street. Hand guns have no place in our cities.

The proposals put forward were as follows:

- Increase the mandatory minimum penalty for possession, sale and importation of illegal arms such as hand guns, assault rifles and automatic weapons. Place each of these minimum penalties at four years, up from current one-year penalty.
- Add mandatory minimum sentences to other weapons offences. Place a four-year minimum sentence on all weapon offences, such as “possession of a concealed weapon”.
- Amend the Youth Criminal Justice Act so youth offenders 16 or older who commit a crime using a gun will be tried as adults—
- Support legislative, regulatory and sentencing initiatives to embody the principle that handguns have no place in cities, except in the hands of law enforcement officials.

When we're looking at different ideas and when we're talking about Conservative proposals, it is important to understand what different proposals may cost. If we were to look away from the current proposals, it is important to see that contrast.

What type of cost do you think would be associated with the NDP promise to Canadians in the last election? Would there be increased costs with what they promised?

**Mr. Ian McCowan:** To the extent that we're talking about additional space, clearly there would be costs. I'm not in a perfect position to give you any kind of a precise estimate of what the specific end results would be in terms of institutional space.

**Mr. Patrick Brown:** But in terms of a rough estimate, would it be similar to the cost associated with the Conservative proposals?

**Mr. Ian McCowan:** I've already been declared confusing earlier on, so I certainly don't want to go further.

• (1630)

**Mr. Patrick Brown:** Even if it is just a rough estimate—

**Mr. Ian McCowan:** I'm not really in a position to answer, because, frankly, we're talking about a hypothetical. We'd have to have a hard look at the underlying assumptions. Until we did that, in good conscience, I don't think I could put a number or a suggestion on the table, Mr. Chair.

**Mr. Patrick Brown:** Okay.

Since I still have time, I'm just going to read an excerpt from the Liberal platform. I want to see if you can make any comment on this and if it would associate a cost increase. It is something as simple as this.

**Mr. Derek Lee:** Mr. Chair, on another point of order, this is absolutely the theatre of the absurd for this member to ask a question of our witnesses who are from the department. The witnesses have already indicated that they're not in a position to make any kind of evaluation or statistical assumption, but the member is persisting.

This is simply theatre and not relevant to the study of the bill. The member forgets that we have a government bill on the table, not a political platform.

I would just ask the chair again to ask members to direct their attention to the bill and the facts surrounding the bill.

**Mr. Patrick Brown:** I'm going to get to it.

**Mr. Derek Lee:** The member is not getting to it. The member is persisting in reviewing political platforms. We finished the last election a few months ago.

**The Chair:** Your time is about up here, Mr. Brown. Put your question, and make it hypothetical, because that is what you're asking. It's a hypothetical question, and the witnesses could not answer the last hypothetical question.

**Mr. Patrick Brown:** Thank you, Mr. Chair. That was an interesting point of order from Shakespeare.

But if I could just ask a question, in the last Liberal platform they said that crime rose by 12% in 2004, and, “Since 2001, handguns have accounted for roughly two-thirds of firearms-related homicides, double the proportion prior to 1990”. Given that recognition by the Liberal Party, do you agree that the current proposals by the Conservatives head in that same direction?

**Mr. Ian McCowan:** Mr. Chairman, we're effectively commenting on a policy matter pertaining to the Criminal Code. Really, all we can help you with today is the cost implications in terms of what it means, in terms of institutional space. I appreciate that you guys have some very interesting policy issues and debates ahead of you, but I don't think we're really in a position to answer the question.

**Mr. Patrick Brown:** Thank you.

**The Chair:** Mr. Brown, your time is up.

Mr. Lee.

**Mr. Derek Lee:** Thank you.

I want to get back to the costing issue again, with a view to trying to clarify it. The guesstimate on the annual operating cost of housing the additional 270 persons in year five would be about \$40 million. Is that correct?

**Mr. Ian McCowan:** The ongoing operating expenses from year five onward forever, dealing with those additional 270 persons, is about \$40 million per year.

**Mr. Derek Lee:** It's about \$40 million. And does that include the capital costs?

**Mr. Ian McCowan:** No. The \$246 million includes operating capital just for the first five years.

**Mr. Derek Lee:** So to house about an additional 270 persons per year, we're now going to be spending, if the numbers are rough—and I realize these are guesstimates and estimates—and if I have them right, \$246 million per year.

**Mr. Ian McCowan:** In the first five years, it's \$246 million. Thereafter, starting in year six, it's \$40 million, because at that point you've built your space.

**Mr. Derek Lee:** So I should be amortizing my \$246 million. But I think I have it right for the first five years. And it's not even 270 in the first year. Will it be an accumulating 270 additional persons each year?

**Mr. Ian McCowan:** The estimate starts at 135 in year four, it goes to 270, and then it levels out in year five.

**Mr. Derek Lee:** So for 600 or 700 people, the per year cost is actually a little less than \$1 million a person. If you just look at the first five years of operation of this, if we're spending \$246 million a year, and if we're placing into the prison less than 270 persons per year, my math makes it about a million bucks a year per person.

**Mr. Ian McCowan:** It all depends on how you look at the capital costs.

**Mr. Derek Lee:** I agree. I have not amortized them over the life of the capital expenditure. But in terms of cost to the taxpayer where we don't amortize—we simply take the costs given in a particular year—it is about a million bucks a year per offender.

• (1635)

**Mr. Ian McCowan:** There are different ways you can look at analyzing the capital costs. What I would say to you is that what Mr. Toews said to you yesterday is exactly in line with our cost projections. In the first four to five years, the combined capital and operating is \$246 million; thereafter, it's \$40 million year. That's what it costs.

**Mr. Derek Lee:** And that's \$246 million per year for the five years, or is it a total?

**Mr. Ian McCowan:** The total for the first five-year period is \$246 million, capital and ongoing. Thereafter, from year five on, it's \$40 million a year, ongoing.

**Mr. Derek Lee:** I'll probably try to do some more number crunching. Your numbers are helpful in trying to assess this.

Do you have anything written that you might be in a position to leave for members? Most of us now will be working from the transcript and from our own chicken-scratch notes.

**Mr. Ian McCowan:** I don't, but it's very easy for us to put something together, Mr. Chairman. If it's helpful, I can put together a summary document that basically breaks down all the numbers, as we've discussed them today.

**Mr. Derek Lee:** The financial picture is a component of this. Even though it's probably not the most important one, it's certainly one.

Thank you, Mr. Chairman.

**The Chair:** Thank you.

Mr. Dykstra.

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

I'm surprised that we're having a lot of discussion about the cost here today, on the one hand. I think you're going to actually provide that in terms of the capital cost and ongoing operational cost.

One of the questions that hasn't been asked yet—I don't think it has been—is the actual cost of not having these individuals in prison.

My good friends from across the way seem to be absolutely concerned only about the financial cost to the taxpayer. They don't seem to be all that concerned about the cost of life, the cost of the impacts that criminals have on individuals, families, and communities if in fact we don't move forward in this direction. I wondered if, from a broader perspective, that was actually looked at in terms of a direction to take.

**Mr. Ian McCowan:** I cannot answer for the justice department from a policy perspective in terms of what I'm sure is a very wide range of considerations, everything from public safety to costs, that have gone into their deliberations. All I can answer is the impact in terms of Correctional's base. I take your point. There are many interesting debates to be had by this committee and in Parliament as this legislation goes forward.

**Mr. Rick Dykstra:** One of the other questions I had was with respect to the fact that this year's budget actually had a significant amount of money dedicated to expanding and potentially investing millions of dollars into new jails. I wonder if you would comment on how that factored into your work with respect to this bill.

**Mr. Ian McCowan:** It doctors in very nicely, as I think Minister Toews indicated yesterday. The numbers he put before the committee yesterday were in fact part of the proposal that went forward in the budget package.

**Mr. Rick Dykstra:** In essence, the budget that was passed in May, or the budget that was introduced in May, certainly covers off the potential costs that we may face with respect to this bill.

**Mr. Ian McCowan:** There is always, I guess, uncertainty as to what happens down the road, but Minister Toews indicated yesterday the total costs that are associated with this. Yes, my understanding is that they are being looked at in terms of projections and planning for the budgetary cycles to come.

**Mr. Rick Dykstra:** One other question deals a little more in the general sense. Obviously, we have maintenance; we have upkeep. I'm sure there are always capital dollars being spent on our jail systems throughout the country. In general, what is the increase on a yearly basis that gets factored into ensuring that our facilities are as up-to-date as we absolutely need them to be?

**Mr. Ian McCowan:** There is a specific percentage that gets reinvested in infrastructure, but I don't have it in front of me right now.

• (1640)

**Mr. Rick Dykstra:** Can you speak to it generally?

**Mr. Ian McCowan:** Absolutely, we have a massive operational network right across the country. We have a number of institutions that are quite old. You can imagine there's a fair bit of infrastructure and rust-out considerations that are first and foremost in terms of ensuring that our institutions are capable of fulfilling the important public safety role they have. Yes, it's something that we watch very closely and try to keep it at appropriate levels where possible.

**Mr. Rick Dykstra:** This whole discussion around cost and trying to divide inmates by daily cost, regardless of legislation introduced... these are increasing costs that you incur on a yearly basis.

**Mr. Ian McCowan:** As long as there's a Criminal Code, we are going to have a significant number of individuals under federal sentences, and we need to have a network of people and facilities in place that can meet the demands that it entails.

**Mr. Rick Dykstra:** So if we weaken the Criminal Code, obviously more criminals are out on the street and the less it costs us. I think that's what my friends across the way are getting at, that we should move in a direction that would actually weaken the Criminal Code—

**Mr. Derek Lee:** Mr. Chairman, this is the dumbest rhetoric I have ever encountered in this justice committee in my entire 18 years.

**A voice:** Wow!

**Mr. Derek Lee:** And if the members opposite are going to persist

**A voice:** Mr. Chair—

**Mr. Derek Lee:** —with this dumbest rhetoric—I repeat, dumbest rhetoric—I am not going to put up with it. I am signaling now that I have reached my limit—

**The Chair:** Order, please. Mr. Lee, order, please.

**Mr. Derek Lee:** If members opposite, Mr. Chairman, are incapable of addressing a policy issue without making reference to some other aspect of an opposition party's policies or election platform—

**The Chair:** Order. Order please.

**Mr. Derek Lee:** —then I am not going to put up with it on this committee. I am as able as any of them are, just as capable—

**Mr. Rick Dykstra:** Mr. Chair, he's using my time.

**Mr. Derek Lee:** —of distorting and disrupting the work of this committee. I am giving notice now that I will do it.

**The Chair:** Your time is up, Mr. Dykstra. Mr. Lee—

**Mr. Rick Dykstra:** I think Mr. Lee's time is up.

**Mr. Derek Lee:** I will do it if this continues, and you may forget about cooperation in further justice bills—

**Mr. Patrick Brown:** Have we had any? You gutted Bill C-9.

**Mr. Derek Lee:** —if this persists. I have given my notice.

**The Chair:** Order.

**Mr. Derek Lee:** Thank you.

**The Chair:** Colleagues, I think you can direct all the questions—

**Mr. Patrick Brown:** Talk about theatrics.

**The Chair:** —pertinently and specifically to the witnesses and not to one another. I don't think we're here for that reason.

Mr. McKay.

**Hon. John McKay:** Thank you, Mr. Chairman.

I want to ask Mr. Toller a question, going back on his testimony. I thought you said that of all of the people who are on community service, something like 0.6% offend in a violent way. Is that somewhere close to what you said?

**Mr. Ross Toller:** What I had indicated was that 0.6% of those on day parole commit a violent offence during their period of

supervision. It's the statutory release group that has the rate of 2.4% for a violent offence while under supervision. The rate for those on full parole is 0.7%.

**Hon. John McKay:** Do I add 0.6% to 2.4% to get a figure for the total percentage of people who offend?

**Mr. Ross Toller:** For the percentage of people who offend violently while under supervision, yes, 2.4% plus 0.7% plus 0.6%.

**Hon. John McKay:** So for either the 250 people that we're talking about, according to Mr. McCowan's testimony or what you're projecting, or the 5,000 people that the other witness was talking about, we're really talking about 3% of all of those folks, either number, who would offend violently while on community supervision of some kind?

**Mr. Ross Toller:** Again, that would not have been factored into our projections. Our projections just dealt with what that would be for the total number of inmates if the legislation came. We didn't look that far.

**Hon. John McKay:** But what I'm trying to get at here is that either we have 250 offenders or we have 5,000 offenders—and who knows which it is—and of those pools of offenders, about 3% offend violently while under some form of community supervision. Is that a correct statement?

**Mr. Ross Toller:** That's correct.

•(1645)

**Hon. John McKay:** And then add to that for me the number or the percentage of people who would commit other non-violent crimes, which would result in their being returned to prison.

**Mr. Ross Toller:** Of those on day parole, 3.3% ended with a non-violent offence; under full parole, 3.2% ended with a non-violent offence; and under statutory release, 7.6% ended with a non-violent offence.

**Hon. John McKay:** Among the 3.3% or 3.2% or 7.6%, describe for me the most frequent kind of offence that results in their returning to prison.

**Mr. Ross Toller:** I don't have that broken down by frequency, but the violent offences that we talk about are often the most violent, major assault or murder, for starters.

**Hon. John McKay:** I thought we had already eliminated that in the 3%.

**Mr. Ian McCowan:** I'm sorry. Your question was to ask for a breakdown of the types of offences. I don't have that here with me.

**Hon. John McKay:** Am I to assume that it's that 3% of all those people who are on some form of community sentencing who are the ones precipitating this legislation?

**Mr. Ian McCowan:** I don't know that we can speak to what it is that's precipitating—

**Hon. John McKay:** What's got people worked up is that people are out on some form of community supervision, they commit a violent offence, and it offends the community's sensibilities.

Are we simply talking about a pool of 3%?

**Mr. Ross Toller:** We're talking about 3% of those under release, yes. What I'm saying here is that of our current population, those who offend violently while under supervision represent 2.4%, 0.7%, and 0.6%.

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

Mr. Moore.

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

Thank you to the witnesses for being here.

I think one of the problems, as I see it, when we talk about cost to the taxpayer—and I appreciate all the numbers you've provided, and thank you for your testimony—is that when we look at things from a public policy perspective, my thought is that we don't look just at the gross cost of something; we have to look at the net cost to taxpayers. I'm not necessarily looking for a response on this. I think one of the things we were taking into account when drafting this legislation was that there is a cost.

I was speaking to some individuals in Toronto, where they specifically targeted a certain gang in one neighbourhood. They had rounded up this gang and put them in prison. They saw a noticeable decline, almost a 100% decline, in the gun violence that had been taking place in that neighbourhood.

The members opposite have been doing all kinds of math and number crunching and so on, and that's important. But I think it's unfortunate when our only thought that seems to be going into something is some sort of dollar figure that we assess. What will it cost us to put this individual in prison? The logic I get from the members opposite seems to be, "Well, that sounds expensive, so we'd better not do it."

The thinking we've put into it, and that I think Canadians have put into it, is that there's also a cost to having people who are dangerous out on the streets. And sometimes that cost is not measured in dollars; it's measured in lives, in broken families, and so on, when people have been victimized.

I do want to make that point, because there seems to be this obsession with number crunching. You can do your best job at estimating. I appreciate that you've done that. But no one, including the members opposite, is going to be capable of knowing exactly the cost, one way or another. But we do our best to get that estimate.

I'm wondering if you can just let the committee know some of the reasons for the difference between maximum/medium or maximum/minimum. What are some of the extra precautions that are in place for those maximum positions, and can you elaborate on that disparity?

**Mr. Ross Toller:** If I could, there is a difference between our security levels. Our maximum security level institutions have very restricted movement and control and surveillance in the interior of these types of establishments. Therefore, there is a continuous, ongoing, higher operational cost associated with the security factors

necessary in being responsible in maximum security. Maximum security also has a very strong perimeter that is protected either by fences or by a system of detection and a system of response.

A medium security level institution would have a perimeter that is just as strong as the maximum security level institution, and the interior would still have controls and barriers, but they would be less stringent than what you would find in a maximum security level institution. Therefore, again, your operational cost would be somewhat reduced as a result of the maintenance of the operation.

Similarly, in a minimum security institution, while there is a defined perimeter, there is not a containment factor, such as a fence. But there are operational costs associated with managing minimum. The reason, I think, as Mr. McCallum pointed out a bit earlier, that the costs currently reflect a higher cost in the minimums than in the mediums is simply because the number of inmates right now in minimum security is significantly down. Our maximum security facilities right now are full. Our medium security levels are currently full. Minimum is where we have bed space. So if you divide the costs associated with the average, that's why the numbers are different.

• (1650)

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

We did see an outburst across the way, but I think the line of questioning of my colleagues was entirely appropriate, because we've seen other bills. A bill is taken to committee and then together we make changes. Would you agree that any change we make to this bill could change your bottom-line estimate of what the cost is going to be? If we make some change, if we strengthen the bill or weaken the bill, it'll make a corresponding change to your estimate.

**Mr. Ian McCowan:** Depending on the nature of the change, it could well have an impact, yes.

**Mr. Rob Moore:** That's why I find it entirely relevant, if we're trying to gain a perspective on where the opposition is coming from, to study what they were saying a few months ago when the Liberals wanted to double the mandatory minimum sentences to eight years and the NDP wanted to apply a four-year mandatory minimum sentence for all gun-related crime, which actually in fact goes beyond what this bill does. I did want to get that on the record. It's a little alarming, on this side, to see such a violent reaction that we would bring up what your position was so we can try to gauge what the final cost of this bill is going to be, that we might suggest we would take into account what your views are. We're working here in a cooperative fashion, so we need to take into account everyone's views, because at the end of the day, this bill will be framed by everyone's views.

I do appreciate your testimony and that any changes we make would ultimately impact on the bottom line that you've put forward.

Thank you.

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

I have one question for the witnesses.

The minister yesterday made it very clear that the bill before us, Bill C-10, is designed to target a certain element, folks who go out and use guns and commit violent acts with those guns. When Corrections Canada did their analysis...you're obviously looking at the higher end of those who are going to commit certain kinds of violent crime. Would not the majority of them fall into the maximum security level if you weighed them all out? Of these 270, wouldn't the majority of them be in the maximum?

**Mr. Ian McCowan:** Yes, Mr. Chairman. Of the 270, we're projecting 82 in maximum, 164 in medium, and 24 in minimum. The majority is in medium, but there is a good chunk in maximum also. If it's helpful, Mr. Chairman, I'm happy to build those projections into the summary document that we can forward to the committee to flesh out the costing information that we were discussing this afternoon.

**The Chair:** Yes, would you do that, please? I'll make sure the committee gets it then.

Mr. Lemay, you have the final line of questions.

[Translation]

**Mr. Marc Lemay:** I will go easy, Mr. Chairman. I'll try not to get carried away and to remain calm, because the position of the Bloc Québécois has always been quite clear with regard to certain bills, except this one and a few others.

I have a question. I also sit on the Standing Committee on Aboriginal Affairs and Northern Development. Mr. Bagnell briefly touched on this question earlier, but I would like to go a bit further.

Have you compiled any figures on Aboriginal inmates? Currently, do you have any Aboriginal inmates in your penitentiaries? If so, how many?

• (1655)

[English]

**Mr. Ian McCowan:** If you're asking in relation to the 270 whether we have done a breakdown as to how many we project might be aboriginal offenders, we haven't. The 270 has been done based on security level, and that is our best estimate of who will be coming through the door as a result of a legislated change.

[Translation]

Have I understood your question correctly?

**Mr. Marc Lemay:** Indeed, you have.

Are there currently any repair, improvement, construction, renovation or remodelling projects under way in your penitentiaries, despite Bill C-10?

[English]

**Mr. Ross Toller:** No. There's nothing that's under way right now in terms of preparation for this particular bill. There is our ongoing, normal construction that we would do in terms of maintenance and factors on that one, but our projections, when we talk about capital cost and the operational costs, would include that.

[Translation]

**Mr. Marc Lemay:** So then, if this bill were adopted, how many of your institutions would undergo some construction, improvement or repair work, involving at least 270 inmates per year?

[English]

**Mr. Ian McCowan:** We wouldn't have an impact in terms of the minimum level of security, because we have some surplus space. We would probably require a medium institution to cover off the additional numbers I just described. Similarly, we would require some additional maximum space, probably not a whole institution, to cover off the numbers I referenced.

[Translation]

**Mr. Marc Lemay:** We can appreciate that making improvements and repairs to, or expanding a medium or maximum security facility costs considerably more than it would to do the same work in a minimum security penitentiary.

[English]

**Mr. Ian McCowan:** There's no question that the maximum security costs are higher than the other two. As we discussed earlier, there is the unusual situation right now that the minimum costs are actually higher than the medium, only for the reason that we have additional surplus capacity in the minimum.

What I would say is that the costing factor really kicks in, in relation to the maximum security space. If you look, for example, at the comparison of the cost from medium to maximum, you're looking at a jump, in 2004-05 figures, of roughly \$75,000 to \$113,000. That's where you see the big jump.

[Translation]

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

[English]

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

We still have one minute.

Mr. Thompson.

**Mr. Myron Thompson:** I want to confirm something one more time. It's very relevant to this bill by the way, just in case Mr. Lee gets excited.

The gang activity that has significantly increased in the penitentiaries over the last ten years has cost Corrections Canada additional funds, by a great deal. Am I correct?

**Mr. Ian McCowan:** In order to respond appropriately to the challenge posed by increasing gang and organized crime activity in our institutions, yes, there are costs associated with effectively managing our response to that. Absolutely.

**Mr. Myron Thompson:** When this bill is passed, and I think it will—I hope we have enough support for it—more than likely there will be an additional number of gang members entering the system. Have you built that into your costs?

• (1700)

**Mr. Ian McCowan:** We have not done a specific projection of what percentage of the 270 individuals would be associated with gangs. I would say that our costing projections are in line with what we see as being the appropriate management response to the situation we're facing. The organized crime gang element is clearly part of what we need to respond to.

**Mr. Myron Thompson:** Okay, thank you.

This is my last question. Is the gang activity that exists in the penitentiaries today something that grew from within, or is that something that grew because of the number of incarcerations of gang members? Could you tell me that? That might be difficult.

**Mr. Ross Toller:** In terms of gang affiliation, I think the numbers have increased significantly: from close to 12% to close to 17% over the last five to seven years. That's those who were affiliated before they were incarcerated.

We do have some factors associated with aboriginal gangs, where people come inside an institution and look to join an aboriginal gang. There is some of that. I couldn't give you an absolute percentage of exactly what that number would be.

**Mr. Myron Thompson:** I understand there's recruiting within the penitentiaries for gang members. And it's not necessarily related to their race; I mean, white people belong to Asian gangs.

It's getting out of control, and I'm really quite concerned about it.

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

One quick question, Mr. Lee.

**Mr. Derek Lee:** We've been looking at the potential impact of this particular bill. Was there an increase, generally, in the inmate population? Is there an expected increase over time, because of population increase or decrease or other factors? Just with reference to that, did the ministry actually have plans to build new facilities or

increase the capacity of the department on a specific basis or perhaps on a contingency basis?

**Mr. Ross Toller:** There is a general, normal, traditional trend somewhere that hovers around 2.2% normal growth in incarcerated populations. However, everything must be cross-referenced against any new legislation, any functioning going on in the community, a responsive increase to police officers—it's a very complex formula—and then per capita population totals in the country.

If your question is, are we looking at building new facilities... every year we look at our capital accommodation plan. Sometimes we have to make some adjustments, looking to convert a medium security level to a minimum security level based on what's coming in and what we have within our stock. We do that on a yearly basis. Of course, as you know, we plan these things, and what you plan today...sometimes circumstances change over time.

Yes, we looked at some increased cell capacity totally separate from here as a result of some of the other activities going on.

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

That brings our meeting to a conclusion. I thank Mr. McCowan and Mr. Toller for their appearance here. The information was valuable.

I would ask that my colleagues stay for the rest of the business of the committee. I will suspend for one minute until that happens.

*[Proceedings continue in camera]*

---









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

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

**Also available on the Parliament of Canada Web Site at the following address:  
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :  
<http://www.parl.gc.ca>**

---

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

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