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Chair

Mr. Ed Fast

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• (1530)

[English]

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

This is meeting 21 of the Standing Committee on Justice and Human Rights. You have before you the agenda for today. By order of reference, we still have before us Bill C-15, an act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other acts. We have designated today and Wednesday as the final two days to hear witnesses on Bill C-15, with clause-by-clause to take place on May 27.

Today we have with us a number of organizations that will speak to Bill C-15. I first want to welcome Line Beauchesne, representing the University of Ottawa. We also have Chief Vernon White and Staff Sergeant Pierre Gauthier of the Ottawa Police Service. We have by video conference, from Washington, D.C., Eric Sterling, representing the Criminal Justice Policy Foundation. Finally, we have Professor Bruce Alexander of Simon Fraser University. He's joining us by video conference from Vancouver.

Welcome to all of you. I think you've been told you have ten minutes to present. Once you've presented we'll open the floor to questions. I encourage you to keep an eye on me as much as you can. If you come close to your ten-minute limit, I'll remind you. When you're answering questions, please stay within the seven-minute or five-minute limitation.

Ms. Beauchesne, perhaps you could start.

[Translation]

Prof. Line Beauchesne (Associate Professor, Department of Criminology, University of Ottawa, As an Individual): Thank you, Mr. Chairman.

According to the Auditor General of Canada's 2001 report, the federal government spends somewhere between \$404 and \$426 million on the fight against drugs: the RCMP receives \$164 million; the Correctional Service of Canada receives \$157 million; the Department of Justice, \$70 million; and Health Canada, \$8 million. Actually, Health Canada receives \$15 million for this field of endeavour and allocates more than half of this funding to the analysis of drugs seized by the police—\$5 million—and the administration of legislation that deals with drug use—\$2 million. As for the remaining \$7 million, more than half goes to the RCMP for its drug awareness programs. In comparison with these amounts, \$28 million is allocated to prevention and treatment, including the \$4 million that the RCMP receives for prevention. In

all, 5% of the funding goes to prevention and treatment, while 95% goes to enforcement. In addition to the federal government's expenditures on enforcement, we must consider expenditures by the provincial governments and the municipalities. All in all, the grand total is somewhere between \$700 million and one billion dollars per year for Canadians, according to the Nolin report.

With the Canadian government's new National Anti-Drug Strategy, which began on October 4, 2007, we still find the same proportions. Of the \$590 million allocated to this strategy, \$60 million is for prevention and treatment, but one portion is allocated to the RCMP, for prevention, and another portion is for drug-treatment courts. And for those who don't see any problem with these last items, at best this means that 90% of the funding goes to enforcement and 10% is for enforcement and treatment.

Thus, Bill C-15 is in keeping with this desire to focus on enforcement as an anti-drug strategy, a strategy that is useful in political terms, but totally pointless in terms of health promotion and reducing problem drug use, as multiple studies have shown. In this presentation, I will be focusing on three aspects of Bill C-15: the results of assessments of the effect of minimum sentences for drug offences that show that these minimum sentences are ineffective, the role of drug-treatment courts, which remain a very limited solution, and our international obligations, which in no way justify these enforcement-based strategies.

Minimum sentences for drug offences were first assessed in the 1970s in the United States. The experience of the State of New York is worth looking at for a few moments, because it is a good example of these minimum sentences' results.

Between 1973 and 1976, the State of New York was the American state with the harshest drug legislation owing to the establishment of minimum sentences, a strategy that cost millions of dollars. The objective of the policy was to reduce the consumption of illicit drugs and trafficking in illicit drugs throughout the state, and to reduce the level of property crime associated with drug use. This strategy was established against the advice of all the stakeholders in society, and even against the advice of the New York police.

In actual fact, in 1971 the New York police observed that efforts to arrest drug dealers nearly always resulted in the arrests of low-level dealers and that no matter which drug dealers were arrested, new dealers would take their place immediately and there would be no effect on the illegal drug market. To save the resources that were being wasted, the police recommended greater investments in drug awareness programs and health programs, which would do far more to reduce problem drug use. But politicians refused to implement this advice, because this kind of tough-on-drugs strategy was very popular with the electorate.

The New York Bar Association then asked for a study assessing the affect of these new measures. This study was conducted over three years, and was a joint effort by the Drug Abuse Council and the National Institute of Law Enforcement and Criminal Justice.

After three years of assessing the program, what did the two institutions conclude?

First of all, no reduction in drug consumption or drug trafficking was recorded in the state.

Secondly, despite the injection of more than \$100 million to set up new courts for drug offences, the courts were still overcrowded. They were not overcrowded because of an increase in arrests or charges. On the contrary, arrests and charges had dropped considerably over the period of time, because the police were hesitant to make arrests in many cases, because they thought that the person might receive an overly harsh sentence. The courts were overcrowded because of the lawyers. Because the sentences were so harsh, lawyers advised their clients not to plead guilty to avoid a court appearance. Then the lawyers would use everything at their disposal to delay the trial, hoping that the proceedings would be dropped or that there would be a trial before jury.

Third, because the courts were so crowded, public prosecutors did drop many cases. In other cases, thanks to plea bargaining between the prosecution and the defence, the sentences were one year, the minimum under the act. As a result, there were no more prison sentences than there had been in the past.

• (1535)

In 1976, the state of New York had to relax its drug laws so as to reduce the overcrowding in the courts. This crackdown on crime over three years was a political act that may have won some votes, but cost a great deal in terms of overcrowded courts, and what's more, the initiative had absolutely no effect on problem consumption of the illegal drugs or even on drug trafficking.

People thought that this evaluation would put an end to claims that harsher measures were effective and would reduce the problem use of illegal drugs, or even drug trafficking. All efforts had been made to carry out this evaluation, and millions of dollars had been spent to implement this tougher approach. Not only was this punitive approach shown to be pointless, but also, the citizens of New York State had to spend millions of dollars on this political spectacle, which did nothing to reduce the violence that they could be subject to in certain neighbourhoods.

And yet, the punitive approach continues to go along its merry way in the United States, and as we speak, one person is arrested every 20 seconds for a drug offence.

Minimum sentences that require judges to jail drug dealers, longer sentences and tens of thousands of more arrests provide the media with ample material and provide the enforcement bureaucracies with endless work, representing investments of billions of dollars; but these billions of dollars could be allocated to poverty reduction, prevention and treatment. Many people who have analyzed America's get-tough-on-drugs policy have said that the war on drugs is really a war being waged on the poor. As the studies continue to show, even though the United States has the harshest anti-drug measures, it remains the western country with the highest rates of consumption and a flourishing illicit market, with the less fortunate in society paying the price of these tough measures.

One must remember that of the total amount of drugs on the illegal market, very little is intercepted: between 5% and 10%, according to various police estimates. It's not that the police aren't trying or that they lack resources, but rather, it is impossible to restrict such a huge business, where anything goes in order to keep this market afloat, owing to the huge amounts of money at stake. As General Viviani said, "Even if the police and the military devoted themselves solely to efforts to halt the drug trade, from production to retail sales, they would only manage to drive up drug prices", or just shift the places where drugs are sold, the means of production and the product being sold. In fact, the prohibition on drugs and efforts to crack down on drugs ensure that the black market is a prosperous one.

Subsequent studies to assess the impact of minimum sentences for drug offences have only confirmed these results. Furthermore, other studies have clearly shown that there was no link, no matter what country the study was done in, between the rates of illegal drug consumption and the severity of sentences. In other words, the rates of consumption of various illicit drugs go up and go down, with no link to an increase or decrease in the severity of sentences. And when someone is wanting to buy drugs, there's always someone to sell him drugs.

The same thing holds true in prison. The consumers and the sellers are locked up, and we have a market. But in this particular case, given the conditions under which illegal drugs are consumed, the public health costs, both for inmates and the general population when they get out, are very high. I won't go into any greater detail about the public health costs because I think that the Canadian HIV/AIDS Legal Network did testify before this committee on this matter.

In the 1994 Cain report, J.V. Cain, who at the time was British Columbia's Chief Coroner, responsible for investigating the rise in fatal heroin overdoses in that province, recognized that for most people, problems related to illicit drugs should first and foremost come under the authority of the police and the courts. People have this perception because they hold two beliefs, explained Mr. Cain: first of all, that prison is a good way of doing away with these problems; and secondly, fear of a jail sentence is a good deterrent. In his report, he explained that these beliefs are mistaken. On one hand, it is easy to obtain drugs in prison, and some inmates even began using hard drugs while they were behind bars. On the other hand, the prison environment tends to exclude people from society, rather than encouraging them to take up more balanced social and personal activities that would lead to the person enjoying better quality of life. All in all, prison is not a good place to solve drug problems nor is it an effective deterrent. Not only that, but our prisons make it easier for people to have personal contact with members of drug dealing networks once they are back on the street. Actually, prisons are places where people learn how to be criminals and their criminal activities continue within the "old boys' network".

These conclusions from the Cain report were echoed in reports by various committees in Canada and the United States. These conclusions also raised the fact that all too often, we tend to forget about the costs associated with the families of inmates and the fact that the people who are mainly covered by these measures were among the less fortunate in society. Considering the reversal of the onus of proof that is provided for in clause 10, we know who will have the money to pay for the lawyers needed to provide that proof.

● (1540)

My second point is very short. It's about drug-treatment courts. The latest trend, once again from the United States, is to establish specialized drug courts that would replace imprisonment with mandatory treatment for some users. The first court of this type in Canada was established in Toronto in 1998.

[English]

The Chair: Ms. Beauchesne, you're running out of time, plus you have to slow down. Could you wrap up in the next 15 seconds or so?

[Translation]

Prof. Line Beauchesne: May I wrap up in two minutes?

[English]

The Chair: You have to wrap up.

Prof. Line Beauchesne: Oh, I'm reading too fast. I'll have to jump to the conclusion in a few seconds, and I'll go slowly.

The Chair: I will give you 20 seconds to wrap up, and then we'll move on.

Prof. Line Beauchesne: Okay.

[Translation]

Drug-treatment courts are considered a solution. However, putting people through penal proceedings involves huge costs, when more voluntary treatment could be provided which is, in fact, much more effective.

The third point I wanted to make was that in no way under our signed international agreements are we bound to be so repressive.

We have obligations in terms of international collaboration, in terms of certain prohibitions, but not in terms of the punitive measures that are currently being considered.

In conclusion, Bill C-15 does not meet our public safety needs nor does it meet our public health needs.

[English]

The Chair: Thank you so much.

We'll move on to Chief Vernon White. You have ten minutes to present.

● (1545)

Chief Vernon White (Ottawa Police Service): Thank you very much, and thank you for inviting us today.

I have Staff Sergeant Pierre Gauthier with me, as well as the NCOIC of the drug section for the Ottawa Police Service.

From our police service perspective there are a number of areas where we believe the legislation is important, particularly when it comes to attacking criminal organizations that are involved in the distribution of drugs. Secondly, it's important in any case where it's school-related or it gives a police service the opportunity to try to defend those we see as most vulnerable: young people at school grounds. Again, it's an opportunity for us to attack criminal organizations or drug traffickers who decide to participate in drug distribution at that level.

Lastly, where weapons are involved, particularly when we're dealing with the number of gang activities across this country today—particularly in the city, where, as you heard last week, we have criminal organizations and street gangs that are involved both in drug distribution and in gun and gang activity—we believe it would help the community understand the seriousness of it and at the same time allow the police to take on the challenge of organized crime in this country. We believe that anything less would be foolhardy on our part.

We do believe that minimum sentences in relation to the charges or the offences identified in this legislation would assist us while at the same time focusing on community safety and making more serious the offences that are committed, for example, near schools or where criminal organizations use young people to commit their crimes.

We're very pleased to see the consideration of drug treatment court and drug treatment as alternatives to immediate incarceration. We do have some challenges in this city, in this province, in this country, around capacity. I can tell you, to get into drug treatment in Ottawa right now, on average it's about seven months from notification. We believe there needs to be some serious federal acceptance of responsibility in increasing funding when it comes to drug treatment. At the same time, we do accept that it's not something that will be solved overnight.

In this city we have focused our efforts on high-level drug trafficking from criminal organizations—and have been successful, to a degree—as well as on low-level trafficking where street crime has been influenced as a result of low-level trafficking. We have a street crime unit that has been very successful in attacking some parts of the city where we have seen a dramatic increase in street crime as a result of the purchase and utilization of crack cocaine, for example, particularly in the market, just blocks from here.

Again, we want to identify the need to focus on distribution where the criminal organizations are involved, but we need as well to focus on drug treatment and drug court options. We believe this legislation would allow us at least a beginning, a start in attacking some of those areas.

Thank you.

The Chair: Thank you.

We'll move on to Eric Sterling in Washington, D.C.

Mr. Sterling, you have ten minutes to present.

Mr. Eric Sterling (President, Criminal Justice Policy Foundation): Thank you very much, Mr. Chairman and members of the committee.

I'm Eric Sterling. In 1986 I was in the situation you are in, considering legislation to adopt mandatory minimum sentences being considered by the House of Representatives in the U.S. Congress.

I commend you for what you're doing, which is to make a very careful examination of the issue, because what we did in 1986 was done in a great deal of haste. One of our collegiate basketball stars died in June. A few weeks later the Speaker of the House of Representatives, from Boston, Tip O'Neill, called the Democrats together to organize a political response to that tragic death, and he wanted legislation reported within one month.

We were working on money laundering and other issues, and in the last three days before the August recess the idea of mandatory minimums was developed. It came out of my word processor, and it is probably the greatest mistake of my entire career of over 30 years in the practice of law.

So I commend what you're doing. I also commend your legislation. The mandatory minimums that you're proposing—periods such as one year, two years, or three years—are nothing like the periods in the American legislation. Our mandatory minimums are five years, ten years, fifteen years, and twenty years, depending upon the circumstances.

I'll note that your mandatory minimums are for offences that, as I understand it, carry terms of imprisonment of up to life, and there's a way in which the message you're sending seems to be confusing and inconsistent. If these are circumstances in which a judge might impose a sentence of up to life imprisonment, then a mandatory minimum sentence of only a year or two seems to me, in some sense, inconsistent and confusing to judges.

If you are considering the American experience, I'll simply note a few things. Our experience has been ineffective. An earlier witness spoke today about the ineffectiveness of New York's mandatory

minimums. The American mandatory minimums have been completely ineffective in reducing the availability of drugs to our youth. Studies that have been done have shown that the perception of the ready availability of drugs to our youth has changed very little, if at all.

Since 1986 the prices that are charged by the drug traffickers have gone down dramatically. I'll take as an example the retail price of heroin. In 1986 it was \$1,352 U.S. per gram. The most recent data from the DEA in 2003 was that it was down to \$362, so a decline of almost 75%, from \$1,352 down to \$362. At the same time, the purity at the retail level increased from an average of 24% to an average of 32% in 2003. And those trends have gotten worse, according to things I've heard from DEA more recently.

The same thing is true with cocaine. In 1986 the price of a gram of pure cocaine was a little less than \$300. By 2003 it was a little more than \$100, and the purity had gone from 56% on average to 70% on average. This is data from the DEA, compiled by our White House drug czar's office.

This is not evidence of any kind of success.

● (1550)

Our federal prison population has grown from 36,000 prisoners in 1986 to 203,000 prisoners as of the end of March—a very dramatic increase—and over 100,000 of those prisoners are there only on drug charges. So that's a tremendous increase in our prison capacity.

Of course, a lot of what we're trying to do has symbolic character. I suspect your committee has heard about the message you might be sending to youth, that we're taking the problem very seriously, the message you want to send to drug traffickers and prospective criminals. Let me suggest the average drug trafficker is not paying any attention to what you're saying. They don't read the records of your debates. They in fact probably do not know the law. They barely pay attention to the newspapers or watch the news of your debate on television. They're not getting the message and they really don't care.

They're not long-term planners. They're not like men and women who are thinking about a career in politics, who look five, ten, fifteen, twenty years down the road for what kind of a career they can have, from city council to provincial legislature to Parliament in Ottawa. These are people who operate on the short term. They're highly impulsive, and they're not making the kinds of calculations you might make and that would be reasonable to make. The message you're intending is to an audience that is not paying attention and doesn't know how to even comprehend the message you think you're sending.

I encourage you to look very carefully at what these measures are going to cost, and to think very hard about whether or not they will be effective.

I yield the balance of my time and I anticipate your questions at the conclusion of all the statements. Thank you very much.

● (1555)

The Chair: Thank you for staying within your time.

We'll move on now to Mr. Bruce Alexander, professor, Department of Psychology, Simon Fraser University. He's appearing by video conference from Vancouver. Professor, you have ten minutes.

Professor Bruce Alexander (Professor, Department of Psychology, Simon Fraser University, As an Individual): Good afternoon.

I'm honoured to appear before the committee on these important deliberations. I will try to add something that I hope you haven't already covered in the deliberations so far.

I'm very, very serious about drug addiction. The last 40 years of my career as a psychologist have been spent doing research and treatment work in the field of drug addiction. Indeed, I think of it as a scourge. I've heard that word used in the introduction to the bill, and it makes a certain sense to me. I think drug addiction is very serious, and I look to the federal government hopefully for guidance and leadership in dealing with this important problem.

However, I see Bill C-15 as a big mistake, and I'd like to say why. I have three points to cover. One has to do with mandatory minimum sentences. The second has to do with pushing or coercing people into treatment for fear of mandatory minimum sentences. The third has to do with the theory that underlies the bill.

First I will address mandatory minimums. I think a lot has been said about the American experience, which I think is very important. However, I think the more important experience is the Canadian experience, and we have a long history of mandatory minimum sentences. I'm not even sure if everybody knows this, because it hasn't been spoken of much. Many Canadians have forgotten that mandatory minimum sentences for drug offences were built into Canadian drug law during the last century, when Canada reached its historical peak of being tough on drug crime.

Successive amendments to Canada's Opium and Narcotic Drug Act, originally passed in 1920, allowed a fearsomely punitive instrument into existence by 1950. The amended law allowed for long sentences—some of them mandatory—and it also allowed whipping for convicted offenders at the discretion of judges, and deportation of drug offenders who were not citizens. Police could legally break into suspected drug users' homes without warrants and wreck the interiors in their search for drugs. Police could legally damage individual suspects as well, by choking and punching them hard enough to disgorge any drugs they may have swallowed to avoid detection. In fact, several people were eventually searched to death in this way.

My point here is that Canada has a very long history of getting tough in drug laws. It culminated in the 1950s, when the utter failure of this extraordinarily punitive regime in Canadian drug-law enforcement had become evident. In the 1950s, panicky headlines in Vancouver and across Canada warned of a growing crime wave, which was attributed to drug addicts, and warned of the recruitment of juveniles into heroin addiction and of the terrible sufferings of drug addicts. History repeats itself. Vancouver's skid row, now the downtown east side, was said to house 2,000 addicts in the 1950s—a large number. In fact, that was one for every 250 inhabitants of the city. *Maclean's* magazine said in those days that at the current rate of

growth, there would soon be one junkie for every 16 inhabitants of Vancouver.

My point is that there is no reason to suppose that mandatory minimums or any kind of getting tough policy is going to work better now than it worked in the previous cycle of getting tough, based on the Canadian experience. We do not need to rely on the American experience.

My second point has to do with forcing convicted drug users into treatment. I'm a psychologist, and I've done treatment. Most of my friends do treatment. And all of us, I think, will agree that it's a very bad idea. Again, I will discuss this by reference to Canada's history.

By the 1970s, treatment for drug addiction—which had only a small place in Canada's response to the addiction problem prior to World War II—had grown into a major enterprise. We're now talking about the 1970s.

The psychological and psychiatric profession had flourished in the decades following World War II, and virtually all of their new treatments were tried on drug addicts and alcoholics. There was so much money for treatment that the federal government built an entire prison—the Matsqui Institution, near Vancouver—in 1966 as a centre for treating drug-addicted prisoners. The newest group therapy and therapeutic community methods were the centrepieces of treatment at Matsqui. The prisoners were also given generous exposure to occupational therapists, social workers, and educators. The public had pinned its hope on treatment and government funding was generous.

• (1600)

The results of this experiment in treatment of convicted drug addicts at Matsqui Institution were studied meticulously. They were horrible, with over 90% recidivism of treated addicts who were still alive five years after release. Worst of all, the most intense treatment produced more recidivism than the less intense treatment, even though this came short of statistical significance. Matsqui, with its well-funded, optimistically launched program, had quickly proven that psychologists could not treat convicted drug users out of addiction any more than police could enforce them out of it.

I have elaborated on this, but I don't think I'll have time to include it all. I was in the treatment business myself in the 1970s and 1980s. I can tell you that it's no panacea. Of course, there are sometimes successes. There are often failures, sadly, much more often.

The results of newer forms of compulsory treatment, including drug courts and boot camps, are no more promising than the old forms. Occasional successes can be documented in individual cases, but there are also cases in which drug treatment has done much more harm than good.

My third reason for opposing Bill C-15 is the underlying theory. Of course, the bill does not state a theory, but it is clearly based on the way of looking at drug addiction that grew out of the American temperance movement in the 19th century. This is a way that puts the focus on drug addiction, as opposed to all the other kinds of addiction, and which conceives of addiction as something that is caused by being exposed to a drug. If this theory were true, then of course the logical thing would be to be extremely punitive with drug producers, importers, and traffickers. And the thing to do would be to treat drug addicts for the presumed disease of addiction, which they have gathered.

I don't know if this has been part of your deliberations up to this point, but you must know that this view of drug addiction is severely challenged and antiquated. There are all kinds of important new research done by researchers all over the world, including several in Canada, which has called this into serious doubt. This does not mean that it isn't still being actively promoted by the National Institute on Drug Abuse in the United States, and it's still not being actively promulgated by all our media, but it is indeed an antiquated point of view. There are newer ways of looking at drug addiction, and the government has not paid any attention to them, in my opinion.

I end with my recommendation. I urge the House of Commons to reject Bill C-15 and to recommend that the government seek advice from Canadian historians and addiction professionals who work outside the conventional paradigm before formulating future legislation in the addiction field. Blind faith in punishment and coerced treatment will never solve the problem of addiction.

I conclude by saying that I speak only with respect for the Government of Canada, the government of my country, but I do believe that this is a case where their considerable intellectual talents must have been focused elsewhere when this piece of legislation was designed.

Thank you.

The Chair: Thank you, Professor.

I thank all of our witnesses.

We're now going to move to questions from committee members. We'll begin with Mr. Murphy.

Mr. Murphy, you have seven minutes.

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

I want to thank all the witnesses for testifying today. It's all very interesting to hear the debate about mandatory minimums rise again. We've been sort of at this for three and a half years.

I'm very interested, Mr. Sterling, in your comments, and I hope to get back to you in later rounds, but we have a police chief in the room, so I'm going to go to what may pit the chief against Mr. Alexander.

The chief has been very clear in written statements—and of course the press always get things right—so I'll put those comments back to you, Chief. You say that under Bill C-15, the choice of diversion to the drug treatment court may be a good crime prevention tool. It's something on this side that we haven't seen in three and a half years,

a way to sort of use the mandatory minimum as a lever or incentive, by way of avoiding it, to better oneself.

However, Professor Alexander, you were suggesting that one of the elements you don't like about this bill is sort of the push aspect, the idea of pushing people to the drug treatment court, pushing people to treatment. You probably didn't have enough time, but you were saying, I think, that anybody who knows anything about treatment or therapy knows that won't work.

I'm sort of in between the two thoughts, because we have heard a lot of evidence, and everybody's read about addiction as a health issue. There are underlying factors, and people have to want treatment to have that treatment succeed. But we come from all walks of life, and we also know there are defining moments when people seek treatment, such as when their wife's going to leave or when they have no money or when they end up on a park bench. Those are the sorts of pushes to get treatment, and often they do work.

First of all, I want to give the chief a chance to perhaps reiterate the comment that was ascribed to him and say what he has to say in support of drug treatment courts as a tool, as a positive, as something that can be used by somebody trying to avoid a mandatory minimum sentence. Then perhaps I'll give Professor Alexander a chance to flesh out his comments with respect to the push to treatment.

• (1605)

Chief Vernon White: There are two things, actually. First, the vast majority of cities and provinces in this country do not have the capacity to handle those who are willing to do treatment voluntarily, to be clear.

Second, I can talk for both the head of Rideauwood and the head of the Dave Smith Centre here in the city of Ottawa, who deal primarily with young people. They will tell you that every now and then gentle persuasion is what makes somebody realize that drug treatment is what might get them out from where they are. As well, a number of drug treatment court systems that work and operate in this country, which I would argue are at least to some level successful, absolutely use gentle persuasion. The alternative is mainstream justice and probably jail, and they will tell you the same thing.

I can also tell you that I visit the regional detention centre here regularly and meet with 20 prisoners at a time, of whom about 16 would tell me they're addicted or could be addicted, I guess. They will tell you the same thing: that if somebody had interacted in their life at the right time with an option of treatment—maybe a gentle persuasion option of treatment—possibly they wouldn't be where they are. So from my perspective—and I'm not a treatment specialist or a psychologist, to be fair to my friend—as a cop and as a parent and as a community member, I can tell you that there are some people out there who need this. We don't have nearly the capacity for those who want it, let alone those we need to persuade to take it.

The Chair: Professor Alexander.

Prof. Bruce Alexander: There are several important issues here. I would revert to saying that the most important issue is that Canada has a history of drug treatment of convicted drug offenders, in Matsqui, and I would urge everybody who has not examined that history to take a careful look at it. It's really quite revealing. It's very well studied, and the treatment was very well done, and it didn't work at all.

Now, given that, it is of course true—and I would agree with the comments that have been made—that coerced treatment does sometimes work. It is true that everybody needs a gentle push from time to time—not just people who use drugs. All of that is true.

It is true that there are successes from people who have been coerced into treatment, but not very many. It can never get us around or out of the drug problem and the addiction problem, which is tending to swamp us, and you need to know that pushing people into treatment, or gentle persuasion, has been going on for a very long time. It has been the case in Vancouver for the decades that I've been here that judges will simply say to people, “I don't want to see you back in court until you've been in treatment, and you're going to jail next time you're here.” That has always happened. There's nothing new in the gentle pushing of people into treatment.

The important thing is that the act institutionalizes this in a way that is ugly. That is, it's having people face mandatory minimums, quite arbitrary mandatory minimums, and saying, “Okay, do you want to go to jail or do you want to take that mandatory minimum?” This is not gentle persuasion. This is not a gentle push. We're talking about an institutionalized shove of people into treatment, which is quite a different thing.

May I say, as a psychologist, that treatment really is a delicate art; it is a gentle kind of process. And there's nothing in this bill that favours gentle persuasion.

• (1610)

The Chair: Mr. Murphy.

Mr. Brian Murphy: Chief, in this morning's newspaper there was an article about the shooting, and there really wasn't much talk about drug laws or, for that matter, federal laws. There was a lot of talk about security, training, bar management, and so on in your downtown.

I guess what you probably would say is that this is not the be-all and the end-all and that anything we do here is only part of the picture.

Chief Vernon White: That's true.

I'm also not talking about a crack cocaine addict who lives on the street or lives under the bridge on Wellington. This legislation doesn't talk about that. In fact it talks about high-level drug distribution, or those who are targeting the specific areas we're concerned about, such as schools, for example, or targeting young people who might be involved in crimes as a result of being pushed or utilized by other drug traffickers. We're not talking here about the crack addict on the side of the street, from my perspective, and we certainly aren't talking about a low-level crack dealer, because for us there is an alternative to that as well.

The Chair: Thank you.

We'll now move on to Monsieur Ménard. You have seven minutes.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): I have one question for Ms. Beauchesne, and another for Mr. Sterling.

Ms. Beauchesne, thank you for your testimony. As a researcher you have considerable knowledge on these issues. The Bloc Québécois will be voting against this bill, I believe you know that. We are very concerned about the lack of distinction between small dealers, small consumers and those who are responsible for drug trafficking on a greater scale, which one could assume involves higher levels of organized crime.

I would like you to talk to us about the potential consequences of incarceration. What kind of social damage could result from this, especially for cannabis users, who, as we know, are sometimes occasional users? The bill contains provisions that allow for two-year sentences for consumers, who find themselves, among other places, in front of educational institutions.

I would like to hear your opinion on this issue.

Prof. Line Beauchesne: There is in fact a problem with dealing to clients who are minors, but there are buyers, as I pointed out earlier. When this type of measure is considered to be successful, it's because the success is based on the number of arrests. However, if you arrest 15 individuals and then the next day there are 15 more to replace them, then that changes nothing in the market. That is not how the success of these measures should be calculated, that is in terms of arrests: you must go into the field and check whether or not these measures have led to a decrease in the amount of drugs and the number of traffickers. That is my first point.

My second point is that all the studies on trafficking-related arrests, whether they were done here or elsewhere, clearly show that the people most affected by this type of legislation are small dealers, not big dealers. The big dealers have the means to protect themselves from the police. In the rare cases where they are arrested, they have the means to hire lawyers and to prolong the procedures. It's the small dealers who are selling near the schools, not the gentlemen in ties, of course. They have their underlings do the work, and those are the ones who get arrested. Then others replace them. It's the people who are arrested who have families.

Furthermore, the Health Canada study on drug injections in prison show that people who weren't injecting before started doing so in prison. The conditions in these places are such that some needles cost a certain amount because they've been used 30 times, others may cost a different amount because they're broken and others may be worth yet another amount because they are in fact sharpened pencils. Several of the seropositive individuals go back into the community when they come out of prison. Therefore, in terms of public health, this is a needless cost given what it is we want to achieve. Furthermore, it entails even more costs not only for the families of these individuals but also for the population.

• (1615)

Mr. Réal Ménard: Thank you, Ms. Beauchesne.

My next question is for Mr. Sterling.

I think that this testimony shows conclusively how ineffective this approach is. Ms. Beauchesne alluded to it in the case of the state of New York. I would like you to tell us clearly why in your opinion the mandatory minimum sentence strategy for drugs has been ineffective and unfruitful in the United States. I would like you to be very clear for the benefit of the committee and especially for the benefit of the government.

[English]

Mr. Eric Sterling: Thank you very much.

The essence of the ineffectiveness in the United States has been, I believe, that the quantities have distracted law enforcement from focusing on high-level traffickers, that the quantity thresholds—500 grams, 5,000 grams, 100 plants, 1,000 plants, 1,000 kilos—became the hurdles the prosecutors went for, rather than people who were dealing at levels of a million grams. When cocaine is being brought to the United States by the ton—that's one million grams—we almost never see those kinds of cases being brought. We're seeing cases at much lower levels. So law enforcement misinterpreted the mandatory minimums. The Congress set low levels, and that has resulted in this misallocation of resources, and high-level traffickers have largely escaped prosecution.

Many of these high-level traffickers, of course, are based in Colombia or in Mexico. In our system, the federal government is supposed to be the part of law enforcement that focuses on the most complex cases, but around the country most of the law enforcement effort at the federal level has been on low-level offenders, according to the very detailed analyses of the United States Sentencing Commission.

Does that answer your question, or did I miss something?

[Translation]

Mr. Réal Ménard: No. I asked you one question and I thank you for having answered it.

Is my time up, Mr. Chairman? Fine. I will stop there.

[English]

The Chair: Thank you.

We'll move on to Ms. Davies. You have seven minutes.

Ms. Libby Davies (Vancouver East, NDP): First of all, thank you to the witnesses for coming and thank you to the witnesses on the videoconference.

Most people understand and know instinctively that compulsory or forced treatment for addiction or substance use, whether it's legal or not, is not something that can be legislated. Anyone who has tried to quit smoking or deal with an alcohol problem knows it's not something that is easy to deal with in a legislative manner, so I see the drug treatment courts in this bill as really being a concession to lead people to believe that somehow we're being more humane. There's lots of evidence to show that the drug treatment courts don't work, but I'm not going to dwell on that, because I think that's a topic for another debate.

I want to come back to what Mr. Sterling put forward. I think you said that we need to answer two questions: what they are going to cost, and whether they are effective. I've actually tried to get answers

to that. At least we should have some idea of what we might expect here in Canada.

Do you have in the top of your head, or can you draw our attention to, information as to whether there is a way of estimating what the mandatory minimums have cost in the United States in terms of the cost to the judicial system and the cost to local communities? I don't know if there is any way you can speak about that.

Considering the effectiveness of mandatory minimums does raise the question of what criteria we apply in defining the effectiveness of a drug policy. Is it more people in jail? Some people may actually argue that having more people in jail is success, but if drug use is still going up in society, as statistics show is happening in Canada, it could be an argument that criminalization has not been an effective policy.

In terms of effectiveness, the second part is that I'd appreciate the comments of both Mr. Sterling and Mr. Alexander on what they see as an effective measure. What criteria should we be applying as we look at this issue of mandatory minimums?

• (1620)

Mr. Eric Sterling: Thank you, Madam.

With respect to effectiveness, your first goal should be to save lives. The drug policy and the laws that carry out the drug policy should be about saving lives. In the United States, since 1980, the death rate from the use of illegal drugs has more than tripled. All of our efforts have been ineffective at saving lives.

The second goal should be to prevent injuries, to prevent people from going to hospital. Hospital emergency room admissions went up by 50% since the mid-1990s.

The third goal should be to keep drugs out of the hands of children. We do a survey every year called Monitoring the Future. We ask high school seniors, tenth graders and eighth graders, to tell us how easy they believe it would be for them to get various illegal drugs. We've been asking these questions since the 1970s, and unfortunately there's very little change. The changes are marginal. In some cases there is absolutely no change at all. The drugs remain widely available to young people, in their perception, year after year.

The fourth measure of effectiveness is in the marketplace. The goal of enforcement is to raise the price and lower the purity. In the United States, the price has gone down steadily and the purity has gone up. So the hard and fast marketplace test shows that we have not succeeded, that these policies have not succeeded in hurting the ability of drug traffickers to bring their product to market.

With respect to the first question and costs, I did a little bit of research about what the costs are for the Federal Bureau of Prisons. When the legislation was developed in 1986, our Congressional Budget Office estimated increased costs of \$1.2 million in the first year, going up to \$27 million within five years. The actual expenditures for the Bureau of Prisons have skyrocketed. Now, these are not adjusted for inflation. In 1986, when we enacted the mandatory minimums, the Federal Bureau of Prisons' expenditure was \$862 million. It went up to \$994 million the next year. Two years later, it was \$1.2 billion; 1989, \$1.4 billion; 1990, \$1.7 billion; 1991, \$2.1 billion. The President's request for fiscal 2010 is over \$6 billion, and a large part of this has been driven by the mandatory minimums and how long they are in the United States.

I could not give you estimates about what the costs have been to the States, but as you take people out of the community and put them in prison, they're unable to support their families. One out of nine American men has a felony conviction, which means their ability to buy cars made in North America is reduced, their ability to buy houses made of lumber harvested in North America is reduced, their ability to buy furniture made from wood harvested in North America is reduced. They are a drag on our economy and they're a drag on the global economy, because they can't work, they can't get jobs, they can't support their families, they can't participate in the economy.

This is a cost that no other society in the world endures, by penalizing so many people.

• (1625)

The Chair: Thank you. We're out of time for Ms. Davies.

Mr. Eric Sterling: I'm terribly sorry.

The Chair: We'll move on to Mr. Norlock.

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

Thank you to the witnesses, both here and on video conference, for their input.

I'll start with my questioning of Chief White. I've been reading your 2008 activity report. I'm just going to read a couple of excerpts and then I'm going to ask you to expand on them.

Under the heading "A Safer Tomorrow", you say: "Policing is not limited to enforcing the law, but also preventing crime and assisting victims of crime. The Ottawa Police Service strives to protect the vulnerable in our community." Then you go into the various aspects, such as education, diversion, restorative justice, particularly for youth, and you talk about working with the province for residential drug and alcohol treatment facilities. Then you go on to say: "It will also assist in reducing crime—studies have shown that drug addicts will commit up to eight crimes a day to support their habits."

Then over on "Tackling Quality of Life Issues on Ottawa's Streets", you say, "After seeing the street level drug problem firsthand", you understood that "substance abuse was the main contributing factor to many downtown crime-related issues". You went on to say, "The situation required a more effective, consistent and targeted policing plan", and then you talked about your response to that.

Then a little further down on the same page, "Responding to Youth Violence, Anti-gang Strategy", you say: "In the last few years, there are more youth gangs appearing in the suburbs. Children as young as 10 are being recruited by gangs and more females are getting involved in what has traditionally been the domain of males." You go on to speak about that.

If I were to suggest to you that targeting specific areas of enforcement, prevention, etc., is the right thing to do, then I would suggest to you that the law we're talking about, Bill C-15, is not just an overall blanket drug strategy, it's actually targeted to specific areas, such as people who deal in drugs with a weapon or violence, people who deal in drugs, heroin, or methamphetamines, and it says specifically to youth, or dealing drugs near schools, in places frequented by youth. It talks about marijuana, but it says large marijuana growing operations of at least—that's the minimum—500 plants. Then, of course, cannabis production, and then of course the last one, which is most troubling, especially to young women: tougher penalties for trafficking in GHB and the common date-rape drugs.

I wonder if you wouldn't mind tying all those together and telling me how Bill C-15 fits into your strategy.

Chief Vernon White: Yes, thank you very much.

I'll do the first piece, if you don't mind, on how we see it as a crime prevention tool, and then I'm going to refer to Staff Sergeant Gauthier, if that's okay.

When I first came here, I did refer to a drug treatment centre as the greatest crime prevention tool we could build. We have over 400 young people between 13 and 17 on a waiting list for treatment today in the city of Ottawa, and only one provincially run drug treatment centre for 13- to 17-year-olds. So we tried to bring everybody from both sides of the street, to be fair, with the Liberals in the middle, to one location so that we could have this discussion about why a drug treatment centre, from a policing perspective on crime prevention, from a health perspective on dealing with young people with addictions, was going to work for all of us.

I think we were successful in the fact that the province announced two drug treatment centres, one for francophones in the east end and one for anglophones in the west end of the city. Both will be up and running by year-end, I hope.

From our perspective, we were seeing increased street-level crimes in only one location in the city, exactly the same location where we've seen increased crack cocaine use since 2005, in particular in that section of the city, six blocks from here. From our perspective, as well, we felt that if we attacked the drug trafficking in those areas, specifically street-level trafficking, to be fair, we could also start making it a safer environment for those who live there, and give some of the people who need treatment an opportunity.

People will ask why we focused on 13- to 17-year-olds. Because 70% of 13- to 17-year-olds will not use drugs for five years after residential treatment, we felt it was an opportunity to turn the tap off rather than focusing specifically on the street now, where we have hundreds if not thousands of drug-addicted people living on the streets, either permanently or temporarily, in the city. We were targeting, and we are trying to make a difference from that perspective.

I'm going to let Staff Sergeant Gauthier talk about the drug issue in the city, if that's okay.

• (1630)

Staff Sergeant Pierre Gauthier (Staff Sergeant, Drug Unit, Ottawa Police Service): I'm the manager of the drug section at the Ottawa Police Service. I wanted to tell you that because we're mandated with the enforcement of controlled drugs. We're also mandated to investigate laboratories within the city of Ottawa. We work in conjunction with other police services, including the RCMP and the OPP.

As we do this enforcement, we regularly run into children who are involved in the trafficking of drugs. They're involved in supporting criminal groups who are involved in the trafficking of drugs. We also regularly deal with children who are using drugs within the city of Ottawa.

This legislation addresses three important points. The first one is the firearms—weapons. We deal with the seizure of firearms on a regular basis as we execute search warrants within the city. On Friday we executed a search warrant within the old city of Orleans, and as is now a common practice of the drug unit, we found readily available firearms within the residence. These firearms were a few feet away from the suspects.

As well, the drug dealers and the organized crime groups are involved in recruiting young children. They have been doing that for a long time, but more now than ever. We deal with gangs, and the gangs are involved with using the services of persons from the age of 12 to 17 years old to traffic their drugs on the street and within schools. There are particular groups that focus on using children, because they realize that it's easy to do.

Mr. Rick Norlock: You are saying it's just because it's easy to do. But is it because of any difference in the treatment of youths as opposed to adults?

The Chair: Unfortunately, our time is short. You can answer that question in the next go around.

S/Sgt Pierre Gauthier: Thank you.

The Chair: We'll move on to Mr. Dosanjh. You have five minutes.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Thank you.

I'm going to ask one question, and if there's time left over, my colleague will continue.

Mr. Sterling, I have a question for you. You mentioned in the context of a certain population base and the laws in the United States that the prison population went up by 100,000 people charged and convicted of drug offences. I want to know what the population base was and what length of time it took to reach that increase in prison population.

Mr. Eric Sterling: The prison population was 36,000 in 1986. It's 203,000 now. We're talking only about the federal prison population; we're not talking about the prison population in the 50 states. These are the totals for all federal crimes. The current drug offender population exclusively right now is more than 100,000. I apologize that I cannot tell you exactly how high it was in 1986. My hunch is that it would have been on the order of 10,000 to 15,000 and no more.

The Chair: Mr. Murphy.

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

Mr. Sterling, culturally it's hard for me to go against the instincts of the late, great Tip O'Neill, but from what you've said, does it seem that one of the major flaws with the mandatory minimum system as applied in the United States was that the mandatory minimums were for such a long period?

I remember that three and a half years ago, when we started this whole debate about mandatory minimums, the opposition was successful in ratcheting down some proposed mandatory minimums. Frankly, compared to those of the United States, our mandatory minimums, which had been passed here before the Conservative government got in, are far less than the minimums you mentioned in some cases of seven and ten years. Would you say that's one of the major flaws, that you're keeping many more offenders in for a far longer time, costing all that much more?

• (1635)

Mr. Eric Sterling: Yes, Mr. Murphy, you're absolutely correct. The very long periods in the American law are counter-productive, because the lesson gets learned pretty quickly, and the many years after the lesson is learned are wasted years. One of the first points I made in my testimony earlier today was to commend you for making the proposed periods of time in your mandatory minimums much shorter than those in the American system.

The inherent failure is to think that handcuffing judges is the way to go. Is there a study that shows that judges in Canada have been egregiously lenient? Do you have studies that look at judges across the country in the application of their drug sentences? We have broken that data down on a district-by-district basis. The sentencing commission could tell you exactly how long a sentence is that a judge has imposed, and they have this data now going back for more than 20 years.

One of the questions you need to ask is whether the case has been made that the sentences are wrong, rather than rely on polling data in which the public says, “I think the sentences are too long, because I recall hearing about some case that seemed like an outrage to me.” You have thousands and thousands of cases being brought by judges all over your country, and certainly news media can always find at least one a week to object to.

The message that mandatory minimums sends to judges is that we really don't trust you, we don't respect you, we don't think you can look at all of the facts of the case and do what you're supposed to do, which is to do justice.

Similarly, a mandatory minimum says to the prosecutor, we don't think you can convince the judge which cases deserve long sentences and which do not.

I think those messages are very insulting and ultimately undermine the respect that your judges and your courts deserve.

The Chair: Thank you, Mr. Sterling.

We'll move on now to Monsieur Lemay, for five minutes.

[Translation]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): My question is for Ms. Beauchesne, Mr. Alexander and Mr. Sterling. I would like you to answer by yes or no.

Have you seen, either throughout your long careers, your research or your analyses, reports or studies that prove the benefit of mandatory minimum sentences?

Ms. Beauchesne?

Prof. Line Beauchesne: No.

Mr. Marc Lemay: Mr. Alexander?

Prof. Bruce Alexander: No.

Mr. Marc Lemay: Mr. Sterling.

[English]

Mr. Eric Sterling: I haven't seen any. I'm not aware of any studies that demonstrate that mandatory minimums are effective in carrying out the policies of the legislature.

[Translation]

Mr. Marc Lemay: Mr. Gauthier, I do not question in any way your ability to work in this field and to infiltrate it, especially. We're in the process of studying this issue. I have one question for you. Are you able to show us that the bill currently under consideration will not only reduce the number of consumers, but furthermore, get drugs off the streets of Ottawa?

• (1640)

S/Sgt Pierre Gauthier: I cannot show you...

[English]

I can't answer that this piece of legislation is going to remove drugs from the streets of Ottawa, absolutely not. I will tell you that this piece of legislation will address some of the serious issues that are not currently being addressed, in ways that will assist us to do a better job.

[Translation]

Mr. Marc Lemay: Can you give us an example?

[English]

S/Sgt Pierre Gauthier: It will assist us in removing people who have firearms and putting them in jail and giving them sentences. It will assist us in targeting areas with better tools, areas like schools, especially, the fact that people are—

[Translation]

Mr. Marc Lemay: I'll stop you there because I remember what you said earlier. Some of the Criminal Code articles are already very clear with respect to individuals who use firearms during the commission of a crime.

You will agree with me that around schools, you're usually dealing with young people who are 15, 16 or 17 years old. This bill does not cover those young people.

S/Sgt Pierre Gauthier: This bill—

[English]

This bill targets criminal groups that will use younger children, use children to the benefit of the group.

[Translation]

Mr. Marc Lemay: I do not question your competency at all. I am absolutely convinced that you are very competent and that you are familiar with the groups of dealers in the Ottawa area. You're more or less familiar with them. You have a good idea of where they hang out, whether it be in the Byward Market or elsewhere. You are familiar with the groups you're dealing with.

Do you truly think this bill will help you?

S/Sgt Pierre Gauthier: We are not only attempting to control the groups who work in the streets. We are also fighting against the people who control those groups.

Mr. Marc Lemay: Fine.

When I practised law—and I did often and for a long time—we had to try to find out who the small dealer who was operating near a school was buying his merchandise from, because he did answer to someone. You are not necessarily interested in the small dealer, but rather their supplier, the one buying his drugs from the Hells Angels or the Bandidos, or whomever, these drugs come from everywhere. Those are the people you're interested in.

Do you think this bill will assist you?

S/Sgt Pierre Gauthier: We work on three levels. We're fighting the groups working in the streets, we're fighting the higher-level organized crime groups and we're supporting the agents who are focusing on the groups causing problems in some of the city's neighbourhoods.

With respect to the bigger groups like the Hells Angels, they hire young people to do their work for them. So if there is a debt to collect, some individuals...

Mr. Marc Lemay: —will attempt to recover the money—

S/Sgt Pierre Gauthier: —with firearms.

[English]

The Chair: Thank you. We're at the end of your time.

We're moving on now to Mr. Rathgeber for five minutes.

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

Thank you to all the witnesses, both here and appearing by video conference.

My questions are for Chief White. First of all, thank you very much for your support for this bill and also for Bill C-25, the ending of the two-for-one credit for remand. I first became aware of that issue when I read on the front page of the *Ottawa Citizen* some comments you made about four or five or six months ago. So thank you.

This committee travelled to Vancouver the week before last, and there and here last Monday, when we were having hearings on Bill C-15, we heard some individuals who were advocating for an end to prohibition not only of cannabis but also of stronger chemical substances. The law enforcement individuals we heard from are universally opposed to this. However, there are some advocates—libertarians and I suppose even criminologists—who believe prohibition has been a failed policy.

From your experience as the head of the Ottawa police force, I was wondering if you could comment. Specifically, the one argument that was put forward was that the end of prohibition would somehow reduce organized crime's ability to profit from the drug trade. When I read through your activity report, I see criminal enterprise and organized crime is a very diversified business, with identity theft, auto theft, cigarette smuggling, and the list goes on and on. As a former front-line officer and now as the chief of police, could you provide me with your comments on the issue of legalization?

• (1645)

Chief Vernon White: Thank you very much.

First, I will talk about some of the issues we had here. I'll be honest, I sent some of my officers from this city to East Hastings Street to actually see what happens when drugs become almost legalized. From my perspective, I don't think that's a success story, with all due respect to Vancouver. I can also tell you, from talking to the police officers on the street in Vancouver—I was there last year and went to some of the locations with them—they would tell you the same thing, that what they're seeing there, for them, is not a success story.

The second piece to this, I think, is that unless we're thinking about the Government of Canada getting into trafficking or sales of crack cocaine or cocaine or heroin, I don't understand for one second how legalization is going to assist any of us. Legalization will only allow criminal organizations to continue selling at higher levels. It's not going to change what we're doing now.

From my perspective, not as a health professional but as a police chief and a police officer, I can tell you there's nothing I've seen on East Hastings Street or in Vancouver that I consider a success story at this time.

Mr. Brent Rathgeber: You commented that the crack addict who's living under the Wellington Street bridge is not the focus of your police force, and I appreciate that. I think common sense dictates that. But one of the other hypotheticals that's been brought to this committee's attention with respect to Bill C-15 is the very small grower, the person who might grow three plants. Given that the definition of trafficking is not exclusive to those who sell—sharing can be trafficking—can you tell me what role police discretion plays, in your view, with respect to an individual who grows a couple or three to four plants and shares it with his buddies on a Saturday night?

Chief Vernon White: From my perspective, it plays a very high role. Even in the last 15 months during which we have attacked the street-level crack-cocaine dealing, particularly in certain parts of the city, we have still pushed as many people as we can, from a capacity perspective, into drug treatment court. Regardless of whether we agree it's successful or not, there are some success stories from drug treatment court, and certainly any time the word “treatment” is used, I think there's at least potential for success.

So from our perspective, we are using discretion. In those cases where we believe they're trafficking regularly or trafficking at high end or focusing on that vulnerable sector of addict or mental health individual on the streets—and a lot of them are both—then we are trying to push them into the court system mainstream, but at the same time we are utilizing the other opportunities we have.

Mr. Brent Rathgeber: Thank you.

The Chair: We'll move now to Mr. Murphy. You have five minutes.

Mr. Brian Murphy: Thank you.

Mr. Sterling once, you talked about how the war on drugs didn't work, how mandatory minimums didn't work. In the last round we explored that a little bit, about how maybe they were a little too high and so on, but then you talked about the purity of drugs in question having gone up, prices have gone down, and on a market scale I guess it hasn't worked.

Have there been any successes in terms of the profits to organized crime, the flourishing of organized crime, and the sense of public safety since 1986? Are there any positive aspects at all? I ask this because Canadians are stuck, I think, with a stereotype that Mayor Giuliani got tough on crime in New York City and now New York City is safe. For a while we believed that W guy was being tough on crime and all that. The proof of the pudding is coming to be borne out now. Were there any positives from the mandatory minimum regime and the so-called war on crime?

• (1650)

Mr. Eric Sterling: Mr. Murphy, it's a very good question. It would be difficult over 22 years to say that the only factor that has affected crime in America was the mandatory minimum sentences in the federal regime.

There are 14 million arrests by police officers in the United States nationwide each year. There are only 25,000 federal drug cases in a year. Our economy has changed dramatically and the crime rate has gone down dramatically, but the crime rate went down in many American cities that did not adopt the policies that Mayor Giuliani imposed in New York. The fact that we do have a lot less crime now is certainly a blessing, but I don't think anyone would say it's because of the mandatory minimum sentences that exist in the federal system.

The reality is that the drugs, which are the target of those mandatory minimums, remain widely available, cheaper than ever, addiction is widespread, drug treatment facilities have very long waiting lists, and there is still a large amount of crime associated with the tragedy of drug abuse in the United States.

Mr. Brian Murphy: What tools work better than others with respect to organized crime? You might not take this the right way, and I'm sorry, but in this country our cities are starting to look like your cities have looked for a long time. They are crime-ridden in some areas, and we don't like that. We're the true north strong and peaceful, and we're not really equipped for it. What things have been successful in the fight against organized crime as it relates to drugs?

Mr. Eric Sterling: The first thing is to think about organized crime rather than simply the drugs themselves. Do your police have adequate intelligence units? Do they have the ability to go after assets? Do you have laws that permit wiretapping? Do you go undercover? There are a variety of tools. In the United States, we have poured a great deal of money into our Federal Bureau of Investigation and numerous other federal law enforcement agencies. We've experienced quite a reduction in street crime. I'm not sure that folks would say that we've driven organized crime out of the businesses like waste-hauling, construction, money-laundering, prostitution, pornography. There's still an awful lot of money that organized crime is making in these areas in the United States.

The Chair: Mr. Petit.

[*Translation*]

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): My question is for Mr. White or Mr. Gauthier, if you have read the bill that we want to table.

I want to start with a short comment so that you can tell me if you think this will help us. The purpose of this bill is in fact to support the work that is being done on the ground, at least that is the assumption.

I am interested in one case. I know that certain witnesses would like drugs to be made legal and would like the government to “sell” them. We want to increase the penalty for GHB, the date rape drug. I cannot believe that one would want to reduce the penalty for that when we know that this drug is not purchased by the consumer, like heroin is. This is the only case in which an individual buys the drug to attack someone, usually a woman. That is what is so serious and that is why we want to increase the penalty. That is one part of the legislation I am interested in.

Do you see the difference? There is a difference between someone who buys drugs and consumes them and someone who buys drugs to attack women. That is what is so serious. Do you see that difference

in the bill? Do you think it will help you protect women against this terrifying drug?

• (1655)

S/Sgt Pierre Gauthier: I can answer that question.

[*English*]

In the enforcement piece of the Ottawa Police Service drug unit, we target dealers involved in the sale of Ketamine, GHB, and Rohypnol, mostly to bars. The dealers will go to bars and traffic. At times, we have occasion to put undercover officers into bars, and they see the drugs going from the dealer to the bartender. I'm not telling you that all bartenders are bad; I'm just telling you that these drugs find their way behind the bars sometimes. It is known that these drugs are extremely dangerous—Ketamine, GHB, Rohypnol. They are not always used to spike drinks, but that is their main purpose. The legislation should address that. These drugs need to be controlled. The enforcement that we are applying to this type of drug is important, and we need to continue it. It is readily available. We see it mostly within the bar district here in the city of Ottawa.

[*Translation*]

Mr. Daniel Petit: Do I have any time left?

The Chair: You have two minutes left.

Mr. Daniel Petit: Mr. Gauthier, you explained your work to us but you did not answer my question. I am supporting this bill because it serves the goal of protecting society and especially because it deals with the person purchasing GHB, not the person consuming it. That purchaser uses it to attack women. Will this bill help deal with what you are seeing on the ground? I am not a policeman. I want to know if being stricter in GHB cases will help protect women.

S/Sgt Pierre Gauthier: The answer is yes. That drug exists and people use it exactly for the purpose you mentioned. It is therefore very important that it be included in the bill. That is something we support.

[*English*]

The Chair: Thank you.

We'll move on to Mr. Storseth.

Mr. Brian Storseth (Westlock—St. Paul, CPC): Thank you very much, Mr. Chairman.

I want to thank our witnesses today, those appearing by video conference and those appearing before us. This is a very important piece of legislation, as I'm sure you're all aware.

Mr. White, I'd like ask you a couple of questions that are specifically in regard to some of the things we've heard at committee today about how important the message is that you're sending to society. I think it's not just the criminals that you're targeting with this, but generally society as a whole, in regard to knowing that there are very real punishments, and not just maximums, which are far too seldom put in place, but also minimums that you'll be going to jail for.

There is doubt here today as to whether criminals get that message. At prior committee meetings, we've had testimony stating that the average drug dealer has about seven prior convictions in 13 years of criminal history. In your experience, is that similar to the City of Ottawa? Would you believe those numbers?

S/Sgt Pierre Gauthier: Can I answer that question?

Mr. Brian Storseth: Yes, absolutely.

S/Sgt Pierre Gauthier: Did you mention that most drug dealers have seven prior convictions?

Mr. Brian Storseth: That's what we've heard in other testimony. Basically, they're recidivists.

S/Sgt Pierre Gauthier: I would tend to say that if they have seven previous convictions, most of those convictions, I would hope, would be possession convictions. Is that where you're going?

• (1700)

Mr. Brian Storseth: I'm just telling you about testimony we've already had.

S/Sgt Pierre Gauthier: Well, it all depends what convictions you're talking about. If you're saying that a drug dealer has seven prior trafficking convictions, I'd find that very high.

Mr. Brian Storseth: Well, let's not get caught on the number. Would you agree, though, that they're usually recidivists, that they're usually people who have committed felonies or crimes before and are being caught again?

S/Sgt Pierre Gauthier: Yes.

Mr. Brian Storseth: Is it your experience that these individuals who are recidivists and have had several run-ins with the law know what the punishments are and know the ins and outs of the legislation? Or do they seem to have absolutely no knowledge whatsoever when it comes to dealing with the law?

Chief Vernon White: Thank you very much.

That's interesting, because some of the folks I speak to both at the detention centre and at a local treatment centre called Harvest House have extensive criminal records, and often, in fact, at least some of that criminal record is for trafficking. I think they probably understand the law very well.

I think I've referred to the two-for-one legislation specifically when talking to prisoners about how they understand better than I some days—and, I would suggest, better than some people in the legal profession—what they have to do to get through the system. I don't question the fact that they understand the legislation, at least on what's going to happen to them. I think that's why we see a number of them using young people or young offenders to commit the crimes: because they understand that what's going to happen to the young person is a lot less and typically has no impact on them.

Mr. Brian Storseth: Yes, and we'll get into that at another time.

I appreciate that comment, because from my admittedly relatively small experience with individuals like this, they seem to really know what is on the line and exactly what they're doing.

I'd like to get off this just for one second to go to Mr. Gauthier. You commented on search and seizure and the search warrants you have with the City of Ottawa. Oftentimes you experience weapons

being in these caches of drugs. What kinds of weapons are you talking about here? Are they single action rifles? What weapons are you talking about?

S/Sgt Pierre Gauthier: We find many sawed-off 12-gauge shotguns. For some reason that seems to be the weapon that drug dealers enjoy having in their possession for protection. We find many small handguns in their possession as well. Of course, drug dealers will carry knives and other weapons that they can hide under the bed. But as far as firearms are concerned, it is the sawed-off weapons and small ones.

Mr. Brian Storseth: Are they predominantly registered?

S/Sgt Pierre Gauthier: No. I'm sorry, but they're not.

Mr. Brian Storseth: Who do you feel this legislation is targeting? Is it adequately targeting organized crime and the people we're trying to go after, or is it disproportionately penalizing the small guy?

S/Sgt Pierre Gauthier: In my opinion, organized crime is being targeted by this legislation. It's important that they get targeted. Organized crime is strong, it's out there, and it's recruiting people to do the dirty work for them. In organized crime there are always people at the top, and they're the ones who profit from all this. So we support this legislation because it targets them.

Mr. Brian Storseth: I know you stated this, but I want to get it on the record once again that you believe legalizing these drugs would be detrimental to your efforts to protect our society.

S/Sgt Pierre Gauthier: Yes, I'll say that again, absolutely.

The Chair: Thank you.

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

Mr. Chris Warkentin (Peace River, CPC): Thank you very much.

I appreciate the opportunity to join you for this committee. I'm not usually a member on this committee, but I have an interest in drugs and the impacts they have on our communities.

I had the opportunity in the last Parliament to bring forward a private member's bill that exclusively dealt with the production of crystal meth. We in Alberta have witnessed first-hand the devastation drugs can inflict on a community. Of course crystal meth is an interesting drug because it doesn't need to be imported. It doesn't need to go through a number of different levels of organized crime. It can be manufactured and distributed within the same community.

As I continued my research on the whole issue of crystal meth I discovered a number of things that were very disturbing. First, we have moved from being an importer of crystal meth to being an exporter because of our more lax responses in legislation. As far as organized crime is concerned, we have a more advantageous jurisdiction to produce it than other countries. This is something I've had some interest in, and I certainly want to address it. As parliamentarians I believe we have a responsibility to address these concerns. When we become a manufacturing nation for some of these things it worries all of us. I think this bill goes to great length to address these concerns.

I was inspired to get into the whole investigation of drugs because of the impact it has on some of the most vulnerable in our society. Mr. Storseth pointed out that it is not our intention as a government to go after the folks who possess small quantities of these drugs. We want to go after the people who produce these drugs and take advantage of some of the most vulnerable. Maybe you can speak to some of this, because I think it's very important that we as parliamentarians are very clear about who we're trying to go after.

From my own vantage point—and I think I can speak with some assurance on behalf of the government—it's really the intention of this government to go after the people who try to victimize the most vulnerable, and provide some type of protection for the most vulnerable from those people. Maybe you can speak from your experience here in the city of Ottawa, Mr. White, about what you witness in terms of the people who are organized and distribute and import drugs.

• (1705)

Chief Vernon White: Sure. Actually, first I do want to mention the fact that it was, for us, very important that it was identified in the legislation, under the factors that must be taken into account, that “the production constituted a potential public safety hazard in a residential area”. We often see crystal meth labs. When I was a chief of police in Durham, we had a multi-million-dollar explosion and fire, as well as cleanup, that easily could have cost a number of lives. So it is important for us that we saw that opportunity to attack that, because we do see that in some residential locations.

The second point for us is that we do see a high number of addicts on the streets who also have concurrent mental disorder. In fact, when I talk to psychiatrists at the Royal Ottawa Hospital, they will tell me the same thing, that the people they've dealt with in the past who had mental illness, or at least challenges from a mental illness perspective, they're now seeing also with concurrent drug addictions. So I think they are targeted by drug dealers and drug traffickers on our streets in this city, for sure. In fact, some experts would tell you that 25% to 40% of the drug addicts on our streets who we deal with every day also have concurrent mental illness. I think they are an opportunity for a lot of traffickers to increase their sales. We're not talking about people trying to make a few dollars. They don't care one second what happens to the people they sell crack cocaine to, certainly.

Mr. Chris Warkentin: In my research, unfortunately what I also found was that there are additional victims in the whole drug trade, specifically in the manufacturing of crystal meth. So often we found that young children were living in the residences where the crystal meth was being produced. I'm pleased that this bill actually has the welfare of children included as an aggregating factor. In fact, if a young person is somehow inflicted with some type of injury or has some type of ramification as the process unfolds, that is taken into consideration as well. So these children may not be purchasing, they may not be directly involved in the drug trafficking; simply by being in the location where the meth is being produced they are victims of it, because of course there are all kinds of poisonous gases and different things that go out during the production. I know the victims are not only the drug abusers and the drug users; there are peripheral victims as well.

Chief Vernon White: Absolutely. In fact, I think one person referred one time to the fact that it's unlawful to have a child in a car while you're smoking a cigarette, and you could easily be charged and convicted. But the same child could be in a house where they have a grow-op or a crystal meth lab, and you wouldn't be able to charge and convict them of a secondary offence.

The Chair: Thank you.

We have a little bit of time left, so I'm proposing that we do a round of two minutes: a very quick question and a very quick answer. We have 17 to 18 minutes left, so if we could do that quickly we'll fit it in.

Mr. Murphy, you can start.

• (1710)

Mr. Brian Murphy: Thank you.

Mr. Sterling, the Governor of California is talking about what seems to be legalization and regulation from a fiscal point of view, and there are so many parallels to prohibition in the twenties and thirties in the United States and Canada—well, the United States more than Canada. What's the situation? Is that just smoke and mirrors? Is there any flavour for that in the United States as a whole? It may be a difficult question.

Mr. Eric Sterling: Mr. Murphy, there's a great deal of discussion in the United States, especially in the press, around this issue. Not only has Governor Schwarzenegger brought it up, but numbers of members of Congress have brought it up in hearings in the context of the violence in Mexico.

Legalization is not the absence of any regulation, an impression you would get from the comments that Chief White made. There are many different ways in which different drugs could be controlled and regulated. There's an excellent analysis in a book called *Drug War Heresies* by Dr. Peter Reuter and Dr. Rob MacCoun, 2001, Cambridge University Press, that lays out some of the kinds of issues. It's a complicated issue, and there's not a simple answer.

Mr. Brian Murphy: Thank you.

The Chair: Thank you.

We'll go on to Monsieur Ménard for two minutes.

[*Translation*]

Mr. Réal Ménard: Ms. Beaudesne, you seemed to have certain concerns with respect to what some of my colleagues have said about the date rape drug. Obviously it is ridiculous to talk about legalization. The bill does not even deal with that. Therefore I think it is completely out of order to ask witnesses to answer to that. However, I would like you to set the record straight on what you have heard.

Prof. Line Beaudesne: First of all, the name date rape drug attracts a lot of attention in the media. The main drug used by a rapist is still alcohol, and the second most used drugs are barbiturates: Valium and others. GHB is not used very frequently for that purpose, but it is used for other purposes, as are several drugs. In fact, in order for there to be a rape, you need a rapist. That is the main condition. Drugs do not create rape.

Second, I found it difficult to criticize minimum sentences. It is as if we are being told that we do not see a problem. We see the problem, but we do not propose the same solutions.

Contrary to what people may think, legalizing drugs reduces their availability. Put me on a black market anywhere on the planet and in three hours I will get you what you want. In a black market, anybody can sell anything.

Mr. Réal Ménard: Thank you.

[English]

The Chair: Thank you.

Ms. Davies, you have two minutes.

Ms. Libby Davies: We heard Chief White say that in the downtown east side, which is part of my riding, it's almost a legalization situation, and that's certainly not my experience. I've seen many police sweeps. They're very expensive, and they don't really change the situation, but we see them from time to time. The last one was called Operation Torpedo, I remember.

I want to get at the reality versus what's on the paper here about who this bill is directed at. It seems to me that the enforcement regime we've seen is basically levelled at the low-level folks, the low-level dealers, who are often users, because they're the easy pickings. So I'd just like to ask Mr. Sterling if he could comment on that, because that's the reality, both from my understanding of what happens in the U.S. and also in my own community and other places across Canada.

Mr. Eric Sterling: The American application of the mandatory minimums has been overwhelmingly against low-level offenders.

I was very disturbed when I heard the question from Mr. Storseth earlier, who asked about the seven prior convictions and the recidivists. These are low-level offenders, if I understand what he's talking about. These are petty thieves; these are drug addicts. Then 30 seconds later, he's talking about organized crime, but those are not the organized crime figures that you want to get at if you're interested in going after the high-level offenders.

My sense is that the presentation of this bill is very confused between who the intended targets are and who will in fact be the targets when it's applied by the police officers on the street.

●(1715)

The Chair: Thank you.

You can ask one last question, Mr. Norlock. You have two minutes.

Mr. Rick Norlock: Thank you.

Chief White, why do you target just the easy low-hanging fruit and not the organized criminals, which you're being accused of? We have people who are accusing you now as a police officer, so I'd like you to respond to that, because that's the accusation, that you're really not interested in going after the organized criminals—all you're interested in is taking on the poor drug-addicted person who is selling drugs to our children. So why don't you pick on the big guys? Could you respond to that?

Chief Vernon White: There you go. Thank you very much.

In fact we actually do take a two-pronged approach here. We have a drug section that particularly targets organized crime, particularly targets high-level distribution organizations in Ontario, in Canada, and in the United States. In fact it was very successful last year. Operation Scarecrow, for example, took us down into New York State.

But at the same time, from a quality-of-life perspective, the large number of street crimes being committed in specific pockets of the city caused us to start targeting traffickers who were living off some of the most vulnerable people living on those streets, doing the four, five, six thefts, break-and-enters, or whatever else they could to steal from community members so they could sell the assets, so they could buy a \$25 rock of crack cocaine.

It can't be one; it has to be both. And from our perspective, we need to target both at the same time.

Mr. Rick Norlock: Thank you very much.

The Chair: Thank you so much.

We're at the end of our time. Thank you to all our witnesses, including those in Vancouver, as well as Washington, D.C.

We'll adjourn the meeting.

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