



House of Commons  
CANADA

# Standing Committee on Justice and Human Rights

---

JUST • NUMBER 033 • 1st SESSION • 39th PARLIAMENT

---

EVIDENCE

**Wednesday, November 22, 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 22, 2006

• (1550)

[English]

**The Chair (Mr. Art Hanger (Calgary Northeast, CPC)):** I would like to call the Standing Committee on Justice and Human Rights to order. On the agenda today, if you look on the sheets provided, 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.

Our witnesses are from the Canadian Centre for Justice Statistics, Ms. Lynn Barr-Telford, Mr. John Turner, and Mr. Craig Grimes. I welcome you to the committee.

I do apologize too. We had a statement in the House and a motion put forward on which there was some discussion and debate, but we are here now.

I assume, Ms. Barr-Telford, you will be presenting. Please proceed then. Thank you.

**Mrs. Lynn Barr-Telford (Director, Statistics Canada, Canadian Centre for Justice Statistics):** Thank you, Mr. Chairman, for the opportunity to present to the committee regarding minimum mandatory sentencing and firearm-related offences.

The data I will present today come from two main sources: data from our uniform crime reporting survey of police-reported crime incidents with which we can speak to overall trends in violent crime and the presence of firearms, firearm homicides, and robberies involving firearms; and data from our courts program that allow us to look at trends in the processing and sentencing of firearms offences.

My colleagues, Mr. John Turner and Mr. Craig Grimes, will assist me in answering any questions you may have.

Turning to the first slide, page 2—

**The Chair:** Mr. Lemay.

[Translation]

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** Mr. Chairman, given the fact the witnesses are going to be referring to various important statistics, I would like to ask them if they could speak slowly so that the interpreters may accurately translate their comments. If needed, I will take less time to ask my questions.

Thank you.

[English]

**Mrs. Lynn Barr-Telford:** In terms of the overall trend in violent crime, our police-reported data show that there were about 304,000

violent incidents in 2005. The overall violent crime rate in 2005 was similar to the rate we saw in 2004. In general, though, after increasing fairly steadily for 30 years, the violent crime rate has been falling since the mid-1990s. For the most recent year, 2005, however, we did see an increase in what are considered serious violent crimes, such as homicide, attempted murder, serious assault, and robbery.

Based on trend data available from 1998 to 2005, for 63 police services, including Toronto, Vancouver, Montreal, Edmonton, Calgary, and the Sûreté du Québec, which is about 51% of the national coverage, we see in the slide that firearms were present in just 2.7% of violent crimes in 2005. And this was down from 4% in 1998.

As we shall see in a subsequent slide, this decline in the presence of firearms in overall violent crime is driven by an ongoing drop in firearm robberies. Robbery is the highest volume offence for the presence of firearms, representing 59% of all violent offences involving a firearm. At the same time, however, we have seen increases between 2004 and 2005 in a number of offences with firearms: homicides, attempted murder, serious assaults, kidnapping, forceable confinement.

With respect to several Criminal Code sections.... Under section 244, the discharge of a firearm with intent, we have seen between 2002 and 2005 an increase of 53% in incidents, from 86 to 132. Under section 85, using a firearm to commit an offence, we've seen a steadily increasing number, from 326 in 2002 to 542 in 2005, an increase of 66%. Under sections 88 to 96, which are various weapons possession offences, we've seen a doubling since 1999, from just over 4,900 to just over 10,500 by 2005.

We'll turn to slide three. This slide shows the use of a firearm or knife by type of violent offence in 2005. It's based on our uniform crime reporting survey 2, which has 71% national coverage. While robberies make up the highest volume offence with the presence of a firearm, we can see that only 12% of robberies overall involved a firearm. While they're lower in volume, we can also see that homicide and attempted murder more frequently involved a firearm, although the weapon of choice for these offences was also frequently a knife. Knives were more frequently used in sexual assaults, assaults, and robbery.

This next slide shows the trend in the overall homicide rate since the mid-1970s. This slide and the remaining ones that show police-reported crime incidents are based on full 100% coverage. The homicide rate has generally been declining since the mid-1970s. So the rate of two homicides per 100,000 population in 2005 was the highest rate, however, since 1996, although it was still 25% lower than 20 years ago.

There were 658 homicides in 2005. This was the second straight year of increase. This increase was driven by an increase in gang-related killings, particularly in Ontario and Alberta. Firearm homicides and homicides committed by youth also increased. You'll see a chart embedded in the graphic, and what it shows is that in international terms the United States' homicide rate is about three times the homicide rate in Canada.

● (1555)

The rate in Canada is somewhat lower than the rate in Sweden and Finland, and it's higher than the rate in France, Australia, England, and Wales.

If you turn to page 5, you'll see that going back to the mid-1970s, the rate of firearm homicides has generally decreased. It's similar to what we saw in the overall trend in homicides. But in more recent years we have seen increases. In 2005 there were 222 firearm homicides, up from 173 in 2004. This was the third straight year of increase. From the slide you can also see that prior to 1985, shootings were much more common than stabbings. Now they each account for about one-third of homicides annually.

Moving to page 6, we've seen that between 1975 and 2005, the type of firearm used in homicides has been changing. Handguns now account for 60% of firearms used in homicides, while rifles and shotguns account for 25%. Prior to 1991, rifles and shotguns were more popular. Handgun homicides have increased from 70 in 1998 to 128 in 2005, although the 1998 number was unusually low.

You can see in slide 7 a comparison of homicide rates and firearm homicide rates in our nine largest cities over the last five years. The highest firearm homicide rates are generally found in the biggest cities, Vancouver and Toronto, while Winnipeg and Edmonton had higher overall homicide rates.

In total, there were almost 29,000 robberies in 2005. The robbery rate was 3% higher than in 2004; however, it was about 15% lower than a decade ago and 25% lower than the 1991 peak. Over half of robberies reported to police in 2005 were committed without a weapon.

As you can see from the graphic, robberies with a firearm have been steadily decreasing, particularly since 1991. As I mentioned earlier, given their high volume, this decrease is responsible for much of the overall drop in the presence of firearms in violent crimes. So firearms were used in 12% of robberies in 2005, while just under one-third involved another type of weapon.

The next few slides present data from our courts program on cases in adult criminal court where the most serious offence in the case was a firearms offence with a four-year mandatory minimum sentence. Our courts data represent eight jurisdictions and approximately 80% of the national caseload.

In 2003-04, there were 380 cases completed in court where the most serious offence was a firearms offence with a mandatory minimum sentence of four years. The four-year mandatory minimum sentence for firearms use is a punishment provision for almost all of 10 offences, and this provision was recorded for 5% of all cases for these offences between 1996-97 and 2003-04. In 2003-04, the 380 cases indicating a firearms punishment provision also represented 5% of all cases for the 10 offences. Thus, firearms represent far less than 1% of the total caseload in adult criminal court, this total caseload being approximately 400,000 cases of the jurisdictions we've presented.

Now, as you can see from slide 9, since the implementation of the mandatory minimum sentences in 1996, the proportion of firearms cases convicted has been falling, from 47% in 1996-97 to 36% in 2003-04. Over this same period, the conviction rate for crimes against the person cases has remained stable, at about 50%.

In cases where a firearms offence was the most serious offence, the average length of prison sentence imposed upon conviction in 2003-04 was 1,639 days—about four and a half years.

● (1600)

Now we turn to slide 10. One of the factors influencing the conviction rate for these offences is the proportion of convicted cases with a guilty plea. For example, there were 137 cases convicted for a firearms offence in 2003-04, of which 107, or 78%, had a final plea of guilty. This chart displays the relationship for firearms, non-firearms, and also for chargeable sections for the 10 offences.

Since the enactment of the four-year mandatory minimum sentence legislation for firearms, the proportion of cases pleading guilty has declined from 92% in 1996-97 to 78% in 2003-04. The proportion of guilty pleas is important because of the impact this has on the length of the court process. Those cases proceeding to trial are known to take longer in the system.

The elapsed time from first to last court appearance for cases in which a firearm offence was the most serious offence in the case has increased from an average of 105 days in 1996-97 to 229 days in 2003-04, an increase of about 118%. These elapsed times are now slightly higher than those for cases in adult criminal court generally. The small number of firearms cases progressing through the court system would, however, have little impact on the overall elapsed times being reported.

The next slide switches from a case perspective to a person perspective in order to examine the number of prior convictions.

In 2003-04 there were 137 firearms cases convicted for an offence with a four-year minimum. From these data, 133 persons can be identified. Seven in 10 of these persons with a convicted firearms case in 2003-04 did not have a prior convicted firearms case where the most serious offence was one of the ten four-year mandatory minimum offences. Thus, only approximately 40 offenders had at least one prior conviction for a four-year minimum firearms offence.

On page 12 you'll see that in addition to the four-year minimum firearms offences, there are a series of offences for which the mandatory minimum sentence is at least one year, and for some offences only if proceeding by way of indictment.

Our court's data showed that few cases were heard in court for Criminal Code sections 85, 95, 96, 99, 100 or 103. The number of these indictable offence cases completed in adult court peaked in 2000-01 at 249 cases and then declined each year, so that in 2003-04, the latest year available, there were 175 cases heard and 76 cases convicted. Approximately 90% of these convictions were concluded through a guilty plea.

In summary, from our police-reported data we saw that total violent crime has generally been declining since 1992. Firearms were present in less than 3% of violent crimes. The presence of firearms in total violent crime was down from 1998-2005. Robberies with a firearm drove this decline. Recent years have seen an increase in firearms present in a number of offences, including homicide and attempted murder.

From our courts data we saw that firearms represent less than 1% of cases heard in adult criminal courts. The proportion of convicted cases in which the most serious offence was a firearms offence with a four-year minimum sentence has been declining, and the proportion of these cases completed with a guilty plea has also declined. Firearms cases take longer to reach completion in court, but the small number of firearms cases has little effect on overall case processing times. Seven in 10 persons convicted of a four-year mandatory minimum offence in 2003-04 had no prior convictions for firearms.

That concludes my presentation, Mr. Chair.

Thank you.

• (1605)

**The Chair:** Thank you, Ms. Barr-Telford.

Those were interesting stats that you gave us. I do have some questions myself, but I'm going to go to the Liberals first.

Mr. Murphy.

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

I seem to recall that there was another report. I realize you did this slide for this hearing, but there was another deck that explained with more words. I can understand, coming to a parliamentary committee, just using pictures and graphs is probably good—a little self-deprecation here, guys—but I do recall there being a footnote or an explanation, how a definition of gun crime had been changed

regarding whether it was suspected, under investigation, or convicted.

If you have no idea what I'm talking about, I'll have to find it and come back.

You do. Then could you explain that? Which slide is most relevant to it?

**Mrs. Lynn Barr-Telford:** I will actually allow Mr. Turner to explain that, but what I believe you're referring to could be our definition and the way we collect gang-related homicide information data.

**Mr. Brian Murphy:** Right. That was it.

**Mr. John Turner (Chief, Policing Services Program, Canadian Centre for Justice Statistics):** That was a change we made to the wording of our question on the homicide survey for the collection of 2005 data. Do you want the exact wording change?

**Mr. Brian Murphy:** Is there a slide here on gang-related data at all?

**Mr. John Turner:** No, there isn't. We do have some numbers, but there's no slide.

**Mr. Brian Murphy:** The deck that had the definitions in it is readily available, then?

**Mrs. Lynn Barr-Telford:** We can provide that.

**Mr. Brian Murphy:** Why don't you just do that and I'll not waste my time with it? We're not specifically talking about gang-related violence, yet it seems to be a bit of the spirit behind some of this legislation, to crack down on gun-related crimes and gang-related crimes.

Maybe I will get you to explain that and what effect the change in definition had, the definition of "gang-related" going from "suspected" to "concluded", or something like that. I believe that was the gist of it.

**Mr. John Turner:** The original question on the homicide survey in 1991, I believe, asked if a homicide was related to gang or organized crime activity. The answer we put, the choice for the police service, was simply yes, no, or unknown.

Since that time, in conversations with a lot of police forces, who are, of course, our respondents, it was determined that perhaps a better way to phrase that question—and we also changed this in our new crime survey for all crimes—would be to add the category of "suspected". So we have "suspected" organized crime or gang activity; "yes", which basically means confirmed, definite; and then "no".

**Mr. Brian Murphy:** When was this change made?

**Mr. John Turner:** It was made for 2005 data.

**Mr. Brian Murphy:** Gang-related, you say, means sort of concluded, convicted.

**Mr. John Turner:** No, not convicted. This is strictly from police.

•(1610)

**Mr. Brian Murphy:** You gave them the choice of yes or no, whereas, as of 2005, you gave them the choice of suspected gang activity. Would that lead to an indication upwards? If you were given the choice of defining, "Is this a gang-related homicide, Mr. Police Force", it's easier to say "I suspect it to be so", than to say "I definitely know it is". So I guess it would lead to a bit of a spike or rise, as of 2005, when it came in.

**Mr. John Turner:** It is possible, and because of the change, we don't know for sure.

**Mr. Brian Murphy:** Right. I remember that being kind of important as to our getting to the nuts and bolts of whether gang-related gun violence is on the rise. Specifically when I look at the slide that relates to the cities, slide 7, Vancouver and Toronto have the highest rates of firearm homicides over the past five years. Do we see an increase or a decrease of firearm homicides in any of those cities mentioned there? Do we see a decrease?

**Mr. John Turner:** Between 2001 and 2005?

**Mr. Brian Murphy:** Yes.

**Mr. John Turner:** I believe there was an increase in Toronto. I can try to find the number for that.

The increase for 2005 was generally in Ontario and Alberta, and specifically within Toronto.

**Mr. Brian Murphy:** You're indicating on page 4, for instance, that homicide has generally been declining since the mid-1970s. I get that, but the pith and substance of the program here is that, in our large cities, gang-related violence is leading to a higher incidence of gun-related crimes, including homicides. What tells me that specifically? Which slide?

In our major cities, gang-related gun violence is on the rise. We're going to Toronto tomorrow, so this is very apropos.

**Mrs. Lynn Barr-Telford:** If you would turn to slide 4, the gang-related information is not specifically in the slide, but this is what I spoke to when I made the presentation. Let me just repeat what we had.

In 2005, we had 658 homicides. That was the second straight year of increase in homicides. That increase, between 2004 and 2005, was driven by an increase in gang-related killings. We had 107 gang-related killings in 2005. It represented 16% of all homicides, and the increase in gang-related killings was particularly apparent in Ontario and Alberta. In fact, in Ontario we had a doubling. We know that over two-thirds of gang-related homicides involved a handgun. We also know that there was a significant increase in gang-related homicides in Alberta.

**Mr. Brian Murphy:** In what period, specifically?

**Mrs. Lynn Barr-Telford:** This was between 2004 and 2005.

**Mr. Brian Murphy:** Was the suspected gang-related parameter involved?

**Mrs. Lynn Barr-Telford:** It was. In fact, as we have said, this may be a partial explanation overall for some of that change. As for the degree to which it's responsible for what percentage of the increase, there's no way for us to assess that.

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

Mr. Lemay.

[Translation]

**Mr. Marc Lemay:** I thank you for being here today.

Statistics can be made to mean anything, and my friends across the way will use them as they see fit. Without referring to nation at all, I would like to return to slide no. 9. I must admit that I would have appreciated having the written text of what you just said, Ms. Barr-Telford, because it isn't generally what we hear from our colleagues across the way. On slide no. 9, you say that there are fewer firearm cases being convicted.

Because of my background as a criminal defence lawyer, should I see that as a sign that a great deal of negotiating is taking place? In other words, my client may plead guilty to a robbery charge on the condition that the charge for using a firearm in the commission of the offence is dropped. So, he would not receive a four-year sentence and would only be convicted for having committed a robbery because that it would be a first offence.

Do you understand my question? Is it possible to interpret slide no. 9 to mean that?

•(1615)

[English]

**Mrs. Lynn Barr-Telford:** In our data we cannot speak to any of the processes leading up to what charge is heard in court. What we can speak to are the charges we receive in our courts-based data, and this is what this speaks to. We have no way in our data of assessing any of the processes around those charges.

**Mr. Craig Grimes (Project Manager, Courts Program, Statistics Canada, Canadian Centre for Justice Statistics):** So specifically on plea bargaining, there's nothing on the file that would indicate whether or not there was a plea bargaining process.

[Translation]

**Mr. Marc Lemay:** All right.

So, from what I understand the question you ask is whether the person was found guilty of an offence involving a firearm, whether that offence is theft, armed robbery, assault or aggravated assault. That's what the statistics show.

[English]

**Mr. Craig Grimes:** The information we get from the courts is docket-based information, so the information that's entered on the statute section, subsection, or paragraph of the offence is on the record that's supplied to CCJS. It's that information that's used to determine the characteristics of those offences.

[Translation]

**Mr. Marc Lemay:** All right.

On slide no. 11, you say that in 2003-2004, 7 out of 10 offenders with a firearm conviction had no prior firearm conviction.

Do your statistics enable us to determine whether the individual who is convicted had a prior record? Are you able to show that?

[English]

**Mr. Craig Grimes:** From the court data we have?

[Translation]

**Mr. Marc Lemay:** Yes.

[English]

**Mr. Craig Grimes:** Yes. We can look at the personal identifiers we collect. It's an encrypted version of the accused's name, the date of birth, sex. Within a specific geography we can look back at the criminal history information that we have with that key to identify whether or not there were prior convictions.

For this slide in particular, slide 11, we looked at those 10 offences that had the provisions for the four-year mandatory minimum sentence and we looked back within that history to see whether or not there were prior convictions of that same type. We found that seven in 10 did not have a prior conviction of that type for that year. So in 2003-04, the 133 people who we were able to identify clearly did not have a prior conviction of that type. They may have had another conviction of a different type.

[Translation]

**Mr. Marc Lemay:** It could have been convictions for impaired driving. For these 10 offences, you say that 7 out of 10 people had not been convicted. Is that what I should gather from this?

[English]

**Mr. Craig Grimes:** Not within the data we have, no. I can go back to offences that occurred on or after January 1, 1996, when the distinction was made in the Criminal Code and those provisions were broken out. That's how far this data goes back.

• (1620)

**Mrs. Lynn Barr-Telford:** The slide is showing the proportion with conviction for one of those 10 offences. So your question asked whether or not the 10 offences were what we were looking at here, and the answer is within this slide we were looking at just those 10 offences.

**The Chair:** On a point of clarification that Mr. Lemay went into, I know you talk about docket information that reflects the court, and I assume that's a stay, withdrawn, dismissed, or discharged information that you have here. I would assume that the police information on the same evaluation would be different. Did you accumulate information on charges laid?

**Mr. John Turner:** We do have information on charges laid, yes, but they could change before they get into the court system. When they lay a charge, that's the information we get at that point in time.

**The Chair:** You can't evaluate the number of firearm charges laid by police that somewhere along the way were removed—I won't even say withdrawn—or, as Mr. Lemay points out, were part of a guilty plea and a plea bargain. You can't provide that information.

**Mr. John Turner:** We could tell you simply the number of persons charged for any specific firearm offence at that point in time from the police.

**The Chair:** To what point of time?

**Mr. John Turner:** When they send us an incident record, at that point in time they'll have an offence, let's say a firearms offence, and they'll either have a clearance that an accused was identified and whether a charge was laid or not at that point in time when they send in the record.

**The Chair:** Is that data here?

**Mr. John Turner:** No. The information from the police is based on actual offences regardless of whether there was a charge laid or a suspect identified.

**The Chair:** Actual offences—that's what I'm asking about. Is that information here—before any plea bargain thought, before any action taken in that regard? You have that information.

**Mr. John Turner:** Yes, but they're not in these graphs. They're regardless of whether someone was charged with that offence. These are simply accounts of a number of offences.

**The Chair:** Mr. Comartin.

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

Thank you, witnesses, for being here. I have to say to you, unlike Mr. Murphy, even though we both have Irish backgrounds, I think it's my French background that's going to come forward, because I'm not very self-deprecating.

I have to say to you that I can read very well. These graphs don't help us enough if we don't have the notes that you've been reading from today. I can tell you from many years of experience in the courts, and all the teaching they give us in that regard, that the more senses we use, the more information we're going to retain and the greater level of comprehension.

I would ask you—I know you've written on some of your notes—if you could go back to the original ones and supply that to the clerk so that we could have it passed around. I'd suggest to you in the future that you do the same thing when you come. Give us the written, because it will help both comprehension and retention.

Having said that, Mr. Grimes—I think I caught this—with regard to the prior convictions, again chart 11 or slide 11, did you say the analysis is just of convictions or offences involving a gun in the last year?

**Mr. Craig Grimes:** The base file we use, the point of reference, is the last year. We looked back over the past history going back to January 1, 1996, and presented that information. In that way, it was much easier to put it on one chart. We don't have to worry about double-counting persons as we go back in time. We may see someone in 2003 with a conviction, and again in 2002 with a conviction, and if I present the data for 2002, I have effectively counted that person twice. We're trying to remove the possibility of counting the same person multiple times.

•(1625)

**Mr. Joe Comartin:** I conclude from that, then, that 70% is in fact an accurate figure, that 70% of these offences are by first-time offenders, not repetitive offenders.

**Mr. Craig Grimes:** They're not first-time offenders. These individuals wouldn't have had a prior conviction for one of those ten mandatory minimums. They could have had either other contact with police, other contact with the courts, or other prior convictions of a different type. It isn't strictly a first-time versus a recidivist analysis.

**Mr. Joe Comartin:** On the four-year mandatory minimum sentence, with that test that you used, were all of those offences gun offences? Did they involve a gun?

**Mr. Craig Grimes:** They would be the ones that had those provisions.

**Mr. Joe Comartin:** It's a gun offence, and it's four years, mandatory minimum.

**Mr. Craig Grimes:** That's right.

**Mr. Joe Comartin:** Chief Bevan, from the Toronto police, issued some statistics in late October or earlier this month showing the rate of gun crimes, crimes involving guns, in 2006, up to the end of October. It showed a very dramatic reduction in the number of gun crimes. It was in the range of 45%. Have you seen that report?

**Mr. John Turner:** Just for clarification, you said Chief Bevan of Toronto?

**Mr. Joe Comartin:** I'm sorry, I meant Chief Blair of Toronto.

**Mr. John Turner:** I saw some information in the newspaper. We haven't processed 2006 data yet.

**Mr. Joe Comartin:** If you had that kind of reduction, which was in the range of a reduction of about 55 murders that did not involve guns, what kind of impact would it have had on the 2005 figures across the whole of the country if you had that number of fewer murders involving a gun?

**Mrs. Lynn Barr-Telford:** There were 658 homicides in total in 2005. There were 222 firearm homicides in 2005. Those are the numbers for 2005. As John said, we do not yet have numbers for 2006 that are available.

**Mr. Joe Comartin:** It hasn't been dealt with yet, but if we had what appears to have been a gangland multiple murder just outside of London in Ontario earlier this year that involved eight murders—again, I believe all of those murders were all committed with a gun—can you give me an indication of what kind of impact that would have on those 200-plus?

This is what I'm looking for, Ms. Barr-Telford. We know we periodically get spikes. If we go back through the last 20 or 25 years, we can find them, and usually it's because we've had an incident like that. Is it fair to conclude that we get those periodic spikes?

**Mrs. Lynn Barr-Telford:** I'll let John let you know how we count our homicides, but just so you have the numbers, we had 107 gang-related homicides in 2005. In Ontario, the number was 31 gang-related homicides. That gives you the 2005 data.

Perhaps John can speak to how we count homicides.

**Mr. John Turner:** In the incident you described, if there were eight victims in that one incident, we would count them as eight in our total, sir. That would be one incident, but eight victims.

**Mr. Joe Comartin:** You don't cover the whole of the country; that is, you don't get reports from the whole of the country, from all police forces.

Are these figures weighted in some fashion? It appears that you're drawing from the larger cities in greater proportion than from smaller communities. So do you weight these numbers in some fashion? In particular, I'm asking whether the murder rate is somewhat skewed because you're using figures primarily from the larger cities.

•(1630)

**Mrs. Lynn Barr-Telford:** We mentioned there are three different sources of police-reported data we're using. Our homicide data has 100% national coverage.

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

Were you going to make comments, Mr. Turner?

**Mr. John Turner:** I was simply going to add that it gets a bit complicated, but the aggregate count for each offence is also from a census of the whole country. So we have full coverage of the number of robberies, the number of break-and-enters. The only time we don't have the full coverage now is in the incident-based survey, referred to earlier, where we get the detailed characteristics of crimes other than homicide—which we do have. That survey is an ongoing development.

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

Mr. Thompson.

**Mr. Myron Thompson (Wild Rose, CPC):** Thank you, and welcome. Thanks for coming.

We're here talking about Bill C-10 and increasing the incarceration levels for the use of a gun in the commission of a crime. We're referring to gangs and guns. More than anything, I think we're trying to respond to the reply from the public at large, who seem to be fed up with what's happening in the streets and cities and elsewhere in regard to the use of guns.

When I look at a chart like the one on page 6, I see that with rifles and shotguns there has been a steady and continuing decline from 1975. And then I see with handguns that it's up and down all over the place; I don't think that has anything to do with the registry, since registries for handguns have in place since 1934, or something like that.

Bill C-17 came in because of the peak in 1991. Can I assume that from this chart? Is that correct? Was the bill an attempt by the government of the day to deal with the issue of guns?



**Mrs. Lynn Barr-Telford:** Bill C-17 was legislation put in place. However, all we can do is to plot where these things happened. Why the legislation was brought into place is not something we can speak to.

**Mr. Myron Thompson:** Then as we progress through the years, I see that by 2005 the use of handguns in committing homicides was nearly as high as it was at its peak in 1971. So 1971 was the worst year, and it looks like 2005 was second. Is that correct? Am I reading that right?

**Mrs. Lynn Barr-Telford:** No, 1991 was the peak year.

**Mr. Myron Thompson:** Oh, 1991—I'm sorry, not 1971. In 1991 when Bill C-17 was brought in, that was the worst time, and then during the nineties it went up and down a little bit. And then am I correct in saying 2005 was the second worst time, or 2004?

**Mrs. Lynn Barr-Telford:** Well, it was certainly one of the higher rates we've seen since 1991. We know that the number of handgun homicides has been up in six of the last seven years. The rate has been stable in a couple of those years, but the number of handgun homicides has been up in six of the last seven years.

**Mr. Myron Thompson:** Okay. I really have a tough time with some of these charts. I'm a lot like some of the other fellows, but what I don't have a hard time understanding is that there's a real public outcry to get something done about guns and the crimes that have happened in the recent months and year—just this last year.

So I'm going to ask you, do you have any evidence at all that increasing the rate of incarceration is going to affect these kinds of stats? Do you have any evidence at all in that regard since the imposition of the mandatory minimums of the mid-nineties?

**Mrs. Lynn Barr-Telford:** At Statistics Canada we have not done any kind of evaluative study in any way. What we have done in terms of providing information is to have assembled various trend information, which you see as part of this deck as well. That's the type of information we've been putting forth.

**Mr. Myron Thompson:** Okay. So you don't have any idea of whether the extra costs for extra incarceration, those kinds of costs, are going to have an impact on the cost of crime, such as, the more you incarcerate, the less the cost of crime? Can you do that?

• (1635)

**Mrs. Lynn Barr-Telford:** What we can tell you with our corrections information, although I do not have the figure with me today, is what the average cost is of housing someone in custody. We can provide that cost figure. That's what we can—

**Mr. Myron Thompson:** I realize that. I don't know if we can do it, but what is the cost of crime to the public, in comparison to the cost to incarcerate? I really think we overlook in our justice system, to a great extent, the actual cost to society as a whole of crime.

In one of your charts here, you mention, in bold print, that one-third of crimes, I think it said, are committed with knives and guns—of homicides, one-third. That means for two-thirds something else is used. Do you have any idea what those “something elses” are, besides clubs, tire irons, and baseball bats? Is this what that means?

**Mrs. Lynn Barr-Telford:** In fact, we do have number, and John has them with him, actually.

**Mr. Myron Thompson:** I wouldn't mind seeing those.

**Mr. John Turner:** Would you like those now? I could give those to you.

Just to give 2005, as a recent example, 22% were from beatings, 7% from strangulation and suffocation, and then the others are fairly small numbers, but they're such things as shaken-baby syndrome, poisoning, using a motor vehicle, things like that.

**Mr. Myron Thompson:** But the significant increase of the selection of a weapon to do the crime is guns in the last—

**Mr. John Turner:** In the last three years, yes.

**Mr. Myron Thompson:** The last three years. We know then that because of the last three years we have to do something about guns, and that's why we're doing Bill C-10. You're the wrong people to ask your opinion of Bill C-10, I realize that, as you're here to provide us with some information, but I really think the cost of crime is never brought into the picture.

Is there any way, because of your experience as statisticians, that this kind of thing could be brought front and centre? I don't think we really measure the cost of crime. We know what it costs to feed a goofball to put him in the penitentiary, but I don't know what it costs as a result of what he did. Is there any way we can do that?

**Mrs. Lynn Barr-Telford:** We don't have any data that speaks to the overall cost of crime.

**Mr. Myron Thompson:** Has there been any attempt to do that?

**Mrs. Lynn Barr-Telford:** I'll allow my colleagues to speak to that.

**Mr. Craig Grimes:** In terms of the costs to the victims or the public, in relation to crime, no, there's been nothing on that.

What I can tell you about our data, in relationship to the bill, is that of those coming through the courts and the number getting convicted, the number is low. The number of cases that are convicted with a firearm is low in relation to all the other charges in cases coming to court for those 10 offences that contain those provisions.

**Mr. Myron Thompson:** Okay. That's what I was trying to get at.

Thank you very much.

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

There will be economists who will be answering some of your questions, I trust, in the very near future here.

Mr. Bagnell.

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

Thank you for coming again. I appreciate your input on the other law, too.

I also agree with the people who spoke before me.

I think in your presentations the next time around it would be helpful for us if you would put right on each chart a longer written description of what it means to us and where it applies.

I wonder if you've done any stats on the 70% for whom it was their first-time offence when they were convicted of this gun crime and therefore got a mandatory four-year or more sentence. Before that mandatory was put in place, what happened to those people? On average, how long did they serve?

**Mr. Craig Grimes:** There are two points here. First, we didn't analyze the 70% to see if there were other prior convictions, so I can't say clearly that they were first-time offenders. They were first-time for those firearms offences, but they could have had other convictions on other matters.

•(1640)

**Hon. Larry Bagnell:** I'm talking about the first-time offenders on this before the mandatory minimum laws came in. What was happening to those people? How long were they being sentenced for?

**Mr. Craig Grimes:** There's no way for us to break out the firearms relation prior to the enforcement date of the mandatory minimums because it wasn't identified in the code. The information we have coming from the courts is based on the statute, section, subsection, and paragraph. Unless "firearms" is specifically identified, it's not possible to do so.

Prior to the enactment of the mandatory minimums for robbery, for example, the chargeable offence and the punishment section for that offence looked very much the same. There were no provisions for, (a), a firearm, and (b), in all other cases; it was all robbery offences.

**Hon. Larry Bagnell:** There were no offences for robberies with firearms?

**Mr. Craig Grimes:** It's not to say that there weren't any, it's to say that I can't determine how many there were from the data I have available.

**Hon. Larry Bagnell:** But it wasn't an offence before, in the Criminal Code, to do a robbery with a firearm?

**Mr. Craig Grimes:** It was specifically in the Criminal Code for robbery prior to January 1, 1996.

**Hon. Larry Bagnell:** But it would be possible to take from court case records a select number of cases where people used a gun in a first-time offence and to check out what their offence was?

**Mr. Craig Grimes:** I'm sorry, in...?

**Hon. Larry Bagnell:** In the court cases across Canada, these 400,000 court cases, it would be easy to find 10 or 20 where someone committed a robbery with a gun, going back to before 1996?

**Mr. Craig Grimes:** So that would involve going to court registries and opening up files and finding those cases.

**Hon. Larry Bagnell:** Right.

**Mr. Craig Grimes:** Yes, it is possible. That information would be available somewhere within a court registry, but not as part of the administrative record that these data are based on.

**Hon. Larry Bagnell:** The reason I'm asking this is that it would be useful for us to know what happened before these minimums happened. For instance, did they have other sentences? From your previous statistics, I assume that most of them probably had, or could

have had, much longer treatments, but perhaps other types of treatments than incarceration.

It's a little frightening when the minimums are catching all these first-time offenders, where there's a lot of hope; this is as opposed to some of the things, as the RCMP mentioned at our last meeting, the offenders learn in prison. So it's a question of how to fine-tune there.

**The Chair:** Do you have another quick question, Mr. Bagnell?

**Hon. Larry Bagnell:** Yes, just a quick one.

You probably can't answer this either, but for the average offence, for the same type of offence, what would the average sentence have been before the mandatory minimums were put in?

**Mr. Craig Grimes:** I don't have that information with me, but I could provide it.

**Hon. Larry Bagnell:** If you could provide that to the clerk, that would be great.

**Mr. Craig Grimes:** Sure. I can show you the averages for robbery, criminal negligence, and all of those offences over a period going back to and including 1994-95. It would span the enactment of the mandatory minimums on January 1, 1996.

**Hon. Larry Bagnell:** That would be great. Then we could compare what happened before minimums were put into place, since we're talking about increasing minimums.

Thank you, Mr. Chair.

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

With regard to Mr. Bagnell's question on mandatory minimums, I worked as a robbery investigator for a number of years in the 1980s and the 1990s. There was a section called armed robbery, robbery with a firearm. It drew an automatic sentence, depending on whether it was a street robbery or whether it was a bank robbery. Those are the distinctions the court made. One invited a year extra. The other one invited a minimum of two, up to four.

•(1645)

**Mr. Craig Grimes:** The offences I've seen in the data set I can go back to in 1994 under Roc85 have a difficulty around robbery as an offence between 1994, 1995, and January 1, 1996, and robbery with those sentencing provisions afterwards. If there was a distinction prior to that date for bank robbery with a firearm, for example, I'm not aware of that.

**The Chair:** There was. I'm surprised it isn't incorporated in the data. It doesn't give an accurate picture.

The other thing I haven't heard anybody speak about—although Mr. Lemay came close to it—is the issue of what they call global sentencing. Did your staff take into account global sentencing?

A man may be convicted or responsible for 20 armed robberies, and he may even plead guilty to 20 robberies, but make only one guilty plea on the use of a firearm. Does it take into account that he committed 20 armed robberies?

**Mr. Craig Grimes:** One of the difficulties we have with the data set is that we can't determine what the aggregate sentence is. Although situations like that are rare, it is possible that a number of charges are convicted in the case. I know from the data set generally that three-quarters of all the cases that are convicted have only one conviction in each case. The vast majority are of that type, not the type where there are multiple convictions in the case against the individual.

**The Chair:** I have to disagree with you on that point. I know how many investigations I conducted, and most bank robbers were responsible for more than one offence, and the majority of them by far went into court on more than one. I'm curious as to what your data reflects when it comes to that kind of statistic.

Mr. Ménard.

[*Translation*]

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

We are studying Bill C-10. When the previous government created the firearms registry, it also defined 10 offences involving firearms which were to receive special mention in the Criminal Code. The logic behind Bill C-68 that the Liberals introduced was to deter people from committing crimes with firearms.

The question we must address today is with respect to increased sentences. So, the Conservative government wants to increase sentences by one or two years, depending on the offence, for all of these offences, and include two new offences.

Based on the data you presented to us, what would enable me to understand that harsher sentences act as a deterrent?

I'm sorry if I missed the beginning of your presentation, but I was held up in the House. If I've understood your reasoning, you're saying that generally speaking there has been a drop in firearm-related offences, but when it comes to violent crime, like homicide or murder, there's a greater chance of them being committed with firearms.

What evidence, if any, would prove to me that harsher sentences for crimes committed with firearms have a deterrent effect?

That is the question we must answer, under Bill C-10. That is what the government wants to do: where there was once a three-year sentence the government wants four years, and two-year sentences would be up to three. The government is considering longer sentences for offences involving firearms.

What lessons have we learned from Bill C-68? From a statistical point of view? I'm not asking you for your personal opinion, because I know that you must reserve judgment on this. But from a statistical standpoint, how can you answer our questions on Bill C-10?

[*English*]

**Mr. Craig Grimes:** One of the things we can learn from the court data is that since the enactment of the 10 mandatory minimums, we've seen fewer convictions for those offences and fewer guilty pleas. Those are some of the lessons we can learn from the data on those offences. The impact and deterrent aspect of the new legislation is something we can't speak to with these data.

• (1650)

[*Translation*]

**Mr. Réal Ménard:** From an empirical perspective, what do you think this means? Why were there fewer firearm offences committed? I've seen studies commissioned by the former solicitor general, which showed that over a given period, following the adoption of Bill C-68, fewer firearm offences were committed, but perhaps other types of offences were.

Once again, it is important for me to understand this. As legislators, we are being asked to increase sentences. Quickly, based on what you've just shown us—and I will be reading it over calmly in the train—we would not be inclined to vote in favour of Bill C-10, because under the current regime, there are already fewer firearm offences being committed.

Do you think this is due to economic, demographic or perhaps criminal factors? Based on your statistics, why would there be fewer firearm-related offences being committed in Canadian society?

And if you can answer my questions, you may now run for a position as assistant deputy minister.

[*English*]

**Mrs. Lynn Barr-Telford:** I'm not sure if I should respond.

On slides 5 and 6 you can see some of the trends in the data. Now, the purpose for plotting some of the legislation in slide 6 is not to imply a causal link, because there are many factors that can impact these kinds of trends. But what it does allow you to do is situate the trends around the timing of legislation.

As we said, in terms of firearms, if you look at slide 5—and this may help you with your question—we have seen that if we go back to the mid-1970s, there was a general decrease in the rate of firearm homicides, for example. But in more recent years, we have seen increases, with 2005 as the third straight year for increases in firearm homicides.

[*Translation*]

**Mr. Réal Ménard:** All right. Did you have anything to add?

**An honourable member:** No.

**Mr. Réal Ménard:** No. All right.

So essentially, you are pointing to the fact that within a downward trend, we may also see some higher peaks, but overall, the reality is such that firearms crimes are decreasing. If the government wanted to be consistent, it should table a bill on edged weapons, because offences committed with knives and weapons other than firearms are increasing. Obviously, we aren't going to be pushing the government to do that.

So, am I reading your statistics accurately?

[English]

**Mrs. Lynn Barr-Telford:** What we can speak to is the fact that as you can see on slide 5, prior to 1985, shootings were more popular, in terms of methods to commit homicides. But after that point, stabbings and shootings each accounted for about a third of homicides annually. It fluctuates from year to year, whether a knife or a firearm was the most common method. But since 1985, they've each accounted for about a third annually, in terms of the methods to commit homicides.

**The Chair:** Thank you, Mr. Ménard

Mr. Petit.

[Translation]

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

Hello, Ms. Barr-Telford, Mr. Turner and Mr. Grimes.

I'd like to address the issue in the following way. I've seen the statistics that you presented to us and I'm trying to understand them. You seem to have figures which your colleagues didn't have when we were studying Bill C-9. In my province, for some years, no information whatsoever was sent to you, yet now all of a sudden, you have this information. That is worrisome to me.

On conditional sentences, there was a gap because you never received the figures for my province. Someone even came here to confirm that. Yet, you have these figures here. So, I believe in fact that you have them. When you look at the Criminal Code as a whole, you must receive all of the data for a given year, say on conditional sentences, the increase in crimes, all of those things which were referred to earlier on. I'm trying to follow, because I will have to work with your figures later on.

First off, on slide no. 4, you say that Canada is about fourth on a list of several countries. You referred to the United States, Scotland, Sweden, Finland, etc. I imagine that the choice of countries is random.

Are there other countries which you did not mention? If I were to do the research myself, would I find them? Could you answer that question, so I can understand your statistics?

• (1655)

[English]

**Mrs. Lynn Barr-Telford:** Yes, there are countries that we have not included on this particular list. We were only trying to give some particular reference points.

But we've put out a publication with a more complete list of countries, and we can certainly provide you with a reference to that. In fact, John has those numbers with him today, if you would like to know that.

[Translation]

**Mr. Daniel Petit:** I would like that to be submitted to the committee.

I'm surprised to see that you've included Sweden in that list. As far as we're concerned, in Quebec, Sweden is seen as a leader. We always try to emulate Sweden, but I think this is the only case where

we would not want to do so. There are more homicides over there than here. Is it due to socialism? I do not know, but either way, that will be decided later on.

I have another question for you, Ms. Barr-Telford. I'm intrigued by something here. You probably don't know organized crime, but I will ask you a question as though you did.

Do you know about loan-sharking, in other words loans that are given at an exorbitantly high interest rate? Take the example of a loan-shark from whom you borrowed money at a 50 per cent-interest rate per day. If he comes up to you carrying a weapon—you may not see it but you know that he's carrying one—I can assure you that you're going to give him what you owe him.

I understand that your statistics strictly deal with cases where there was a conviction, but you also refer to threats made by people carrying weapons. There are a number of people, in Montreal for instance, who are being had by organized crime carrying weapons and literally threatening others. We didn't come up with bills to prohibit that type of business for nothing. This is the type of thing we see in Montreal. We all know about José Théodore, the former star Montreal Canadian goaltender whose family is embroiled in loan-sharking. When you do that kind of thing, you carry weapons.

If individuals in organized crime, like the Hells Angels, come up to you, you know that they're carrying weapons. You're afraid of them and you obey their orders. They commit crimes and they force you to do things which you do because you know that they're carrying weapons and you are afraid of them. Naturally, you don't tell the police about it, because that just may get you shot in the back. That's what it's all about.

However, there is no mention of it in your statistics. I'm looking at them carefully. I find them pretty good, but we're going to have to take a stand on Bill C-10, and I am missing some information in order to respond to Mr. Ménard, Mr. Lemay or Mr. Murphy.

I'd like to know what you mean by threats or offences with firearms. There are individuals who commit many offences, but who are not necessarily convicted. I know that mobsters know how to use weapons.

So, I don't have this information, how can I get it? Do you have something to guide us? I'm not a statistician; I'll tell you that right now.

[English]

**Mrs. Lynn Barr-Telford:** I can ask John to speak to you about the way in which we collect information in terms of gang-related homicides, and so forth. He can also speak to you in regard to the details of the way in which we collect data.

Through our uniform crime report statistics, we are collecting police-reported incidents, and we collect them in that nature. In this particular case, they are the data we are showing here.

John can speak to how we collect the data.

**Mr. John Turner:** Yes. I can't add a lot more without getting into the details.

•(1700)

[Translation]

**Mr. Daniel Petit:** Are you referring to a specific page?

[English]

**Mr. John Turner:** No, I'm only answering the question in general.

For our homicide survey, as we've mentioned, we have a specific question that asks if the homicide is related to organized crime or a gang. We have a two-page definition on what constitutes gangs and organized crime.

But we recently added to our uniform crime survey, which covers all types of crimes. We added an indicator for street gangs and organized crime. We just began collecting that information, and it hasn't been released yet.

But even then, it would only be one. It was a specific Criminal Code offence that the police were aware of. They investigated and then determined it was related to organized crime or street gangs.

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

Mr. Brown.

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

First, on a point of clarification, I heard a reference to there being no minimum penalties prior to 1996. I note that section 85 of the code, on the use of a firearm in the commission of an indictable offence, was used for offences such as robbery and attempted murder, and there was a one-year minimum penalty. I only note that for the committee's clarification.

I have a few questions and need clarification to help give guidance to the committee in looking at this.

One suggestion has been made by some that minimum penalties cause greater delays, which result in greater court backlogs. Is there any evidence through your research that would support such a suggestion?

**Mrs. Lynn Barr-Telford:** I'll refer you to slide 10 as well.

What we know from our data is that the elapsed time from first to last court appearances for these cases of firearm offences, most serious in the four-year minimum mandatory.... We have seen an increase in the average number of days from first to last court appearance. It has gone from 105 days in 1996-97 to 229 days in 2003-04. So there was an increase of about 118%.

That having been said, the small volume of cases progressing through the court system would have very little impact on the overall elapsed times that we would be seeing reported in our court data.

**Mr. Patrick Brown:** So the bigger picture would be pretty minimal.

**Mrs. Lynn Barr-Telford:** In terms of the number of cases that were heard in adult criminal court, it was less than 1% of the entire caseload for the jurisdictions we presented. And that complete caseload for 2003-04 was about 400,000.

**Mr. Patrick Brown:** What jurisdiction was it that you looked at?

**Mrs. Lynn Barr-Telford:** In terms of jurisdictions, there's Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Quebec, Ontario, Saskatchewan, Alberta, and the Yukon. They're indicated on your slides in terms of the input level.

**Mr. Patrick Brown:** So it would be 1% of 400,000.

**Mrs. Lynn Barr-Telford:** It's far less than 1% of 400,000.

**Mr. Patrick Brown:** I think Mr. Lemay asked this question before. There was a suggestion that minimal penalties would result in more so-called plea bargaining. Has there been any evidence to support that suggestion? To clarify what you said before, I think I recall you saying there isn't any evidence that supports that.

**Mrs. Lynn Barr-Telford:** We don't have any data in our courts program that speaks to any of the processes around plea negotiations and so forth. What we do have in our data is...we know there were fewer guilty pleas for firearms cases over the course of this time period.

**Mr. Craig Grimes:** What we can also say from the data and looking at those offences is that for 10 offences that came into force in 1996, there is a greater number pleading guilty to a lesser or included offence. They're not pleading guilty to the charged offence; they're pleading guilty to another offence.

**Mr. Patrick Brown:** How about the percentage of convictions? Are there stats that suggest minimum penalties have resulted in a greater number of convictions?

**Mrs. Lynn Barr-Telford:** If you take a look at slide 9 in your package, you'll see that since the implementation of the legislation in 1996, the proportion of those firearms cases that have been convicted has been falling. It was 47% in 1996-97. It was down to 36% in 2003-04.

**Mr. Patrick Brown:** When you looked at the regions in these test areas, were there any particular trends that you found in the greater Toronto area? Would there have been a higher reporting of gun violence?

**Mrs. Lynn Barr-Telford:** We haven't examined the data at that level.

**Mr. Patrick Brown:** Was it pretty consistent, though?

**Mr. Craig Grimes:** For court data, we haven't looked at sub-provincial data, because there are issues with police catchment areas and court catchment areas. Establishing a court geography is very difficult. In some jurisdictions, the reporting location would reflect a county or district. In other locations, it would reflect an individual location. Establishing the population base for an individual court location is very difficult. Doing sub-provincial breakdowns of the court data and doing comparisons among jurisdictions is very difficult.

•(1705)

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

I have a question I would like to ask. I see from the collection of this data that you applied only information you obtained from major cities, with the exception of Quebec. Am I reading that correctly? You have Montreal, and then you have Quebec, or is that Quebec City? It's Quebec City. So you basically took from some of the cities.

I can't say they're all down here, but how different would the stats be if you included the rural...? Obviously, RCMP information wasn't included in this.

**Mr. John Turner:** Not in this particular graph.... This is a graph of the nine largest metropolitan cities in Canada. We do have information for the RCMP. Some of their detachments may actually fall in some of these metropolitan areas, but for the most part, it's not included in here. But we do have the data.

**The Chair:** By looking at Vancouver, you're looking at New Westminster, you're looking at Delta, you're looking at Coquitlam— at very large centres all around the city of Vancouver. And the city of Vancouver really has a population of maybe a million people, whereas the Lower Mainland would have three million.

**Mr. John Turner:** Yes, so we include the whole area, including the RCMP detachments.

**The Chair:** The Lower Mainland...?

**Mr. John Turner:** Yes.

**The Chair:** So you did give that information?

**Mr. John Turner:** Yes.

**The Chair:** Okay. What difference would there be in the statistics by including all the rural information?

**Mr. John Turner:** We haven't studied the specific breakdown of rural-urban. It's something we could look at. Actually, we're starting to work on a new report looking at that specific issue of rural-urban crime. So it's something we could look at and get back to you on.

**The Chair:** Yes. I think it would be valuable for us to do that, because you're looking at a population in these particular cities here that might reflect only 50% of the population in the country. I know they're all major cities, but we still have a lot more.

Mr. Murphy.

**Mr. Brian Murphy:** That's a very good question, Mr. Chairman.

It begs the whole other question I have as to what statistics you might have on gun legislation. The Criminal Code is antiquated, but there are a number of restricted weapons and sections in the Criminal Code that have been introduced over time.

I don't suppose you have ever gone back historically and tried to chart the coming into force of the various gun restrictions or control measures, including, of course, the famous long gun registry, and seen any change in gun-related crimes with those benchmarks. Has that been done, or could it be done easily? You would have to be told what benchmarks we're looking at in terms of restricted weapon definitions, etc.

**Mrs. Lynn Barr-Telford:** Absolutely.

**Mr. Brian Murphy:** But it could be done easily, couldn't it?

**Mrs. Lynn Barr-Telford:** What we have done and provided to you is...we have plotted the rifle-shotgun homicide rate and so forth.

**Mr. Brian Murphy:** Slide 6....

• (1710)

**Mrs. Lynn Barr-Telford:** Yes, it's in slide 6, which indicates the different points of legislation. As I said, we didn't do that for any intention of causality, but we have not done any systematic analysis beyond this.

**Mr. Brian Murphy:** I may independently write a letter and ask you that, and it could be done, I guess. I'll just take it that it might, because I don't want to waste my time here on my question.

**Mrs. Lynn Barr-Telford:** It's a very difficult question for me to answer because precisely what it is that we would be looking at is—

**Mr. Brian Murphy:** I'd have to give you the benchmarks, as I said.

**Mrs. Lynn Barr-Telford:** Yes, that would be very good to know.

**Mr. Brian Murphy:** So as not to burn my time up, I'll ask you specifically about slides 4, 5, and 6. My synthesis of it is that if you look at the tail end of the years 2002, 2003, 2004, and 2005, there's a general decrease before that in those slides. I'll leave the handgun issue aside, but in homicides, for sure.

Then there's a spike up. The whole predication of this bill is that there's this massive spike-up in homicide crime and shooting homicides, and in slide 6, gun-related homicides, in general, especially handguns. The only one that seems to be along that line is handguns, starting in 2002.

Here are the trends and here's the per-100,000 population. For instance, on slide 4, you have the actual numbers of homicides in Canada in 2002, 2003, 2004, and 2005. So could you just give me those right now?

**Mrs. Lynn Barr-Telford:** The actual number of homicides?

**Mr. Brian Murphy:** Yes.

**Mrs. Lynn Barr-Telford:** I can give you 2005 now and John can give you the rest because he has the numbers.

There were 658 homicides in 2005; 222 homicides were firearm homicides.

John will give you the previous numbers.

**Mr. John Turner:** I'll take my time to make sure I get them right.

In 2004, 624 homicides; 173 were shootings. In 2003, 549 homicides; 161 were shootings. In 2002, 582 homicides; 152 were shootings.

Do you need me to go back further than that?

**Mr. Brian Murphy:** No, I don't, because it's very clear that the years in question are 2002 to 2005. We're talking about an increase in gun-related homicides in those four years going from 152, 161, 173, to 222. That's a gradual increase, albeit maybe there's an argument in 2005 that the number of roughly 50 gun-related homicides—the raw number is 49—from 173 to 222 gun-related homicides.... Let's say it's 50. How many of those do you figure are related to gang-related homicides? Is there a number for gang-related—the new definition or the old, it doesn't matter to me, although it does matter to me—for the purposes of those same years? How many of those homicides were gang-related? This seems to be the pith and substance of the publicity drive, if not the bill.

**Mrs. Lynn Barr-Telford:** We can give you the number of gang-related homicides, and I believe we can also talk to the type of firearm involved in gang-related homicides.

**Mr. Brian Murphy:** Well, keep it simple for a moment. Could you just give me the gang-related homicides for the same years?

**Mr. John Turner:** For 2005, 107; for 2004, 72; for 2003, 84; for 2002, 46.

**Mr. Brian Murphy:** It seems a little all over the board in the sense that it's 46, 84, 72, and 107, but that big spike is 107 from 72, which is 35 of the 50. It's significant in one year, and it's too early to say.

Do you keep half your stats for 2006? Is there no such thing?

**The Chair:** Mr. Murphy, I know they're good questions and I'm interested, too, but...

Mr. Lake.

**Mr. Mike Lake (Edmonton—Mill Woods—Beaumont, CPC):** Good afternoon. I appreciate your being here today. This is my first time sitting on this committee, so if I mix up my terminology or something like that, you'll excuse me.

We're here studying Bill C-10, and Bill C-10 includes escalating firearm use offences. In slide 11, it depicts a situation in which about 30% of offenders, the top three bars there, in 2003-04 had prior firearm convictions. So first of all, it seems that the escalating penalties of Bill C-10 will only touch a relatively small number of offenders. Is that accurate?

**Mrs. Lynn Barr-Telford:** What I can tell you is we had about 40 offenders with at least one prior conviction in this graph for the four-year minimum firearms offence.

**Mr. Mike Lake:** Forty offenders...?

**Mrs. Lynn Barr-Telford:** We had about 40 offenders who've had at least one prior conviction for a four-year minimum firearms offence.

**Mr. Mike Lake:** Okay.

Continuing to take a look at this, with this chart, it just talks about firearm convictions. In terms of the seriousness of the crimes committed by the people in the top three bars, how many of those, what percentage, were homicides or attempted murders?

• (1715)

**Mr. Craig Grimes:** I haven't broken that out for this slide. Really, what we did was look at the 10 most serious offences with a firearm and looked back to see whether or not there was at least one of those prior. We didn't look at the type of that, but it is possible.

**Mr. Mike Lake:** Further to that line of questioning, is there research that shows, in terms of homicides, how many people who commit homicides—what percentage of people who commit a homicide or attempted murder—would have been convicted of a gun crime previously?

**Mr. Craig Grimes:** There's nothing in the court data that...

**Mr. Mike Lake:** You haven't done any. There are no statistics. I would think that would be information that would be pertinent to what we're studying here, not only the repeat crime but also the seriousness of the follow-up crime.

The next question I would ask is this, and I imagine I have the answer already because it follows on that. I'm looking at slide 6 and I'm wondering whether any research has been done, especially pertaining to Bill C-10—and you're going to have to stick with me because it's hard for me to even explain the question and what I'm looking for here—on what this graph would look like had Bill C-10 been in place during, for example, the last 15 years. If some of the people who committed these crimes were repeat offenders, and under the provisions of Bill C-10 would have been imprisoned at the time they committed the crime, the graph would certainly be more downward. To what extent would that be the case, or has anything been done?

**Mrs. Lynn Barr-Telford:** With our information, we can tell you the trends over a certain time period. We cannot predict the impact of any future trends, so we can't speculate on what may happen. There are many, many factors that can impact—

**Mr. Mike Lake:** No, I'm talking about taking numbers that actually exist. There would be data...for example, if a person committed a crime in 1999 that would require a five-year minimum sentence now, if that person in 2001 or 2002 committed another crime, you would know that. That's information from the past.

It would be interesting to see.... Obviously, that second crime would not have existed, and therefore the line would be a little lower than it is now. It would be very interesting to lay out a study like that using existing data, to see what impact that would have on this data. I'm not asking you to project anything; I'm asking you to use existing data on the information that's laid out in slide 6, and I guess—

**Mr. Craig Grimes:** That's a perspective that has been taken in the past. We know that some researchers have used these data in taking that approach. One of the difficulties in preparing a data set, and doing the analysis in quite that way with the court data, is that there are times when the sequencing of convictions is different from the sequencing of offences. Coming up with the methods to take that into consideration, in particular with low-volume offences, is particularly difficult.

**Mr. Mike Lake:** You're saying it could be done, but it would be a pretty significant task.

**Mr. Craig Grimes:** Well, the analysis would be very difficult. You'd have to take into consideration whether the offences were in sequence and whether that's important.

**Mr. Mike Lake:** Statistically, though, it's safe to say—I mean, I'm not missing something here—the trend line would go down, if that were the case. I mean, obviously, if a person is incarcerated—

**Mr. Craig Grimes:** I couldn't tell you whether or not they're... The data are based upon court convictions. The sequencing of those convictions is a function of the court process, not a function of the dates of the offence. So it is conceivable that an individual would be convicted of an offence that occurred after an offence that was convicted later.

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

Mr. Thompson.

**Mr. Myron Thompson:** I want to try this once more. I have to get this straight in my head. I look at the homicide rates on page 4.

I lived in the States for a number of years, and I'm quite familiar with what goes on. Things I've seen down there never seem to happen up here. For example, Clifford Olson, who was guilty of murdering multiple people, received one life sentence in Canada. In the States, I see over and over again where people receive five to seven life sentences. Does that affect these stats? Does it have any bearing? I'm curious. Maybe it does or it doesn't. I don't know.

• (1720)

**Mr. Craig Grimes:** In terms of the average sentences?

**Mr. Myron Thompson:** Well, you're talking about the homicide rate. Let's take the Picton fellow. If indeed he gets convicted, say, of 30 murders, will that increase the homicides by 30? Or is it based on the fact that one person did it? How does that—

**Mr. John Turner:** These homicides simply represent the number of victims, regardless of whether—

**Mr. Myron Thompson:** It's the number of victims. Okay.

So in the United States they have 5.63 victims per 100,000; in Canada we have 2.04. The idea that multiple sentences occur a lot in the States and they don't seem to occur in Canada that much.... I've never heard of many sentences being served consecutively. I hear a lot about concurrent sentences, but not consecutive. Does the consecutive sentencing and the concurrent sentencing make a difference in any stat anywhere?

**Mr. Craig Grimes:** Thank you for the question. It's a good question.

It's difficult in the administrative data that we have, because we don't have any indication about consecutive or concurrent. What we are able to do with the court data is to look at the most serious offence in that case and use that as a way of presenting all of the information for the case. It is possible that there are multiple convictions within a single case. In the instance of multiple charges, it is possible to have multiple convictions within the case. But for this exercise, and with the difficulty of aggregate sentencing, the most serious is presented.

**Mr. Myron Thompson:** Once again, it's still unclear to me. Does that affect the stats differently in countries? Does the way they handle the situation have an impact on the difference?

**Mr. John Turner:** In terms of the chart you're looking at, chart 4, no. These have nothing to do with sentencing whatsoever.

**Mr. Myron Thompson:** I'm still trying to get with Mr. Hanger's question from earlier.

I have a gun. I've held up seventeen 7-Eleven stores, and, oh, oh, I finally got caught, and this time I get convicted for that one. I get convicted on the one for which I got caught, but I admitted to the other sixteen. My question is whether or not that has a bearing on the stats.

**Mr. John Turner:** Again, not on chart 4. It has nothing to do with the court system—

**Mr. Myron Thompson:** I'm not talking about homicide now, I'm talking about robberies. I held up seventeen 7-Elevens and I got caught once. They took me to court and I was charged and convicted, but while I was in there, I also admitted to the other sixteen. I just can't get it clear in my mind. Is that going to have a bearing?

**Mrs. Lynn Barr-Telford:** Just for clarification, your question is not whether it would have a bearing on the number of incidents, but whether it would have a bearing on the length of sentences?

**Mr. Myron Thompson:** On the stats.

**The Chair:** What is an incident? How do you describe "an incident"?

**Mr. John Turner:** If the police have the evidence to support that the person in this example did commit sixteen crimes that they have had reported to them but which they haven't solved, then they would solve and record all sixteen of those as being committed by that person, upon their investigation.

**The Chair:** Those would be your stats.

**Mr. John Turner:** We get sixteen.

**The Chair:** Mr. Lemay.

[Translation]

**Mr. Marc Lemay:** I'd like to ask you a very important question for the Quebec nation, a question that is far more serious than that asked by my colleague across the way.

On slide no. 11, you quote statistics for 2003-04. Going back in time, would you be able to provide us with statistics for years prior to 2003-04, in other words from 1996 to 2002? Would you be able to give us the same sheet of statistics for each one of those years?

• (1725)

[English]

**Mr. Craig Grimes:** Yes, I can produce that. The difficulty is that if I start in 1996, the number for years prior to that would be zero.

[Translation]

**Mr. Marc Lemay:** Good! I hope it is zero.

[English]

**Mr. Craig Grimes:** In each subsequent year, for these forty individuals, I'm going to potentially count them numerous times as I go through that deck, because they show up in different years. It's the difficulty around that. That's why we presented one year, because what it results in is a situation in which we're counting one person multiple times, and we didn't want to inflate any of those statistics in that way.

[Translation]

**Mr. Marc Lemay:** All right.



[English]

**The Chair:** Mr. Lemay, I know you have another question, but I'd like to give Mr. Lee an opportunity here.

Mr. Lee.

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** I'll keep my question really short. That will help.

The data that you have on slide 8 show that robberies with a firearm continue to decline, but plate 5 shows an increase in the use of handguns...oh, it's just shootings. I guess it's all types of firearms going up. That's a notable item. I'm only talking about the last couple of years, because shootings overall have come down over the trend, as you've already indicated.

Do you have any statistical indicator of why the use of firearms in robberies has gone down consistently and still seems to be going down, but the number of homicides with a handgun has gone up? Is there any statistic—and I'm only talking about the last couple of years—that shows that? Does it have anything to do with gang activity?

**Mr. John Turner:** The one thing we can point out is that gang homicides—we can't tell you anything more about robbery—do tend to involve a firearm more than do non-gang homicides. There has been an increase in gang homicides over the last few years, if that helps.

**Mr. Derek Lee:** That would partially explain the uptick in that data on firearm shootings. It doesn't relate at all to violent television like *The Sopranos* or anything like that does it? I'm joking.

He's shaking his head. Okay, thank you.

Thank you, Mr. Chairman.

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

I'm just noting that as a result of a previous discussion we had over mandatory minimums, and in my experience as a major crimes investigator, when mandatory minimums existed even back in 1976.... When the code was amended in 1976, offences related to the use of a firearm during the commission of an offence, and that included a series of them, robbery being one, in the case of a first offence, there was a sentence of not less than a year. In the case of a second offence there was a sentence of not less than three years. Those were mandatory minimums that go all the way back into the mid-1970s. Why couldn't that be reflected in a statistical calculation or collection as you have presented here? They were mandatory minimums, and they clearly point to a firearm.

• (1730)

**Mr. Craig Grimes:** For offences going back that far, the data set we have for court data, representing approximately 80% national coverage, goes back to 1994-95.

**The Chair:** But you have statistics in here from 1975.

**Mr. Craig Grimes:** Right, and those are from police-reported statistics, not court data.

**The Chair:** You can't collect court data prior to 1996?

**Mr. Craig Grimes:** That was for 1994-95.

There are some jurisdictions that have been supplying data since 1991. Quebec has been supplying data since 1991, and P.E.I. and Saskatchewan since 1992, but prior to that it's not possible. The volume of court records makes it very cost-prohibitive to go out and collect manual data on courts. It wasn't until systems were sufficiently evolved that we could build interfaces to collect these large volumes of administrative data, and we started collecting these data.

**The Chair:** Ultimately, then, we can't compare offences involving firearms accurately. You may be able to collect data on them from the police, but when you look at the alternative of what happens to them prior to a court decision, we can't accurately balance that information out prior to 1994.

**Mr. Craig Grimes:** That's one of the difficulties with the court data, because it does reflect solely the content of the code. If it's not in the code, there's no way to extract that data from the record. When the code changes, and it appears one year, but it wasn't there prior to that, it's impossible to go back in time to ask what happened in these types of cases, because that information isn't part of the record.

**The Chair:** Thank you.

Are the witnesses willing to remain for a few minutes extra until such time as the bells ring?

Mr. Petit.

**Mr. Daniel Petit:** *Je n'ai pas des questions.*

**Mr. Joe Comartin:** A point of order, Mr. Chair.

**The Chair:** Mr. Comartin, your point of order.

**Mr. Joe Comartin:** On slide 6 at the bottom....

**The Chair:** Did you have a point of order?

**Mr. Joe Comartin:** My point of order was that it was my turn, not Mr. Petit's. I thought you recognized me as next, Mr. Chair.

**The Chair:** Okay. Mr. Petit had only one round too, but go ahead.

**Mr. Joe Comartin:** He did have one round, but when we go into the second round, after everybody is done, then we go back.

On slide 6 you have as a category "other firearms". How is that defined as separate from handguns, rifles, and shotguns in the other two categories?

**Mr. John Turner:** That includes sawed-off rifle shotguns and fully automatic firearms.

**Mr. Joe Comartin:** Is that it, those two categories?

**Mr. John Turner:** It could even possibly be something like a starter's pistol, if it were to cause death.

**Mr. Joe Comartin:** With regard to the statistics on the murder rate, which is on 4, when you have a case like the Picton case, where we might safely say from everything we've seen, at least in the public media, that there will probably be some murders that will not ever be identified—when you have a serial killing like that. There's been some suggestion that we have the same situation in the Olson case, and I know at one time there was a suggestion we might apply that in the Bernardo case; that is, we simply never find the remains of a victim so we can never identify them. Is any assessment made in that regard? I guess they would be unsolved murders or maybe suspicious murders. Do they show up anywhere in the statistics?

**Mr. John Turner:** Obviously, we can't comment on any specific case, but what we get is the number as determined by police, the number murdered in any particular incident.

**Mr. Joe Comartin:** Do you know how they handle that, where they have a suspicion that there may be...? Do they simply not record that?

**Mr. John Turner:** I couldn't comment on the individual practices. It's entirely possible. There aren't that many cases of the kind you're talking about that would influence the numbers very much. Basically, they use our scoring, so if there's enough evidence to deem that a homicide has taken place and there's a victim of some sort, they will score it that way.

• (1735)

**Mr. Joe Comartin:** In that regard, do you keep records of unsolved murders? Can you tell me, in 2005, what it was?

**Mr. John Turner:** The proportion of unsolved? Yes, I can. We recently did a study. We went back to 1961 and we followed up on all unsolved homicides in Canada, and 85% are solved.

**Mr. Joe Comartin:** Has that varied over the years?

**Mr. John Turner:** It's been fairly constant, but dropping over the last few years.

**Mr. Joe Comartin:** Do you break that down by category, in the sense of whether they are gang-related or not, organized-crime related or not? Are there any breakdowns of the unsolved?

**Mr. John Turner:** Yes, we could get that, since we've started collecting that data.

**Mr. Joe Comartin:** Could you get that to us, and the other question of how many there were?

I'll pass on any further questioning, Mr. Chair.

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

Mr. Petit.

[Translation]

**Mr. Daniel Petit:** Thank you.

Mr. Turner, you got off to a good start. I think I'll be needing the documents you're given me and that you'll be handing over to the clerk so that we may consult them.

I have a question that always comes to mind and which is generally asked by the Liberal Party members. Whenever we are looking at homicide, attempted murders, sexual assaults, they always ask if there are more Indians among the group. For instance, in Montreal, because of the Haitian street gang phenomenon, the question is automatically asked about blacks. When the time comes to amend legislation, people tell us that what we are doing is inverse racism, because if you put them all in jail, there will be an over population of blacks or Indians.

I like to put forward an hypothesis to you. Take for instance the city of Montreal, it should be rather short for you, at least I hope so. If all of the districts were controlled by Haitian street gangs and that they killed people, there would automatically be more Black murderers in jail. So, tomorrow morning, I would have the Black Coalition on my back, telling me that we, the Conservatives, are racists.

In your statistics on homicides, what does that correspond to? Are these people whites, blacks or Indians? It is important. Usually, the Liberal Party members say that there are more Indians than whites in jail. So, I want to know what this corresponds to. I think that if you had their names, you would be able to give me an answer, or at least to say whether they are blacks, whites, Indians, etc. It's very important because it will help us later on, in studying other parts of Bill C-10.

[English]

**Mr. John Turner:** I can tell you that for homicides we collect the aboriginal status of both the victims and the accused persons, and selected police departments send us the aboriginal status for all crimes committed—but there are some data quality issues with that particular variable.

[Translation]

**Mr. Daniel Petit:** Could you forward these documents to the clerk so that we may consult them?

[English]

**Mr. John Turner:** Yes.

**The Chair:** Mr. Lake.

**Mr. Mike Lake:** One of the concerns you hear from opponents of the bill is that we're going to fill up all our jails and it's going to be very expensive. One of the intuitive things I've thought about as I go through this is that ultimately, some of the people who will be serving time under mandatory minimum sentence, given the alternative, would spend a significant amount of that time in prison because they would commit multiple crimes over the same time period.

You may have a person, for example, who's in prison for, let's say, seven years. That same person, getting out early after three, if they had three years for their crime the first time, may be in a year later for another three and be in for six of the seven years anyway.

Is there a calculation—I'm looking again at slide 11—or have there been studies done on the amount of time, over a time span, that individuals in bars 1, 2, and 3 on that graph would have spent in prison, the average amount of total time? I guess this would be much the same as calculating penalty minutes in hockey statistics when a player might have two penalties, a two-minute penalty and a five-minute penalty.

• (1740)

**Mr. Craig Grimes:** Not from these court data; the court data reflect the sentence imposed. The time served in custody is an issue we would have to get from the corrections file. Whether or not we're going to develop the total time in relation to the time imposed would be a function of linking those two data sets and developing statistics on that.

**Mr. Mike Lake:** Right.

Just as an observation, it seems to me as we're going through this—and again, this is the first time that I've sat in on this committee—that there could be a lot more helpful statistics than I'm seeing in the package, a lot more relevant to the situations we're looking at here. As an observation, some of the stuff seems totally irrelevant, and some information I would have expected to be in here that would be more relevant to this isn't. That's an observation.

There's one point of clarification I want to have made on slide 11, and I came in late, so it may have been explained. When you say “and equals 133 persons convicted in 2003-04”, are you saying there were only 133 people in the eight provinces and territories, I guess it looks like—this is on the bottom—who were convicted of these firearm offences?

**Mr. Craig Grimes:** There were a total of 137 case convictions, from which we were able to identify 133 unique people, whom we could then use as the base for going back and checking prior history. So, yes, it was 133 people in 2003-04.

**Mr. Mike Lake:** Can you just remind me what the offences are? Are there ten offences? Is that what it is?

**Mr. Craig Grimes:** Right. There are ten offences with mandatory minimum sentences of four years. I have those offences here. They are: causing death by criminal negligence, section 220; manslaughter, section 236—and the mandatory minimum provisions are contained within those code sections; attempt to commit murder, section 239; causing bodily harm with intent, firearms, section 244,

so that entire section is a firearms-related section; sexual assault with a weapon, section 272; aggravated sexual assault, section 273; kidnapping, section 279; hostage taking, section 279.1; robbery, section 344; and extortion, section 346.

**Mr. Mike Lake:** To clarify, homicide is not one of those crimes.

**Mr. Craig Grimes:** No, because homicide has a mandatory minimum of life.

**Mr. Mike Lake:** But it does affect the data, then—obviously, when you're looking at that. As I looked at this, I assumed that of course there would be certain crimes that would be included in it. It seems as though it would be relevant to have something that would be “four-year mandatory minimums or more”. Isn't that right?

Okay, I see what you are saying.

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

There is one final point I would like to ask, and then I will bring the meeting to a close. You gave a statistic regarding the total homicide rate. Was that the total homicide rate in Canada, or was that the total homicide rate just among the cities named here in slide 7?

**Mrs. Lynn Barr-Telford:** The homicide rate we have presented in slide 4 is the national homicide rate, and slide 7 refers to the specific homicide rates within those particular cities.

**The Chair:** Okay. So the 658 homicides incorporate everything in Canada.

**Mrs. Lynn Barr-Telford:** That's correct.

---





**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.**