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—
Chair

Mr. Ed Fast

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• (1535)

[English]

The Chair (Mr. Ed Fast (Abbotsford, CPC)): I call this meeting to order.

This is the ninth meeting of the Standing Committee on Justice and Human Rights. Today is Wednesday, March 11, 2009.

Before we proceed I want to actually recognize some students from Quebec representing the National School for Public Administration in Quebec. There are about 30 here present, but a total of 60 on the Hill.

Monsieur Lemay, I believe they are your constituents, so if you wanted to give a greeting as well, go ahead, but make it very short.

[Translation]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): I would like to make a very quick comment, Mr. Chairman.

No, there is no one here from my riding. These are students from the École nationale d'administration publique who are doing a masters program, which is close to a PhD. They are from all parts of Quebec and from many different countries. They are students at the École nationale d'administration publique in Montreal. I would like to welcome them here. There are 30 students here and 30 more at the foreign affairs committee, and perhaps a few at the Senate.

Thank you.

[English]

The Chair: Welcome, again, to all of you. I hope what you experience here on the Hill will actually inspire you to public service, providing public service across Canada.

Today, pursuant to Standing Order 108(2), we are starting our study on organized crime in Canada. We have broken up the afternoon into two portions. The first half of the meeting is dedicated to hearing representatives from the Criminal Intelligence Service Canada. In the second half we will have three individuals from British Columbia as witnesses before us.

We'll begin with the Criminal Intelligence Service Canada, represented by Donald Dixon, who is the director general, as well as Bud Garrick, who's the deputy director general. Gentlemen, welcome here.

We have a point of order.

[Translation]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Chairman, since we are just starting our study, I would like to state clearly that particularly when we hear from government witnesses, I will expect to receive the briefs in both languages, because we get a much fuller understanding in that way. I would like the clerk to make the situation very clear when she speaks to the witnesses. They have the resources to present briefs in English and French so that members can understand them easily.

[English]

The Chair: Gentlemen, he is correct in stating that anything submitted to the committee has to be in both official languages. However, what you can do is provide to the clerk a document that is only in one official language, the clerk will have it translated and will then distribute it to the other members of the committee.

The common practice here is that we give you 10 minutes to present to the committee and then we open up the floor to questions from members of the committee. So please proceed.

Mr. Donald R. Dixon (Director General, Criminal Intelligence Service Canada): Thank you, sir.

Ladies and gentlemen, good afternoon.

As presented, my name is Don Dixon, and I'm the director general of Criminal Intelligence Service Canada. Today I am joined by our deputy director general, who is responsible for operations within the Criminal Intelligence Service community. His name is William Garrick.

Our comments today are intended to give you some situational awareness about Criminal Intelligence Service Canada, commonly referred to as CISC.

We comprise nearly 400 law enforcement agencies from across Canada. Since our inception in 1970, CISC has clearly been a leader in the development of an integrated and intelligence-led approach to tackling organized crime in our country. Our fundamental purpose is to facilitate the timely production and exchange of criminal intelligence within the Canadian law enforcement community.

CISC, specifically the central bureau, which is represented here today by William and me, is based here in Ottawa. We are administered under the stewardship of the Royal Canadian Mounted Police, and we take our direction from a national executive committee that is chaired today by the Commissioner of the RCMP and co-chaired by the director general of the Sûreté du Québec. This national executive committee is represented by 22 senior Canadian law enforcement executives, including police chiefs.

Our agency is responsible for the delivery of strategic intelligence products and services to the national law enforcement community and government. We serve as a national centre of excellence, I believe, in support of the effort to combat organized crime in our country. Our bureau in Ottawa also provides leadership, strategic direction, and administrative support to the national CISC program for families.

We are complemented by 10 provincial bureaus that operate independently while maintaining a national service delivery standard. By that, I mean that as we receive our direction from the national executive committee, they, in turn, receive direction from their provincial executive committees. They focus specifically on criminal intelligence activities within their respective provinces and provide leadership and guidance in the collection, analysis, and production of strategic intelligence products and services, specifically at the provincial level.

The intelligence collected and analysed through the provincial bureaus is instrumental in the creation of the national intelligence products and services delivered by the CISC central bureau. We produce approximately 12 products throughout the year.

Embedded in the central bureau is a strategic analytical service that is responsible specifically for the production of various strategic intelligence products, including the annual release of the national threat assessment, the national criminal intelligence estimate, and the report on organized crime in Canada each year.

The strategic analytical service also develops and implements a strategic early warning methodology, used by all the bureaus, which is a system that enhances current law enforcement practices with a proactive approach to crime. Its aim is to control, if that's possible, or prevent it.

The CISC criminal intelligence service report on organized crime, which I referred to, provides the public with important information regarding organized crime. It highlights some of the ways criminal groups can victimize Canadians. CISC believes that an informed public is better able to protect itself from the threat posed by organized crime. The report also includes information regarding the dynamics of criminal intelligence groups, or criminal groups, their methods, their modus operandi, and the criminal markets within which they operate.

I would like to give you a sense of the status of organized crime in Canada and speak to the foundation of the organized crime marketplace.

In developing the national threat assessment, which I spoke to earlier, CISC builds upon developing integrated threat assessment methodologies and assesses organized crime in Canada, specifically from a criminal market perspective. Each market is examined thoroughly with regard to its scope and magnitude and in terms of the dynamics of organized crime groups and their specific involvement.

● (1540)

The main criminal markets assessed by us are illicit drugs, contraband tobacco, illegal gambling, illicit firearms, cyber crime, intellectual property rights, humans as a commodity, financial crime, and vehicle-related offences such as theft.

While the criminal marketplace is evolving, several key findings remain consistent over time. The following observations, which have been made over seven years, are considered to be the mainstays of the Canadian organized crime marketplace. For example, the Lower Mainland of British Columbia, southern Ontario, and greater Montreal regions are considered to be the primary criminal hubs, with both the largest concentration of criminal groups as well as the most active and dynamic criminal markets.

The illicit drug market remains the largest criminal market in terms of extent, scope, and degree of involvement by the majority of the organized crime groups—more than 80%. Where law enforcement successes have disrupted or dismantled specific crime groups, regrettably this impact tends to be short term. It creates a temporary void into which market expansion occurs, or creates opportunities for well-situated organized criminal groups to exploit. In general, criminal markets are highly resistant to long-term disruption, as they continue to exist in direct response to meeting consumer demands in this country.

Many organized crime groups have the capability and capacity to exploit international borders. International linkages, maintained by several groups, ensure that the supply and distribution chains for a number of commodities remain strong and vibrant. In addition, strategically located areas on the Canadian and the United States border provide significant opportunities for the movement of illegal commodities and people, without requiring large or sophisticated operations.

Exploitation and infiltration of legitimate businesses by organized crime groups play a critical role in undermining public confidence in a number of legitimate markets while contributing to the resilience of many organized crime groups. In some cases, legitimate businesses enable groups to launder money and funds; facilitate criminal activity, for instance, through the use of import and export companies; commingle licit and illicit goods; as well as further insulate many groups from law enforcement action.

For our 2008 national threat assessment, more than 900 organized crime groups were identified as operating in Canada. For analytical purposes within the CISC family, we have categorized them into four levels of threat.

Category one groups, or the upper echelon, as we've referred to it, pose the most significant level of threat based on their role, scope, and criminal activities, which are primarily national and international. Further, there is the category one watch list that we maintain, and these are the groups that demonstrate an emergent, significant threat level. There are no less than 16 groups within the upper echelon.

Category two groups, which we keep track of, are those groups that operate with international or interprovincial scope. In Canada today there are more than 300 such groups.

Category three groups are confined to a single province, but they encompass more than one area, meaning more than one city or region. There are more than 100 such groups operating in Canada.

Our category four, which we'd probably be most familiar with, are the groups that are confined to a single area, such as a town or a city. There are more than 430 of these groups operating in Canada.

•(1545)

In the year 2008, 78% of the organized crime groups were active in the illicit drug trade. This is consistent with the previous year and down somewhat from 2006, when 81% were involved in such activity. The financial crime market is the second most significant market, with the involvement of 12% of the total organized crime groups in Canada, meaning 12% of more than 970 organized crime groups.

The integrated provincial threat assessments, which we receive at the national level from all 10 of our bureaus, are utilized specifically by local and provincial law enforcement agencies to determine their exact priorities in combatting organized crime.

As well, the national threat assessment is used by a new committee, which was set up more than a year and a half ago through CACP, the Canadian Association of Chiefs of Police. This group is called the Canadian Integrated Response to Organized Crime. This committee is made up of senior law enforcement officials from each of the provinces and territories across this country and is currently chaired by a deputy commissioner of the Ontario Provincial Police and the senior deputy commissioner of the Royal Canadian Mounted Police.

This group is there to assist in determining the strategic law enforcement priorities to combat organized crime. Both William and I are an integral part of this group to ensure that priorities being discussed within this milieu are available to us so that we have an understanding of the scope and span of activities that are going on across this country.

The overall impact of organized crime, I must say, is not easily measured, but is significant due to the spectrum of criminal markets operating in Canada. Some forms of criminal activity are highly visible and affect individuals and communities on a daily basis, such as street-level drug-trafficking, assaults, violence, and, most certainly, intimidation. Conversely, more covert operations, such as mortgage fraud, vehicle theft, and identity fraud, pose long-term threats to Canadian institutions and consumers.

Our annual report on organized crime is a product of a coordinated law enforcement community effort that provides Canadians with situational awareness, an overview of organized crime activities across this country, and the scope of these operations within Canadian communities. The report on organized crime is produced by Criminal Intelligence Service Canada with the aim of informing all Canadians of the socio-economic effect organized crime has on our communities, and it encourages the public to continue to collaborate and work cooperatively with law enforcement to combat organized crime.

Mr. Chairman, those are our opening comments. Thank you.

•(1550)

The Chair: Thank you so much.

Before we turn to questions, I want to let members of the committee know that I've had discussions with Messieurs Garrick and Dixon. There may be some information they would share with us, but only in camera, so if there's a need for us to do that—and there's a distinct possibility there is—we'll bring them back closer to the end of the study. We have the opportunity to receive that information as well.

There's a second question I have for members of the committee. Given the fact that we've divided the witnesses up into two panels today, are you willing to reduce the speaking time in the first go-round to five minutes so we can get more questions in? Is that acceptable? All right.

We'll now go to Mr. Dosanjh for five minutes.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Thank you, Mr. Dixon and Mr. Garrick, for being here.

I have some general questions. I'm not going to ask you anything specific. You obviously gather information from all jurisdictions, the reports from each province, and then you knit them together into a national report. Let me be a bit parochial: it seems that in British Columbia the police authorities were not able to foretell what is happening today on the streets, in greater Vancouver in particular. If they had been able to, they would have tried to disrupt or do something to mitigate what is happening.

I'm sensing that the intelligence gathering at that level and putting it together is not as effective as it could be, and it obviously doesn't do as much good when it comes into your report nationally. I would like you to direct your mind to what it is that you believe policing agencies and intelligence-gathering activities on the ground need more of or different from what they have today so that what you present to Canadians is able to tell Canadians that the policing community has the ability to predict and to disrupt, pre-emptively if possible, some of what's happening today.

Mr. Donald R. Dixon: As you indicated, our community is large and we bring the information or, to use your words, knit the information together. I think it's important for all of us to also understand and appreciate that to do this we have a national database designed specifically for organized crime activity. As you heard in my opening comment, there are approximately 400 law enforcement agencies across this country, and 264 of those law enforcement agencies are plugged into our national database. Each time an operation is initiated, for the most part it is their responsibility to put that information on the national database so that all parties can see the initiation of an investigation and can feed off that.

To go more directly to your point as it pertains to police entities in a specific province, and I just speak in generic terms, in a number of the meetings that I've been at with the provincial executive committees, which are represented by the senior law enforcement executive in that province, they sit down and talk about the specific groups of interest, the groups that are posing the most significant threat that would be applicable to them. They also speak of very detailed operational activity, and I would assume that in the province of British Columbia, certainly the last meeting that I was at, they were actively involved in such discussions.

• (1555)

Hon. Ujjal Dosanjh: So from what you've said, you're not able to tell me what might be needed more on the ground to assist them.

I'm not being critical of them. Obviously they have not been very successful in either predicting or preparing for what's happening and haven't been able to disrupt this very well. And I'm not being critical; I just want to get a sense as a committee from you what tools or resources are required so that they are better equipped or fully equipped to deal with this more effectively.

Mr. W.H. (Bud) Garrick (Deputy Director General, Intelligence Analysis and Knowledge Development, Criminal Intelligence Service Canada): I could certainly speak to that, sir.

There are a number of issues that factor into this. Certainly there is the nature of crime to begin with, the fluidity of it, and some of the market issues that we spoke about. But to get directly to the point of your question as a resource issue, one of the initiatives that the Criminal Intelligence Service Canada has taken on as a result of a tasking from the Canadian Association of Chiefs of Police is the development of a made-in-Canada criminal intelligence model. We currently don't have such a model in Canada that really has the true processes, capabilities, and technology that we need across the Canadian spectrum to gather the intelligence correctly and in a timely fashion. As you said, it's a piecemeal approach oftentimes.

We currently have the project ongoing, and certainly as your committee goes along we can provide detailed information on that if you wish.

Hon. Ujjal Dosanjh: Will it—

The Chair: Thank you, Mr. Dosanjh, we're at the end of your five minutes.

Monsieur Ménard, five minutes.

[*Translation*]

Mr. Réal Ménard: Thank you, Mr. Chairman.

I find your testimony somewhat disappointing, and I hope we will be able to clarify things, Mr. Chairman. I must tell you, with all due respect, that hearing there are thieves and drug dealers in Canada is not all that helpful.

With the support of all parties, the Bloc Québécois tabled a motion to find out what legislative tools you require. I expect a greater level of detail than what you provided. Your reports are public, and I have been reading them for years.

I was in Parliament in 1995 when the motorcycle gang wars began. It started in my riding, with the killing of Daniel Desrochers. I

remember very well the discussions I had with the senior officials at the time, they thought that we were going to destroy organized crime with the provisions on conspiracies. At the time, there was a war between the Rockers and the Hells Angels. The police understood that we needed new legislative provisions. I was involved, and my constituents actually went door to door and the result was the establishment of a new offence—gangsterism.

Do you think sections 467.11, 467.12 and 467.13 have produced any results? It would be useful for the committee to know that.

I would now like to talk about street gangs. When I started to take an interest in organized crime—from the outside, needless to say—there was no talk of street gangs. I actually have the impression that we are now seeing the second generation of street gangs.

Are street gangs becoming more professional? Are they less ethnic-based and more part of a network with the important figures in organized crime? Please be a little more specific about street gangs and the legislation you require. Do not tell me that thieves are selling drugs. That I know.

[*English*]

Mr. Donald R. Dixon: Specifically to your question as it pertains to street gangs, your commentary specific to that is exactly right. We certainly agree with you, and that is the perception of local law enforcement.

As it pertains to where we are from a Criminal Intelligence Service Canada perspective, I would take a somewhat different view from what you articulated in that—

[*Translation*]

Mr. Réal Ménard: My specific question is this: are we correct in thinking that street gangs are becoming more professional and have more arms in Montreal, Toronto and Vancouver? What is the situation regarding street gangs? Are they the main players involved in organized crime at the moment?

• (1600)

[*English*]

Mr. Donald R. Dixon: I would not suggest that they are the main stakeholders as it pertains to organized crime. In fact, they are reflected in numbers of about 300 street gangs.

But to be fair to your question, the people who could answer that in absolute detail would be our provincial bureaus, because they are far more tactically oriented than I am at the strategic level. To get into detail as it pertains to day-to-day activities of street gangs, I would not be—

[*Translation*]

Mr. Réal Ménard: If you don't have an answer, I will ask the second question.

Are the Hells Angels still playing a leadership role in organized crime? Is it true that at one time they met without wearing their crests, because that can now be used as evidence in court? Is it true that we are starting to see the Hells Angels wearing their crests again in the major cities?

Very strong arguments were made to the committee to add a specific offence in the Criminal Code to ban the wearing of symbols linking criminals to criminal organizations. I would like to hear about the Hells Angels specifically.

[English]

Mr. W.H. (Bud) Garrick: I could speak specifically about the Hells Angels—I've dealt with a lot of motorcycle gangs in general—and yes, certainly they're still in the top tier of organized crime groups across Canada. Certainly the Hells Angels have not gone away and in fact are the premier outlaw motorcycle gang group in Canada.

There have been some outstanding initiatives by local law enforcement, such as Operation Axe, which recently took place throughout Quebec, which has really thrown them into an area of disruption. They have not stopped; for sure they have not stopped. They are an area of priority for law enforcement. They're involved in that activity for sure.

The Chair: Thank you.

We'll move on to Mr. Comartin.

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

Thank you for being here.

I have just a couple of quick things. I didn't catch how many gangs or organized crime units are in the national/international level, the top level. How many are there?

Mr. Donald R. Dixon: At the higher echelon there are no fewer than 16 organized crime groups at the category one level.

Mr. Joe Comartin: I'm assuming that at the category one level they have active or extensive interaction with organized crime units elsewhere in the world.

Mr. Donald R. Dixon: That's correct.

Mr. Joe Comartin: Would those units primarily be in the United States or are they all over the globe?

Mr. Donald R. Dixon: They would be all over the world.

Mr. Joe Comartin: In terms of the 400 agencies that belong to CISC, are all those public police services as opposed to any private agencies?

Mr. Donald R. Dixon: Of the 400 agencies, these are law enforcement agencies specifically.

Mr. Joe Comartin: I'm just wondering in terms of your inability to answer one of Mr. Ménard's questions. We're going to be travelling. Are there people within those 10 provincial bureaus whom we could be bringing forward to the committee as we move across the country?

Mr. Donald R. Dixon: Absolutely. To connect all the dots as it pertains to criminal intelligence service, you would do yourself a great favour by stopping in to see a number of the bureaus. After this session here, secretarially we could respond back to you on agencies or bureaus we think would be a benefit to you, and then you can make your own decision.

Mr. Joe Comartin: They will be able to give us information about tactical operations, obviously not specific ones, but generally what their tactical operations are.

Mr. Donald R. Dixon: As I think you noted in my opening comments, they are independent of us because they are under the guidelines of their provincial executive committees, but that's something you could have a discussion with them on, the same as the chair had the discussion with me and Bud before we started. If there's an opportunity for more clarification, and we could do that in camera, then we're willing to do that. Clearly, the provincial bureaus are in the same situation. They should be able to speak to you on tactical matters of interest.

Mr. Joe Comartin: I don't know if I've missed these, but I haven't seen any public reports from the provincial bureaus. Have I missed that?

Mr. Donald R. Dixon: The provinces themselves put out a number of publications.

• (1605)

Mr. Joe Comartin: Those are public?

Mr. Donald R. Dixon: Some are public and some are to their police constituency. For example, in the province of Ontario, where there are more than 60 law enforcement agencies, our Criminal Intelligence Service Ontario communicates with each of their partners through bulletins, annual reports, and things like that.

Mr. Joe Comartin: Those wouldn't be public. Those bulletins are kept within the agencies.

Mr. Donald R. Dixon: I know they publish within their partnership. I don't have any firsthand knowledge of their going public with documentation they have.

Mr. Joe Comartin: In terms of the various crime areas or markets, as I think you put it, I didn't hear you say human trafficking. Are you doing that? I don't know if I missed that. Is that one of the categories?

Mr. Donald R. Dixon: Yes, I did mention it in passing.

Mr. Joe Comartin: Those are all the questions I have for now, Mr. Chair. Thank you.

The Chair: Thank you, Mr. Comartin.

Mr. Norlock, you have five minutes.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Thank you, Mr. Chair.

Thank you, gentlemen, for coming today.

Some of my questions will be geared specifically toward my area—in other words, my riding and areas in eastern Ontario—but not necessarily, because I think they're representative of the rest of Canada.

Of course, organized crime and some of the things we read in the newspaper are generally situated in the large cities. I had a round table on crime in my riding, and of course I invited the chiefs of police of every police department, as well as victims groups and crime prevention groups, so the whole community relating to that. We heard from our police chiefs that some of the same things affecting big cities are affecting our smaller towns and cities. In my riding a couple of deaths have been investigated by the OPP that sure sound to me, when you read the newspapers.... In my old line of work, that is called the white intelligence you get from the newspapers, and organized crime would consider that white intelligence from their perspective—in other words, things that are available to the public.

Obviously some of your 400 agencies are small-town police forces. The feedback you're getting, the organized crime, the violence, the drugs, gangs, and guns we see in the city, are you seeing that? Are you getting that information from your smaller police departments?

Mr. Donald R. Dixon: Yes, sir, we are.

Also, to go back to the beginning of the question, when we speak of more than 900 crime groups, there's an ebb and tide there. That number does not maintain itself at that level. More than 150 or 200 are dispersed each year, but then other people follow in behind them. And speaking of dispersal or displacement, some of the major police departments have the ability to be extremely aggressive with some of their organized crime groups, but in some cases those organized crime groups move to other jurisdictions and re-establish themselves because they're no longer able to be productive in that area.

Mr. Rick Norlock: So those other jurisdictions would probably be smaller municipalities?

Mr. Donald R. Dixon: Absolutely, hence the significance of our national computer database, with all of these crime groups; and as you've heard, there are more than 900 of them. It wasn't that many years ago that we really didn't know how many organized crime groups were out there. Now we've been able to identify more than 970 such groups, place them on a specific map, and analyze their activities to the extent that we can through aggressive and progressive law enforcement action. So as they move about, it is for the most part not unknown to us, because with all the municipalities that participate in a very meaningful way by putting their investigations onto the national database, that information is then available to every jurisdiction that is plugged into that system.

I ought to tell you that there are more than 250 such agencies that use that database each and every day. This year there were more than two million transactions on that database, and there are no fewer than 2,400 users who have the ability to log on and do their investigative research.

• (1610)

Mr. Rick Norlock: In my riding is Canada's largest federal penitentiary, the Warkworth penitentiary. There were some changes, and a lot of folks don't realize what those were. It's a medium-security penitentiary. When it first opened, most of the inmates were people who had committed property crimes, frauds, etc. Today most of the people in that institution are, for all intents and purposes, the better-behaved murderers, etc.

What I'm leading to is the criminals in our correctional institutions who have an organized crime background. Is part of that information shared with regard to inmates? In other words, is Correctional Service of Canada involved in your group?

Mr. W.H. (Bud) Garrick: Yes, most certainly. When we speak about the members within Criminal Intelligence Service Canada, one of our key partners is the Correctional Service of Canada. We have a number of secondments of members of outside agencies who are working within our central bureau. We are very shortly going to have a member of the Correctional Service of Canada with us on a full-time basis at the national intelligence officer level, just as we have one from CBSA—the Border Services Agency—and one from the military police. We have a wide spectrum to reach out to, and corrections is certainly one of the key areas we're looking at.

The Chair: Thank you, Mr. Norlock.

We're going to move on to Mr. LeBlanc.

Hon. Dominic LeBlanc (Beauséjour, Lib.): Thank you, Mr. Chairman.

Thank you, gentlemen, for joining us today, and for your comments.

I'd like to follow up a bit on the very incisive questions that my colleague Mr. Dosanjh was asking when he ran out of time.

You alluded to a national or Canadian plan or model in terms of criminal intelligence. Perhaps you could expand on that, specifically with respect to technology, which you mentioned.

I have a sense that in terms of the tools that police forces need to really deal with the growing problem of organized crime, the laws haven't kept up in terms of ability to get search warrants. I know that since 2005 there have been proposals around modernizing investigative techniques, specifically with respect to intercepting cell phones, e-mails, BlackBerrys. The old tools, the old laws and regulations, and common law around search warrants, lawful access, etc., haven't kept up with the technology that organized crime is using.

What resources do you think are needed—financial and human resources, and more importantly, legislative resources—to deal with modernizing that regime?

Mr. W.H. (Bud) Garrick: There are a number of initiatives already going forward that speak to that.

The issues you raised are very valid ones. The technology has changed. We're seeing more use of the BlackBerrys, PDAs, cell phones; there are issues such as that. The current intercept laws and regulations are extremely cumbersome and time-consuming, and we often need to intercept in a timely fashion.

As you're speaking of technology in general, one of the issues we're trying to deal with at the national level is to ensure that all the police departments and law enforcement agencies across Canada are operating with the same technology, so that we can communicate better, and particularly so that we can share information. Although we have the current national database, it is getting old, so we currently look forward to making progress on getting a new one, which will help in that area for sure.

Hon. Dominic LeBlanc: Go ahead, Mr. Dixon.

Mr. Donald R. Dixon: To continue with what William is indicating and to go back to where he started, concerning the Canadian criminal intelligence model we introduced a few moments ago, we embarked on this venture about two years ago. We were designing a Canadian criminal intelligence model with the intent of attaching it to the accountability framework of the police chiefs across this country. It is something we've been working on. We've done extensive surveys and have had extensive meetings with senior police executives of their criminal intelligence divisions or branches.

The aim of this model is to ensure consistency and coherence in our approach to criminal intelligence and to combatting organized crime across the country. It is to bring a sense of unity and synergy to the 400 law enforcement agencies that we have across the country.

Hon. Dominic LeBlanc: Thank you. I appreciate that.

But I'm interested in understanding whether you or colleagues with whom you work across the country have a view on what legislative changes we could make that would deal with what Mr. Garrick mentioned. He talked about things being cumbersome or time-consuming. Is this because you need more resources to prepare the application for the search warrant, or is it because you have inadequate laws to give police forces access to data that servers or cell phone providers may have, or is it simply because you can't find a judge who is available to sign the warrant? Or do you want a sort of revolving warrant?

What are you suggesting around the process to expedite that?

•(1615)

Mr. W.H. (Bud) Garrick: You hit the two key areas at the beginning, which are legislative changes to bring the process more in line with new technologies and the resources to keep up with them. Particularly when I talk about resources, I mean not just boots on the ground but also the technology to keep pace with the technology that organized crime uses. They have the money available to purchase as they see fit. We are often tied into budgetary issues and can't keep pace with what they're doing.

So it is exactly the two main areas that you spoke about at the beginning.

Hon. Dominic LeBlanc: Could you give me an example of what they have in terms of technology that you guys can't keep pace with? What kind of things is it?

Mr. W.H. (Bud) Garrick: I don't think I can pinpoint a specific issue, but to give you a sense of it, some of the new tools they use, whether it be a new type of cell phone or a satellite phone or a new type of BlackBerry, are tools we may not have the ability to intercept in all areas across Canada.

Hon. Dominic LeBlanc: So it's the technological ability.

Thank you, Mr. Chairman.

The Chair: We will move on to Mr. Lemay. You have five minutes.

[*Translation*]

Mr. Marc Lemay: Thank you for being here today.

I must say I'm somewhat surprised. There is one issue I'm quite interested in. In organized crime, we have to be able to follow the money. With organized crime, it is always about the money. Clearly, all these activities have one objective: making money.

As far as following cell phones goes, I was a criminal lawyer for 30 years, and I can tell you that my clients knew how you could intercept them. If you are still at that stage today, you've got some problems.

In the study we are beginning, I am interested in finding out whether you have ways of following the money. More specifically, the issue is finding out how organized crime launders billions of dollars, because we are no longer talking about millions of dollars, but rather billions of dollars. I would like to know whether we can determine whether people in organized crime have invested in public or private companies with a respectable façade. I am not asking you to tell me all about that today; clearly, that will be done in in camera meetings. I am interested in knowing whether you can follow the money today. I must say that barely 10 years ago, you could not do that. You followed it up to a point, but then you lost it in the Cayman Islands, in Barbados, Liechtenstein, Switzerland or Monaco. Are you able to follow the money now? We will be able to cause these people trouble once we can do that. We have passed legislation to do exactly that.

[*English*]

Mr. Donald R. Dixon: The answer to that specific question is yes, and I have confidence in your in camera hearings across this country. As well, I'd be more than happy to suggest a couple of bureaus you may want to speak to that would give you an outstanding illustration of success as it pertains to your exact question. However, from a tactical perspective, Bud and I would be the wrong people to give you a direct comment on that. We do know that there are people you could speak to as part of your study, who could reassure you, in fact, not only that it is achievable but also that it is being done today and being followed through to successful prosecution.

[*Translation*]

Mr. Marc Lemay: Let us talk about organized crime in organizations. Is it true that organized crime is now very well established, even internationally, in companies that have public respectability? Is it true that it has infiltrated many major multinational companies and is laundering its money in this way? Could we get some information on this?

•(1620)

[English]

Mr. W.H. (Bud) Garrick: Again, I can't talk specifics in this area. There are certainly people we could point you towards who could talk specifics. Interestingly enough, one of the areas that we are very much looking at right now is exactly the area of financial crime and talking about—

[Translation]

Mr. Marc Lemay: I'm sure you know where I'm going with this. I'm interested in knowing whether you have international relations at the moment with INTERPOL, the CIA and the DEA. Are these relations strong enough at the moment, throughout the world, so that you receive information instantly?

[English]

Mr. Donald R. Dixon: I wouldn't say instantly, but clearly we have partnerships that go beyond the borders of Canada, certainly with the United States and Interpol, to which you referred, and with other like organizations with which we exchange information. We also travel back and forth and keep each other abreast of trends, projected trends, and activities of concern in each of those areas.

Our sharing of information is very robust at this point in time.

The Chair: Thank you.

We're going to go to Monsieur Petit. You have five minutes, and unfortunately that will probably be the last question, and I have one follow-up question for our witnesses.

Monsieur Petit.

[Translation]

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

Good afternoon, gentlemen. I'm going to ask a more general question. I will be reading the report you published last year. The problem I see is as follows: in the Montreal region, for example, for the last year we have noticed that drugs were coming in by ship in our ports. Apparently, at Pierre Elliott Trudeau airport there have been more cases of employees caught allowing drugs into the country.

According to the information provided by the police to the newspapers, Montreal is a hub for drugs. It takes money to buy drugs, not prayers. My questions are somewhat along the same lines as those asked by Mr. Lemay. Do you have ties with the national ports, many of which come under federal responsibility? Do you have dealings with the airports, which are supposed to be monitored? Do you have any ties with other federal officials, such as those in the passport office, who could tell you whether a certain individual went to Columbia 10 times, or to Switzerland or to some other place? Does this type of cooperation exist?

[English]

Mr. Donald R. Dixon: As it pertains to the areas that you are expressing concern about, as it pertains to ports, that is a very active portfolio at the national level in our offices here in Ottawa and a very active one within the provincial bureaus that have ports at which

they are aggressively pursuing all serious crime and organized crime in each of those areas.

Some of the other aspects of your question are very tactical in nature, and I would not be able to comment upon those. But as it pertains to the criminality and the drug activity that you are talking about in the province of Quebec and specifically in Montreal, I am very well aware of an aggressive campaign by the senior law enforcement executives, including the chiefs and the directors general in that province.

Mr. W.H. (Bud) Garrick: If I could follow up on that, as I may have mentioned earlier, one of our partners, certainly at the national level, and within provincial areas is the Canada Border Services Agency. We deal extensively with them, and they are there exactly for the reasons you just spoke about.

[Translation]

Mr. Daniel Petit: My second question is for Mr. Dixon or Mr. Garrick.

There have been clashes between organized crime groups in the streets of Montreal for some time. There have even been some murders. Like me, you have probably read about some of these things in the newspapers. Mr. Ménard asked you a question earlier. A young man in his riding died when a bomb exploded in a jeep that the Hells Angels had placed nearby. He will never be able to do anything about this—he died in the explosion.

Do you have a type of electronic classification system that can detect places where people have been seen before? As Mr. LeBlanc was saying, do you have all the technical and electronic tools you need, or is it the [Editor's Note: *Inaudible*] that is beyond you?

•(1625)

[English]

Mr. Donald R. Dixon: The national database that I spoke about, which is used by many of our partners, is probably used most prolifically in the province of Quebec. All information pertaining to criminality in the province of Quebec is put into that system each and every day, and it is slavishly followed, including by the intelligence officers and analytical folk who look at that database each and every day to answer the very questions you are asking us today. It is well entrenched in the province of Quebec.

The Chair: Gentlemen, I think our time has run out.

Before we dismiss you, I'd like to close with one question.

I'm advised that not only are the challenges we face in trying to address organized crime legislative ones, and judicial ones, and law enforcement ones, but also organized crime is a criminal enterprise that stretches well into the prison system. The suggestion is that you have to cut off the head right in the prison system to make any progress in fighting organized crime.

Do you agree with that characterization, and if so, what can you suggest can be done in a very short period of time? What would you suggest we do in terms of our study overall, as well as specifically, to address some of the problems that are occurring within our prison system?

Mr. W.H. (Bud) Garrick: I would suggest you are correct at some level of your assumption. Certainly, there is still a significant amount of leadership within the prison system and the organized crime region. Again, that is why one of our key partners, which has been on board and is coming on board in a more fulsome manner, is the Correctional Service of Canada, so that we can have the correct amount of intelligence to pinpoint the law enforcement agencies towards the members who are still engaged in that. Certainly CSC, the Correctional Service of Canada, is very aggressive in their intelligence gathering in that area.

The Chair: Gentlemen, thank you for your testimony. Could you make sure we get the contact information for the various bureaus across Canada, so that we can perhaps get them in as witnesses as we travel across the country? Thank you.

We'll take a three-minute recess, as we bring in the next set of witnesses.

Thank you.

- _____ (Pause) _____
-
- (1630)

The Chair: We'll reconvene the meeting.

We're pleased to have with us now, for our organized crime study, three witnesses from British Columbia. We have Steve Brown, Lois Schellenberg, and Eileen Mohan. Welcome here.

We're looking forward to hearing you speak to us. As you know, each of you has 10 minutes to present. I'm not sure if you're going to use up all of that time, but please feel free to begin.

Mr. Brown, I believe you're going to start.

Perhaps before Mr. Brown starts, I should mention that Mrs. Schellenberg is actually from my riding of Abbotsford, and Mr. Brown is actually from Mr. Warawa's riding in British Columbia.

I believe, Ms. Mohan, you are from either Mr. Dhaliwal's riding or very close by, from the city of Surrey. Correct?

- (1635)

Mrs. Eileen Mohan (As an Individual): Yes.

The Chair: We're looking forward to hearing what you have to say to us.

Please go ahead.

Mr. Steve Brown (As an Individual): My name is Steve Brown. I'm appearing before you today because some gangster murdered my brother-in-law, Ed Schellenberg. Ed was not only my brother-in-law but he was my business partner, and he was also my friend. Ed was murdered on October 19, 2007, execution style, while he knelt in front of the gas fireplace he was repairing. He was doing his job.

Ed's story actually starts in 2002, when eight people, four youths and four adults, beat a 16-year-old boy to death with baseball bats and iron pipes at a karaoke bar in Coquitlam, British Columbia. The four adult males, although charged with second degree murder, were offered plea bargains to manslaughter. A judge sentenced each of the four adults to an 18-month conditional sentence for beating

somebody to death. They were basically sent to their rooms for 18 months. A subsequent sentence appeal by the crown was denied.

When we fast forward to October 19, 2007, I was awakened while I was snoozing in front of my TV by the sound of our phone ringing. It was 9:35 p.m. and Lois Schellenberg was calling to ask why, at this late hour, Ed would still have any reason to be working. He was not at home and he was not answering his cell phone. I said I knew absolutely nothing about it and thought it very strange. If Ed had problems on the job, he probably would have called me.

It wasn't until we started to hear the news reports that evening that emergency personnel had been called to the same high-rise where we had been working all that week and where Ed was working that day—where they discovered the bodies of six adult males, all shot to death in one suite on the 15th floor of that high-rise—that we knew something horrible must have happened to Ed. We knew that Ed was going into suite 1505 and that it was the last service call he was going to do in the whole complex.

Since then we've learned that, of the four gangbangers targeted and killed in that suite along with Ed, two of them, named Michael Lal and Eddie Narong, were in fact two of the four adults convicted in the manslaughter beating of the 16-year-old boy in the karaoke bar in Coquitlam, which I mentioned previously. In the time between their brush with the law in 2002 and their deaths in 2007, Narong and Lal amassed a breathtaking total of 48 criminal offences, serious charges including drug trafficking, possession of drugs for the purpose of trafficking, possession of restricted weapons, resisting arrest, and breach of recognizance. In Narong's case, he was charged with 15 counts of breaching his bail conditions, but he was still out on the streets because each time he was brought before a judge he was granted bail yet again. In 2005, Michael Lal was convicted of several drug trafficking offences and of five counts of breaching bail conditions. His sentence for that was another 17-month conditional sentence.

I believe I can reasonably argue that if these two persons, Lal and Narong, were handed sentences appropriate to their crimes, they would have been in jail and Ed Schellenberg would likely still be alive today. We asked ourselves how something like this could happen in our country. How could this happen?

This is what we found out. We've gone on this journey. We've gone on a very steep learning curve to try to answer these questions. Why was Ed murdered?

We are presently experiencing in British Columbia what I would call a perfect storm of lawlessness and injustice around this gang violence on the streets. Let me share with the members of the committee what I believe are the conditions that have come together to create this perfect storm. I can assure you that Ed's story is not a one-off; it is in fact the tip of the iceberg in British Columbia.

• (1640)

Over the last five years the number of these street gangs operating in the Vancouver area has grown from just a handful to well over a hundred. The reason this is happening is this. We have learned that there's been a complete failure in our justice system to hand out appropriate sentences for the offences that these gangsters are charged with under the Criminal Code and the Controlled Drugs and Substances Act. I'm saying a complete failure, and I'm not overstating it. I've been told by a criminologist who's been studying the crime statistics for over a 30-year period in B.C. He's told me that I cannot overstate the situation we're in in British Columbia.

On the federal level, let's take grow ops as one example. Everybody knows grow ops are a big business in B.C.—at least \$8 million a year. The marijuana is distributed by organized crime and they trade it for heroin and illegal handguns south of the border, and money laundering is also very much involved. Yet in B.C.—and get this—the statistics show that for every 100 grow ops only three or four of those grow ops that encounter our justice system result in any kind of punishment like jail time. That means 96 out of the 100 get away scot-free. Is this a good message to send to organized crime?

Let me explain just how we have found out the justice system falls on its own sword. If you start with those 100 grow ops, 35% of the time our police treat them as non-cases. They seize the plants; they seize the equipment. They tell them they've been naughty boys and girls. So 35% of our tax dollar is going to policing a controlled substance. The police are shooting blanks. Out of that 100, that leaves 65 grow ops. Of those remaining 65, 42% of the time our federal prosecutors stay the drug charges—42%. So what are we paying for? That leaves 37 grow ops that make it to our courts in B.C.

So what happens there? Historic figures show that only 9% of the total number of grow ops and the charges, having gone through the courts in B.C., actually result in a sentence that includes jail time. The average length of that jail sentence is only three months, and they only get fined, on average, \$1,200, and this is after they have stolen hydro to run the grow op at around \$1,800. Do we have any doubt why we have an organized crime and street gang problem in B.C.? This is just one element of the perfect storm.

What we've learned on the provincial side is mind-boggling. In British Columbia we're experiencing an epidemic of plea bargains. Plea bargains are arranged for over 90% of the serious charges before our provincial courts—the number is actually 95%. Now, think about that. In B.C. a plea bargain is done behind closed doors by two lawyers and then it's presented to a judge for rubber stamping. There are no arguments; there is no public hearing. There's no giving of that evidence.

Members of Parliament have passed and are introducing laws that certain kinds of offences will carry a mandatory minimum sentence. However, in British Columbia—and I can assure you it's happening now—the police will lay the charge at that level that carries a mandatory minimum, but the provincial crown will plead down from that. It's happening all the time, and Ed's case is the only case in point I need to articulate on that.

Overriding everything that's happening in British Columbia, there is a shocking trend toward leniency in the judiciary around sentencing. Our sentencing judges must follow the B.C. Court of Appeal guidelines, which frankly make a mockery of the maximum sentencing provisions of the Criminal Code of Canada.

• (1645)

To sum it up, the trial judges impose sentences far below even these weak guidelines established at the B.C. appellate level, and the public is completely bewildered by what's going on. The judiciary's failure to appropriately address these criminals the first, the second, or even the tenth time before the courts has created, in my view, a new class of psychopathic career criminals. They have such contempt for the police, for the courts, for you lawmakers, and now for even members of the public—Ed Schellenberg. But there have been actually four innocent victims of this gang violence over the last two years: Ed Schellenberg, Chris Mohan, Kirk Holifield, and Jonathan Barber.

Members, do you realize that in the Vancouver area we have drug-addicted property crime offenders with more than 100 convictions who are still on the streets? What happens to them is that once they reach the 50 conviction threshold, their sentences are reduced. Any time they spend in jail is reduced—from the 50 to 100 level. Is that what we want to be known for? Is that a good message to send to people who can't control their own behaviour?

We've heard a lot of talk about the two for one on the remand. In British Columbia, literally, it's a joke. The defence lawyers are allowed to delay and delay, and they dictate the sentences for their clients. The justice system, the good guys, we don't have a say in it.

On the handguns, in 2008 there were over 50 gang hits in the Greater Vancouver area, a record. To date, in 2009, there are 33. The situation is out of control. In handgun offences, the charges are stayed all the time—not enough evidence. They have loaded assault rifles, they have hidden compartments, handguns with silencers, and charges are stayed—not enough evidence.

That wasn't the case 10 years ago. So what has changed? It's this new brand of criminal that's been created, the gangsters. They wear body armour. They're being arrested and found with military-style weapons. And they're driving armoured vehicles. Yet with all of those things in mind, in British Columbia they still get bail. Something is terribly wrong in British Columbia. When we see conditional sentences for manslaughter, which is murder, an 18-month conditional sentence, what's the message we're sending about the value of a human life? I believe the criminal justice system has rewarded and enabled this anti-social behaviour. There is no fear of consequences to act as a deterrent. Really, the sentencing around these gangsters is laughable.

All I can say about bail is that in British Columbia the people you think should never get bail always get bail. Even though more people are remanded, these dangerous psychopathic career criminals get bail every time. The public is at a loss. No matter how psychopathic their behaviour, or how their presence in the community poses a substantial public safety risk, everybody gets bail, it seems. I believe British Columbians have been backed into a constitutional corner on this one issue alone. These people are being released onto the streets after serious criminal charges, but they reoffend while on conditional sentence all the time. There are no consequences. They are a menace to themselves, a menace to society.

The Chair: I'm going to ask you to wind up, because we still have two others witnesses to hear from.

Thanks.

Mr. Steve Brown: The reverse onus is not working in B.C. We spend millions of dollars on policing. Are we getting good value? There is 90% disapproval in B.C. around the administration of justice. We feel as if we have been betrayed in British Columbia.

We want Parliament to enact the stronger laws and stronger measures that are being proposed now. We want stronger measures. We want the government to act, and we want the opposition parties to cooperate. The only conclusion we can draw is that the justice system in B.C. is full of holes.

Part of my job now is looking after Ed's customers. I spend a little time with his customers and I have a little cry with them. That's part of my job now. Hundreds, maybe thousands, of people have been devastated by his murder. We want to see members of Parliament acting for just average, ordinary people like Ed.

Thank you.

• (1650)

The Chair: Thank you so much.

We'll now move to Mrs. Schellenberg.

You have 10 minutes as well, but you don't have to use it all up.

Mrs. Lois Schellenberg (As an Individual): I just want to introduce you to Ed.

Edward James Schellenberg was a brother, uncle, friend, loving husband, and proud father of Rachael and Kevin. Ed was an avid outdoorsman. He enjoyed fishing on the Great Slave Lake for monster lake trout, hunting and guiding in the Northwest Territories and Yukon, camping with family and friends beside beautiful rivers

filled with rainbow trout, hiking and backpacking through rugged terrain, and then relaxing at the end of the day gazing at the brilliant blanket of twinkling stars lighting the night sky. He appreciated all of his Creator's handiwork.

Ed was an honest businessman and a hard-working provider for his family. He was a skilled tradesman, often repairing things that others had long since given up on. He treated his customers with respect and kindness, always doing his best to leave them satisfied with a job well done. He could often be convinced to stay for a cup of tea and a visit. He took the time to get to know his customers, enjoying the interaction. He was committed to giving his customers his best effort.

October 19, 2007, was the end of a long week of work. Ed worked long days, but today he hoped to be home a little earlier as he and his co-workers, brother-in-law Steve and his son Zach, were finishing off the apartment building they had been working on all week. The last suite was suite 1505. It was around three o'clock in the afternoon that he headed to the penthouse. I don't really know what went on in suite 1505, but that day the lives of our family and the Mohan family changed forever.

People have said Ed was in the wrong place at the wrong time. That statement is far from the truth. You see, he was doing his job. He had a commitment to service the fireplace in that suite. He had every right and reason to be there. Likewise Chris Mohan—it was his home, a home he shared with his family. Both our families were innocent law-abiding Canadian citizens, unaware of the evil that threatened us from behind our neighbour's door.

The past sixteen and a half months have been a roller coaster of emotions: shock, anger, disbelief, denial, incredible grief, and untold loss. Our lives have been forever changed by people and circumstances we had no control over and could never have fathomed happening to our family.

Ed won't walk his daughter down the aisle on her wedding day or see his son as the man he will become. His life was taken by evil men who had no regard for the lives they destroyed. Their motivation is greed: greed for power, greed for money.

These are issues that need to be addressed here today to ensure that a day like October 19 doesn't happen to another family. As members of Parliament, you wanted this job, and we gave it you. You now have the responsibility that comes with the job, to lead this country. We expect nothing less.

I'm not here today to talk politics, but rather to encourage you to work together—all parties, all levels of government, businessmen and women, and private citizens. Together we need to tackle the issues of public safety that are raging out of control in British Columbia.

• (1655)

The Chair: Thank you.

Ms. Mohan, you have 10 minutes as well.

Mrs. Eileen Mohan: Thanks.

I'm just going to put the picture of my son here. This is my son, Christopher Mohan.

Honourable members of the justice committee, I'm very grateful for the opportunity to be a witness as a victim of crime and mostly to be the voice of my son.

My name is Eileen Mohan, and I'm the mother of Chris Mohan. My innocent son was murdered on October 19, 2007, as he left our home to go to play his weekly basketball game. He was in his seventh season. When rival gang members came to murder rival gang members, along the way they met my son in the building and took his life because they saw him as a witness.

I had just spoken to my son an hour or so before he was murdered. Chris was my only son, the younger of my two children, the baby of our home, and he remains the light and love of my life.

Prior to October 19, I was, honourable members, Mrs. Eileen Mohan. Today I sit before you as Miss Eileen Mohan; my 28 years of marriage has ended. The brutal murder of my son took a toll on our personal lives and led me to take the role of an advocate for my son, while my wounded husband left to be on his own to ensure his emotional survival.

Life has certainly not been kind to my son or me, for I believe the safest place on earth is your home, but how do you know who your neighbours are when they portray themselves as innocent victims? Yes, we lived beside criminals who dealt with drugs, guns, and were members of prolific gangs. Little did I know how much danger these individuals represented until my son's life was stolen. It was like living beside a ticking time bomb, which exploded and caused the destruction of my entire family.

I have a daughter, Patrina, whose heart is in pieces, as is mine, because she was as close to her baby brother as I was. It took me a week and a half to prepare for my son's funeral, because I simply did not know what to do. How does a mother prepare herself to bury her own son, when I envisioned as a parent that when I was old and grey he would bury me? In our Indian heritage, honourable members, when we grow old our children look after us, and I was looking forward to getting old with my son and his children at my side. That enjoyment and pleasure and being witness to Chris's life was taken away from me and my family.

Today, I am not sure whether my daughter will ever get married, because she's so emotionally broken, seeing how in a split second the life of a brother was taken and the permanent damage that it caused her parents' marriage.

Honourable members, prior to October 19 I was a person who did Indian classical dance and who had started dancing in grade 2. Till October 19 I was on my way to getting the Indian classical dancer's certificate. I am a professional banker, registered with IIROC. After completing all my banking accreditations, I had spare time and I had a passion for fashion design and sewing. I put myself into school four days a week to take a fashion design course. I was into my second year at BCC when Chris was murdered, and today I don't have the passion for fashion design, sewing, or dancing.

● (1700)

On November 1, 2007, I buried my son, and from that day forward, I have organized rallies, anniversary masses, written to the Prime Minister and the justice minister, spoken at rallies, conferences, and workshops, and taken part in a gang awareness documentary to curb the freedom of these gangsters and bring awareness.

This gang violence, honourable members, has been fifty years in the making. This happened under the watch of the previous federal governments and provincial governments. Hells Angels grew from strength to strength. Today they have charter houses in each province, and no one can touch them. Seeing how they were treated in courts—they were given conditional sentences, house arrests, a one-day sentence, six-month sentences—paves the way for the gang members that we have today. Hells Angels are silent partners today of all these gang members because they are well organized.

I have a mission to touch these gangsters as personally and legally as they have touched our lives illegally. I have put myself into school, and today I am taking criminology classes in order to educate myself and to see how best I can support other family members who have gone through this tragedy and try to make policy changes.

At the same time, keep in mind, honourable members, that members of organized crime represent just a small fraction of our community. That said, we are currently spending millions and millions of dollars and many, many man-hours because our justice system has simply become a legal system.

How do we bring our justice system to represent the society at large from this legal system that today we feel represents only the criminals? How do we restore public confidence in our system? We need to balance the rights of the society and ensure the public safety, because today we feel that the rights of the criminals have been placed way above the society's rights and our collective greater good.

I believe that my son's murder and other murders could have been prevented and/or his murder case could have already been brought before the courts had the recent recommendations presented in Ottawa by our B.C. Solicitor General and Attorney General been fully implemented—and I fully support them too.

While studying criminology, I have—and it is in my list that you have with you—done research of remand credit, and the four individuals who were killed along with my son were given double-time credit and convictions that shouldn't have been given to them. I will let you read that part.

The second part is touching on what Steve Brown said. B.C. courts, contrary to Ontario and Quebec, have adopted the approach that the application of tertiary grounds during bail proceedings should only be in rare and exceptional cases. And I have given you an example: *R. v. Bhullar*. The public, the media, and the police have all asked why our criminals are walking the streets free. This is because they only apply the primary and secondary clause and not the tertiary clause. I've been studying that in my criminology class also.

Legal applications. The word “impracticable” should be removed from section 487.11 of the Criminal Code, which would therefore result in more practical processes of obtaining legal authorization from the justice of the peace for warrants. I'll leave you with that to read.

I have also given you the recent case of *R. v. Ebanks*, and that supports that.

Criminal Bench of B.C. Courts. I feel this is very important, because today there is a clear need for an institute of criminal bench in B.C. at the Supreme Court level and in each province in order to ensure that judges presiding over criminal crime trials, often for murders and violent offences involving organized crimes, are appointed from criminal law practice and therefore have the necessary experience to make a sensible trial decision and judgment. We are not seeing this in British Columbia, and there's a public outcry. Why are these people walking the streets? It's because judges appoint judges, and judges don't care what the public's opinions are. Because they're an entity of their own and they cannot be touched by the Attorney General—they can only be advised—they really don't get it in British Columbia.

• (1705)

I think we need more police. I've given you that input also.

I've given you my conclusion, but I also want to say that I am very encouraged by what I see today. Organized crime was 50 years in the making, and I believe we will not let another 50 years go by before anything is done or we let our grandchildren or children resolve this. I'm really encouraged that we have a committee here and federal and provincial governments that are ready to do something. All they need is support.

And we do need support from all parties. I believe all parties are represented here. Take this message to your own parties and say, “In British Columbia the bullets are flying. We are touched, and we need assistance, so please help.”

Thank you so much.

The Chair: Thank you, Ms. Mohan. And thank you, to all three of you, for your compelling testimony.

We're going to give an opportunity for our members to ask questions. I'm going to go first to Mr. Dhaliwal.

I understand you're sharing your time with Mr. Dosanjh. You have five minutes.

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Thank you, Mr. Chair.

First of all, I would like to say—and I think I speak not just for me and my family, but for my constituents in Surrey and Delta—that our hearts go out to you and your families. I would also like to thank you for your courage and bravery to come today and guide us in the direction we should be heading. The tragedies that have happened to you should not happen to anyone else.

We were together at a rally in Surrey, which was organized by Paul Hillsdon and Trevor Loke. We are all shocked and appalled by the recent spike in gang violence. We are caught in the middle of a new battleground, and we all have to make sure this battle does not become a drawn-out war. I would like to thank you for the work you have done over the last few years, because this is the type of work that will make sure this battle does not become a war.

When it comes to personally supporting legislation, I have always been very clear and up front in supporting being tough on crime, irrespective of which party brought in the legislation. On the other hand, I have always advocated for more police and community resources to deal with the people who are vulnerable to these gang members.

That was my two minutes. I would like to pass it on to Mr. Dosanjh to make some remarks.

• (1710)

Hon. Ujjal Dosanjh: I too would like to thank you. It is not easy to do what you're doing. You have obviously turned personal tragedies into constructive work and advocacy on behalf of all Canadians. I would personally like to thank you. As a British Columbian, I admire your courage.

I'm not going to ask you any questions. You have spelled out your views very clearly. I will, of course, look at the presentation and read up on some of the cases you've attached or mentioned. But rest assured, when we come to issues of crime and public safety, no one comes to these issues in a partisan political fashion. We may differ at times, and we do so vigorously and rigorously, but ultimately we share the conviction that we need to do more.

I can only imagine the pain you've gone through, but we share the conviction with you—all of us around this table and in this House share the conviction—that we need to do more and we need to do better on this issue for all Canadians.

Thank you.

The Chair: Thank you for those remarks.

I'll move on to Monsieur Ménard.

[*Translation*]

Mr. Réal Ménard: Thank you, Mr. Chairman.

I too would like to tell you that I think what you're doing is extremely courageous. It is not difficult to understand that what you have gone through is extremely traumatic. I hope today you will find three sources of comfort.

First, I have been a member of Parliament since 1993 and I can tell you that in the past, the House has proven that it is quite easy to reach consensus on issues regarding organized crime. You should remember that a number of communities, in particular Montreal, which Mr. Petit was speaking about a few moments ago, have experienced a phenomenon similar to what is happening in B.C. at the moment. Some distinctions do have to be made, however. At the time, it was really a war against the Hells Angels and the Rockers. I understand that that was not so much the case for you. We agreed quite quickly that a new offence had to be created. So we added the offence of gangsterism to the Criminal Code, which was described as being five individuals who committed serious offences, punishable by more than two years' imprisonment, for the purpose of providing material or financial resources to an organization. The police explained to us that it was not a good idea to keep the number at five, so we reduced it to three. Since organized crime is evolving very quickly, we later broke the section down into three parts to facilitate indictments.

At the moment, we're all trying to understand the characteristics of organized crime in 2008. It is different from organized crime as it existed in 1995. We are very aware of what is going on in British Columbia, so much so that we decided we needed to go to B.C. as a committee. We will be doing that in April. We are looking for things that can be done to enable the police to lay charges.

I heard you speaking out against judges. I can understand your view on this, but, with all due respect, I do not think the solution lies in this area. In my opinion, the police must have the tools they need to lay charges and later we will see about their effectiveness.

I support the bill because of the offence punishable by a prison term of 25 years. When people have reached this level of responsibility in organized crime, they should not be eligible for parole for a long time. This is how we will destroy the networks. I think this works much better than minimum sentences or other types of measures. We need to give the police more tools to do their job.

You can count on us to work diligently and without partisanship. I think the trials you are going through at the moment will help us go further in our common struggle.

I thank you very much for your courage. You can count on us.

• (1715)

[*English*]

The Chair: Monsieur Comartin.

Mr. Joe Comartin: Thank you, Mr. Chair.

Along with the rest of the speakers, I want to thank you for coming. I can't imagine, having children of my own and an extended family of my own, how difficult it is for you to deal with the loss of your family members.

Let me assure you that we don't get very many witnesses like you in front of this committee. We have not historically, and I've been on this committee for just about five years now. We do occasionally, and I want to say to you that when we do, as perhaps Mr. Ménard was saying, they inspire us to keep doing our job, to try to find methods within our criminal justice system, and the target always is to prevent any crimes. But how to deal with them, how to provide our police

and our courts with the tools to both prevent and prosecute when that becomes necessary...it's not a perfect system by any means.

Mr. Brown, you've raised points on some specific problems, and I guess, Ms. Mohan, you have as well for B.C. I think we need to address that, and so we need to do work on it.

I think all of us—at least member of all parties—met with the Attorney General when he was here a week and a half ago, and he certainly drew to our attention the needs he has from us at the federal level. We're attempting to respond to those as quickly as we can. Similarly, we said back to him that there are obviously needs they have to respond to within their jurisdiction.

The point I want to make is that this work is going on now. Your presence here and, I'm sure, in British Columbia when you meet with them is an instigation for us to keep working at this, to not let up. I don't believe that we can ever completely eradicate crime in our society, at least not for centuries, but I also firmly believe that there is a lot more we can do to lower the crime rate, to shut down a lot of these gangs and organized crime more generally, and that we need to work on that very extensively. Your presence here today will keep us inspired to keep working at it, so thank you again.

The Chair: Thank you, Mr. Comartin.

We have a question, I believe, or some thoughts, from Mr. Warawa.

Mr. Mark Warawa (Langley, CPC): Thank you, Chair.

I want to thank each of you for being here with us today and for sharing your grief and your courage. You have challenged us to bring safety back to our communities. That is a task that I believe every member of this committee takes seriously. Hearing from you and hearing your challenge to us does motivate us in that direction.

I met Mr. Brown and Mrs. Mohan about a year ago in my office. Tragically, things have gotten worse instead of better. Many of the recent shootings started in Langley, in the Walnut Grove area. My immediate response was to phone my family to see if they were okay.

I heard from parents who were out shopping at the local grocery store, and they were experiencing things that we never imagined: hitting the floor; being beside a car that had its windows blown out, with somebody killed in it; and people running for their lives.

I talked to a parent a week ago. They have a six-year-old and a two-year-old. They have taught their child what to do: don't talk to strangers, what to do in emergencies—stop, drop, and roll—and all the different things you teach a child. They've now taught this child what to do if the child hears gunfire. The six-year-old is to hit the floor—jump out of his car seat, get on the floor of the car, and take his little brother out of his car seat and pull him down to the floor too. This is how people are living, and we have to do something.

We introduced, and it came into force in May of last year, the Tackling Violent Crime Act. In that new legislation, there was a change to reverse onus for bail release. Mr. Brown, you brought up three main things: the two-for-one remand, bail for serious offences, and conditional sentencing. Two of those were in the Tackling Violent Crime Act. Conditional sentencing for serious offences is not to be permitted, and there is a reverse onus for bail for serious crimes.

I believe you were at a recent rally in Surrey. In your case, I believe, there's been no one charged and no conviction. In your case, we don't know who committed those murders or if it was one person or a number of people. There is nobody. When we do catch somebody, they're charged and they're released on bail. How does that happen? Having a background in loss prevention and writing up fatality reports for the provincial corporation, ICBC, you look at the causes. What caused that situation, and what are the solutions to try to keep that from ever happening again?

All of you have eloquently highlighted your perspectives on some of the causes. Could you elaborate on solutions?

• (1720)

Mr. Steve Brown: I'll comment on that.

On the reverse onus provision for bail, which you brought in last year, most of the time crown prosecutors will not even argue it. They will not even ask for it, as they feel that it's not strong enough. And when they do, the judges never buy the argument anyway. It's completely useless.

There's frustration. I think the judges who want to apply it feel that, whatever the wording is, however it's been written.... I know that our Solicitor General in British Columbia said that he wants to see the reverse onus extended to a broader range of offences than gun-related and gang-related offences. I can tell you that just before I left, I spoke with a police inspector in the city of Vancouver, and he said that most times the prosecutors will not even bother trying to apply reverse onus. They don't feel that they could make a sufficient argument to a judge.

I don't know what the solution is.

Mr. Mark Warawa: Does anybody else have ideas on solutions?

Mrs. Eileen Mohan: We need to have judges who understand gun violence, gang violence, drug trafficking. Until the bench is willing to prosecute these people in the way they have been terrorizing our streets, our families.... They have disregard for the public, no respect for any life at all, and it is in the hands of the judges to put these people behind bars. I totally believe that. These people need to do their job seriously, and they are not. So unless we have some sort of place where we could go to see how each judge has been doing his or her duty and how we can put more judges who understand the situation that is happening in our society and the cases that are coming before them, this will never be resolved. We need the commitment of judges.

We can do everything else, but if it comes to the court of law and the judge does not recognize the present and clear danger, then all is lost.

The Chair: Thank you to all three of the witnesses.

The reason you haven't received more questions is probably because your testimony has been so powerful and compelling. Most of us at the table can't even begin to imagine what you've gone through and the loss that you've suffered. Again, thank you so much. I just encourage you to keep up the good fight. Hopefully there will be a positive response from our government to address the needs that are clearly out there with respect to violent crime, drug-related crime, gun crime, and organized crime.

Thank you.

• (1725)

Mrs. Eileen Mohan: Thank you so much.

The Chair: We'll just take a minute break while the room clears out, and then we have some items of business to discuss in camera.

[Proceedings continue in camera]

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