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Chair

Mr. Ed Fast

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• (1435)

[English]

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

Thank you, all of you, for coming.

As you know, as a justice committee, we decided to conduct a review of organized crime across Canada. It's supposed to be a comprehensive review, and it's going well beyond the number of days we'd allotted for it. We're drawing on information we're getting from witnesses across Canada. You're just one of many panels we'll be speaking to, hopefully reflecting a diversity of views.

The way we normally proceed is to have you make a presentation of five minutes. There will be room later on for questions from the committee members. If you can keep an eye on me from time to time as you're speaking, whether you're answering questions or giving your presentation, I'll let you know when you're close to the end and when I'd like to have you wind up, because we want to be fair to all the people who want to ask questions, as we have a pretty full agenda.

Without further ado, John Shavluk, would you like to start, please? The floor is yours.

Mr. John Shavluk (Law Enforcement Against Prohibition (LEAP)): First off, I'd like to thank the justice committee for even allowing me to be here. I wasn't here this morning, so if I'm out of line in my presentation, I would just like to explain a couple of things while this is going on.

Obviously, none of you may know me, but the history involves... and I'll just put it in point form. I was a real estate developer/broker/builder in Saskatoon in the eighties and the nineties, and I spoke up for some of my tenants at the end of the eighties and the beginning of the nineties. Unbeknownst to me, I ended up being framed for having 8 grams of cannabis and was denied access to my children and was jailed for two years. My entire world was torn away and my business was bankrupted.

I had run for city council in Saskatoon. When I was freed from jail, as soon as I could I left Saskatchewan, and I wanted to leave the country because I was so ashamed. I'm an ex-military veteran, an ex-bank manager, and an ex-Canada Revenue Agency department head. I was appalled that this could happen in this country.

The police officer involved was charged for... There was a 1992 rape case dealing with children in Martensville, Saskatchewan. He

was the police officer who caused my demise. And where I came from in Saskatchewan, racism still runs rampant.

To make a long story shorter, I ended up in B.C., where I met a woman who basically nursed me back to health, because I still didn't know exactly what had happened. I'm being very point blank here. I lost 43 apartment blocks, houses, a night club, and a restaurant over something I did not do, because of a tenant who had broken into 70 homes in the city and bought 8 grams of cannabis from a fellow whose dad owned the CTV station. So the Saskatoon police.... There's a court record I can give you that proves everything I'm saying.

In 2000, a fellow you might have heard of, by the name of Marc Emery, put an ad in *The Georgia Straight* and organized a bunch of like-minded people to get together and start fighting. By then I had figured out what had happened to me and who did it. For example, I was a millionaire, so I didn't qualify for legal aid. Two days before my jury trial, a lawyer phoned me and said he was representing me and had done me a favour and dropped my jury trial for a nice lenient judge. Well, I didn't see my children for two years and lost everything. As far as I'm concerned, I lost my life that day because I could not get a job in this country.

Kids can beat an addiction, people, but they cannot beat a conviction. The first time I ever saw cocaine in my life was in jail.

The Hells Angels are sending a little message to you people, because when they broke into my marina and threatened my family and threatened to cut my head off, they prayed that the Conservative government would put in place mandatory minimum sentences and put people in jail, because they recruit 90% of their members from jail.

Now the abuse and the threats that I've taken over the years—and it's been 18 years... I've been in every provincial election since. I'm running against Mr. Wally Oppal right now in Delta South. I'm the Green Party candidate, by the way, who was let go three days before the last federal election for so-called anti-Semitic comments.

I go to trial in the Supreme Court of B.C. starting January 4. I will prove that the blogger who sent this attack out to the Global media family has two friends attached to his website. One of them owns a Conservative blogging site and the other one is Stephen Harper, the Prime Minister. This goes to trial on January 4, 2010. You can't phone the police when you're attacked by the Prime Minister or somebody connected to him.

The day I was described as an anti-Semite, my wife ran out screaming and crying because she has been through the shakedowns by the police, when they came with psych nurses, threatening to make me disappear. But her computer started to type in Polish and mine started to type backwards, and nobody touched a thing. They're both melted down, and technicians asked if I was attacked by the FBI.

I live under personal threat by the Hells Angels or bikers or criminal elements, who sure as heck don't want me to be successful in stopping you from jailing Canadian citizens' children for a harmless, benign plant. I just came from a national Green Party convention, where I met people who were so-called cured from cancer by hemp oil, because something ate their tumours.

I pleaded with my mother and my best friend a year before that to try it, because I knew of it. They both died of cancer but could not get beyond the fact that, "The law is the law, John, and if they had wanted us to do it, we would."

• (1440)

I should mention, with Joe sitting here, that Jack Layton took it upon himself. We canvassed all the leaders for the NDP, and every one of them was going to legalize cannabis or stop this craziness. Well, I spent four years working my butt off for him. He kept telling me to get grassroots support. You can check the record—North Delta got the first one. We ended up with 6 for cannabis, 200 to the drug war. They met us on the way there, asking me to go home. They said they were too afraid to touch the issue because of votes.

I implore all of you—you all must have friends or somebody who's touched these drugs. If you put them in jail for mandatory minimum sentences, you ruin their lives forever and you give the best recruits you can to these criminals, who threaten to take my life if I succeed.

The Chair: Thank you.

Mr. Tousaw.

Mr. Kirk Tousaw (Board Member, Chair, Drug Policy Committee, BC Civil Liberties Association): Thank you for allowing the association to present its remarks. I should point out that the association doesn't have an official position on organized crime writ large, so my remarks today are predominantly my own. However, I think they come with some significant support from the association.

I want to talk about a tale of three different eras, and I'll preface this with three key points to explain why my remarks are going to focus predominantly on the issue of drug prohibition and its linkage with organized crime. My first point is that the primary funding source for organized crime is the illicit drug market. You've probably already heard this today, as I see you had a number of law enforcement witnesses earlier. You don't have to take my word for it. The 2008 CISC report on organized crime makes it abundantly clear that this is where they get the bulk of their money.

The second point, also from the CISC 2008 annual report, is that law enforcement activity, including the disruption and dismantling of specific organized crime groups, is neither a permanent solution to the problem nor an effective long-term strategy. This is because, as the report says, the impact of law enforcement successes

...tends to be short term as it creates temporary voids into which market expansion occurs or creates opportunities for well-situated criminal groups. In general, criminal markets are highly resistant to long-term disruption as they continue to exist in response to meeting consumer demand.

The third point is that, as recent events in the lower mainland have made clear to all of us who live there, as well as everybody else across Canada, organized criminal groups use tactics to control the drug markets that disrupt the social fabric of our communities, that cause the loss of innocent lives, and that create chaos on our streets.

With those three key points in mind, I'll talk very briefly about the three eras that I described. The first era is national alcohol prohibition in the United States, a measure designed to reduce drunkenness and crime. This noble experiment of the twenties and thirties did exactly the opposite. Serious crime increased markedly. Alcohol became more available and more dangerous. There was adulterated moonshine. The potency of alcoholic products increased, because of a move from beer and wine to hard liquor, which was more easily smuggled and concealed. The unintended negative consequences of prohibition ultimately became the major impetus for its repeal. The result of repealing prohibition in the United States was an almost immediate and significant decrease in serious crimes such as assault and, in particular, homicide. These decreases can be explained only in relation to the repeal of alcohol prohibition.

The second era I want to talk about is the rise of the cocaine cartels. This era begins in the late 1970s and early 1980s, when a confluence of events occurs: a rise in popularity of powdered cocaine; the invention of crack cocaine as a means of delivering powdered cocaine to less affluent markets in cheaper and easier-to-acquire formats; and the renewal of the Richard Nixon drug war by Ronald Reagan. This confluence of events led to the rise of massive cocaine cartels, originating predominantly in South America. Everyone has heard of Pablo Escobar and the Medellín cartel. Pablo Escobar was killed by Colombian police in 1993, and that marked the end of that second era. This was celebrated as a major victory by drug enforcement agents across the world—principally in Washington, D.C., but everywhere else as well. Pablo Escobar's death in Colombia marked the 16th major cartel that had been disrupted or dismantled in the previous three years. Either the leaders had been killed or they had been extradited to face charges, mainly in the United States. Escobar, at the time of his death, was a billionaire many times over. It was felt that this was a turning point in the war against the cocaine cartels, and in fact it was. Tragically, however, the turn was for the worse.

In the wake of the disruption of the cocaine cartels, cocaine became cheaper and more pure. Where a few cartels had once dominated, dozens sprang up to replace them, using violence to secure turf and distribution lines. As the CISC report makes clear, diversification of the smuggling routes has meant that in West Africa the very nationhood of some countries is being threatened by the continued international trade in illicit substances.

• (1445)

Domestically, gang wars continue unabated throughout all of North America.

I have the wind-up signal, so I'll very briefly mention the third era, and it's a short story because the third era begins right around now. The third era is the road ahead for Canada and the international community. There are two paths we can take. There's the path of the failed policies of the past that will result in more bloodshed, more violence, more death, more disruption of our social fabric, and more risk to our communities and our children. Or there's another path, and it's a path that will take a tremendous amount of courage and a tremendous amount of leadership. It's the path that was followed in the United States when alcohol prohibition was repealed and the good that this brought. It's the path that involves the repeal of drug prohibition. It is not a magic solution. It will not end the problem with organized crime in this country, but it will deal a significant blow, and I urge you to think long and hard about taking that road instead of the failed road of the past.

The Chair: Thank you.

I will move on to Mani Amar. You have five minutes.

Mr. Mani Amar (Filmmaker, As an Individual): Committee and guests, my name is Mani Amar. I'm an independent filmmaker, writer, and activist based out of Vancouver, B.C. I've been invited here today to share my views on the state of organized crime and to offer suggestions in order that—

The Chair: Mani, you can read much more slowly; that way the interpreters will be able to catch what you're saying.

Mr. Mani Amar: I only have five minutes.

The Chair: That's okay.

Mr. Mani Amar: I've been invited here today to share my views on the state of organized crime and to offer suggestions in order for the committee to make recommendations in a report to the House of Commons.

I believe my invitation was based on the film I have recently released, *A Warrior's Religion*. It is a documentary film in which I attempt to discover the root precursors of why so many South Asians have been heavily involved in organized crime in metro Vancouver during the last 19 years. I hope that my experience garnered in the production of the film, along with my ongoing research on this issue, can help provide insight in terms of shedding light on this dark situation.

Youth and our educational system. In today's society, more so than ever before, there exists a very heavy influence of materialism. Our youth are literally programmed by advertisements and popular media that their progression of success is measured by the ruler of wealth. This phenomenon is not unique to only Canada. It is slowly but surely becoming a global phenomenon.

When youth are taught directly or indirectly by their own families and friends in every direction they look that they are not cool because they lack the newest electronic gadget or the brand name pair of shoes, you are hindering the self-confident growth of that child. Where there's a lack of self-confidence, there is a very dangerous void, a void that is preyed upon by older youth. This void is exceptional in its fertility for growing misguided morals and ethics.

One of the most common recruitment measures put into practice by youth on youth is bullying. Bullying is a tried and tested and proven-to-work technique. Imagine an impressionable youth—and remember that all youth are impressionable—being ridiculed for not having those cool items I mentioned before. Every day he comes to school to be picked on, made fun of, teased to the point of tears and beyond, and secluded from the group that decides what the norm is. Ladies and gentlemen, we now have an at-risk youth. This boy will one day be told by some other boys that he does not need to fear bullying or being ridiculed if he joins their group. Ladies and gentlemen, we now have an alliance. That at-risk youth now has learned that he is protected when he has the strength of his friends with him. Though these childhood alliances may or may not last to the point of becoming criminal, the at-risk youth's subconscious has now been ingrained with a feeling of protection and the feeling of power when they possess these types of alliances.

This is one example of how youth can become at risk. There are many paths that can lead a child to this point. Whether it be society's stress on materialism, the lack of proper parenting, the lack of attention at school or what have you, the fact is that we are creating more at-risk youth than ever before.

Moving forward with an example, what if there was awareness of this bait strategy? What if we could teach our youth from an early age in our schools that these are bait strategies that other children could use on them? Perhaps a young boy will make a positive choice by saying no to joining a group. Perhaps his saying no will create a benchmark for the boy to rebuild the self-confidence he lacks.

Everyone is well aware of the four pillars of action: awareness, prevention, intervention, and enforcement. In my humble opinion, I believe there is much more focus on the latter two pillars, intervention and enforcement, than on the two pillars that we should be focusing on, awareness and prevention.

Focusing resources on these two pillars can drastically reduce the recruitment pool of at-risk youth. Awareness is having knowledge, conscience, being cognizant, informed, alert, and mindful. Prevention is effectual hindrance. Intervention is interruption, obstruction. Enforcement is to compel observance of or obedience to. Ladies and gentlemen, which of these pillars sounds like the easier task?

Prevention. As the youth being bullied is at risk, so is the bully. The void that exists in the bullied youth is the same void that the bully himself encompasses. However, his void is mostly likely engulfed with fear and insecurities—fear and insecurities that are alleviated by a showcase of power.

Bullying is an issue that is taking place in our schools, just as it did when we were all growing up. However, the means to complete the bullying is no longer just physical. Another phenomenon of cyber bullying has come into prominence. Now the bullied youth has less chance of escape and the bullies have another tool to accomplish their goals.

I believe the ratio of teachers to students, which has grown stagnant over the last 20 years, needs to vastly decrease. It is not a feasible task for a teacher, essentially a third parent, to provide the attention required for a youth when they are to be mindful of the average of 30 students per classroom. That bully who is in desperate need of attention, who's crying out for help subconsciously and in their actions, will most likely not receive the attention required to help them get to the correct path once again.

I'll move on to intervention. It seems as though we have become comfortable to the point where we only take action after the youth takes their first footsteps on a one-way path. For us to intervene, there has to be a situation taking place that needs intervening, situations such as youth violence, gang violence, the drug trade, and drug abuse, among many others. Decisions are made; life choices are accepted. These youths will find it very hard to come back, and we will find it very hard to bring them back. They will be moving faster on a downward slide in their life.

● (1450)

I was going to go through the other four pillars, but the whole synopsis of my statement is that we are propelling gangs to exist and to do the drug trade. The number one incentive for gangs to exist in B.C. is due to the marijuana trade. If we cannot perpetuate them and perhaps legalize, regulate, and even tax the marijuana trade, we can strengthen our own economy and limit the amount of gangs getting involved.

Thanks.

The Chair: Thank you.

We'll move on to Tony Helary. You have five minutes.

Mr. Tony Helary (As an Individual): Good afternoon, ladies and gentlemen. Pardon me if I'm somewhat nervous. This is my first time before the committee.

My name is Anthony Helary. I was born in eastern Canada and now live in the lower mainland; however, between then and now, most of my life has been spent in federal prison, for a wide variety of crimes, many of which I'm not very proud of.

I've been in prison in all regions in Canada—Dorchester, Millhaven, Collins Bay, Warkworth, Prince Albert, Kent, and Matsqui. I am here today to share with the committee some of my experiences. Today my goal in life is to have no more victims. I am doing this through my church and my spiritual beliefs. Today I do what I can to help the homeless and prisoners with addictions, one person at a time.

I have a house in Abbotsford with four men in recovery who had been living on the street, one of them in a cardboard box under a bridge. That is not, however, why I would like to share some of my experiences and knowledge of the federal prison system. CSC is a failing corporation. I believe this is because their hands are tied, between the Charter of Rights and the mission statement. The ball is in the prisoner's court.

Gangs are becoming rampant in prison: the prairies have the native gangs; the Angels and the Rock Machine are in Quebec; the Aryan Brotherhood and white power gangs are in eastern Canada. B. C. has any number of gangs, including the Angels. The federal

system is a recruiting area for many gangs, especially inmates who are doing five years or less. The major problem I see in CSC is they are unable to move gang members to other regions where they would have less power and very little influence in the general area. Just as it is on the street, fear is what they use in prison, in both places, and violence is a means of dealing with issues.

There's so much corruption in the CSC that it's easy to get whatever you want, from cellphones to drugs. In the seventies it was the Palmers, and now it is any number of gangs. Unless some changes are made, the gangs will continue to do their activities inside prison walls with little interference.

I predict that in the near future prison gangs will be—if not are—the biggest problem in the CSC today. Drugs are control and drugs are power. Money is the motivator and staff are only human. I have recruited staff in the prison system. I basically controlled two prison gangs in Prince Albert for about five years, and I controlled them with the use of drugs and the getting of drugs in the institution, because I knew how, and it was usually through manipulation and fear. I'm not proud of the things I've done, but there is a big need to stop the activities that are happening today in the prison system.

Putting the Bacon brothers in prison here is doing nothing to stop their activities, or any of the Angels—Mom Boucher in Quebec or any of the gang members. It does little to put them behind prison walls. If you put them here in Matsqui or Kent, they still have the power, the power of fear in the community. As long as they have that power, the staff just lay dormant to do anything about it, for fear... Until we let loose on some of the laws with regard to the mission statement, with regard to transfers of inmates from one region to another—because the mission statement talks about family and goes on and on in that regard—it's going to keep going, and it's sad.

Anyway, that's my take on that.

● (1455)

As far as decriminalization of marijuana is concerned, I totally disagree. I've seen it and I've done it; I've manipulated people by saying "here's some pot", and the next thing I had them using harder drugs. I've especially preyed on white-collar criminals in the system. They come in and are basically green, but within a matter of months they're owing me their shirt. That's the way it is.

I think there should be a revamping of or a committee to study the prison system in Canada, because it's getting worse and worse. These criminals are getting back out. The result of them getting back out is that they're just back into the gangs. I really think that communities should be more involved, churches especially, with the integration of inmates and offenders. That's the way I see it.

● (1500)

The Chair: Thank you very much.

We'll move now to Marco Mendicino.

Welcome. You have five minutes as well.

Mr. Marco Mendicino (Acting President, Association of Justice Counsel): Thank you very much, Mr. Chair, and I want to thank all the members of the committee for allowing me this opportunity to speak.

I represent the Association of Justice Counsel. The AJC is made up of two families, as some of you may know. There are the Department of Justice lawyers, who essentially make up the civil litigators of the federal department, and then you have the Public Prosecution Service lawyers, who make up the federal crowns, and it is really their role that is the context in which I make the following remarks with respect to guns and gangs.

The real victims of guns and gangs are people. I think that goes without saying. They're the real victims of the terror that is within the framework of the gangs and the way in which they work, and it is the drugs that fuel the work of these gangs. Federal prosecutors serve as the last line of defence against the social chaos that is created by these gangs and the havoc they would otherwise seek to mete out in society. For these reasons, our work matters.

So what is the work we do? Well, we prosecute an array of offences under the Controlled Drugs and Substances Act. We also prosecute an array of offences under the Criminal Code. We carry out organized crime prosecutions, and often enough, both Criminal Code charges and CDSA charges, or controlled drugs and substances charges, are married up under rather significant, rather complex trials and proceedings. So that is essentially what our role is.

Now we're confronted with a number of challenges as a result of the complexity of the litigation, which has evolved over time, and some of you have become aware of that in reading about these cases in the papers. So what are the major issues federal prosecutors are confronted with as the level of litigation becomes more complex? Well, we have issues that deal with drawing the right line on what is the reasonable expectation of privacy. We have issues that deal with wiretap laws and the extent to which wiretaps may be authorized in the absence of judicial authorization when carried out in exigent circumstances. And perhaps more than anything else, we also are confronted with incredible disclosure issues.

I would imagine that many of you are aware of the watershed decision of Stinchcombe, and as a result of Stinchcombe, disclosure has become what is, in essence, the biggest impediment to carrying out an efficient and speedy trial. So as the offences become more complex and the evidentiary rules that are incorporated into those proceedings become more complex, our abilities to carry out our disclosure obligations are proportionately challenging, or the challenge to mete out those obligations is becoming proportionately challenging.

That is the essence of the work we do, but it's not just about prosecuting these cases. There's also a victim side to this, and often enough when thinking about drug crimes, which again are the fuel for many of these guns and gangs, there's an assumption made that they're victimless crimes. But that's not true at all. The people who are the victims of these crimes are the ones who have themselves lost their lives to drugs, and once the prosecution is carried out, it's up to the federal prosecutor to reach into the toolkit of our sentencing provisions to arrive at what is a fair sentence. So when we're actually trying to determine what is a fair and fit sentence in the circumstances, we have to balance the various objectives. And in cases involving guns and gangs, intuitively, the federal prosecutor will look at denunciation, will look at separating the offender from society, but at the same time, we also want to bear in mind the need to rehabilitate.

So these are the challenges we have moving forward.

There have been proposals that have been advanced, including mandatory minimums. There are various disparate social science data about whether or not mandatory minimums will be effective in the long run. I think at this stage it would be premature to rule that out of the sentencing toolkit.

•(1505)

That's the essence of the challenges we face as federal prosecutors. What I would simply say in closing is that it is important to remember that federal prosecutors also play a critical role in the overall scheme of combatting guns and gangs and drugs.

We thank you very much for your time this afternoon.

The Chair: You're very welcome, and thank you.

I realize that most of you, certainly the first four, ran out of time in terms of presenting. I think you'll get an opportunity to expand on your thoughts as the questions come along.

You also have an opportunity to provide us with written presentations, whether you have them with you right now or whether you want to expand those. You can deliver them to the clerk. She'll get them translated. Hopefully you can get them translated, but if you don't have the chance, deliver them anyway. Then we'll circulate them to our members.

Mr. John Shavluk: As long as I can speak again—

The Chair: If there are questions coming to you, and I would guess there may be, you can.

Mr. John Shavluk: Otherwise, I can't say anything?

The Chair: We have such limited time. We also have another—

Mr. John Shavluk: All I need is one minute.

The Chair: That's okay. It applies to everybody.

We're going to start over here. Who's going to go first?

Mr. LeBlanc, you have seven minutes.

Hon. Dominic LeBlanc (Beauséjour, Lib.): Thank you to all of you for your comments. I have two very brief questions, and then my colleague, Joyce Murray, may want to follow up.

My first question is for Mr. Mendicino. I'm a great admirer of the work of many of your colleagues. Some of my friends, people who had been to law school with me in New Brunswick, for example, are now federal prosecutors in Atlantic Canada.

One of the things I hear a lot about is the difficulty of recruiting and retaining prosecutors, which can lead to difficulty in prosecuting large cases, whether they're drug cases or organized crime cases. I appreciate that in different jurisdictions across the country there are different pressures, but I'm wondering if nationally you have any insight with respect to the ability to recruit high-quality prosecutors and then retain them in the federal prosecution service. That's a very precise question.

I have a second question for Mr. Helary. The Dorchester Penitentiary is in my riding in New Brunswick. I've visited it a number of times, including two weeks ago. Much of what you said, in terms of the control of gangs within the institutions, I've heard from others, either inmates or people who work there. I'm wondering what specific suggestions you would have. You talked about a review of prisons, but perhaps after Mr. Mendicino's answer you could give us your suggestions on how to help reduce the negative pressure that we see in some prisons.

Mr. Marco Mendicino: Thank you very much for the question. The short answer is that we have an incredible problem both recruiting and retaining talent, and that problem has been particularly acute over the last three years.

Historically the federal government was either number one or number two on pay scales, and as a result of that we were able to attract and retain a high quality of talent. Over the last several years, we've fallen behind. If you take a look at where the federal government stands on the national scale as compared to some of the provinces, we rank probably seventh or eighth, certainly behind some of the major provinces, including Ontario and British Columbia.

The result is that you have a red-circling of federal government salaries. What happens is after a short period of time, after federal prosecutors have amassed a certain amount of talent, they simply walk across the street and work for our provincial counterparts at salaries that could be as much as 40% to 60% higher.

Now, I don't have to tell you that should be a source of major concern to every member on this committee, because what it means is that the number one lawyers who are representing the federal government's interests are bleeding; they're going away. I want to emphasize that that's an important component to the overall strategy of warding back guns and gangs, because federal prosecutors do play an extremely meaningful role in that.

I hope I've answered your question.

• (1510)

Mr. Tony Helary: The number one way that I think would give a lot of leeway to CSC would be to revamp the grievance system to close holes in the involuntary transfer system. If an inmate is involuntarily transferred from one region to another, or from one prison to another, he has a grievance process. It has three levels, and he can use that to get back to the region he was in. The mission statement with CSC is to keep families united as much as possible.

With that in mind, more times than not, if an inmate appeals the decision, he's sent back to the region. You have to close that hole. You have to be able to give CSC more power to transfer inmates, especially gang members. I think the ghost chain they had number of years ago....They'd have high-profile inmates. Ray Palmer was one. I'm not sure if most of you remember him. Ray, Donnie, and Dougie were the Palmer brothers, and they were involved in mafia activities here in Vancouver. They were put on the ghost chain, so to speak. They would be transferred from one region to the next region to the next region. They wouldn't give them enough time to set up shop, so to speak. They wouldn't give them enough time to get settled in. They'd maybe spend a year or two in the area and then they were

gone. They couldn't get enough time to acquire whatever needs they had.

The Chair: Thank you.

Joyce.

Ms. Joyce Murray (Vancouver Quadra, Lib.): Thank you, Mr. Chair.

Thank you for your presentations and for your obvious passion for the issue and the courage to come and speak with the committee today.

I'm an MP from Vancouver. On the west side of Vancouver there are a lot of people who have come here from other countries. It's an area where real estate is expensive. Some of my constituents tell me that it's distressing to make a life and invest in Vancouver and then not feel safe leaving their homes. It's a big concern in Vancouver Quadra.

I understand that it's a very complex issue to reduce the impact of guns and gangs on society and on Vancouver, so I don't want to oversimplify. However, I would like to hear from the witnesses: if you were writing the committee report's recommendations, what is one thing you would recommend? If you've already made it really clear, like legalizing drugs, I would like to hear your second-in-line recommendation, if you were holding the pen on this committee report.

The Chair: Well, let's do it this way, because we only have half a minute. Each one of you do it very quickly. What's the number one priority for you?

John.

Mr. John Shavluk: I would simply say to all of you to ask yourselves one question: is alcohol safer legal or illegal?

The Chair: Mr. Tousaw.

Mr. Kirk Tousaw: I think my recommendation is pretty clear, so I'll move on to one that's perhaps more realistic in the short term. This country needs to undertake a significant and comprehensive audit of the successes and/or failures of drug prohibition and their contribution to organized crime. We've had a number of studies. I have pages and pages of studies on the drug issue. They all come to the same conclusion, but we need to look at what we're doing to find out why it isn't working.

The Chair: Mr. Amar.

Mr. Mani Amar: I have to say that the number one priority I would pen is the legalization, regulation, and taxation of marijuana. It is by far the number one incentive for gangs to get involved in the criminal underworld right now.

• (1515)

The Chair: Mr. Helary.

Mr. Tony Helary: I think the number one thing, if I had the pen, would be to integrate offenders in a more productive manner, so they're not part of the problem and are not recruited by gangs, because of housing, their need for affordable housing. The churches and communities need to get involved in more in-depth programs.

The Chair: Thank you.

Mr. Mendicino.

Mr. Marco Mendicino: Speaking on behalf of myself, the number one priority would be to ensure a fair trial. The way to do that is to revisit disclosure protocols. That would be my recommendation to the committee.

The Chair: Which protocols?

Mr. Marco Mendicino: Disclosure protocols.

The Chair: Disclosure. Got it. Thank you.

Moving on to Monsieur Ménard, you have seven minutes.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): I will begin with Marco. I will begin by saying that this is the first time I have heard that provincial prosecutors are better paid than their federal counterparts. I know of many who would like to move to the federal level. I have been told that the salaries are 30% higher than those in the provinces. So much the better if this requires me to change my information.

I particularly wanted to have a discussion with you on the issue of mandatory minimum sentences. Since its inception, the Bloc Québécois, with a few exceptions that Mr. Comartin never misses an opportunity to point out to me, has voted against mandatory minimum sentences. The Bloc has mainly relied on criminologists, like Julian Roberts as well as other people, who have pointed out three negative effects of mandatory minimum sentences.

First of all, these sentences have nothing to do with deterrence. The countries that have greatly increased the number of mandatory minimum sentences are not the places where one finds the lowest crime rates.

Then, crown prosecutors like yourself will choose to lay charges that do not involve mandatory minimum sentences in order to respect judicial discretion, rather than see a judge impose a sentence which he or she does not believe in. At that point, the judge will not wish to impose a sentence.

I have rarely heard crown prosecutors speak favourably of mandatory minimum sentences. Listening to your presentation, I have the impression that you are biased in favour of them.

I would like to hear your thoughts on that and then I will ask a question of Tony and of John.

Mr. Marco Mendicino: I am sorry, I am not bilingual but I believe I understood the gist of your question.

[*English*]

Mr. Réal Ménard: You may speak in English if you want to.

[*Translation*]

Mr. Marco Mendicino: Thank you very much.

[*English*]

What I understood to be the essence of your question was that you got a sense, at least from my mouth, that I was favourable towards mandatory minimum sentences.

Mr. Réal Ménard: I'm sorry, but I don't have English translation.

She cut off the microphone, but I'm not going to stay quiet here.

Voices: Oh, oh!

The Chair: You never have.

[*Translation*]

Mr. Marco Mendicino: I will start again.

[*English*]

Again, I apologize. I wish I could answer you in French.

But I think I understood the import of your question, which is that you sensed from my presentation that I was favourable to or not predisposed against ruling out mandatory minimums. As we all know, a bill has been tabled by the government of the day, and all I would say to you is that there are many views about whether or not mandatory minimum sentences will be effective in the long run.

At the core of the doctrine that underlies mandatory minimum sentences, there has to be general deterrence. The message is that if we create a grid or a tariff that is well known and well publicized to the rest of the public, it will act as a bulwark between conduct that is acceptable and conduct that is not acceptable. That's the rationale.

I don't think I can go any further than to identify what is the primary rationale for mandatory minimums. In my remarks I think I said it was too premature to rule that out as one of the tools within the kit that a federal prosecutor would like to reach into and use at the conclusion of a trial process.

[*Translation*]

Mr. Réal Ménard: You are aware that there are several studies that do not support what you are saying. I understand that you are asking questions rather than making a statement, and I respect your opinion.

Mr. Helary, what form does corruption take with regard to corrections officials? Give me an example of corruption.

• (1520)

[*English*]

Mr. Tony Helary: As in most corruption, money is the underlying thing. That's what's wanted.

As for how I would do it, I would get information on staff through whichever way, especially on those who are divorced and paying alimony. It's staff like that who are in a crunch and are vulnerable. Then I'd use manipulation tactics. That's one form of it.

There's another. I'm a gifted woodworker, and I'd done a few nice pieces, and one day I had this girl come up and visit me. I knew what car this one staff member was driving and I had the piece put in his car and he went on home with it. A few weeks later, I said, "Look, can you do me a favour?" The next thing you know, I had him bringing drugs in, and the next thing you know, he was toast. It may sound so easy. It is in a sense, but it's not, you know; it takes a lot of information and being able to talk to staff in there. In Quebec, it's a lot easier, too.

[*Translation*]

Mr. Réal Ménard: Do I have time to ask another question of John?

I did not understand the beginning of your story very well. You said that you were incarcerated because drugs were found in your tenants' apartments.

I would like you to explain the cause of your problems.

[English]

Mr. John Shavluk: Thanks for the question.

No, it was explained in court that for five years I was targeted, and I must have been a criminal mastermind because they couldn't catch me for anything, so they took one of my tenants, whom they had caught breaking into 70 homes in Saskatoon—and this is all public knowledge, the names of everybody have been released on the Internet—and he withheld two months of my rent, and they went into my banks and scared them all. The trust company that held all my holdings even went under. They had offices in B.C. It was called Sask Trust. I held so much of the city's real estate that it caused the collapse of a financial institution.

A prison has never been built where they have not found illegal drugs. I listened to the comments here, where he said they move to harder drugs. I'm sorry, mother's milk is the gateway drug. When I was in jail for something I didn't do, not seeing my children, I would've taken poison. I found out I was too much of a coward to kill myself because of what I did, and I've been fighting for 18 years to stop somebody else. Jail is just the beginning. They have to pay for it the rest of their lives.

The Chair: Thank you.

I will move on to Mr. Comartin, for seven minutes.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Thank you for being here, Mr. Tousaw and Mr. Amar. You seem to be the strongest advocates for decriminalization, even legalization.

I put this question to Professor Boyd earlier today, that unless the U.S. in particular moves to decriminalize and/or legalize, do either one of you see a practical way that Canada could do it, given that so much of our market, in particular cannabis, goes over to the U.S. side of the border?

Mr. Kirk Tousaw: Sure. The reality is that while a great deal of our domestic harvest goes to the United States, it comprises only a very small fraction of their market. I don't think we need to be beholden to American policies that have been proven failures over the last 25 years and longer. We have to chart our own course. If we choose not to chart our own course, but instead to follow the failed policies of the past, we'll end up with the same failures on our street.

I used to practise criminal law in Detroit, Michigan, before I moved to Vancouver. I've seen the future of mandatory minimum sentences, an increased militarization of our police forces, an expansion in our prison populations leading to recruitment into gangs. That's the future we have in front of us. That's the future we can choose not to take.

I should also point out that while the bulk of our marijuana goes south, and we know what comes back up north as a result, a lot of it is consumed right here. A conservative estimate is about 10 million grams of marijuana are consumed by Canadians each month, so it's not as if we don't have a significant demand in our country for drugs.

The problem is we can't do anything to address that demand until we take the blinders off and stop putting enforcement ahead of the other methods we have. A dollar invested in enforcement is wasted.

A dollar invested in prevention and treatment makes a difference to the generation to come.

• (1525)

Mr. Mani Amar: I believe the legalization of marijuana in Canada will be more or less an incentive for gangs to deal with a product going south. It would cause more U.S. gangs to create their own back ends, their own alleyways, into Canada to hold up the criminal underworld.

I can't stress this enough, the number one priority on every gang member's list, and I know this for a fact because I've driven around with them and I've spoken to them for research on my documentary, is not guns, not cocaine, not prostitution; it's marijuana. It is so easy to do.

If the government can reduce the incentive for them, they have no reason to bring in guns, to become stronger gangs for the U.S. over here. So I think we should be looking at our own process in cutting off the legs to the U.S. to even want to trade with us.

Mr. Joe Comartin: Thank you.

Mr. Mendicino, I think you're only the second prosecutor we've had in front of us on this study. Of course, Stinchcombe comes up, not just from those sources, but every police officer we've had has raised it.

As to the expectation that legislation is going to be able to correct this problem, I don't see how we can do that. At the basis of Stinchcombe is the charter. Even if we curtailed the extremes that we're seeing with Stinchcombe, the Supreme Court is ultimately going to tell us that the charter overrides us.

Do you see anything developing where we get to the judiciary with better arguments that the extreme amount of information you're having to find and disclose to the defence should be curtailed? It has occurred to me that our judiciary is not—maybe because they don't have enough time—actively engaged enough when the motion is being brought forward for further disclosure, or else the crown is saying it's given what it has to and it doesn't have to give more. They're not engaged enough at this point. I have the impression that this is a particular problem in this province.

Mr. Marco Mendicino: You said that judges weren't involved enough at the pre-trial phase, which is where some of these disclosure issues could be resolved. It's a theme that Michael Code and Justice LeSage recently picked up on in a report that I believe was published in Ontario several months ago. The idea of the report was to try to identify the problems in prosecuting major cases. Of course, it's an issue that's synonymous with the theme today, which is discussing guns, gangs, and drugs.

You mentioned that whatever legislative response we may come up with will ultimately be overturned, because the Supreme Court of Canada will say that the charter applies. If one looks at Stinchcombe very closely, it does not take long to figure out that the reasoning and the fact pattern that informed the decision was varied. It was a garden variety case, a small case.

Mr. Joe Comartin: But it's never been overturned. In fact, it's been reinforced repeatedly by subsequent decisions.

Mr. Marco Mendicino: That's right. I think the answer to our question lies in how we define "relevance" and "clear irrelevance". That is the operative standard we're working with. The police investigators go out and collect the evidence. There is a corollary obligation on them to turn over all the evidence to the prosecutor. The prosecutor will sift through it, but it all goes out to the defence. It was one of the rationales that informed Stinchcombe.

There is very little discretion exercised by the crown in separating the wheat from the chaff—between what is turned over from the police to the prosecutor and what is turned over from the prosecutor to the accused. The reason we don't exercise much discretion is that we don't want to quibble over what is clearly irrelevant. If it's clearly irrelevant, what difference does it make? We have to revisit our notion of what "clearly irrelevant" means. Certainly, as cases have mushroomed, you have your evidentiary component, which is what police officers do—the surveillance, the wiretaps, what will actually make up the case to meet. Then you have another component, which is corporate disclosure, and which essentially amounts to the communications exchanged between police officers and various investigative branches.

My point is, under the current disclosure regime, rather than quibbling about all the other corporate disclosure, which can actually be far more significant in volume than the actual court case to meet, we simply disclose it to the defence. Then it can take months if not years for the trial to come to pass as the accused sifts through all this other corporate disclosure, which has no bearing on the essence of the case. If we revisit "clear irrelevance", I think we may actually be able to persuade the courts all the way up the chain to rethink the way they view disclosure, even in the light of the charter.

• (1530)

The Chair: Ms. Grewal, you have seven minutes.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Mr. Chair. Thank you all for coming here and for your presentations.

My question is for Mr. Amar. As you know, in the last decade, more than 100 South Asian men have died violently in the lower mainland as a result of gang violence. Why is it that these men, who are often from very good families, have turned to gangs? What can we do to prevent this from happening?

Mr. Mani Amar: I spent three years trying to discover the answer to that exact question: why were so many South Asian males over the last 19 years getting involved? And before that, why were so many Asian males getting involved in the 1980s in the drug trade?

It seems that for the last 100 years or so, it has moved from one minority to the next. It moved through the Italian community, through the Irish community, all the way through prohibition, through small Honduras communities and native communities. We've had Vietnamese gangs that were very prominent.

I don't believe it is because of the cultural or even religious traits of the South Asian community, which a lot of people have stressed. It's not that easy. I think this is more of a societal issue than a minority importing issue. These young men came from well-to-do families, not broken homes. If we look at the typical North American gangster, for example, if we take a look at south L.A. and African Americans getting involved in gangs, the majority of the time they come from broken homes, with one parent, usually a single mother.

They have drug abuse or a parent who is currently in the judicial system or has served time.

None of those factors were really relevant in the South Asian and Asian communities from the 1980s on. It was more of a societal issue. Because Vancouver is a port city, and very prominent in trade routes north to south and east to west, the drug trade is very easy to get into.

Every one of my friends and any one of my acquaintances knows that I'm an activist and that I stand against any criminal activity, yet I can pick up the phone right now and ask one of them to drop off a marijuana plant here at the Four Seasons Hotel and it will be here within half an hour.

We have to look at the fact that the marijuana trade is so prevalent in B.C. I was not an advocate for drug use or drug legalization before, but I do see the logic behind legalizing it now. We have to reduce the incentive for these gangs to exist. The number one reason they exist, especially from one minority to the next, is because of marijuana. It is such an easy trade to get into, and there's so much money to be made. It's not slowing down. Supply and demand is not going down. The amount of money being made from it has not slowed down for years.

Last year, annually, we were looking at \$7 billion in illegal criminal underworld trade for marijuana alone. It's not an issue that's going to slow down, unless we can control it. It's just like prohibition. We regulate alcohol. We tax alcohol. We should be looking at doing that for marijuana as well.

• (1535)

Mrs. Nina Grewal: My other question is for Mr. Shavluk. Mr. Shavluk, I understand that you want to legalize drugs. Would you allow children to take drugs? Where would it stop?

Is it not true that decriminalization might even result in the criminals turning their attention to younger and younger children? Children are already being inducted into the drug subculture in alarmingly high numbers.

If you legalize it, do you assume that there is a natural limit to the demand for these drugs and that if their consumption were legalized, the demand would not increase substantially?

Price and availability would exert a profound effect on consumption. The cheaper alcohol becomes, for example, the more it is consumed, at least within quite wide limits. Why wouldn't it be the same for marijuana or crystal meth? Could you please explain?

Mr. John Shavluk: First off, thank you, Nina, for the question, because sitting here there are a million things I'd like to say.

Thank you, because the dead Indo-Canadian men are in my riding as well, and I've run in three provincial elections about that.

Let's face the facts, please. There are zero deaths from cannabis. You say, how would I stop children from being targeted? Well, alcohol is safe for legal drinkers. When it was illegal, people were dying just from consuming wood alcohol. I've been in bikers' homes where they've sprayed cans of Raid on these things. There are children in the hospital, high school students with asthma attacks, because there's nobody controlling the marketplace. In countries where they kill you for a joint, they still have drug use. You're fooling yourselves to think, oh, get them out of our sight, out of our mind, and we'll feel better. Well, I'm sorry, but since I started this in 2000, there have been a thousand more police added to the streets of Vancouver, and what do we have? We have shootings with AK-47s in shopping malls. So it's ridiculous to sit here and say that what we learned from alcohol prohibition will work.

Do you want to do your kids a favour? Do you want to do all of us a favour? These drugs have killed nobody. Sugar and meat kill the majority of people in this country.

They found a grow-op in one of Mr. Dosanjh's houses. The Liberal Party and this provincial government are threatened with receiving money from illegal marijuana grow-ops. It's so big, I've been threatened by the unions because it's such a money-maker for people.

If you really want to make a difference in this country, please stand up and be brave, because the people whose lives you're going to ruin—and give a criminal education to while they're in jail—are Canadian citizens.

Do you want to make a difference? Make fats and sugars and meats regulated. Put a sign on it, "Steak: you're going to die of colon cancer from this." Nobody dies from cannabis; there's yet to be a case. In fact, I've found people who were cured of cancer by it, and the government won't talk about this.

The Chair: Thank you.

We'll move on to Mr. Dosanjh.

Mrs. Nina Grewal: Mr. Amar had something to say about this.

Mr. Mani Amar: I just wanted to make a quick point.

I want to stress that I've never done marijuana and have no reason to, but at the same time, I haven't drunk a sip of alcohol my whole life, yet it's readily available. Just because something becomes legalized, it doesn't mean that everybody is going to go out and do it.

Those gangsters I hung out with—Bal Buttar, and the sister of Bindy Johal—and from speaking to the youth gangsters, they told me for a fact that they never carried a gun or never traded in cocaine or any hard drugs until they were given it instead of money for marijuana, because B.C. bud is in such high demand.

As for the regulation of this, who would you want selling marijuana to your children? Would you want a drug dealer selling to your 12-year-old, or would you want to go to Shoppers Drug Mart and say, hey, son, you're too young to be buying marijuana at this time? It makes it harder for these kids to get it.

The Chair: Thank you.

I'll move to Mr. Dosanjh. You have five minutes.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): I'm sorry I missed the presentations from some of you. I was doing something else.

Mr. Amar, I have a question for you about part of the remarks you made when I was here.

You said there's a cycle and that each community of newcomers goes through the cycle. What is inherent in each new community that it becomes victimized by this, if that's the logic, and there are no other factors, essentially?

• (1540)

Mr. Mani Amar: That definitely was the logic up until probably the 1980s. We don't have racial oppression of many of these minorities, such as the Asian and South Asian minorities, but they still went through it. This is no longer a minority issue; the cycle has stopped going from one minority to the next. We saw it going from the next major minority coming into Canada in the 1980s, the Chinese Canadians, and then in the 1990s with the East Indians, even though they had been here for hundreds of years before that. It's when the influx of immigration happened. But that no longer happens.

Gangs are multi-ethnic now. They're working together. We don't see the same norms that North American gangs have, especially in the United States and in L.A., where most of my research has been based. It is no longer because of the usual precursors that they're going through it. Here it seems to be more of a collaborative approach, as they're working together. It's not even going to the next minority now; it's more a matter of a recruitment and who can do the job the best. Even the Hells Angels, who were once a Caucasian-based gang, have opened the doors to ethnic minorities to come in and work with them, because they see the benefit of having everybody working together against the government, against society, right now.

I don't believe the cycle exists anymore. I did touch on it as a research point that it was going from one minority to the next, but that doesn't exist anymore. It's a multi-ethnic issue; it's society in general.

Hon. Ujjal Dosanjh: I don't take the issue of decriminalizing marijuana lightly. It almost happened when we were the government. The legislation came that close to being passed.

I grew up in India until I was 17, and marijuana grew wild everywhere. Nobody touched it. Even the animals didn't touch it. It still grows wild.

Let's assume you decriminalize marijuana—or at least its possession or growing it for personal use—what is there to prevent crystal meth or something else from becoming the item that's traded? Just two or three days ago, a couple of Indo-Canadians were caught on the way to Edmonton or Calgary in a car with one or two kilos of crystal meth. Where do you go? How do you deal with that?

Mr. Mani Amar: Gangs and criminal activity have always been—

Hon. Ujjal Dosanjh: I'm not saying we shouldn't think about it because of that.

Mr. Mani Amar: I understand. You're saying something new will take marijuana's place. But marijuana is not a gateway drug for the criminal underworld and the people using it. Marijuana is the standard for why gangs exist in B.C. If we legalize it and regulate it, fewer gangs will exist, but I'm sure they'll exist in another faction, or whatnot.

I'm not saying we should legalize all drugs, but we should be legalizing the number one trade in B.C. right now. Marijuana is the one we should be concentrating on.

Crystal meth may be an issue in parts of Vancouver and sometimes in rural communities, but it's not a major issue if you look at the amount of the drug traded and issues that are occurring from marijuana.

Hon. Ujjal Dosanjh: Fine.

The Chair: Thank you.

We'll move on to Monsieur Ménard for five minutes.

[*Translation*]

Mr. Réal Ménard: Thank you, Mr. Chairman. I would like to continue the discussion with Marco on the Stinchcombe decision.

I began my law studies rather late, in the year 2000. When I was studying criminal evidence, that decision was very important in terms of disclosure of evidence.

I feel very uncomfortable. It seems to me that many other tools could be provided to the prosecutor and to the police rather than limiting the disclosure of evidence. I'm very fearful that this will greatly compromise the fairness of a trial if we go down that path.

It seems to me that the Supreme Court was able to set out guidelines by stating whether it believed that this was a reasonable limit or not. I am afraid that it will not be possible to agree upon a definition of relevance, depending on whether the crown attorney or the defence lawyer is doing the defining.

To your knowledge, have crown attorneys begun to think about this? Parliament could pass an amendment to the disclosure of evidence laws and codify that tomorrow morning. Have prosecutors begun to reflect on a definition of relevance? How will all of this be implemented? This is my fear.

• (1545)

Mr. Marco Mendicino: I'm sorry, but I need some assistance as far as the translation is concerned.

Mr. Réal Ménard: Take your time...

[*English*]

You can use it as you want. It's for you. Don't be shy.

Mr. Marco Mendicino: I know. I've tried to put it on a couple of times, but it seems that whenever I do—

Mr. Réal Ménard: You can speak Italian if you want.

Mr. Marco Mendicino: My grandparents would be very ashamed. I actually don't speak Italian. I can't communicate in my ancestor's mother tongue. My grandfather is rolling over in his grave right now, sadly.

Let me see if I can get the channel right.

Mr. Réal Ménard: Do I have to repeat it?

[*Translation*]

Mr. Marco Mendicino: Please.

Mr. Réal Ménard: That is good.

I was talking about disclosure of evidence and placing restrictions on it. I studied law much later on in life and I am well aware of the significance of the Stinchcombe decision on a fair trial.

How can the relevance of evidence be defined? Will a defence lawyer and a crown prosecutor be able to agree on that notion? Crown prosecutors from your organization would perhaps...

[*English*]

Is there no translation?

Mr. Kirk Tousaw: I guess not. They changed the channel.

[*Translation*]

Mr. Réal Ménard: I think we would need to discuss this issue over dinner.

[*English*]

The Chair: Monsieur Ménard, I will get you to briefly restate the question.

[*Translation*]

Mr. Réal Ménard: Marco, how will the notion of relevance be defined? Is there not a risk that the fairness of trials will be compromised?

[*English*]

Mr. Marco Mendicino: Yes, I think there is a risk. That's something your colleague Mr. Comartin asked me about. There is a tension between defining a practical threshold for relevance and arriving at a fair trial. That's something we continue to struggle with. If you start to restrict or narrow the threshold for relevance, you may lose certain aspects of information that an accused might otherwise wish to use to demonstrate innocence. That can be done in a variety of ways.

I think Ms. Murray asked what my silver bullet would be, and I suggested it would be disclosure. I don't mean to suggest for one moment that there's a quick or easy solution to this. But I think the learned members of the committee should really take a moment to pause and reflect about whether or not the current thresholds for disclosure are actually working in the new era of the major, complex trial. That applies particularly in light of the guns, gangs, and drugs, the way we marry these charges, and all of the evidentiary issues that flow from that.

The Chair: Thank you.

We'll move on to Mr. Saxton.

Mr. Andrew Saxton (North Vancouver, CPC): Thank you, Mr. Chair.

I thank you all for coming here today and sharing your very passionate stories with us.

My question is for Mr. Helary. You are a self-confessed criminal. You committed crimes both outside and inside of prison, it sounds like. You recruited people to do criminal activity as well. Yet you come before us today and you seem to be rehabilitated and remorseful. What made you change your ways?

• (1550)

Mr. Tony Helary: I guess I just got tired of it. I was sick and tired of being sick and tired of being sick and tired. I'd been through every program you can think of and they taught me to be a better manipulator in the system and everything. Inevitably, I could survive better in there than I could on the street.

About three years ago, I guess, I was living on the street, and I met this guy named Andrew Stanley in a park. They were having a barbecue and he gave me this little hamper with some food in it and his card. I got back to my little squat, for about another month and a half, and then one day I just thought I've got to change. I might as well be in prison or dead. This card fell out and I saw that it was a church. I went down there and this guy, on cue, came right out to meet me, and it was just like an awakening of a sort, and ever since then, it's not about me any more.

In a criminal lifestyle it's always about self, and in addictions it's always about self. What's in it for me? What's in it for me? Today I don't live for what's in it for me. Today I live for how I can do things to help people, to help the community. Like I say, I have four guys living upstairs in the house, and it's a chore, especially with one guy. This guy's name is Gordon. He was living in a cardboard box. I don't know if you heard about the guy that got killed. I was going around all winter with hot chocolate and that to different squats in that certain area. Pepsi was the guy who died under the bridge on South Fraser. Anyway, two bridges up was Gordon, and Gordon lived there and he had his route. You know how homeless people have their route. They can be timed within 10 minutes of where they're going to be every day. Anyway I met this guy and my heart just went out to him.

People just need that little help. For one reason or another, God touched me, and since then my life has been totally changed. I do what I can, one day at a time. People want to meet me now. People want to see me. Instead of hiding when I'm coming, they open the door. It's been just a ride that I never thought could happen. What I attribute it to is just that one little helping hand, that somebody really cared.

In addiction and in prison and everything, they have their programs and everything, but they're all in the system. They have alpha programs, which are not. They have man to man; that's a program. They're real people. They're in there because they want to be. They're not there because they had to be. This guy I met was there because he wanted to be, and now I'm where I'm at today because I want to be.

Does that answer your question?

Mr. Andrew Saxton: Thank you.

Can you tell me what programs you encountered in the system that did help you and that you think should be expanded?

Mr. Tony Helary: I think the biggest is the education program. The education level, getting it instead of just playing around. There's

a lot of illiteracy, especially in the prairie provinces, in eastern Canada. I don't know how many guys I write letters for just because they can't read and write.

I think education programs should be expanded. There's the OSAP substance abuse program.

Those are about the two biggest programs that I see that really need more put into them. Obviously more outreach programs with the community, like man to man, person to person, are needed. And we need spiritual-based programs, where people are going there because they want to, not because they have to. That's a big thing, you know? When a guy's sitting in his cell 24/7, he's got nobody; he's got nothing out there. Then some guy and his wife come and visit you out of nowhere and you develop a relationship, a healthy relationship.

• (1555)

The Chair: We have time for one more question on this side.

Mr. Rathgeber.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Thank you, Mr. Chair.

Thank you, witnesses, for your attendance this afternoon.

I must say, Mr. Tousaw, that I was troubled by some of your comments, specifically when you referred to drug prohibition as “a failed policy”. You said it several times, and you said it rather emphatically, so I'm assuming that what you mean is that since drug prohibition has not managed to eradicate drug use or trafficking and use, it is therefore a failed policy. Do I understand you correctly?

Mr. Kirk Tousaw: Partially. Not only has it failed to eradicate, but it has failed to make substantial decreases in either demand or supply over the course of the last 30 years. Worse, the unintended consequences of prohibition have spawned lucrative organized criminal groups, both in Canada and across the world, have contributed to social decay in cities and towns across the country, and have contributed to death, disease, and the destruction of our social fabric.

So yes, it's a failed policy, not just because it's ineffective at reaching its goals, but because of the negative unintended consequences that it inevitably has.

Mr. Brent Rathgeber: So I did understand you correctly. But could one not make the same argument concerning, I don't know, homicide? Prohibition—

Mr. Kirk Tousaw: No.

Mr. Brent Rathgeber: Hear me out. The prohibition against homicide has not managed to eradicate it—far from it. Cities like Vancouver, where I understand you live, and certainly cities such as Edmonton, where I live, have exponential growth in the homicide rate.

So where is that analogy breaking down? If prohibition ought to be abandoned because of its alleged failure in drug use, why is prohibition still a valid policy with respect to violence against individuals and homicide?

Mr. Kirk Tousaw: The analogy breaks down in three ways.

First, it breaks down factually. There isn't a dramatic increase in the homicide rate in this country or in this city. Also, frankly, it breaks down in terms of category, because homicide is a crime against another person. The participants in this crime are not consenting to the crime, whereas in drug trafficking, the participants are consenting to the crime, which leads to a very difficult investigative situation for police. As well, there isn't a criminal market in homicide, or not much of one; there are contract killings, most of those spawned, frankly, by the drug trade. But there is a lucrative criminal market in currently illicit substances.

We see very clearly from the example of alcohol prohibition that the moment it ended, the homicide rate in the United States dropped precipitously, and we can expect the same kind of result here in Canada.

Mr. Brent Rathgeber: Okay. So in the twenties, when prohibition was the law with respect to alcohol in the United States, organized crime made a lot of money on it.

Mr. Kirk Tousaw: Yes, they did.

Mr. Brent Rathgeber: There were the rum-runners such as Al Capone and others. But you will agree with me that when prohibition was abandoned in the United States, that wasn't the end of organized crime. Organized crime always finds another currency, and I would suggest to you, sir, that if it's not drugs, it'll be guns or prostitution or child labour. It'll be something.

Mr. Kirk Tousaw: I agree with the premise that organized crime is not going to disappear when we end drug prohibition. The fact of the matter is, however.... Again, don't take my word for it. It is the criminal intelligence service telling you this. Each year when it publishes its annual report on organized crime, it tells you very clearly that the primary funding source for organized criminal groups is the prohibition on illegal drugs, and the marketplace is their spawn. So if we take away that money from these groups, they lose power. They also, as Mr. Amar has pointed out, lose a massive recruiting tool for future generations.

I don't say that ending drug prohibition is going to solve all of our problems as a magic bullet today. I'm looking 20, 30, or 50 years down the line, when we see that by cutting off the major funding source of these organized criminal groups, we cut off the incentive for people to go into them, and we decrease their power exponentially.

Mr. Brent Rathgeber: You represent a group called the BC Civil Liberties Association. I understand that you protect the individual rights and freedoms of the individual, and I think in large part I respect that. You may have heard that in my city last Saturday, at the West Edmonton Mall, a 14-year-old girl purchased \$10 worth of ecstasy from a 16-year-old individual, who sold it to her—

• (1600)

Mr. Kirk Tousaw: Yes.

Mr. Brent Rathgeber: —and she died of an overdose. So in that circumstance, you'll agree with me that this is not a victimless crime.

Mr. Kirk Tousaw: What I will agree with is that prohibition failed to save her life and in fact almost undoubtedly contributed to her death.

Mr. Brent Rathgeber: Mr. Amar was quite careful when he advocated for the decriminalization of marijuana. You have not been

so specific. If I'm to understand you correctly, you are against the prohibition for all drugs, including heroin and methamphetamine?

Mr. Kirk Tousaw: And again, I'll reiterate that I present views as myself and not necessarily as a member of the British Columbia Civil Liberties Association, but I will have to say emphatically yes.

The regulation and legalization of marijuana is a good first step; however, it does not solve the problems caused by addiction. It does not solve the problems caused by the prohibition and the criminalization of addiction and the victimization that prohibition visits on our most marginalized and most disadvantaged citizens.

So, no, it cannot stop with just marijuana. People will continue to die in the streets of Vancouver and across this country until we've woken up to the fact that our policies have failed. They've failed everywhere they've been tried, at every historical moment. There's no reason to speculate that they can succeed today. I think this committee owes Canadians the responsibility to deal with the facts as they are, not the fantasy of what we'd like them to be.

The Chair: Thank you so much to our witnesses. I just have one last question.

Mr. Tousaw, you already gave your opinion on the issue.

I assume, Mr. Shavluk, you're also in favour of getting rid of all prohibition. Is that right?

Mr. John Shavluk: To be honest with you, I'm actually a fairly conservative-minded person. That's just the lesser of two evils.

The Chair: I understand that, but just yes or no in terms of legalizing—

Mr. John Shavluk: I would like to...like they do in Amsterdam. This will only take a second. If you research, you'll find that instead of spending all this money on crime and so on, these people were given a shot of heroin in the morning and another one in the evening, and what happened—

The Chair: I understand that.

Mr. John Shavluk: I just want to point this out. The option is available because it costs a lot to—

The Chair: I want a yes or no answer. If you don't have one, that's okay.

Mr. John Shavluk: Treating it as a medical issue solved their problem with 70% of the addicts.

The Chair: Okay.

Mr. Amar.

Mr. Mani Amar: I agree with Mr. Tousaw that marijuana is a good starting point.

The Chair: General legalization. That would include legalizing cocaine eventually, and crystal meth and heroin. Is that right?

Mr. Mani Amar: Yes, we shouldn't stop at marijuana, but marijuana should be the starting point as the major incentive.

The Chair: Mr. Helary.

Mr. Tony Helary: I'm totally against the legalization of any drugs.

The Chair: Mr. Mendicino, you probably aren't going to answer.

Mr. Marco Mendicino: I think the answer is self-evident in the role that we perform.

The Chair: Okay, thank you.

Mr. John Shavluk: Mr. Fast, I beg the committee for one comment.

The Chair: We're at the end now, and we have an in camera meeting that will be occurring. We're already five minutes late for that.

Mr. John Shavluk: All I would say is that crystal meth is the same drug. All these drugs have—

The Chair: We're going to suspend for five minutes as the room clears.

We are going in camera, so we will suspend.

[*Proceedings continue in camera*]

- _____ (Pause) _____
-

[*Public proceedings resume*]

• (1700)

The Chair: I call the meeting to order.

I notice we have a number of members of the public here as well. I welcome you to this meeting of the Standing Committee on Justice and Human Rights.

As many of you know, the justice committee has been holding hearings on the issue of organized crime in Canada. We're trying to get to the bottom of this problem that we certainly have in British Columbia. We're hoping to find solutions to the problem, not simply hear complaints.

We have a number of witnesses here today. This is probably the largest panel we've had.

As you know, the process is that you'll get your chance to present. We'll pay strict attention to the five-minute rule, simply because we have so many of you and we have many questions to ask.

We'll start with Mayor Dianne Watts. You have five minutes.

• (1705)

Ms. Dianne L. Watts (Mayor, City of Surrey): Thank you very much.

I'm speaking to a point that Mayor Jackson has for the metro Vancouver piece, so I'm wondering if we could alter the order a bit. Can I let her speak first?

The Chair: Absolutely, I'll be glad to.

Your Worship, please go ahead.

Mrs. Lois E. Jackson (Mayor of the Corporation of Delta; Chair of the Board of Directors, Mayors' Committee, Metro Vancouver): Thank you very much, and thank you for the opportunity to be here.

My name is Lois Jackson and I am the Mayor of Delta, the chair of metro Vancouver's board of directors, and the chair of the mayors committee for Vancouver.

Metro Vancouver mayors represent 23 municipalities and one first nations territory, and we represent over 1,100 square miles of land. The region is home to 2.25 million people.

Along with the rest of the country, we have witnessed an increase in violent gang activity. Fear of violence from organized crime is a reality for residents of many Canadian cities. Mayors across our region are trying to cope with the impact of crime and gang-related violence on and in their communities.

Amongst all of the violence, there are the innocent victims whose lives are brutally extinguished because they are in the wrong place at the wrong time: Ed Schellenberg; Chris Mohan; Kirk Holifield, who was gunned down in Richmond. We also had a very major tragedy with Nicole Alemy, who was shot to death with her little four-year-old son in the back seat of her car.

Families seeking justice for victims of crime now stand before a legal system that has lost sight of them. Drugs, money, weapons, and power drive organized crime, and these groups are prospering from the exploitation of new technology. Gangs can communicate unhindered and unmonitored, and they know it. Gang members thoroughly understand the Canadian criminal justice system, and they use both the Canadian charter and the Constitution to their benefit.

Law enforcement agencies throughout the country struggle to keep up with the complex web of organized crime and face constant legal roadblocks that allow criminal activity to permeate our economy, burdening our legal system and exhausting our police resources. The fundamental protection of Canadian citizens is being exploited to the benefit of organized and violent criminals.

These problems are not new. In fact, organizations, including the Canadian Association of Chiefs of Police, the Canadian Association of Police Boards, and the Federation of Canadian Municipalities, have offered some 35 different policy resolutions, including issues of lawful access, municipal cost-sharing and disclosure, and policy statements on community safety, crime prevention, and enhanced policing. The Federation of Canadian Municipalities has directly recommended integrated policing and crime prevention strategies to mitigate many of the problems we see. In the time since these resolutions began hitting federal lawmakers' desks, hundreds of people have been murdered, many of them innocent.

It has been made very clear to the federal government that issues around law reform, police funding, and the war against organized crime are in a state of emergency. While the number of gang-related homicides continues to increase, so does the complexity of the law. Law enforcement is staggering under the weight of this exponential relationship.

In less than a year we will initiate and invite the world to Vancouver for the 2010 Olympic Games, yet we are moving painfully slowly in dealing with the very real problem of violence on our streets.

Canadians have a right to be protected. More importantly, Canadians have the right to feel safe in their communities, and right now they don't. I have to ask myself, the mayors, and all who are here: What are we all doing about it?

If my five minutes aren't up yet, I would simply like to inform the committee that metro Vancouver has now put together the mayors committee, which is putting a policy paper together regarding these issues. For your information, you will find in your package, which we distributed, a document stating the things that have been done. There are 35 resolutions, as I mentioned, that have been forthcoming from many sources over the last several years. I would put those to you for your information. We're very concerned that they have been on the books for a very long time and no action has been taken.

• (1710)

The metro Vancouver board is going to be completing this. We would hope when it is completed in the very near future, we will be sending it to your committee, to others, to the ministers, and to all parties. As this is not really a political situation, but a people situation, we would really appreciate your support.

I certainly support the other mayors who are here today in relation to the specific concerns they're bringing forward.

Thank you very much, Mr. Chairman, for this opportunity.

The Chair: Thank you.

We'll move to Mayor Watts.

Ms. Dianne L. Watts: Thank you very much. I appreciate this opportunity to speak before this committee.

It was really important to hear the overview from the chair of metro Vancouver, because it speaks to the fact that these are not new issues within our community. Law enforcement has been bringing them forth for many years, as have lawmakers, through the legal system, and courts, educators, professors. All these issues we're talking about today have been brought before the general public many times.

I want to speak specifically on a couple of issues, and one is around the possession of illegal firearms. There has been a 55% increase in the lower mainland in gun-related homicides from 2007 to 2008. That's a 55% increase in one year. The guns that are coming through the border... We have the second-largest border crossing here in my city, the city of Surrey. They're trading straight across—cocaine or weapons—for marijuana. We have a proliferation of firearms throughout our communities and the lower mainland and throughout the country.

I applaud the minister for the minimum mandatory sentencing on auto theft. However, I think it's time we had minimum mandatory sentencing for the possession of illegal firearms. When you've got an AK-47 or an Uzi sitting beside you, you know it's not going to be used for anything but creating havoc and committing a crime.

The number of weapons that have been taken off the streets is very significant. In Surrey a community impact statement will go to the court. My chief superintendent and I just signed that, and for every gun-related offence we'll get a community impact statement.

I want to highlight the fact of the crime taking place with the gangs. A lot of them are out on bail on numerous firearms charges, so they're just released into the community with our knowing full well what they're up to.

I also want to bring your attention... Unfortunately I wasn't allowed to pass it around, but I do have our crime reduction strategy that has taken best practices. We pulled that together about three and a half years ago, again highlighting many of the things we're talking about today. I think many of you have a copy of this, and I've certainly been to Ottawa. It really centres around pulling best practices together, getting to the root causes, because it's a multi-faceted problem. It's a problem-solving approach. We have to get to early intervention and prevention, and unfortunately that piece of it is lacking. If we're ever going to make a difference, a generational difference, we have to be paying attention to what we're doing with our children.

The crime reduction strategy is also around rehabilitating, reintegrating those you can, helping people who need the help, but also putting people in jail who need to be in jail.

It's really important that we shift our focus in terms of the safety of the general public, which must come first. As Mayor Jackson said, the justice system is failing us. We have people out on the street who should not be on the street. And I know others will talk to you about repeat offenders. We really have to have a look at this and come at it with a multi-faceted approach and begin to deal with these problems in an effective way. And I hope, with the raised awareness, unfortunately as a result of the murders that have taken place in the lower mainland, we're going to get some action on that.

I'll leave it at that.

• (1715)

The Chair: Thank you so much, and thank you for staying within your five minutes.

We'll move to Mayor Robertson.

Mr. Gregor Robertson (Mayor, City of Vancouver): Thank you.

Thanks to the members of the Standing Committee on Justice and Human Rights for the opportunity to speak to you today about the state of organized crime.

Vancouver City Council believes that it's important that the federal government provide more attention to the fight against organized crime in our city and our region as a whole in the following areas: first, the urgent need for deeper financial investment in the Vancouver Police Department and the region's coordinated efforts on organized crime; secondly, the enhancement of international efforts to stem organized crime in the lower mainland; thirdly, the dire need that we have for toughening up our sentencing, especially for chronic offenders; fourthly, the need to provide greater investment in early prevention and youth education on gangs; and finally, fifth, the need to review more effective strategies for cutting off the financial resources to organized crime from the drug trade.

Public safety is at the top of mind for everyone here in Vancouver and right across the region. Gang violence has become increasingly brazen, and we're all very concerned about organized crime and the threat that it is to public safety. The Vancouver Police Department is using all the resources at our disposal to take on this challenge, and we will continue to provide support to our municipal partners in busting up organized crime wherever it may be in the region. However, we need the federal government to play a more prominent role and step up its investments in our collective programs. The scope of organized crime here and the violence that it brings in our communities is simply too big for municipalities alone, even with some provincial help, to handle.

In Vancouver, our police force has taken extraordinary steps to tackle gang violence. With Project Rebellion, the police have been targeting and arresting people who are conducting gang wars on our streets and putting them behind bars, where they cannot harm innocent bystanders. But it's not easy work, and it's certainly not cheap. The intense demand on our police department here through Project Rebellion has drained our criminal investigation unit by 50% of the annual budget in the first two months of 2009. And on top of that, the city has recently hired 96 new police officers this year, at a cost of \$16.8 million. I know that several other municipalities in the region have invested substantially in increasing their police forces.

The VPD will continue to pursue criminals wherever they may be in the lower mainland, but we do need more help. I've met with the Prime Minister, with our chief of police, the minister for public safety here in B.C., the premier, and the solicitor general to discuss this issue. I know they all share our concerns. But so far the resources that we have been given have not been enough. As Vancouver prepares for the 2010 Olympic Winter Games, it's vital that we act together right across the region to protect our international reputation. I know that Mayor Jackson, Mayor Watts, and Mayor Fassbender, who are here today, have helped bring local mayors together to find consensus on regional safety. They obviously share these concerns.

So it's not just a matter of stronger policing and tougher sentencing. Those are critical, but it is also, as Mayor Watts alluded to, about dealing with the social problems that we know lead to crime. We have gangs in Vancouver that make their money from the drug trade and that prey on people who have effectively fallen through the cracks, those who are suffering from abuse, addiction, and mental illness on our streets.

We need the federal government to invest more heavily in the education, prevention, and social services that we need and to take a more effective regulatory approach when it comes to drugs. The current war on drugs is not working. We've seen that in the United States. We see it glaringly in Mexico. And with the current escalation of violence here in Vancouver, we're seeing it in Canada. So I urge this committee to look at the full spectrum of gang violence, both the current activities and the root causes, and at the systems that are in place that allow gang members to make huge profits from the drug trade.

The problems we face with organized crime are far bigger than one city or one region can handle. It's an international problem here. We are, as a port city, in the midst of a gang environment that crosses borders, and that's why we require your help. Also, both from

sentencing and law enforcement on to monitoring the borders and ports, and providing the support that we need to stay one step ahead of organized crime in our region, fighting organized crime will continue to be a high priority for all of us. We need the federal government to make necessary investments and the changes that we're outlining here today.

Once again, thank you for inviting us and having us here today and listening to our concerns. I hope this helps provide clarity on some of the challenges that we're facing right now in Vancouver.

• (1720)

The Chair: Thank you.

We'll move on to Mayor Peter Fassbender. You have five minutes.

Mr. Peter Fassbender (Mayor, City of Langley): Thank you, Mr. Chair and members of the committee.

I'm pleased to be here with my colleagues. I have the support of Len Garis, and Superintendent Armstrong from the RCMP is on her way. She's caught in traffic, but she will be here shortly.

You will have copies of these notes in the background paper, so I'm not going to spend a lot of time on some of the facts. I'm going to talk about marijuana grow operations and their impact on the crime scene, not only in this region but right across the country.

As you're probably aware, in British Columbia the estimated business related to marijuana is \$6 billion to \$7 billion. From 1993 to 2007 the growth of marijuana across the country has seen a sevenfold to eightfold increase. That's a huge increase when you start to think of the impact that has on organized crime and otherwise. We're also seeing a real shift in marijuana grow operations moving to rural communities. That shifts a significant burden onto those communities to deal with these operations as far as policing and other protective services go. The RCMP tell us that most of the crime groups in our country are involved in some form of activity related to marijuana and that they profit greatly from it. Other drug aspects that are attached to that are significant as well.

What we really need to do is to look at what we can do and what kinds of positive changes can be made. I'm going to give you four specifics that we would like to refer to today.

The first deterrent involves simply making use, believe it or not, of our existing tax laws. It's no surprise that criminals don't willingly pay taxes on their huge drug profits. However, in Canada the revenue agency has a special enforcement program, the job of which is to collect tax from people suspected of earning income from illegal activity. They just need to know who to investigate.

To show how significant a source of tax income this could be, let's look at the city of Surrey alone, where 277 grow operations were found in 2008. The written presentation includes the detailed calculation, but we estimate that a single site can produce \$350,000 a year in revenue. Multiply that by 277 sites, and that's almost \$97 million in Surrey alone. What would that mean in taxes? Probably, doing a quick calculation, that would mean more than \$42 million in federal and provincial taxes. Based on 2008 rates, taking it a step further, the RCMP has estimated that B.C. has 20,000 grow operations. If that's true, that would equal \$7 billion in revenue and add \$3 billion in lost taxes alone. The second thing that is really important is that the tax crackdown could make producing marijuana and other drugs much less lucrative for those crime groups and would ensure that there would be some kind of action attached to it.

The next deterrent we would like to talk about relates to hydroponics equipment, which is used by criminals to grow marijuana as well as by hobby gardeners to grow things like orchids and tomatoes. Regardless of how it's used, this equipment has extremely high wattage. As an example, it uses 1,000-watt bulbs. For this equipment to be used safely, it is absolutely critical that it be installed properly in a legal and approved fashion; otherwise it brings tremendous risk of fire and electrocution, not only to that location but to surrounding areas as well. Studies show that the likelihood of a grow operation catching fire is one in 22. That is 24 times more likely than a typical house. The problem is that marijuana growers typically install and use this equipment in a dangerous and illegal fashion. It's also worth mentioning that there is no permitting process or regulation of hydroponics equipment, even for legal non-commercial users. It's likely they too are at risk.

We've already established the link between marijuana and organized crime. Our thinking is that regulations would make it much harder for criminals to obtain hydroponics equipment. At the same time, buying this equipment off the Internet and in stores with no regulations or restrictions creates the issue. The other benefit of regulation, of course, is public safety, which I've talked about already.

The next deterrent addresses medical marijuana grow operations. More than 2,000 Canadians have licenses to legally grow marijuana through the marijuana medical access regulations that are administered by Health Canada. They are told they must observe all the laws, bylaws, and safety regulations, but there's no enforcement. Health Canada does not verify the safety of each production site, and it does not tell cities where these sites are so that they can do it.

• (1725)

Across Canada more and more of these medical grow sites are being caught by municipal safety inspections, because they share many of the same characteristics and safety issues as the illegal sites. Inspectors are finding hydroponic equipment that is illegally and incorrectly installed as well as mould and dangerous structural changes. This is happening across the country, while the number of medical grow licences rises every year. On the surface it may look like a public safety issue; however, by regulating medical grow sites, we're also reducing the chance they will be used for illegal purposes.

The last deterrent we'd like to talk about is the need for research. Research will provide us the opportunity to detect drug production

sites and collect evidence to take them down. The problem is that funding for research is not easy to obtain. The City of Surrey is self-funding research into a device that can detect hydroponics equipment from a moving vehicle. The work shows tremendous promise, but there is a limit to how much Surrey can do. Another potential project would research a device that can detect clandestine drug labs. And if you read the Vancouver papers, you will have seen we had an explosion in Vancouver that is suspected of being caused by a meth lab.

In closing, they are just four of many possibilities. What we're saying is we need attention to these items, and we need it now. We need legislative changes to ensure we can move ahead on all these areas.

Thank you very much.

The Chair: Thank you.

We'll move now to Dr. Plecas. You've got five minutes.

Dr. Darryl Plecas (Royal Canadian Mounted Police Research Chair and Director of the Centre for Criminal Justice Research, School of Criminology and Criminal Justice, University College of the Fraser Valley, As an Individual): Thank you, Mr. Chair, and thank you again for the invite back, from a few days ago.

I just basically want to make a point. I know the committee has certainly heard arguments for decriminalization and arguments basically pointing to such a change somehow magically causing organized crime to go away. From research we've done, looking at thousands and thousands of grow operations over more than a decade, in British Columbia and in Alberta, and looking at clandestine labs, the fact of the matter is that the bulk of marijuana that's produced and drugs that are produced otherwise here and across Canada are destined for export markets. And likewise, for a large proportion of drugs that are imported into Canada, Canada is simply a transit point. We are dreaming if we think for a minute that decriminalization is going to impact whatsoever on organized crime.

Secondly, we need to be reminded that if you look at the individuals who are involved in this activity, consistently the vast majority of these people are seasoned criminals; they are repeat criminals. Drugs is not the only past crime they've been involved in. So we want to also remember that these individuals are involved in a number of other associated crimes, and of course we've seen the aftermath of that here in British Columbia.

I would ask that the committee turn its attention to what's been proposed here by others who have presented and also to the spectacular successes we've had on some fronts in trying to come to grips with this problem. I know the committee is aware that crime in Canada has been on the decline for the last few years. We've had in British Columbia an even greater decline.

If you look specifically at municipalities such as Surrey, Kamloops, Coquitlam, Prince George, and Courtney-Comox, for example, you will find the decreases in crime there have been greater than we've ever seen in four decades. They've happened quickly, they've happened faster, and it's a consequence of police and others taking a very comprehensive approach and taking a very targeted approach, a very focused approach. If we want to be able to sustain that and enjoy those successes—continued success and further declines—we need to commit more resources on a number of different fronts, as has been pointed out already.

We certainly need more resources on the law enforcement side, and we certainly need more resources pumped into the kinds of things that cause people to enter the criminal scene in the first instance, such as what we could do in terms of social programs, etc.

Thank you.

• (1730)

The Chair: Thank you.

Welcome, Janice Armstrong. We understand that traffic can be that way sometimes in Vancouver.

We'll move to Ray Hudson. You have five minutes.

Mr. Ray Hudson (Policy Development and Communication, Surrey Board of Trade): With all my experience in broadcasting, I've never been able to do very well without a microphone.

Thank you very much. I appreciate the opportunity to speak here today. It's a beautiful day, and I salute you members who are sitting here when there's a gorgeous day going on outside. All the best to you.

The Surrey Board of Trade is bringing a slightly different perspective. We're bringing the perspective of the business people of our city. We represent some 1,300 member-businesses and 3,600 business owners. We operate in the second-largest city in the province. We are severely impacted by the gang and drug violence and the drug- and alcohol-addicted chronic offenders who tarnish the appeal of one of the most desirable and beautiful cities in the country. Surrey is often the butt of jokes because of crime. It is negatively impacting the city and its people, who are doing spectacular things with this community.

Ottawa, we have a problem. The justice system isn't—it's a legal system that for a myriad of reasons, at least in criminal law, has strayed far from the original tenet of ensuring law and order, dealing with wrongdoers, discouraging others' bad behaviour, providing a measure of protection for society from such individuals, and so on. It seems that the criminals are the only ones who have the rights here.

One of our members asked me recently, after 12 or 13 break-ins, "Where are my rights as an honest taxpaying citizen to operate my business and my life free from criminal interference? What about my right to a safe community and my right to have the so-called justice system work, not exclusively for the criminals, but for the people and the society who pay for it?" That's a pretty hard one to answer. There's a major discontent in the land with this broken system. So here are four priority proposals we would like to bring to you.

The first two proposals that we endorse are disclosure codification and lawful access, which were put forward by the B.C. government. We have talked with the various people involved with these, and we endorse them strongly.

Disclosure codification is necessary in order to subject defence requests for disclosure of materials that are outside the investigative file to a rigorous procedure to justify reasons for materials sought.

On lawful access, we need to amend the Criminal Code to modernize our current means and technology. We need to require telephone and Internet service providers to include interception capability in new technology; require telecommunications service providers to make customer name and address information available on request; require service providers to ensure that existing specified information on a particular subscriber is not deleted; and modernize part 6 of the Criminal Code on interception of private communications to reflect current technologies.

The next piece we bring forward is on prolific and chronic offenders. It is really a problem for our business community. The greater volume of crime in our society is committed by relatively few perpetrators, who amass records of 50 to 150 or more crimes, primarily to feed drug habits. The government must amend the Criminal Code, with appropriate guidelines for the judiciary, to ensure that sentences reflect the record of the individual and not simply the crime before the court at the moment. Judges must distinguish between the first-time offender and the prolific or chronic offender, and treat them differently.

It is stunning that many chronic property offenders receive an average sentence of 101 days for their first offence, and only an average of 25 days for their 35th conviction. What's wrong with that picture? I ask you that. That information comes from the Vancouver Police, by the way. These offences must not be treated as petty.

Here's another issue, and it's a perception one. These repeat offenders drive businesses away by their ceaseless predation. It's not petty when a business must spend hundreds of thousands of dollars just to repair damage or to protect themselves against crime. It is not petty when a community's reputation is sullied by such crime.

Some people ask who would want to locate a business or home in an area where there's a reputation for high crime. Surrey is a place we're proud of, and we're trying to get that fixed.

At the same time, it's critical that substance abuse treatment be provided for prolific offenders to break that cycle. These programs must be available wherever the offender is, and that includes remand and provincial jails.

The last issue is judicial accountability, and there's a lot of feeling on this in our community. The vast majority of judges are competent, concerned individuals who do their utmost to discharge their duties appropriately. My comments are not addressed to them. We have, however, seen some decisions that leave the public agog and gasping for air.

We feel the judiciary appear to face very little internal and virtually no public accountability for their decisions, apart from what you see in the press. We don't want the courts to be hyper-reactive to the public, but neither can we simply accept decisions that in some cases result in serious damage, death, and destruction of lives and businesses, by failing to adequately protect witnesses, victims, and the public at large.

• (1735)

Many engineers carry the liability for their work through their whole careers, and most professionals are liable for their decisions and actions. Yet if a judge releases an individual on bail, conditional sentence, or whatever and there are violent consequences, where is the accountability for that jurist? Is it not reasonable that there be some method to call that individual to account?

It's about restoring the public's confidence in the system. We call for a carefully selected committee of legislators, academics, legal professionals, and the public to examine this issue and devise a method for a performance review of judges. We don't want to suggest what the mechanism should be, only that a solution be developed and implemented.

Those, ladies and gentlemen, are the four points the Surrey Board of Trade wishes to bring before you.

We thank you very much for the opportunity.

The Chair: You're very welcome.

We're pleased to welcome two additional witnesses: Shannon Renault, representing the Greater Victoria Chamber of Commerce; and Weldon LeBlanc, representing the Kelowna Chamber of Commerce.

Shannon, why don't you present? You have five minutes, and I'll let you know when it's time to wind up.

Ms. Shannon Renault (Manager, Policy Development and Communications, Greater Victoria Chamber of Commerce): Thank you.

We have concerns that are similar to those of the Surrey Board of Trade and we also have some different ones. The Canadian justice system is plagued with repeat offenders who take up an inordinate amount of enforcement and legal resources. A reduction in the number of appearances by repeat offenders would greatly reduce the burden on our police and justice systems.

Issues of crime and public safety are a significant concern for the business community and for British Columbians in general. A Doob and Webster report, cited in the paperwork that you'll receive later today, showed that 74% of British Columbians are concerned with lenient sentencing practices in our province as compared to 69% of those in other provinces.

Doob and Webster state that sentencing practices in British Columbia are not lighter than those in other provinces in the aggregate; however, the findings also highlight specific challenges in British Columbia.

While 41% of convicted drug offenders in B.C. are incarcerated, compared to 39% for Canada, only half of those receive sentences of more than three months. In the rest of Canada, 71% of convicted

offenders receive sentences of more than three months. Only 20% of those convicted of drug offences in British Columbia receive a sentence of six months or more, while 58% of convicted offenders receive sentences of six months or more in the rest of Canada. The report also does not examine the question of whether repeat offenders received increased sentences.

The Doob and Webster study is in stark contrast to studies from city police forces on the problematic population of chronic offenders. As my colleague cited, the Vancouver Police Department followed a group of chronic offenders and found that after their thirtieth conviction they were actually receiving an average of 25 days for their convictions.

Offenders themselves indicate that they can victimize up to 4,000 individuals and businesses per year, generally to feed a drug habit. They further indicate that, upon release, they'll continue to commit crimes—property crimes—to fund their habit. An inquiry to the Victoria Police Department indicates that though they've done no such formal study, they are confident that their findings would reflect the same thing.

Persons who engage in repeat offences for property crime should be dealt with more seriously by the law. While the light sentence may be reflective of the particular incident in front of the court, it does not reflect the ongoing harm to the community at large and the volume of property affected. It in no way leads the offenders to stop their behaviour upon release, as it does not allow adequate time for drug treatment with the goal of withdrawal and changed behaviour.

In fact, the light sentence simply perpetuates what is widely seen as the revolving door of the justice system. In the long run, it is the community that suffers the harm from repeat offenders while offenders themselves are relatively unaffected.

The Greater Victoria Chamber of Commerce recommends that the federal government call for the judiciary to issue increased sentences for chronic offenders, sentences that better reflect their criminal history and the collective harm they have done to the community, and that those sentences be consistent across Canada.

The second thing I want to address is actually a corollary issue for the justice committee. I'd like to address the need for the federal government to invest more assertively in a national Housing First Strategy.

The majority of chronic offenders referred to earlier commit a high number of property crimes to support drug addictions. The chamber believes the public needs to be protected from those behaviours by incapacitation of the offenders with increased sentences; however, we also believe that root causes need to be addressed.

Professionals in the field attest time and again that stable permanent housing is the base that is needed to help drug addicts get through treatment and off drugs. Getting off drugs is the only outcome that will change the behaviour of committing property crimes. No drug habit? No need to steal.

The Canadian government has invested in homelessness programming; however, the chamber is concerned that the allocation falls drastically short of the need and that the problem will continue to grow, burdening our justice system and costing our economy.

In 2007, the federal budget provided \$269.6 million over two years to prevent and reduce homelessness. That equates to roughly \$4.10 per capita per year. By comparison, in 2008 the United States committed \$4.47 billion on the same initiative. That equates to approximately \$14.85 per capita per year. On a per capita basis, the U.S. federal government budgets 3.6 times the amount the Canadian government does to address the issues of homelessness in its cities.

• (1740)

In Budget 2009, the Canadian government committed to extending the same level of funding to address the issue of homelessness in Canada. While we are pleased with the continued engagement, the level of contribution is simply not enough to expect any real change and improvement in the level of repeat property crime that supports the drug habits of a percentage of our homeless population.

The chamber recommends that the federal government evaluate existing models and outcomes of programs designed to end absolute or chronic homelessness. Based on those results, it should develop and fund a national long-term strategy to measurably reduce homelessness in Canada.

Thank you.

The Chair: Thank you so much.

We'll move over to Weldon LeBlanc. You have five minutes.

Mr. Weldon LeBlanc (Chief Executive Officer, Kelowna Chamber of Commerce): Thank you.

The Kelowna Chamber of Commerce is a membership business organization representing 1,500 members. One of the primary roles of our organization is to bring the concerns of our members to decision-makers like you. On behalf of the board of directors and our members, I wish to thank you for the opportunity to present our challenges to you today and to talk about the role the Kelowna Chamber of Commerce is playing in addressing the issue of crime in our community.

As you may know, Kelowna is one of the most vibrant economies in British Columbia. Located in the southern interior of British Columbia, Kelowna is the largest city in the Okanagan Valley, with a growing population of 110,000 people. With a very diverse economy, our city features a wide range of industries, including agriculture, forestry, manufacturing, high technology, aerospace, and tourism. Kelowna has been rated among the most competitive places to do business in the Pacific region of North America. Kelowna is also home to one of the top ten airports in Canada, by passenger volume. It serves over one million domestic and international passengers annually.

The quality of life in the Okanagan is outstanding, featuring attractions such as golf, ski hills and resorts, vineyards and wineries, and fine dining. Tourism in the region is growing, and both Tourism Kelowna and Kelowna International Airport are looking to expand

their facilities and services to accommodate increasing visitor volumes.

I tell you this not so much to boast about what our city has to offer. Sadly, these are the same attributes that attract criminals involved in organized crime to our community. My message to you today is that organized crime is not just a large city issue. It is established in bustling mid-sized cities like Kelowna, as well.

The Kelowna RCMP detachment is the third-busiest in Canada. As a community, we are faced with a sophisticated criminal element that uses sophisticated technology and sophisticated weaponry. Organized crime activity is increasing. The Hells Angels established a full chapter in Kelowna in 2007. In addition, we have established gangs, such as the Red Scorpions, the Independent Soldiers, and the Kingpins. The RCMP have also noted that a number of other gangs are operating under the radar in our community.

On January 26 of this year, two people involved in gang activity were shot in mid-afternoon by a rival gang member at a car rental agency. To quote a media report, schools in the area implemented lockdown procedures.

In February of this year, the RCMP announced the formation of a 16-person gang unit for Kelowna to combat organized crime. The RCMP's organized crime intelligence branch has identified the Okanagan region as an ideal location for organized crime activity. The bustling economy, high real estate values, close proximity to Calgary and Vancouver, and our close proximity to the U.S. border make the Okanagan attractive to organized crime groups as a key distribution point for drug trafficking.

In March of this year, for the first time, Kelowna had the dubious distinction of making the top-20 list of Canada's deadliest cities, as compiled by *Maclean's* magazine in its annual survey. Earlier this week, a crackdown on car theft netted one of B.C.'s top-10 most-wanted car thieves, who was operating in Kelowna.

I'm not proud to share this information with you today. I could have filled this presentation with pages of stats. The negative impact of crime on business is well documented. Instead, I want to share with you real-life examples of what we're dealing with today and what we, as a business organization, are doing to address crime.

The Kelowna Chamber of Commerce is working to combat the negative effects of organized crime and crime in general, and we believe that you have a role in helping us. Working closely with the Kelowna RCMP and community stakeholders, the Kelowna chamber has taken a broad approach to addressing crime in our community.

The issues relating to crime and the justice system are complex and overlapping. In our efforts to address these issues in our community, we're packaging these issues as a continuum of justice that encompasses the following five key areas: organized crime; the need for additional prosecutors; dealing with chronic offenders; exploring community court; and the need for correctional facilities.

First, with respect to the organized crime task force, I want to talk about one of our successes. For more than a year, the Kelowna Chamber has lobbied government for the establishment of an organized crime task force for Kelowna. We developed a policy resolution, which was adopted by the B.C. Chamber of Commerce and the Canadian Chamber of Commerce, calling for such a task force to be in centres such as Kelowna. In February of this year, that was announced. This unit will provide the necessary resources for investigating and curbing organized crime activities in the Okanagan.

• (1745)

The second area is additional prosecutors. In our meetings with the RCMP, it's been identified that a key challenge for the justice system is the lack of prosecutors to deal with the increased crackdown on crime activities. Court dates for bringing criminals to justice are now being booked for 2010. The Kelowna chamber has met with the provincial Solicitor General and provincial finance minister to address this need.

In recent meetings we've had with the Kelowna RCMP, the Vancouver Police Department, and with chambers and boards of trade in the lower mainland, targeting the negative impact of chronic offenders has been identified as a primary focus in reducing crime in communities. In discussions with the Kelowna RCMP, they've identified 200 chronic offenders and have noted that these people are responsible for the majority of crimes against business. The message is very straightforward. When you remove chronic offenders from the street, you reduce crime.

The Kelowna chamber is working with community stakeholders to address a community court model. This pilot project is in place in Vancouver, and we're watching it very closely.

In terms of corrections facilities, it has been acknowledged that we do need more corrections facilities to address incarceration. According to Superintendent McKinnon of the Kelowna RCMP, in 2007 they housed in excess of 6,000 prisoners, and in 2008 they exceeded that with 6,500 prisoners. The cell blocks are typically full to capacity.

Going to my conclusion, we will continue to work to address these areas: organized crime, the need for more prosecutors, the need for corrections facilities, the need for our community court to reduce the strain on our justice system, and the need to address the issue of chronic offenders.

To conclude, I want to reinforce the following messages. Crime is an issue in mid-sized cities as well as larger centres. Crime has a direct negative impact on business and the economy. We need to address sentencing for chronic offenders to reduce crime.

On behalf of the members of the Kelowna Chamber of Commerce, thank you for this opportunity to discuss our concerns with you today.

• (1750)

The Chair: Thank you.

We'll move now to questions from members. As you formulate your answers, please keep in mind that this is an organized crime

study, so try to make sure the answers are focused on that particular problem.

We'll go with Mr. Dhaliwal for seven minutes.

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

Mr. Chair, I would like to thank all the panel members who have come out today, and for their work, particularly Chief Cessford, Fire Chief Len Garis, and Ray Hudson, because those are the people from my community, where I'm raising my family and where I used to run my business. My business is still running there.

I would also like to welcome you, Your Worships. Two of the mayors are from the riding I represent, the communities of Surrey and Delta.

Mr. Chair, I would like to direct my first question to Her Worship Mayor Dianne Watts, because she talked about a crime reduction strategy that she brought forward. It is a wonderful approach and one I have talked about in the House. This is the first action plan to design an integrated approach involving all levels of government. I see the consensus among all the mayors here is for tough and effective laws, education, prevention, social programs, and more police funding. She addresses most of those concerns in the strategy.

At the time you brought in this crime prevention strategy, Your Worship, the federal government, this Conservative government, was talking about putting 2,500 new police officers on the ground, and that has never occurred. Talking to the police associations and communities across this country, that has drastically fallen short.

There used to be a 70-30 funding model in place for officers that no longer exists. Is this why you feel there is a shortfall?

Ms. Dianne L. Watts: There are a number of things involved. Whether it's the RCMP or the municipal forces, we do not have the capability of funding police officers to deal with organized crime—and that's what's occurring.

I think the federal government said it would be putting 2,500 police officers across Canada, but the issue there is that the province has to come up with matching funding. So it's up to the province again to determine if they want those officers and how to access them. I think we received 168 officers the province was willing to pay for over the entire province of British Columbia, if my recollection is correct. That's a drop in the bucket for us.

If you look at any one homicide, it depends on the complexity of the investigation. When you talk about organized crime, you're talking about starting the investigation at a municipal level and following the investigation from there. It could take you across Canada, down to the United States, or wherever; and the fact of the matter is that it's being funded by us, the municipalities. We're trying to get those resources and those police officers in place, but for the municipal forces, we're all paying 100% of the dollars, when there should be a 70-30 split right across the board for all of us.

Mr. Sukh Dhaliwal: My next question is for both Mayor Watts and Mayor Jackson.

Recently, as you are aware, the Attorney General of British Columbia went to Ottawa and Parliament to talk about bringing in legislative changes—besides the issue of not having enough police officers on the front line. Of the requests the Attorney General made, which ones do you see as the highest priority and consistent with the efforts being made by the metro Vancouver mayors committee?

• (1755)

Mrs. Lois E. Jackson: It's hard for us to prioritize when we don't have the requests in front of us, Mr. Dhaliwal.

I am concerned because I don't have the list before me, but I think we can safely say that every one of our 22 mayors in the lower mainland is absolutely committed to the comments made in Ottawa by the Attorney General and Solicitor General. As you know, the premier has made some very marked comments relative to many of the things involved. He had a major announcement here last month, and we support that.

I think it's going to take all three—and four—levels of government to put our heads together and go over these step by step. This is what we're attempting at the regional level; we're going over the entire list you mentioned, the list that the premier had put forward, and the list that all of the mayors are putting forward. Each of us has a different community. We have different inflections, as you might know, and we want to make sure we're covering all of the bases. That's what we're doing regionally.

Which one is the most important? Is it prevention? Is it the judiciary? Is it the facilities? For example, we need a remand centre really badly in the lower mainland. We have to work together on all of these things.

Mr. Sukh Dhaliwal: Mayor Watts, do you want to add to that?

And, Chief Cessford, you had something you wanted to comment on too.

Ms. Dianne L. Watts: When they went to Ottawa, I think there were two things they were particularly focusing on, the disclosure requirements and wiretaps. Those are significant. If we look at any investigation.... The one I always go back to and look at is the McMynn kidnapping in Vancouver, which took eight police officers working full-time for a year on disclosure documents before charges could even be laid. That is absolutely onerous, because it's taking those police officers away from doing what they need to be doing. They have to streamline that. Also, around the possession of illegal firearms, we have to get the firearms off the street. Those were the things they went forward with.

We support that. All of the metro mayors support those initiatives, which are key. But again, I go back to the fact that these are key right now because we're dealing with the problem. If you want to effect change, if you want generational change for our children so they don't get into gang activity, then you must have preventive and educational measures in place. If you look at the age of the children—I call them children because most of us are getting on in age—they're in their late teens and early twenties. They're out there involved in trafficking, extortion, murder, and all of those things in organized crime. There has to be a piece there as well.

The Chair: Mr. Cessford, I'll give you 30 seconds to respond.

Mr. Jim Cessford (Chief Constable, Corporation of Delta): I will be very quick.

Lawful access and disclosure are big things for all of us. I know that the Attorney General and the Solicitor General were very concerned about those two things. Maybe we'll get a chance to talk in a little while.

Mayor Watts talks about the costs for the police to fight organized crime; they're prohibitive. There just isn't any way for us to be able to deal with that. I'm talking about the police or the municipalities.

If I can, I'll give just a quick example of one group. The police had integrated a specialized policing investigation on a well-known gang group here in the lower mainland. They took about 25, 30, 35 gang members and they all flew to Mexico. They chartered an aircraft, they went there, and they got involved with many things while they were in Mexico. There isn't any way that the Surrey RCMP, the Delta Police, or the Langley RCMP—or all of us, for that matter—can deal with that type of cost. You can only imagine what the cost for that would be.

That's just one example. There are several others.

The Chair: Thank you.

Monsieur Ménard, you have seven minutes.

Mr. Réal Ménard: I'm going to speak French.

• (1800)

Do you have the translation channel?

[*Translation*]

I would like to make a comment and ask two questions.

First, under the Criminal Code, since 1997, there are sections on mandatory minimum sentences with respect to firearms, which were revisited in 2008 through Bill C-2. Currently, there are minimum sentences. I personally do not believe that we are going to win the war against organized crime because the Criminal Code provides for minimum sentences. The proof lies in the fact that some minimum sentences have been in the Code for the last 10 years, and in my opinion, they are not the right solution. That is my first comment.

This morning, we had an exchange with Mr. Macintyre from the RCMP. I was very pleased when I tabled my motion with the Standing Committee on Justice and Human Rights calling for the committee to travel to Vancouver with a view to understanding what exactly is going on. I am a member from Montreal. In 1995, a 13-year-old boy in my riding was killed by a biker gang. Following that, anti-gang legislation was introduced.

I had the impression, seeing things from the outside, that Vancouver was experiencing what Montreal went through a decade ago. Things are different there, I understand the nuances, because the RCMP explained them to us, but there are similarities nonetheless. I want to understand what is going on. I believe that we need more police officers, prosecutors with expert knowledge of street gang issues and more resources to carry out investigations.

I would like to see the committee incorporate the following points into its report. To my mind, you need at least five years to win this battle. In Quebec, 156 people were arrested and 111 of them were members of the Hells Angels. The investigation lasted three and a half years. This has little to do with disclosure, and more to do with the specific nature of this type of inquiry. I would be inclined to think that this committee should recommend a federal government fund dedicated exclusively to Vancouver, and not all provinces. When I refer to Vancouver, I mean British Columbia, of course.

If the government were to ask you how much money is required in that fund, what would it be? I know that a mayor may tend to automatically overstate the amount, because the needs are great. Earlier, Madam Mayor told us that having only 68 police officers for all of British Columbia was insufficient.

If we were to recommend the creation of a fund that would allow you to hire more prosecutors, police officers, and refine your investigative tools and means over a period of five years, would you be in a position to table a supporting document, with the assistance of your police services, containing a recommended amount of money? Are we talking about \$15 million or \$20 million?

I believe that there should be a fund for a period of five years, and that it must be targeted. This is the first time we are talking about this. I don't know, when we reach the final report stage, if my colleagues will be in agreement with me, but this is what I intend to advocate. I'm not talking about a fund for all provinces. You are experiencing a very particular situation that is not as acute in other provinces.

Earlier, Mr. Macintyre told us that in 2009, there will probably be a higher number of deaths related to street gangs in Vancouver than in Toronto. This is an indicator of the magnitude of your unique challenge. You need to be supported financially, and not with minimum sentences. If you had been able to win the battle with minimum sentences, it would have already been won. Does anyone want to commit to endorsing this idea of a fund, and provide an order of magnitude? Perhaps the Vancouver mayor has some ideas on this.

[English]

Mr. Gregor Robertson: It's an interesting concept to focus a fund on a five-year strategy to eradicate the gangs. We have many similarities with Montreal in the nineties, though our situation is more complex. The estimate is 120 to 130 different gangs, smaller gangs of all shapes and sizes, ethnicities, backgrounds. It's a complex landscape, difficult to police.

As for resources, when compared with Toronto or Montreal, in respect of police per capita, we are about 450 short of Toronto and about 900 short of Montreal. To come up to metro Toronto's level of policing, I'd say we'd need to add about 500 police. If it's a five-year strategy, that's about \$50 million a year, based on \$100,000 per sworn officer. So it's a significant investment.

As Mayor Watts mentioned, we're all for carrying our share of the expenses. This is a significant additional investment that needs to be made. In Vancouver, we don't have a share being covered by the federal government right now. I think it would be a worthwhile conversation to pursue. If it's a 70-30 formula for policing generally, and we have federal and provincial support, and we're able to make

the case that, as municipalities, this is an investment, I think we're still looking at a challenge.

• (1805)

[Translation]

Mr. Réal Ménard: Do I have enough time for a second question?

This morning, the RCMP commanding officer made a rather surprising statement that is worthy of delving into. Pardon me, I am mistaken, he was not a commanding officer of the RCMP, but an expert with the Senior Force Management. There's a difficulty regarding megatrials. In Montreal, trials have been won because there were various charges laid against 50, 75 or 100 people.

The person who spoke this morning seemed to be saying that holding megatrials poses difficulties. Is it because of a lack of resources? I truly believe that trials will not be won if several of the accused persons are not brought before the court at the same time.

Could someone help us understand the problem you have in this province with regard to megatrials? Is your Solicitor General reluctant to accept this idea? Is it a matter of resources? We're trying to understand.

[English]

Mr. Jim Cessford: I don't think there's any problem with our holding mega-trials here. The big problem would be funding. But I think we're geared up and ready to go. We could hold bigger trials. With the Surrey Six, maybe we'll start to see it on a smaller scale.

The Chair: Mr. Comartin.

Mr. Joe Comartin: I'm going to play devil's advocate.

You're coming to the federal government and you're saying we should do these things. But the reality is that it was your communities that allowed the shortage of police officers to occur. I'm throwing this as an accusation, and I'd like a response. How did it happen? Your growth rate here was no greater than Calgary's or Edmonton's. Their ratio of police officers is in keeping with the national average for cities of this size. I'm not trying to be combative here, but I'd like to know how it happened that we got so far behind.

Mr. Cessford, as for the mega-trials, it's a question of dollars. Basically, if there are more than five accused, we can't afford to do a mega-trial. There's a funding shortage here, which we're not seeing nearly as severely in the rest of the country. But how did this develop here? What can we do collectively? Mr. Ménard has raised the issue of the fund. I think it makes some sense. I know you should be getting additional resources. I have no problem with saying that, because I think that's the reality. But we are going to need a plan to get the numbers of your police forces up to snuff.

• (1810)

The Chair: Mayor Jackson, and then Mayor Fassbender.

Mrs. Lois E. Jackson: I'll take the opportunity to try to respond to that.

I would say probably eight or nine years ago the great grey wave came. That means there were unprecedented numbers of officers who were retiring. We had a huge problem with that in the Delta police force, and we had to obviously take that into account when we were going out, finding the young people who wanted to be trained in the Justice Institute and then had to be mentored by someone in the department as they were coming through the ranks.

That has happened all across the country. I think it has been left unsaid that the great grey wave, as we have seen so many retire, has had a huge impact. I think it's even worse for the RCMP. And maybe you have all the money you need in the whole world, but how fast can you get them trained in Regina and get them out here working on a mentorship basis? And I think you can—

Mr. Joe Comartin: Mayor Jackson, let me interrupt you, then. If that is the case, and I know how long it takes to turn the training around—

Mrs. Lois E. Jackson: Exactly.

Mr. Joe Comartin: In fact we hear from the government currently that it has promised 1,500 additional RCMP officers, and it has performed on that. The reality is that all it did was replace the existing ones. We have not had a net gain of RCMP officers in the country. We got those 1,500. We needed those because of the retirements.

Mrs. Lois E. Jackson: Yes.

Mr. Joe Comartin: So what I'm trying to get at is this. How do we replace those officers? How do you expect we're going to be able to do it in a relatively short period of time?

Mrs. Lois E. Jackson: Again, it's the responsibility of those who are overseeing the RCMP and the training of new recruits. Independent police—and Vancouver and Delta are two, including Abbotsford and some of the others—go out and interview. We look for people in our own municipalities, and we train our own people at the Justice Institute, which is a very fine facility. So we're dealing with it in a different manner, because we can.

If Surrey needs 300 police officers and the RCMP can only give them 225, they get 225. If there aren't enough to fill the gap, then we're short officers on the street even though there may be money in the budget to pay for them.

The Chair: I believe Mayor Fassbender wanted to respond as well.

Mr. Peter Fassbender: I want to add a couple of points.

Number one, the reality is that municipalities only collect eight cents out of every tax dollar in this country.

Mr. Joe Comartin: That's true across the country.

Mr. Peter Fassbender: I know it is, but policing budgets are the single largest item in all municipal budgets.

The other thing that's happened is that the shift from the federal government to the municipalities and from the province to the municipalities, as we're paying for more integrated services and all of those things, reduces our ability to put police officers on the street as community policing operations. That's a huge issue that needs to be looked at. And it's not just—

Mr. Joe Comartin: I don't understand that. Could you explain that?

Mr. Peter Fassbender: Right now in this province we have integrated services, which we believe in. That integrated model includes IHIT, the integrated homicide investigation team, ERT, the emergency response teams, and so on. We also pay our share; there's a formula that's used to pay for those. We've made an argument, as municipalities, whether they're RCMP or municipal, that if the burden of the integrated forces were paid for by the province and the federal government, allowing us to put all of our resources on the street with community policing, then we would be better able to serve them.

Municipalities like Vancouver and Delta, which are faced with having their own forces, have the need to provide those services in their community. We know that if we're going to deal with organized crime, we have to have the integrated services working together across all those jurisdictions.

And you know, the concern I have is that we're looking for a magic number to solve the problems. One of the things you've heard, I'm sure, up to this point is that we need to give the police across the board, across the country, better tools—not necessarily always more money—to do their job more efficiently, more effectively, to be able to deal with the root crime issues in their communities, with access to disclosure, more wiretaps, and all the tools they need to be more effective.

The amount of paperwork the average police officers today have to do on any given file does not allow them to be actively out on the street, because they're filling out too much paperwork. We need to change that paradigm as well.

•(1815)

The Chair: We'll move on to Mr. Moore, for seven minutes.

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

I thank all of you for being here today.

Our committee has been here in Vancouver all day. We've heard a lot of testimony. Our chair, Mr. Fast, took me for a walk. You certainly have a beautiful region here and a lot to be thankful for, and we want to partner with you on this crime issue, not just because this has been in the national news and it's a high-profile issue right now. We hope there is a downturn in the gang-related violence and we want to work with you on that to make sure that happens.

I want to talk a bit about sentencing, because that's one of the things that we as a government have been quite seized with. You've all made excellent comments. Ms. Renault mentioned the revolving door. We've heard that a lot. I'm from New Brunswick, and I hear the same thing in my community, the revolving door of the justice system, and ensuring that the penalties fit the crime.

I did want to mention some of our initiatives. One is on house arrest. We know that, certainly in my community, people don't want to see somebody who's committed a serious crime serving their sentence from the comfort of their own home. The other is on mandatory minimum penalties for gun crimes. This has been mentioned by many of you, the gun violence and the recidivism we see where someone commits multiple offences but we don't see an increase in the penalty.

So in the last Parliament we brought in mandatory minimum penalties. If someone commits a crime with a firearm, it will be a minimum of five years, and that escalates. That's our way of saying we take this very seriously, and when the police make the effort to catch someone and there's a successful prosecution, we want to see that person serve time in prison.

The other thing, as was mentioned, is the onus on bail—people are out on the street, on bail, for a gun crime. In the last Parliament we introduced in our Tackling Violent Crime Act, a reverse-onus component whereby a person who has committed a crime with a firearm has to prove why they should be out on bail, rather than the crown having to prove why they shouldn't be out on bail. We've switched that.

In this Parliament we're dealing with legislation dealing with gang crime, including drive-by shootings, amendments to the Controlled Drugs and Substances Act, and bringing in tougher penalties for grow-ops. That's one thing we didn't touch on a lot today. I look forward to hearing a bit about the grow-ops in your communities.

Also, one of the things we heard coming out of British Columbia is the issue of credit for time served whereby someone in pre-trial custody for a certain period of time is finally sentenced and the judge says they'll be given two or even up to three days for the time they've been in remand.

I know I don't have time for all of you to answer these questions, but let's go to the issue of closing the revolving door and making sure those few people in your communities who are recidivists get the message and are taken off the street and have access to help in dealing with their issues in correctional facilities. Perhaps, Ms. Renault, you could comment—in your community, your area, the sense that we need to have the recidivists off the street and whether you think these initiatives might play a role in that increased sentencing.

We haven't heard from you, Dr. Plecas. I would like to hear a bit from you about disrupting the criminal enterprise, because when someone is not committing crimes on the street when they're off the street, in an institution. How important is it that we disrupt the criminal enterprise?

The Chair: How about one and a half minutes each?

Ms. Renault, and then we'll go to Dr. Plecas.

Ms. Shannon Renault: Okay, thank you.

We're certainly aware of both these initiatives you've cited, and they're definitely things we stood up and supported when they were announced by the federal government.

Speaking as the Chamber of Commerce, the specific piece about recidivism and repeat offenders we are most concerned about is the

repeat offences related to property crime, which may or may not be committed with the use of a firearm. So the particular initiative that you cite may not apply to these individuals.

We absolutely need to have a greater focus on those repeat offenders. We have found in our own municipalities in the capital region—and it sounds like a worn-out statistic—that a good 75% to 80% of the crimes in our community are committed by probably 25 to 30 individuals. This has to be addressed. We believe that incapacitation and interruption is needed. It's a brake on the business community and the residential community that are constantly paying the costs, literally, of these repeat offences. It really should be a larger focus across the board.

• (1820)

The Chair: Mr. Plecas.

Dr. Darryl Plecas: We are in a ridiculous situation here in British Columbia, where, for example, Vancouver city police have called for "30 strikes and you're out". Of course they're asking for that, because we know the incredible damage that's done by that collection of people. When Vancouver asks that, we should be reminded that they're talking about a group of people who have, on average, 47 prior convictions each. That's just for that small population.

Across the board, if we look at the successes that have been enjoyed in the province in terms of reducing crimes, it is a function of a multiplicity of prevention kinds of things, but in the main, one of the most significant things has been removing those highly recidivistic offenders off the streets. You can clock it down to the crime. If you want crime to go down, get those people off the street.

Of course it makes sense. We've known this for over four decades. That small group of highly recidivistic people needs to be in a custody situation to address the primary goals of sentencing. It is absolute nonsense, as I've told you before, for us to believe for a minute that you're going to rehabilitate anybody with a three-month sentence. That is not going to happen. Only an idiot would think that we're going to provide for public safety...provide specific deterrence, general deterrence.

We absolutely have to get people off the street. It's not a question of getting tougher on sentencing, it's a question of getting more effective. We want to make a difference. We know we can. We've seen it happen. Let's do more.

I absolutely applaud the government on the initiatives to get mandatory penalties.

Ms. Shannon Renault: Sorry, could I just make one comment on the revolving door? I apologize, I didn't mean to say that.

Because of a lack of focus on that recidivist behaviour... I know there are crimes that are going down across the country, but you do need to know that businesses, certainly in Victoria and across urban centres, aren't bothering to report a lot of property crimes any more because the same person who broke into their store yesterday is back the day after tomorrow. When they report it, a lot of times the police say it's not worth the paperwork.

The Chair: Thank you. We'll go to the next round of questions.

Mr. Murphy, you have five minutes.

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

Thank you, witnesses.

I had the pleasure of hearing Mr. Plecas a couple of weeks ago in Ottawa. I want you to know that I'm waiting for some of the studies that were mentioned.

I want you to know also that this morning, Inspector McLeod, I think it was, from the Vancouver police said that the sentencing regime, the meting out of sentences, was fine, but we have to do something about the application of the parole system, which was the opposite of what you said two weeks ago. We have to get that sorted out. We have to have you back to Ottawa again to get that sorted out. I'm sure you enjoy coming up.

I just want to reiterate to the committee that I think we've learned a lot in this one-day session out here. Different parts of the country are unique; obviously it's unique out here. We could have a full five-day discussion on the root causes of crime. We're all in the same boat, I think, on that.

We have been arguing, probably a lot, about which legal tools to implement quickly, which ones to take a hard look at. The government's prime objective has been using the tool of sentencing. That's their flag, and they're waving it, and that's fine. But we heard today, and we heard from Wally Oppal when he came to Ottawa, that things like disclosure codification—whoever said that in this crowd—are a great way of encapsulating what we need to do, what can be done quickly in the Criminal Code amendment.

We need to get back in Ottawa and do it, and we also need to work with the outdated 1892 Criminal Code with respect to warrants and electronic surveillance.

I want to ask this question, and it's prefaced by this remark, that it's a great pleasure to have mayors before a committee. I think in my three years in justice we've had two mayors, maybe. It's great to hear from you, because you know how to manage the budget of government, from stem to stern, and you hear firsthand, every day, whether there's something wrong in your community.

With respect to policing, mayors—and there are only three of you left now, so that should be good for the timing—FCM has a campaign out now to say that when it comes to federal policing, the federal government should contribute. I know, Mayor Fassbender, you talked about that. Can you give us some hope that this campaign is getting somewhere, that we have to get the federal government involved in funding, let's call them federal policing initiatives, in the communities across the country?

This is on fire across the country, by the way. I'm a former FCM guy, and I know that all mayors are on fire about this and want to encourage the federal government to see that there are so many integrated units and so much federal involvement that you have to have the money.

Could you elaborate on that?

•(1825)

Mr. Peter Fassbender: It has been a subject around all of the tables, and we recognize that. What we have to do is define the

different levels of policing and what value they bring federally, provincially, regionally, and then locally. What is local policing and what does it require? What is the difference between integration and regionalization? I think there's a big misunderstanding at times in all of those discussions.

From what I've heard from my colleagues around the various tables, if the federal government comes to the party in supporting funding for the integrated services for those things that cross boundaries, that require that collaboration and the funding to support it, we would support that wholeheartedly. Then that allows us to really focus in on community policing that we require on the streets of our community and how we continue to contribute to that.

As Mayor Watts said, we put hundred-cent dollars on the table. We are maxed out to the limit in municipal taxes at this stage and we need the support to provide the funding for the integration. Take that burden off our backs as a first step. Allow us then to look at the community policing models to define what that is and what we need in our communities. We will be a partner, and we are. It's the largest budget item we have.

I think what we really need to work together on is to look at those things. What is federal policing? What does it contribute? We know in our municipality and in the other areas when there's a huge issue that requires the intelligence of the federal RCMP services, that's available to Vancouver and Delta if they need it. The chief in Delta can work with the RCMP if he has an issue that requires that kind of intelligence. We need to promote that, define those differences, what those individual roles are, and how they're funded. Again, you need to look at the statistics. The reduction of the federal funding to the policing across the country is significant.

Mr. Brian Murphy: Can the other two mayors answer?

The Chair: You're out of time.

We'll move on to Mr. Weston for five minutes.

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): Thank you.

I want to pick up where you left off, Brian.

I think having mayors in front of the committee is fabulous. You're on the ground and hearing what's going on. On the North Shore, Andrew Saxton and I have been working very closely with our mayors. I work with some 12 mayors throughout my riding and I find that I'm constantly educated and I'm a better federal representative because of that.

The second thing is that you're working together, so your influence is going to be so much greater because you help us by setting priorities. I think that is a great step forward.

From your comments I've been trying to summarize, and I'm hearing at least four priorities. You said there were some 55 in the materials that we'll be seeing, or maybe they've already been sent. You've expressed some support for more policing, sentencing issues, mandatory minimums, early intervention, and then new laws, some of which we are bringing on board.

I want to say something that you probably know. For some time the Conservative government tried to bring in various new laws and we never had consensus in the House. I think there's a new atmosphere, and by bringing in specific laws rather than omnibus ones, we expect to get more success from our friends from the other parties.

Mayor Fassbender, Bill C-15 is there to deal with situations where there are aggravating factors involved—grow-ops—and the penalties are to be increased if the offence was committed, for organized crime, near a school or in an area normally frequented by youth, or if the offence involved the use of violence or a weapon. Is this what you're looking for?

I'll ask the other two mayors as well what they have to say about Bill C-15. Are we on the right track there?

• (1830)

Mr. Peter Fassbender: My sense is that you are on the right track. I think when you do get specific about specific offences—the severity of those and the penalties that reflect that—it is absolutely the right direction.

Ms. Dianne L. Watts: Of course we'll support that because it affects our community directly, but it's a shame that it has to be such a scattergun approach. It would be nice to have a coordinated effort focused on this issue dealing with the broad-based issues that encompass organized crime and how it affects our community—including policing, sentencing, the court, intervention, and all of those pieces, as a strategy together.

You said that through your process the only way you can move it forward is in bite-sized pieces. Is there not an opportunity to have a coordinated effort and a strategy to encompass all of these things, and under each section identify what those recommendations and the legislation will be? Then you would have a package you could move forward with, so we would know what's coming down the pipe. We support all of that, and they're good things to do, but I don't know what the second or third piece is going to be.

We're trying to work together collectively as 21 mayors—with our chambers, boards of trade, and all of that—to deal with these problems, but there's no overall vision or coordinated approach to it.

The Chair: Mayor Jackson, do you want to respond as well?

Mrs. Lois E. Jackson: I'm not sure if you're talking about grow operations exactly. Are you talking about recidivism, how we're dealing with that, and how we're all working together to try to make that happen?

Mr. John Weston: Bill C-15 deals with amending the Controlled Drugs and Substances Act, so it deals generally with grow-ops. But the specific provision I referred to deals with when there are aggravating factors that lead to more strict sentencing.

Mrs. Lois E. Jackson: One of the big problems I saw when I became mayor in 2000 was we had 200 grow operations in an area of

50,000 people in the North Delta area where I live. We undertook zero tolerance, and our police department shut them all down eventually.

I went into a lot of these places, and dirt was everywhere—they were dripping and mouldy. I don't know if anybody's been in any of them, but you usually find two little people, from maybe Vietnam or somewhere, with a little shrine sitting there. They're the farmers. They have no record, but they look after the farm. They are never repeat offenders, because the gangs are a lot smarter than you think. They only put people in those places who are going to be the little farmers. You might put them in jail for three months or something, because they have no previous record.

So there's a lot going on relative to grow-ops. When you catch the people who are there, they're not really the ones you want. You have to go hugely underground to get the people who are really making money off these, so it's not as simple as it sounds.

We had some really good police work done. Fortunately we have the specialized forces now, and they work really well. There's a bit of concern about governance and accountability for dollars, but that's okay. That's something else we'll be dealing with in the policy paper we'll be putting together. We have to continue to look at community-based policing. Mayor Watts is absolutely right.

I'm sorry about the time. I get too passionate about this.

Thank you.

The Chair: We've run out of time here. You're a minute and a half over. I'm being flexible.

Let's move on to Monsieur Ménard for five minutes.

[*Translation*]

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

I will make a comment on Bill C-15, to Mr. Fassbender.

Obviously, the goal of today's consultation is not to discuss Bill C-15, but it makes sense to address it. I hope that no one is under the impression that just because we plan to pass Bill C-15, that you, as mayors, will have additional arrows in your quivers.

Earlier, Mr. Cessford was saying that you will have 500 additional prisoners and prisons holding 6,500 prisoners. If Bill C-15 were to be adopted, a person responsible for growing three marijuana plants—located next to a school—would receive a sentence of two years in prison. I'm not convinced that socially, municipalities need to have these measures. The problem, as far as Bill C-15 is concerned, is that no distinction is made between minor marijuana offences and the king pins of the underground drug world. This is the clarification I wanted to make, with all due respect to Mr. Watson. I believe that municipalities do not need these types of measures.

Mayor Fassbender raised a point that has yet to be made by any other witness up until now. His point concerns tax legislation.

I'd like for us to talk again about the proposal you made. I would like our research analysts to get more information on this subject. You seem to imply that the Canada Revenue Agency could intervene in matters of marijuana growing operations, large hydroponic operations. You talked about \$300,000. That's a lot of money.

Please remind us of the concrete measures you would like to see implemented in this area.

•(1835)

[*English*]

Mr. Peter Fassbender: If I may, I'll deflect this down the table to Mr. Garis. I know that a lot of the documentation and the calculations are in the material that will be provided to you.

Len, did you want to speak to that?

Mr. Len Garis (Chief, Surrey Fire Services): Absolutely.

I believe it was a recommendation in 2003 by the national coordinating committee, under the Liberal government at that time, to create a relationship between police forces and Revenue Canada for the reporting of illegal drug operations. That in fact took place. However, it's grossly understaffed, and there's no requirement for police organizations to report every file associated with drug production. And that's what's being suggested here.

Our conservative estimates on the size of plants.... We know the size of marijuana grow operations on average in the province of British Columbia. The average is 250 plants. We know the number of actual crops per year. And we know fairly conservatively, or a good estimate, what they're achieving in revenue on this.

The personal audit system that CRA actually applies is four years back into their history of paying taxes. And if their assets don't match their tax returns, then those are audited and collected.

I want to mention something to you about how effective this principle is. A number of years ago we actually entertained a civilian administrative process for interrupting marijuana grow operations in the city of Surrey. In the last four years we've interrupted 1,600 grow-ops in our city.

We did a study on what was the propensity of the grower to re-establish another grow. Prior to us bringing in a bylaw that required us to recover all of our costs, conduct remediation on the property and bring it back to code while removing the occupancy permit, what we found was that the growers would re-establish. But after we brought in our bylaw that required all of these service costs associated with running that grow, removing the occupancy and making them invest money in bringing the home back up to safety standards, nobody came back. So we know the principle of applying costs associated with doing the business is actually going to make them leave.

I would like to say one last thing. We recently completed a study of marijuana grow operations from 1997 until the end of 2008. We haven't quite put it to ink yet, but this initiative I'm talking about in the city of Surrey has seen a 60% decrease in the communities that are active in these types of ancillary programs. We have moved them out of the lower mainland. The unfortunate thing is that they're moving elsewhere.

The initiatives that we've brought before you today, which may seem somewhat soft, are ones that we know do work, and we know they're multi-faceted, so please give this your attention.

Thank you.

•(1840)

The Chair: Thank you.

We'll move on to Mr. Dosanjh. You've got five minutes.

Hon. Ujjal Dosanjh: Thank you.

I don't really have much of a question. I want you to comment on something I'm going to say.

I don't really mean to be partisan, but it seems that most of us, when we ask questions, half of our time is taken up with our own commercials before we ask you the question.

When Wally Oppal and John van Dongen went to Ottawa, they had several proposals, but the three main proposals that stood out in my mind were remand credit, two for one; disclosure, or disclosure codification; electronic surveillance, which is a combination of easily accessible warrants and the capacity of the telecommunications companies—or at least a compulsion on them—to provide that easy and quick access and the technology that's required, which they can provide.

I know my colleagues on the other side might be upset if I said it took actually four to five weeks of consistent questions being asked in the House by someone like me and others to move the minister opposite on the issue of the two-for-one credit. The government still has not moved on the issue of disclosure codification or on electronic surveillance, easy warrants, or compelling the companies to provide the technology.

In 2005 our government had brought this bill forward. It died because of the election, particularly with respect to electronic surveillance. You could go back to that bill and instantaneously actually bring that forward. All I'm saying is we're on your side. We want you to stand up and yell and scream at all of us to get it done. These are some of the things that can be done very quickly. I'm not asking you to be partisan. You don't have to name anyone, just shout at all of us. It's been effective. Wally Oppal went there, van Dongen went there, and it was effective.

What I'm saying to you is on some of those creative solutions you have that you proposed, you've got to press us to move on them. I would leave it at that. I'm not going to ask a question. If you want to comment on it, fine. I'm not asking you to make partisan comments.

Thank you.

The Chair: Ms. Watts.

Ms. Dianne L. Watts: Thank you.

I will make a comment, because this is precisely the problem that we face in our communities. We don't want to be partisan, but this going on back and forth and back and forth is ridiculous. All we want is some help. All we want is to make sure that our community is safe, that we have the measures to put these people behind bars, and to give people the help that they need and get on with life.

But this constantly going back and forth.... As we said before, these issues aren't new. For the past I don't know how many years—I'm going to say a dozen years—all of these issues have been brought up. We will continue to pound the table, we will continue to move forward, but I'd really like to just see the politics be left at the door and people come together for the municipalities, the cities, and the people of this country.

Mr. Réal Ménard: Vote for the Bloc.

The Chair: You have one minute.

Hon. Ujjal Dosanjh: Let me ask you another question, and I know this is a difficult one. I know Mayor Robertson has left, so in his absence let me ask you a question. Why is there such rabid resistance to the idea of a regional police force among many of you?

Mrs. Lois E. Jackson: We all want to answer that.

● (1845)

The Chair: In half a minute.

Mrs. Lois E. Jackson: I think the police chief from Delta probably has a few things to say about that.

Mr. Jim Cessford: In my view, with all respect, that's a political solution to a public safety issue, and that doesn't work. Regionalization has not worked in the United Kingdom. It has not worked in Canada. It has been a huge failure everywhere.

Bigger is not better. What regionalization does is cause a disconnect between the police and their communities, and we're not trying to disconnect; we're trying to close the gap. That's a huge issue for all of us. Police and community working together is the best way. That's what we're talking about with community-based policing—working with our communities.

There's a difference here that we have to understand: there's specialized policing that deals with the complex organized gang issues and there's working with our communities. This is not all about gangs. Somebody has to go to the fatal motor vehicle accidents. Somebody has to go to the break and enter, the theft from auto, and the stolen bicycles. There are different areas here.

This is not about regionalization. It's about putting some funding into specialized policing to deal with the complex things. We'll look after our communities, thank you very much. We can do that.

Also, and I say this with all respect, you talked to Mayor Watts about Bill C-15, but the picking away at and the piecemeal approach to the laws is not the answer. I think what we're saying, and what everybody and all of these groups are saying, is why don't we take a minute to step back and look at the law to see what's working and what isn't working? Then we can attack the problem holistically rather than with a one-year minimum sentence for marijuana grow-ops of more than 500 plants.

We still have to deal with disclosure. We still have to deal with lawful access and all of those things. In my view, those are the big-ticket issues that would serve us well, but regionalization is just not the solution. Again, it's never worked anywhere else, so why would we do it now?

The Chair: Thank you.

We'll move on to Ms. Grewal. You have five minutes, and you'll be the last questioner.

Mrs. Nina Grewal: Thank you, Mr. Chair.

I have a question for Mr. Garis.

Mr. Garis, you said that marijuana grow-ops are a problem in Surrey and the surrounding communities and are often found in expensive homes in nice neighbourhoods. What special dangers do these homes present to the firefighters? Could you please explain?

Mr. Len Garis: Thank you very much for asking that question. It gives me an opportunity to explain to members of the committee why a fire chief is sitting in front of them and testifying on organized crime in British Columbia.

In 2003, 2004, and 2005 in our community, our firefighters were attending 1.3 fires per month that were caused by marijuana grow-ops. That's 15 to 16 a year. They had concerns and started to treat every structure fire like a grow-op. They were concerned about entering those homes in a smoke-filled environment. They were concerned about getting shocked or electrocuted, which they had been, but not fatally. They were concerned about dealing with that kind of environment.

They were concerned about arriving in the middle of the night and finding two and three houses on fire, or being impinged on by fire, because a house was set on fire by a grow-op and nobody was in attendance so nobody called it in. They were concerned about trying to evacuate homes where people were sleeping; they were concerned about trying to get them out.

Those were the things that got us involved in doing public safety inspections, which started in the city of Abbotsford and the city of Surrey in 2005. Since then, we've been using this as a preventative tool. We changed the laws in British Columbia to require the hydro authority to disclose to the local government hydro records that were three times the normal amount, and we initiated inspections using the Local Government Act, the Fire Services Act, and the electrical Safety Standards Act to request permission to—

The Chair: Excuse me for just one moment, please.

There will be no private discussions. I think we should pay attention to our witnesses. Thank you.

Go ahead, Mr. Garis.

Mr. Len Garis: So on that premise we started conducting safety inspections of homes that provided us with the threshold of electrical consumption or about which there were complaints from the neighbourhood. During that course of time, when we started, one in four of these homes had children present, and the homes were filled with mould, fertilizers, pesticides, and electrical wiring and ballasts. We were attending those as a preventative measure.

Since we started this program in 2005, as I indicated before, we have inspected and remediated 1,006 homes in our city. Since then, eleven other communities have come on board and started these safety inspections to make our homes safe. This was a public safety initiative.

I also want to remind the group—as the chair mentioned—that I need to connect this back to organized crime. What we heard before—and it's something I never wanted to know as a fire officer—is that 85% of marijuana that's grown in the province of British Columbia is connected to organized crime. So if you say there aren't safety issues, Bill C-15, I think, is good. But let's define what aggravation is in terms of growing it.

We did a study, and a home with a grow-op is 24 times more likely to catch fire than a home without one. We experienced that big time.

In Philadelphia there were two firefighters who were killed when they went into the basement of a home that had a grow-op, and they became entangled and suffocated trying to get out of there. It was only a matter of time before that was going to occur here in British Columbia, and we had to do something.

So why did we get involved? We talked about tougher sentencing and disclosure. In 1997 police got to 92% of the complaints that came to their attention, and they were able to interrupt them. At that time only 1.5% of grow-ops were discovered by way of a fire. In 2003—and we're going to find out something new for 2008—they were able to get to only 52% of them. Why? Because in 1997 it took three steps to get a search warrant. In 2003 it takes 68 steps to get a search warrant. So that protraction of time meant that these homes were sitting in our neighbourhoods for years before they could get to them. Those electrical systems would start to interrupt, fray, and break down. In some homes we found electrical systems in which the wiring had to be entirely stripped because it was so fragile and damaged. So that's what we're dealing with. And this is all predicated on marijuana, that \$7 billion industry in British Columbia that's fostering organized crime.

If you want to look at a root cause, at where the money is coming from and why it's so profitable, we have created an environment—not directly—in which they can basically propagate, and make their money. That's where our gang-land crime is coming from.

So I would say that these initiatives may look soft, but we've proven that they work, and we've made a significant difference. These are the tools we would like you to take a serious look at and provide for us.

Thank you so much for your questions.

• (1850)

The Chair: We're done.

I just want to thank all of you for coming, especially the mayors. And I want to echo Mr. Murphy's comments. Being a former city counsellor out in Abbotsford, I know the kinds of challenges you face. You've come up with some amazing, creative solutions that the federal government and the provincial governments weren't able to address in a timely manner, and you adapted anyway. We did in Abbotsford as well, actually, following Surrey's lead initially. So thank you for the tip.

In any event, I have one point and one question I want to leave with you. First of all, you made a big pitch for more federal financial support in terms of policing, especially in terms of regional policing.

Mr. Peter Fassbender: It was for integrated policing.

The Chair: Yes, thank you for clarifying that.

Mrs. Lois E. Jackson: It was specialized forces.

The Chair: But we also heard evidence from the array of police officials here earlier this afternoon that if in fact we addressed the codified disclosure issue, it would free up 30% more resources. That would go a long way toward solving some of your problems.

And I can tell you that the minister is looking very carefully at disclosure, as well as at the lawful access issues, but we have a ton of legislation right now that's already making its way through Parliament. And he's made it very clear he does want to see that progress before he introduces new legislation.

My question to you—and it's just a yes-or-no type of question—is this. Earlier we had quite a handful of witnesses who came here and made it very clear that they believe the solution, or at least the partial solution, to addressing the organized crime issue in our communities is not to decriminalize marijuana; it's to legalize marijuana—and not only marijuana, but a whole lot of other hard drugs, like cocaine, crystal meth, and heroin.

Mrs. Lois E. Jackson: Legalize, did you say?

The Chair: Legalize.

I want to know from you, as municipal representatives here, chambers of commerce, criminologists, are you in favour of legalizing any of those drugs?

Mrs. Lois E. Jackson: Absolutely not.

• (1855)

Ms. Dianne L. Watts: Absolutely not. Hopefully, we're clear.

The Chair: All right, we got two there.

Dr. Darryl Plecas: There's no doubt that would be an absolutely stupid thing to do, for a number of reasons.

The Chair: All right.

Ms. Renault.

Ms. Shannon Renault: You know, we have started looking at it, and, in consultation with our police force, it's not something that they would want to see happen in our region.

The Chair: Okay, thank you.

Mr. Garis.

Mr. Len Garis: Absolutely not.

The Chair: Mr. Hudson.

Mr. Ray Hudson: Absolutely not.

Mr. Weldon LeBlanc: Absolutely not.

The Chair: All right. Well, it appears there's consensus there.

Thank you so much.

Yes, quickly.

Mrs. Lois E. Jackson: I have one question, if I could, Mr. Chair.

I understand you're going to be wrapping up and putting a paper together, a position paper. Is there a possibility, if we get our paper together, that we can forward that to you?

The Chair: Absolutely.

Mrs. Lois E. Jackson: I'm wondering what your deadline would be for that.

The Chair: Quite a ways down the road. My guess is we won't even be able to provide instructions for a report until well into the fall. That's my guess, because we have other bills that we have to review.

This is probably going to be well into the fall before we do this, so you've got time. Any written submissions you want to make that supplement what you've said today, please get it to our clerk, Miriam Burke. We'll get it translated and out to our members.

Mrs. Lois E. Jackson: Thank you.

Mayor Watts, Mayor Robertson, Mayor Fassbender, Mayor Corrigan from Burnaby, and I are undertaking all of this work and we're hoping to have it completed so that all of the mayors in the region can approve what we're going to be sending to you. It will hopefully be a document that you will be able to use, and we hope you can carry on with that.

The Chair: Thank you.

Mayor Fassbender.

Mr. Peter Fassbender: I would just make one other quick point, because of the back and forth, the issues, and one of the comments that was made.

I would urge the members of the government on both sides of the House to encourage changes to existing regulations that are easy and fast to do, because we know how long it takes for legislation. I have a problem with that myself, but that's reality. But look at the things that you can do in the short term that at least start to give us the tools that can start to make a difference in our communities.

The difference between us and what you're dealing with is if we see a problem, we go out, roll up our sleeves, and fix it. And we fix it tomorrow. Our police departments, our fire chiefs, everyone says we're going to get this problem fixed and we're going to do it in a hurry. I believe there are even small steps that could be taken in the short term to change regulations or some of those other things that could start to make a difference while the legislation is being reviewed and changed. And that's what we're also asking for. Let's do the things we can do quickly now, and let's do the big-picture issues as we move forward.

The Chair: Point well taken.

Ms. Dianne L. Watts: We're here to help, whatever you need.

The Chair: Yes, thank you.

Mrs. Lois E. Jackson: As long as you're here to help—

The Chair: We are.

Mrs. Lois E. Jackson: —each other, as well.

The Chair: Actually, believe it or not, I think there's probably more cooperation than you might see. This committee does work reasonably well.

Mr. Sukh Dhaliwal: Is it just because of the chair?

The Chair: No, it's not the chair. No, it's just that I think there seems to be more of a will to work cooperatively to address some of these very critical issues in our communities. All of our communities are feeling this to one degree or another.

Thank you to all of you.

We'll suspend for five minutes.

- _____ (Pause) _____
-
- (1905)

The Chair: I call the meeting to order.

Mr. and Mrs. Holifield, I presume, and Elli, and also Mr. Rafuse, thank you for appearing before us. As you no doubt know, our committee is undertaking a full review of organized crime in Canada.

Your family members, of course, were the victims, very unfortunate victims. We're so pleased you're here. You may be wondering why you're at the end of our session here in Vancouver. I think I can say we want to leave the most important to the last because we want to hear from the victims' families, because that's really what it's all about.

We're only discussing all the strategies we've talked about all day from the various witnesses because we want to protect our citizens against more people becoming victims. So your testimony is important to us.

I think you've been told already that each of you will receive five minutes to speak. If you don't want to speak, that's okay as well, and then we'll open it up for questions from our committee members.

Perhaps I could ask Ken to start.

- (1910)

Mr. Ken Rafuse (As an Individual): Thank you. I was assuming that I was going to have ten minutes, but—

The Chair: I'll gladly give you ten minutes.

Mr. Ken Rafuse: Thank you very much. I'm just going to manage myself here.

I've asked the person responsible to give some material to different persons. I'd like to just be assured that that's been done.

I wish to speak today as a person who has a wonderful family, and over and above all of this, it's a family that has a father who's dyslexic. I will be 65 years old this August. What has happened to me in my life, as a dyslexic person, and being able to understand and manage my life through the eyes of a dyslexic person, is the information that you're seeing now. You'll have to excuse me for breaking up now and again.

My goal today is to explain that there are key areas that are of serious concern. I'm a fifth-generation Canadian, born in Montreal. I've lived on the west coast for the last 35 years and have brought up two fantastic sons. In my second part of my life, in 2000, I became divorced and entered into a relationship with a wonderful woman by the name of Mary Barber, who had an incredible son, Jonathan Barber, and a daughter, Colleen. These people have been the mainstay in my life.

I'd like to lay out my life because it is so important for everyone here to understand. I'm hoping this commission can get to the bottom of what's happening here, because it is so severe. We all put on a facade at times to protect ourselves, to survive. Unfortunately, I don't like to say this, but I feel the justice and human rights systems in Canada failed us drastically over the years that have been my life—and I'm sharing it through my eyes, as an individual.

My feeling is that the study of organized crime needs to be broadened. Not only do I see that as being organized crime, I see organized crime being in the church, the corporations, and the illegal drug groups in Canada. The reason I say that is because the terms "crime", no matter how you look at it, and "organized" mean a group of people together doing something that's totally inappropriate and is against all systems out there.

When we can allow the gangs, as an example, to operate freely, when I see the Bacon brothers roam the streets, when I see police following them everywhere and taking care of them, it scares me. It scares me because when I see what's happened to my family, when I see my partner trying to survive.... She's a wonderful woman, an incredible woman. She's a teacher trying to survive losing her son.

The unfortunate side of it is that it's taken ten months for the police to decide to tell her that her son was not involved with the group. We knew that from the beginning. I believe they knew the same thing. That's a tragedy. That should not have happened. She's lost ten months of her life. Believe me, there was some guilt involved. Those are the kinds of issues that are important.

The victims' assistance is pathetic. It's just a charade. It doesn't represent anything of substance. I've met and talked to the clerks, to the people who are there, and I've realized that even they say, "Well, you know, the government's ripped it from the bottom, there's nothing here. All we can do is do our best. Can we get her a psychiatrist? Can we do this?" There has to be a better way. We need intervention teams.

When the incident first took place, and the person came over to our home and expressed opinions about how we could survive, what to do, unfortunately the person hadn't had the training or they were just young—whatever it was—but they didn't have the skills to communicate. It was so formal. It was so government-directed.

● (1915)

They had no sensitivity to what's going on. The reality is that the family is destroyed. There are five people involved here. There's Mary, Colleen, her beautiful 16-year-old daughter, Michael her ex-husband, and myself. All of us involved have had severe effects as a result of this murder, and Jonathan was an innocent young man.

He was an incredible young man who loved doing stereo systems in high-end vehicles. That was his life. He loved it. I remember when he was in high school, he did it all the time. He became expert. It was just unfortunate that a friend of a friend asked him to put in a stereo in the vehicle that unfortunately was owned by the Bacon brothers. A few days before, the Bacon brothers had done some damage to the United Nations Gang, so he became their target. The Bacon brothers used him as bait to see whether there was something out there.

Great attention is given to the crime and the criminals. They get protection. What about the families? That's my concern. The families

need support. The families need intervention. The father can't work. He's totally destroyed. Mary can barely hang on. She goes to work just to survive. Her daughter's looking over her shoulder believing she's going to be murdered.

I saw someone coming over the fence on my property downtown the other Saturday morning. I freaked out. I saw the Bacon brothers coming after me. So those are the issues that seriously need looking at. We have to stop focusing on the criminal. We need to deal with the criminals in the way they should be dealt with. For a long time, we've been giving them too many freedoms. We need to give the police the authority necessary to monitor everything that they're doing. We've become too much of a civil libertarian society. We give all our freedoms to these people who aren't worthy of it.

I've included in one of those pieces of paper that I gave you the documentation of a friend of mine. A long time ago, he told me about this wonderful thing that really changed the justice system—it was called the strap. And if you have a moment, I'd like you to have a look at this. It describes what it was and how it cleaned up the penal system. I think we're giving it to them too easy. We're not only letting them get away with murder; we're also letting them continue to murder and destroy families.

It destroyed our families on the human rights side of things. We're doing everything to hold on. My partner and I are seeking counsel. We're doing everything we can. The issues are so major. That's where the intervention needs to be done. We need to bring back the money. I don't want social systems. I don't want more counsellors on government. I want more assistance to help the family, because we are getting no help at all.

I talked about the family and the gangs and what's going on and how it's affected our lives as people, but that's just one aspect of it. The other side of it is the church, the government, and my faith in the justice system. In 1989 I came down with asbestos lung disease as a result of exposure to asbestos in a museum in Victoria. The government tried to cover it up. I spent two years in hell. I ended up on the streets of Vancouver going to the food bank, getting my food. I lost my family, I lost my home. There are ten boxes like this of human rights cases. I was successful in getting a legal aid lawyer to help me through this case. We won the case, but the sad part was that the government chair at the time was married to the senior partner of the law firm representing the government side.

● (1920)

It was a circus. It was a disgrace. I've never seen anything so disgusting in all my life.

WCB... I have asbestos lung disease. This is a very small part. Three boxes later... The fact is, we don't have an organization like WCB and governments to fight for us. We need the support. We need the help to be able to express our opinions as lay people clearly.

A person like myself who is dyslexic, who sees everything in 3-D, sees things differently from what you would. I can't even write a letter properly, the way things are.

It has taken me 65 years to discover how serious this has been. What we need to do is to look at ways of streamlining the process for lay people, streamlining the process to help other people.

Just in closing, I've left a piece of black material in there, a black cloth. The reason I did that was because human rights failed me when I was a child. As a twelve-year-old, I was raped and molested by a priest. Those kinds of things are horrible. Those kinds of things need to change.

We need stronger laws. I attempted in Quebec to deal with the issues. They told me I didn't have a hope in hell of dealing with those kinds of things. You're clearly aware of the thousands and thousands of young people and other people, I'm sure, of how horrible it is for them to defend themselves from the large corporations or from large government organizations.

What I'm saying to you, and I'm pleading with you, is streamline the system, simplify it. Einstein said to keep it simple and short. That's the way we have to do it. That's the only way we can survive in this world or we're going to hell in a basket.

Thank you, Mr. Chairman.

The Chair: Thank you very much.

Mr. Holifield, are you going to be presenting?

Mr. Bert Holifield (As an Individual): Yes.

The Chair: Elli Holifield, will you be presenting as well?

Mrs. Elli Holifield (As an Individual): No.

The Chair: Are you doing it collectively?

Mrs. Elli Holifield: I wouldn't mind saying something, but I don't have to.

The Chair: Sure. I'd be glad to give you a little time to speak.

Mrs. Elli Holifield: Thank you.

The Chair: Mr. Holifield.

Mr. Bert Holifield: I can really relate to what I've just heard. It's just like déjà vu all over again. The only thing that keeps me sane right now after losing our son is my three girls—that's my wife, my daughter-in-law, and my granddaughter. If it weren't for them.... I forced myself. I didn't work for almost a year. Actually, I can't tell you what you go through, as you have to be there to know.

My wife put together this little bit of something. She worked on it for a couple of days and we've all looked at it and this is what we want to say. It's called "The Centre of Our Universe".

Our son was murdered. He was immediately declared guilty. Dale Carr of the IHIT would not say he was innocent. We lost our precious and only child. His daughter was ten months old at the time, and the RCMP would not say he was innocent. Our granddaughter had no father. Our son would hold her and be so overwhelmed by his love that he would start crying and say, "Mom, I just love her so much".

He was raised in an extremely loving and caring family. He had no siblings, so he was even more special, because we had all our eggs in one basket. He was the only grandchild and nephew—and this is my wife speaking—and her mother was 87 at the time of his death. They had the most incredible relationship, and they talked five, six, seven, or eight times a day. He was on the phone with her minutes before he was murdered. We were so worried about telling her that Kirk had been murdered, thinking she might have a heart attack or worse. Her

only grandchild was gone. She had to live with the suspicion hanging over his name.

Our community reached out to us, though—family, friends, and hockey mates—and fundraising began immediately for an education trust fund for Kirk's daughter, Amelia.

Yet he was still guilty. You held our family and friends in suspension; our only child was a criminal because of the vehicle he drove. His Dodge Ram was so special to him; he was fastidious about the truck. When he had company in the vehicle, he would put his floor mats right side up; but when he was alone, they were upside down to keep them clean. He was our Felix Unger from *The Odd Couple*. He is dead because he had a black Dodge. Our son never had anything before but little hoopties. This was his first brand-new automobile, and he worked very hard for it. But he's "guilty".

He had the same truck as some Iranian thug, a criminal, who lived in the area that Kirk was visiting. He was guilty because he was in the wrong place at the wrong time.

On January 11, 2007, at 2:45 a.m.—a night I'll never forget—Elli called me. She asked me to come over. She was crying. I thought something had happened to the baby. It was 3:30 in the morning and I had to go back to tell my wife afterwards that our son, our only child, our baby boy, had been murdered.

In our circle of family and friends, murder does not happen, but a car accident, a motorcycle crash, or a bad skiing mishap. We do not have a child any more. Our daughter-in-law is a widow. Our beautiful little Amelia, Daddy's little angel, is fatherless at ten months.

Amelia's car seat was in her Daddy's truck. He went to Richmond to buy a hockey stick two days before everything happened.

Things could have been so different. Amelia was the precious cargo in his back seat. Her diaper bag, after the shooting, was filled with shattered glass. My wife has the car seat in her car now. There are cuts in the fabric because of that shattered glass. The hockey stick he bought is special to Amelia. She is still a toddler, but she says she wants to play hockey with it when she is a big girl.

The RCMP has been so distant. We have been floundering in our pain, our horrendous loss, our overwhelming grief. No one from the IHIT calls to say that they are doing this or that and how we could help in Kirk's investigation.

I must say that in two and a half years, we were never notified by IHIT. We called every time. She was never called. I was called once, and that when the news media had already picked up the fact that Kirk was innocent. Elijah Rain called me and said Kirk had been declared innocent. Well, I had already found that out through the media, because a reporter had called me and told me. But he was our contact officer. Sometimes we wouldn't hear back from him for a day or two. In two years, nobody called to show any interest in how we were doing; we felt totally abandoned by the police.

•(1925)

On February 13, 2009, Kirk was declared innocent. No police call, but a TV reporter who has kept in touch with us, Rumina Daya, from Global, called at 11:35 a.m. She obtained a press conference and heard the words we had been waiting for. Elijah Rain was our contact, and 15 minutes after we had seen it on the TV news, Bill Fortier was saying Kirk was finally an innocent victim. Thanks, Elijah, for being so connected. Our son was finally innocent, but no press conference, no press release, only the TV news item, a few words attached to another innocent victim's thankful moment. Our son deserved better. This was a huge moment.

On February 22, 2009, two wonderful young men held a rally to vent about justice, criminals taking control, and the power of gangs. We were able to talk with Peter Thiessen, and finally a press conference. Kirk is officially innocent. Thank you, Peter German, for that. We have waited for this for over two years, but still there's a reason as to why it took so long. We are grateful nevertheless.

Many people have told us that now we have closure. Not ever. We are on a new path, but we're still only existing in this life without our child. After two years, one month, and eleven days, our son is now innocent. Why did it take so long?

Eileen Mohan said she only had to wait a few days for her son to be declared innocent. On January 11, 2009, the second anniversary of our horrible loss, Rumina Daya wanted to do a TV follow-up interview with our family. She thought it was important to put Kirk's name out there again. Maybe somebody would know something and call the police. Dale Carr, the IHIT spokesman, was again interviewed and would not exonerate Kirk. He declared that the case and Kirk's were still under investigation. What pain you've caused us.

When we first heard, we thought it was an old news clip, but, no, he said the day, and we realized it wasn't from the year before.

Kirk is innocent. We are now treated so differently. The declaration on February 13, 2009, has changed so many things. We now stand shoulder to shoulder with the families of Ed Schellenberg, Chris Mohan, and Jonathan Barber. The press will talk with us now. Our son is innocent. He is not a gang member. Victims of crime have acknowledged our daughter-in-law, finally, and our granddaughter. They are now not tainted with guilt through association. Our son is innocent.

Our son's birthday is April 16, 1971, the day our lives expanded with love. He was always so special and would say he loved Mommy, Daddy, Granny, Poppa, Uncle Sam, and later shared his wonderful love with his beautiful wife and our special gift, Amelia. Life is so empty without him. There is no more fun. Kirk's business partner, travel companion, and best friend, Chris, called on Kirk's birthday on April 16. He wanted to connect and share the loss we're all feeling. Amelia heard me say to Chris on the phone—and I didn't realize she was listening to me—that I couldn't believe Kirk was dead. Amelia immediately became so upset and she started saying that her daddy was dead. I tried to tell her he was in heaven, and he was there with his dog, Raffi, who had died previously, on December 19. She relates to the pup being in heaven with her daddy. We don't know what she perceives heaven to be, but at three she is comforted

by daddy and Raffi being there. Trying to explain to our grandchild that she does not have a daddy is something we don't want to do. We know the day will come when she will want to know where daddy is, but now we just want to keep our heads in the sand.

Our lives will never be straight ahead again. The sadness is so intense. We no longer have Christmas. Kirk was our Christmas. That day was such a major highlight in our lives. I can't even put up a tree for Amelia at our house any more. Our family now comes together in major sadness. There is no Mother's Day, no Father's Day—we are no longer parents. To celebrate a special day without Kirk is too painful.

Peter Thiessen and Peter German have tried to help us. On February 22 they immediately put together a press conference for the TV stations and were present at the rally against gang violence. We were also invited through Peter German and the RCMP to a roundtable discussion. A few days after that we were introduced to Prime Minister Stephen Harper. He was extremely compassionate. My wife put out her hand to shake hands, as did Elli, and he stopped and hugged both of them, which I thought was very commendable.

We still have no press release from the newspapers. Our son deserves that. I'm just tired of asking, as my wife's speaking. We live our lives because of our precious Amelia and our daughter-in-law. She's our daughter, really.

•(1930)

At our age, we're co-parenting a three-year-old now. Our son would be happy that she knows us so well. Our son was a constant in our lives. We took care of each other. He grew up in Ladner, and we were so happy that his marital home was only five minutes away. We needed to see each other every other day or so. We were always on the phone. Our relationship wasn't cloying or smothering, just loving. The tribute to this is how our daughter-in-law is now so close to us.

This is my wife talking: My husband and my son were always together; they worked together for quite some time, and when Kirk went on his own they still found time for each other. She means my son and myself. We were best friends.

Ladner's Starbucks was where the day started. There is a plaque there now that says, "Kirk's other office". He was there almost every day, having coffee at Starbucks. This is only part of what we received from our very supportive community.

As we walk through town on some errands, there's always somebody remembering Kirk. This will mean so very much to Amelia when she grows up where we live. The hockey buddies have just purchased new jerseys that have a commemorative patch on the shoulder for Kirk. My wife's sister still attends all the games in memory of Kirk.

We try to move on, but it's so very painful. Kirk was the centre of our universe, our mainstay. He'd say, "Mom, don't worry, I'll take care of you", and he always told us all that he'd look after us in our old age.

There are days when we can't function. In my case, I have panic attacks. I have bad dreams. I have sleepless nights. I just take Ativans. I think the only thing that keeps me going is my granddaughter Amelia. If it weren't for her, I wouldn't be...I don't know what I'd be doing right now. In our worst nightmare, we would never have thought that murder would be the way we'd lose our baby boy.

We are victims of gang violence. We are moving into old age without our son. This shouldn't have happened, but some very stupid gang member saw a black Dodge and opened fire.

As time goes on in families, roles reverse and the children in time will take care of their parents. Kirk was already doing this. We have lost the support of our wonderful son. It is frightening to think about being 80 years old without him and being so alone. Worse is Amelia having to go to a father-daughter banquet. Have a gang member explain that to her.

I hope I haven't rambled on too long. Without my girls—I call them my girls, my wife and my granddaughter Amelia—without them I wouldn't be functioning right now. I'll tell you, I have to drag myself up in the mornings to go to work. They say that after two and a half years.... It never goes away. It never gets better.

That's all I have to say.

• (1935)

The Chair: Thank you.

Elli, did you want to add anything?

Mrs. Elli Holifield: Yes. I just want to say that the letter doesn't even begin to scratch the surface of the chaos and the hell that our lives really have been over the last two years. It's been very difficult, and we've only come so far and we are only standing here today because of each other, not because of crime victims' services and not because of any government help or aid. I have to say that, because you're all gathered here today to make a change, right? If that's what we want to do, well, that's what you need to do.

We are victims, and we have been left in the lurch the whole time that this has been going on, and that's the truth. I'm not going to sugar-coat it. I was not contacted once by the police. The only time the police came to talk to me was when I was being questioned about his murder. That's it. To me, that's pathetic.

That's basically it. This cannot happen any more to victims, to families. There has to be more support, just as Ken said, to help people cope and get through. We're lucky that we live in a great community in Delta, in Ladner, and we had grief counselling from our Delta Hospice Society. I'm so grateful, but crime victims' services? What a waste of money.

Sorry. That's basically what I wanted to say. Thank you.

The Chair: Thank you for being so honest with us. That's why we're meeting. You've put the human face to this whole study we're doing. Without that, I'm not sure we could complete the study, so thank you for that.

I'm going to open it up for questions, if there are any, or comments from my colleagues here.

Go ahead, Mr. Murphy.

Mr. Brian Murphy: Thank you, Mr. Chair.

Mr. Chair, I think you summarized what I suspect are the feelings of everybody here. You've put the human feeling aspect to what we're doing, and it's profound.

We have no solutions to offer. I, personally, hear what you're saying, and I felt what you were saying more than heard it. We all have loving families, and I can't think what it must be like to be without your partner or your child or your spouse's child. I'm going to leave it at that.

Just know that there are 308 members of Parliament, and I, to my core, believe that every one of them is united in one feeling, which is that we have to make the community safer and we have to do right by the people. Those things obviously differ from day to day, but probably all of us here are going to take home the idea that we're going to try our best to make our society safer and more supportive to people like you.

I have no questions.

The Chair: Thank you.

Monsieur Ménard.

Mr. Réal Ménard: I'm going to speak in French because I'm coming from Montreal.

[*Translation*]

Thank you very much for being with us. We had a most productive day. We began this morning at 8:30, and of course, we heard many examples of the damage that confrontations, street gangs and organized crime can cause in communities.

I am the MP for a riding in east Montreal. In 1995—I was a young MP, I had been elected in 1993, so I had been an MP for two years—a car bomb blew up. I do not know if you remember that. This attack took the life of a young fellow called Daniel Desrochers, a victim of the confrontations between criminal biker gangs fighting to get control over the illicit drug trade in Montreal.

I hope that you are encouraged by the fact that this event, which happened in 1995, gave rise to a great deal of mobilization. In my part of town, people signed a petition and rallied the public all over Quebec. The Minister of Justice at the time, Mr. Allan Rock, agreed to meet, along with me, the mother of the young Daniel Desrochers. This was followed by a demand for anti-gang legislation that we obtained in 1997, and that was supported by all the parties in the House. This legislation went beyond the offence of conspiracy. It created a new offence called gangsterism.

Today, I think that I can speak for all of my colleagues. Everyone here is very aware of the fact that we are now in the fourth generation of criminal activity. For every generation, we as parliamentarians must have much more efficient tools to fight organized crime.

I hope that you will derive some consolation from the fact that we all have ideas about going further and giving tools to law enforcement organizations, mayors and citizens. That fight against organized crime concerns us all.

I have a concern and I would like to ask you a question. I would like to understand why the RCMP—I understand that it is not the local police, but the RCMP that has the contract for maintaining public safety in your community—did not get in touch with you.

Do you think that our chairman should think about writing a letter, on behalf of all of us, to get some explanations? Is it because the investigation is not yet over, because there is still more evidence to gather?

If you ever feel that this committee can do anything to intervene, do not hesitate to tell us, and I am convinced that all of the parties will agree to intervene in the ways that you suggest to us.

• (1940)

[English]

The Chair: Did you wish to respond?

Mr. Ken Rafuse: I wouldn't mind.

The Chair: Mr. Rafuse.

Mr. Ken Rafuse: I think what's happened with the RCMP and what has happened since the first event, when Jonathan was murdered, became a media event, with PR people wanting to get the right twist on it.

I think in the case of Jonathan, the most important and valued thing would be to find out the truth as best they could. I think when the lead officer attended the celebration of life, it convinced him that Jonathan was not any type of gangster. We knew that from the beginning. He was just a young man who loved tearing apart expensive cars—Ferraris, you name it—to put in the most expensive equipment you could think of.

But I really think they're spending too much time trying to protect their own interests, and they've totally missed the point of being careful.... There are some officers in there that have been very helpful, I can say that. I think a lot of them are being managed, perhaps too much. They have to keep their lips tight, and they can't share.

They knew that the vehicle that was shot came from Prince George. It was owned by the Bacon brothers. They knew about two days in, the second day. What drug dealers do is they buy their boys cars, big cars, and they just pick up their cell phones and call them when they need a drug run from here to there or wherever.

They knew. The RCMP know a lot more than what they're prepared to share, and I think they have to be more open and quick to assist the families. If it turns out there's guilt later, or something else like that, that's something else you have to deal with. But in cases like this, where I would say from our perspective, it's pretty straightforward and clear, then it needs to be said soon. It needs to be said clearly.

The victim assistance needs to be there like a SWAT team, just like they do when they go after the people who are the criminals. You need the reverse on the other side. You need qualified people, sensitive people who are prepared to help. Because right now, this family is destroyed. Mary lives in North Vancouver, I live downtown. She can't cope with me being in the house. She's like a mother bear taking care of our 16-year-old daughter.

If the information was out there, there wouldn't have been a need a month a half ago for the RCMP.... Because they needed some support. There were eleven people being killed in one week. They decided they needed to march out someone. What did they do? They asked Mary Barber to do the marching, and plead with the press to get someone to turn the bad guys over. This, in my mind, was totally inappropriate, and it shouldn't have happened. It was only a matter of minutes before they went on stage that they told her that her son was not guilty. The second thing they told her was that the car was actually the Bacon brothers' car, which we knew.

They wouldn't let us see the vehicle. We saw the second vehicle where a young woman got her arm almost shot off. We saw that vehicle. But they wouldn't let us see Jonathan Barber's car that he was driving, the Porsche.

What happened that day? It was a media circus. My partner was on the front page of the paper, *The Vancouver Sun*. The news clips had the entire blood, gore, everything. They had clips of the whole thing. I couldn't believe it. The car was exposed to the press. Theatre, theatre, theatre.

My feeling is, get real. We are human beings. We've got to stop the circus.

• (1945)

The Chair: Thank you.

Mrs. Michèle Holifield (As an Individual): May I speak on behalf of Kirk and our situation?

The Chair: You certainly may.

Mrs. Michèle Holifield: It all started with the fact that they said they could not declare him innocent because it was under investigation. They kept saying that over and over and over again. It was the same thing. Even when Kirk was declared innocent, it was tacked on to the end of Jonathan Barber's press conference declaring him finally innocent. I talked to Bill Fordy. They couldn't even tell me why it happened—could not even tell me.

It was the same line: because it's still under investigation. It's still under investigation. It's really hard to live under that type of suspicion. We all knew he was innocent, just as with Jonathan, but there are people who don't know us, who questioned that. As I said in that article, we have been treated so differently. That “not guilty” has made such a difference in our lives. It's not fair.

Yes, I would like a letter to somebody. This is not fair.

Thank you.

The Chair: Thank you.

Mrs. Elli Holifield: Can I add one thing?

The Chair: Sure, go ahead.

Mrs. Elli Holifield: On your question about why this happened with the RCMP, or whatever, and how we weren't being contacted, I want to give the police the benefit of the doubt that they were doing their job. Until Kirk was finally declared innocent, I didn't think that at all, because why would I? They weren't contacting me or telling me anything.

So obviously people need to work together, and they're not working together. When they didn't tell us that Kirk was going to be declared innocent and we found that out from the media, that was just appalling. Why were we not contacted about something like that? We'd been waiting for so long. That's what our family wanted, and we never got that.

If the police are too busy to contact the families, then get someone who is educated and reliable to do their job and contact the families on a regular basis. That's what has to happen.

Thanks.

The Chair: Thank you.

Mr. Bert Holifield: I won't be long, but I agree 100% with what's been said here.

I called my representative every month or so to ask about my son—I never got a phone call—and he'd return my call in a day or two and say there was nothing to tell me, and they were still working on some file. What I figure happened is that there were so many murders—my son was almost the first innocent person to be killed—and the police were getting nowhere. They were out-gunned. They couldn't infiltrate the gangs, and the gangs were laughing at the police departments. There were no consequences anyway. What were they going to do to them—give them house arrest and let them play with a Nintendo or something?

I'm in favour of time being given if guns are found on individuals, and everything else. They have to start having some consequences.

But I think the RCMP were overpowered and didn't know what to say, so they didn't say anything. They figured they didn't want to open their mouths.

That's just the way I feel about it, I guess.

•(1950)

The Chair: Thank you.

Mr. Comartin, do you have any comments?

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

Thank you for being here. And I say that from this perspective. I don't have any questions. It's much like when the committee heard from the Schellenbergs and Mrs. Mohan. I can't suggest this will be any consolation to you, but I want you to know, from all of us on the committee, that when we hear these stories, even as unfairly as you've been treated, it gives us added incentive to find solutions. It's not a perfect world by any means, and you know that better than anybody. But it gives those of us who have the ability to make legislative decisions an added incentive to keep working at it to try to achieve that perfect situation and that perfect world.

The Chair: Thank you.

Mr. Saxton.

Mr. Andrew Saxton: Thank you, Mr. Chair.

I want to thank all of you for coming here today: Mr. Rafuse, Mrs. Holifield, Mr. Holifield, and Mrs. Holifield. Thank you for sharing your pain with us, and thank you for sharing your tragic experiences with us.

As hard as we try, we can't even begin to understand the pain you've gone through. Your stories today have literally taken our breath away. I know that repeating your stories is not an easy thing to do, so thank you very much for coming in and doing that.

You've really highlighted the importance of victims' rights and the rights of the families of victims, because you're all victims in this. We have to put the rights of victims foremost in our minds and foremost in our laws. So thank you for coming here and standing up for victims, because that's what you've done today.

We are trying to improve the situation. We have an ombudsman now for victims. Hearing your stories is helping us come up with some better solutions. So please feel free to share your ideas with us about how we can make sure the suffering you've gone through does not continue, so others can benefit from your pain and your loss. Hopefully there can be some conclusion in that.

Thank you again for coming here today.

Mr. John Weston: I'll add my thanks, too, because you don't have to be here today. It's really hard for you, but you are here, and I just commend you so much.

I do have a question. What do we tell our kids when we go home tonight? What do we tell our kids who are the potential inductees into these gangs? Do you have anything that we might say, but not as legislators? I mean, you've done your job, and as legislators we are now impacted, and maybe we're going to be better legislators, because it's not just hard time; it's helping Canadians who are potential victims. You've done a great job.

But how do we tell our families and our kids, the potential criminals someday, to not go there? Do you have anything for us?

Mr. Bert Holifield: I'll say what I believe. It all starts with parenting. If your children are being raised like I figure they are, probably, you won't have a problem. I think it's the parents' responsibility. For some of these kids that are out murdering and in gangs, you can't tell me that for a kid who has an \$8-an-hour job and is driving a car worth \$70,000, \$80,000, or \$100,000...you can't tell me that his parents don't put two and two together and figure that something's wrong.

It has to start at home. I figure that if you tell your kids the truth, point their feet in the right direction, and tell them right from wrong, I don't think you're going to have much of a problem. Sure, the odd individual is going to go astray, but I figure it all starts with parenting. If they're given the proper advice, I don't think you'll have a problem.

It's just that some of these ones we have here now, they're just...I think their parents are half.... Look at the Sanghera group. I mean, their dad is a gangster. As for the Bacon family, they don't seem very upset about what their sons are doing. They're in court supporting all of them. All of them are murderers and gangsters and thugs.

•(1955)

Mrs. Elli Holifield: The parents should be held liable, that's for sure, when the kids are young. Absolutely. It's the family unit.

You need to know where your children go, who they associate with, and what they do, and you need to start that when they're young when you're a parent. You can't just do it all of sudden when your kid is 18 and you have no idea of how to control them, because by then it's too late.

If they don't have anything to do with their spare time, put them in different groups, in sports, theatre, or whatever. Keep them busy so they're not led astray.

The Chair: Thank you.

Mr. Ken Rafuse: May I make a comment?

The Chair: Yes.

Mr. Ken Rafuse: I'd like to say that the success I've had with my two fantastic sons, one 38 and one 35, who are wonderful men, and the successes Mary has had with her children, are really basic. It's taking your child and loving your child and showing them that there are things they can do. Colleen loves dancing, so she's gone that way.

But I think the important thing is that we need the infrastructure for kids to do things. I live downtown in the core here and they've just put in this new skating rink. I made some proposals to the planning board. I said to them that whenever I walked by there at night I saw kids doing hip-hop dance and things like that, and practising and things like that. I'm saying that we need more of those things in the community. We need more basketball hoops so kids can go and hang out and have a good time.

We need more support for the Boys and Girls Clubs of our communities. We don't need more social agencies to deal out money to support things that aren't helping kids. Let's make it more of a support from organizations like the Scouts, the Guides, and the YMCA, those organizations that have been doing it for years, and give them the support they need to keep the thing going.

And let's encourage community. Community is the only way we're going to survive in Canada with our children and our children's children and in being able to express to them and let them know how much we love them and how much we care for them.

Like what was said here on the issue concerning knowing where your child is, Mary knows where her child is. Also, don't be afraid to ask the questions. Find out where she's going, who is going to be there, and whether the parents are going to be home. Ask the serious questions. We need life-skills questions taught to parents on how to teach their kids to survive. We need to provide some courses on how to grow up and how to handle a kid.

We live on a different planet today. We have TV that is so advanced. Ten years ago, hookers looked like hookers, and now everybody on TV looks like a hooker. The difference, and what's going on, is what the kids see through the media and what the kids get on MSN. As parents, we need to be able to provide the facilities for them to go to something that's diverse, other than having them just watching TV or doing the Internet. It's community, community, community: that's what we need to work on.

Thank you.

The Chair: Thank you.

I want to thank all four of you for coming forward and doing this. It's a small consolation, but for the last hour you've had our undivided attention.

We do plan to issue a report. Yours is really the first testimony we've heard over quite a number of days that actually focuses on the failure of post-victimization, what happens to the families when the system fails them. I think I can speak on behalf of all of us. We are so sorry for your loss and just as sorry for what you've gone through after your loss. Hopefully our report will make at least a very small difference in moving us forward in that respect.

• (2000)

Mrs. Elli Holifield: Thank you for inviting us and listening to us.

The Chair: You're very welcome.

Mrs. Elli Holifield: It means a lot.

The Chair: Thank you.

We're adjourned.

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