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Chair

Mr. Ed Fast

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• (0905)

[English]

The Vice-Chair (Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.)): Good morning, ladies and gentlemen. It's my pleasure as the vice-chair of the Standing Committee on Justice and Human Rights to welcome you to the sixth meeting of our study on the state of organized crime.

It's a pleasure to be here in Edmonton today. We appreciate all the witnesses who have taken time out of their day to be here. We're going to have a full day of hearings in Edmonton. Previously we have had meetings in Halifax, Montreal, Toronto, and Vancouver, and we're prepared and ready to listen to ways in which we might understand the state of organized crime in Canada and perhaps even make improvements with respect to it.

We will be hearing from each of the witnesses or groups of witnesses for a period of 10 minutes. We would remind witnesses to keep a certain rhythm when speaking so the translators can keep up. Some people are so excited about and into what they are saying that they often speak quite quickly. That is difficult for the translation services to pick up.

With that reminder, I'm going to introduce our panel of witnesses this morning, including: Harvey Cenaiko, the chairman of the National Parole Board; Jan Fox, the district director of the Alberta/Northwest Territories district office of the Correctional Service of Canada; and Hugo Foss, the psychologist for the Alberta/Northwest Territories district office of the Correctional Service of Canada.

Welcome.

We also have Roy Louis with us today. He's a member of the citizen advisory committee for the National Aboriginal Advisory Council.

Good morning.

Finally, from Public Prosecution Service of Canada, we have with us Greg Rice, senior counsel and team leader in the Edmonton regional office.

Welcome and good morning to you all. We'll start with the statements from each of the witnesses for 10 minutes. We'll keep neither a liberal nor a conservative but a reasonable watch on the time, so that you can get your views out.

We'll start with you, Mr. Cenaiko.

Mr. Harvey Cenaiko (Chairperson, National Parole Board): Thank you very much, Mr. Chair and members of this committee, for

inviting the National Parole Board to appear before you as you examine the state of organized crime in Canada.

I'm Harvey Cenaiko. I was appointed chairperson of the National Parole Board last July. Prior to this, I was vice-chair of the prairies region, based here in Edmonton. Before I joined the board, I was the Solicitor General and Minister of Public Security for the Province of Alberta and MLA for Calgary—Buffalo here in the province of Alberta after having spent 25 years in policing with the Calgary Police Service.

Joining me today is the regional director general of the National Parole Board's prairies region, Bernie Pitre. Mr. Pitre has been with the board for six years and has almost 35 years of experience in working in the criminal justice system.

For those of you who may not be intimately familiar with the National Parole Board, I will explain that we are a small agency within the federal public safety portfolio. We are at arm's length from government. Our conditional release and pardons decisions are made by highly trained, independent board members.

Today I will speak to you generally about the board's approach to making parole decisions regarding offenders with organized crime links. I will also raise some of the more specific challenges faced by the board in this regard.

Over time, the board has developed a thorough and robust system for evaluating the risks posed by offenders. I believe our statistics attest to this. Over 90% do not reoffend while on conditional release and 99% do not reoffend violently while on conditional release.

Our members come from diverse backgrounds, but they are recruited because they have the necessary aptitudes to make sound decisions on very difficult issues. The board provides them with ongoing training, using the latest evidence-based research in decision-making, risk assessment, and risk management techniques. This helps to ensure that they have the knowledge and skills to evaluate risks to the community that an offender may present and make appropriate decisions to allow or deny parole.

Under law, in policy, and in practice, the board's first consideration in all of its decisions is to protect society. Every day in every region our members conduct hearings where they must evaluate an individual's risk to reoffend. This risk for reoffending is of particular concern for offenders involved in organized crime, given the potential for violence.

In addition to our general policies on decision-making, we have specific provisions to guide board members to take into account information related to organized crime and criminal gangs. In addition to risk factors that are specific to the offender himself, we also assess external risk factors posed by an offender's associates and also the impact of locating an offender with organized crime links in a particular residential facility or community.

The number of offenders appearing before the board who have been specifically charged with criminal organization offences under the Criminal Code is small. In 2008-09 the board rendered 241 such decisions out of more than 25,000 decisions rendered that year.

Having said this, I note that the board clearly sees more than 240 offenders with ties to organized crime. While some offenders' indexed offences may not be specifically tied to organized crime, they nevertheless can represent special risks. But in the vast majority of these cases, our decision-making processes and the information board members receive about these offenders allow us to appropriately evaluate their risks.

In terms of hearings where an offender may have ties to organized crime, the board must occasionally be particularly cautious in its line of questioning. The board cannot treat an offender as a member of a criminal organization unless there is an organized crime conviction under the Criminal Code, even if we have information or suspect involvement. In fact, that is true generally for other types of criminal activities for which an offender has not been charged.

Asking an offender directly about his connection to organized crime when he has not been convicted of participating in organized crime can be unfair, and there is case law before the Federal Court of Appeal. The board is neither a criminal court nor a police service. A direct question about participation in organized crime could lead to an admission about a criminal offence. The difficulty for the offender is obvious: either he admits to a criminal offence or he evades the question.

● (0910)

Why does this put the board in a challenging position? On the one hand, the board members may have information about an offender's involvement with criminal organizations and may decide that this elevates the risk that he will reoffend if released. This can be tricky, as we are obligated to share with the offender any concerns we may have about his potential reoffending. A decision based on information or concerns that were not first shared with the offender may be set aside. Again, these are rare occasions, and we believe we are generally equipped to deal with these effectively.

Let me briefly expand on a related issue concerning the obligation to share information with offenders. As I've indicated, offenders receive all of the information that board members consider about the risk they pose when making a decision about conditional release. The key to ensuring that the board makes quality decisions in the

interest of public safety is that we have reliable, high-quality information at our disposal. Board members use this information to properly evaluate risk.

Since joining the National Parole Board, my top priority has been to explore ways the board can continue to improve the quality of our parole decisions. The National Parole Board has held training sessions on organized crime over the years. More recently, we held a board-wide national training session on risk assessment and offered a session on organized crime conducted by Dr. Hugo Foss from CSC, who is here with us this morning. The National Parole Board intends to continue offering ongoing training on organized crime issues, both at the national level and in our regions.

As the board is entirely dependent on criminal justice partners to supply us with the relevant information we need to make good decisions, you can see how the relationships and agreements we have with these partners are vitally important. Some of our partners have expressed concerns about providing certain sensitive information to the board because of the legal requirement to share information with offenders and the public accessibility of our hearings and decisions.

While we are satisfied that in the vast majority of cases we receive all of the necessary information we require about an offender, we nevertheless are taking action to ensure this continues. Through increased dialogue, negotiation, and outreach with our police and correctional partners, the board has been seeking to raise awareness about its public safety role and the vital importance of information sharing. Our partners recognize that we share the same mandate, which is the protection of society.

Our key partner, of course, is the Correctional Service of Canada. Our respective staff work hard to maintain positive working relationships throughout the country. CSC Commissioner Don Head and I have taken steps to further strengthen our working relationship by reinforcing procedures that require the sharing of relevant information with the board, including information about organized crime. We have also reaffirmed the steps that can be taken to safeguard sensitive information so that the board may receive what it needs, yet sources or ongoing investigations remain protected. The law has provisions for those truly exceptional circumstances where information must be withheld from an offender and a gist or summary is prepared.

In addition to working closely with CSC, we are reaching out to police partners to explain how vital their reports and intelligence are to the board. We are exploring ways to enhance information sharing, including a pilot project with police in Atlantic Canada that will allow high-quality information about difficult offenders, such as those involved with organized crime, to be captured and shared with the public safety agencies that need it.

I thank you for the time allocated to the National Parole Board. I'll be more than happy to answer any questions you have.

The Vice-Chair (Mr. Brian Murphy): Thank you, Mr. Cenaiko.

Now, on behalf of the Correctional Service of Canada, we have Jan Fox.

Ms. Jan Fox (District Director, Alberta/Northwest Territories District Office, Correctional Service Canada): Good morning. My name is Jan Fox. I'm the district director for Alberta/Northwest Territories district parole office in the prairies region. In this capacity, I'm responsible for the supervision of 1,126 offenders on conditional release, statutory release, and long-term supervision orders. We do so in accordance with the Corrections and Conditional Release Act and under the direction of the National Parole Board.

I'm joined here today by Hugo Foss, who's a psychologist in our district and will speak with you in a moment. Mr. Roy Louis, who is a citizen advisory committee member, will also address you.

The Vice-Chair (Mr. Brian Murphy): Excuse me. Can you speak a little more slowly so the translation services can pick it up?

Ms. Jan Fox: All right.

On behalf of the Correctional Service of Canada, I thank you very much for the invitation to appear before you today.

I'm going to highlight some of the challenges that are unique to the prairie region and, in particular, to my district. I would like to focus on the importance of the establishment and maintenance of the partnerships we work with. I will highlight for you a little bit about our strategy for dealing with gangs in supervised populations.

I am aware that tomorrow you'll be hearing from my colleague, the warden of Stony Mountain Institution. The warden will provide you with information on gangs and gang management in federal institutions. I will provide you with information about gangs and gang management more specific to offenders living in our communities on various forms of conditional release, including statutory release and long-term supervision orders.

Of the 1,126 offenders we supervise, 20% are of aboriginal ancestry. In my district right now, we have 92 gang members, which represents approximately 8% of the supervised population. I will provide information about the gangs in the communities in the prairie region and highlight for you some regional differences that I believe exist.

Criminal organizations pose a serious threat to our community facilities and to the safety of the public, our staff, and our partners. In the prairie region, we are particularly challenged by aboriginal gangs and Asian gangs. The largest group in organized crime in the Correctional Service of Canada right now is made up of aboriginal gangs and 86% of them are in the prairie region.

Of my population, as I mentioned, 92 have gang affiliations and are members, 42 of them are aboriginal, and 22 are of Asian ancestry. Of interest is the fact that these gangs are also made up of Caucasian members who are of mixed ethnicity. These gangs are more prevalent in the prairie region and have characteristics that are significantly different from those of other gang members and criminal organizations such as biker gangs.

In the prairie region, we have identified 1,095 gang members out of a population of 5,435. This represents 20% of our total population. Of this number, 207 are serving their sentences in the community, with the vast majority on statutory release. The gang members are concentrated in urban areas.

The Correctional Service of Canada works to ensure the continued safety and security of the public and our staff. In the community, we must place strong emphasis on intelligence gathering and information sharing with our partners to achieve this. To be successful, we must invest significantly in partnership development and maintenance with policing and intelligence agencies. It is also imperative that we work closely with the communities most impacted by gang violence—in this case, aboriginal and Asian communities.

The management of gangs in the community is a very complicated matter. Gang affiliations change constantly and are very fluid. New gangs emerge and offenders change their affiliations or claim to become disaffiliated upon release from prison. Despite these complications, it is of utmost importance that the Correctional Service of Canada be a partner in ongoing information sharing and gathering. In this way, we must protect the community and our staff. We are also aware that we must provide a wide variety of interventions to assist offenders to disaffiliate and to become law-abiding citizens.

The Correctional Service has invested significantly in resources to manage criminal organizations. Specifically, we have established positions in every parole district in the country to enhance our partnership. These have included security intelligence officers, criminal analysts, and community correctional liaison officers who are actually serving police officers working in our parole district.

We have established enhanced supervision units and enhanced residential facilities to assist us in managing these challenging offenders. In my district in particular and in Edmonton, we have placed parole officers in each of the police divisional headquarters.

• (0915)

Like that of our institutional counterparts, our gang management strategy consists of a multi-pronged approach. It is an intelligence-led risk management model that focuses on prevention and proactive initiatives. We know that it's important to obtain information early, at the time of sentencing. We know that we must discuss our supervision strategies with the police at various stages throughout the offender's sentence. We have police officers who are actively involved in our community intervention boards. Also, like the parole board, we do a lot of staff education and training.

In the community, we work diligently to assist offenders who want to leave their gang affiliations. However, our main goal is to ensure public safety.

I note that you will hear from two individuals who have great expertise in addressing the challenges presented by gangs in our community: Roy Louis and Hugo Foss.

Mr. Louis, of the Samson Cree, is renowned for his work in combatting gang violence in the community. He will talk to you today about some of those initiatives. Mr. Foss will describe the partnership initiatives he has led to address violence perpetrated in the community. As noted, he is a practising psychologist in the community and has a great deal of success in assisting offenders to disaffiliate.

In summary, it's important for me to leave you with a couple of messages. In the community, we have to operate in the absence of static security measures like you might see in a jail; we don't have bars and locks. We must rely, therefore, on intelligence and partnerships, both new and traditional. We know that it's important to have consistency and to have coherent information with like organizations to help us combat organized crime. We need continued support for this approach.

We recognize that there are different gangs operating in the prairie region that might be described as less sophisticated. The characteristics of aboriginal street gangs require more research. We know, too, that to be successful we need programs for prevention, programming, and suppression.

Thank you. I look forward to your questions.

• (0920)

The Vice-Chair (Mr. Brian Murphy): Thank you very much.

We'll now hear from Hugo Foss.

Dr. Hugo Foss (Psychologist, Alberta/Northwest Territories District Office, Correctional Service Canada): Good morning. My name is Hugo Foss. I've worked as a psychologist on the front lines of the Correctional Service of Canada for 22 years. I've worked in all levels of security—maximum, medium, and minimum—and currently I'm in the community. I have always worked in the capacity of an intervention treatment provider and risk assessor.

My clients have been federal inmates and parolees. For the better part of the last 12 years of my career, I have worked with offenders who belonged to organized crime groups and/or street gangs.

In the prairie region, the predominant population of concern within our institutions and communities is made up of offenders who

belong to street gangs. The number is greatest in the prairie region with respect to aboriginal street gangs.

The focus and goal of my work have always been enhanced public safety. To that end, the intervention with gang offenders complements the pillars of suppression and prevention, both with respect to decreasing incidents and levels of violence and with respect to recruitment. I would like to share with the committee some of the most important lessons learned with respect to intervention with this population of offenders—again, predominantly aboriginal street gangs.

The first lesson comes from one of the largest gang research projects reported in the literature, a comparative analysis of 3,500 gangsters from 17 different U.S. states. The research project found that a majority of gang members, 79.3%, stated that they would drop their flag—in other words, get out of the gang—if they had a true second chance in life. The second lesson is that the levels of hostility and violence that we as a community witness and experience are matched by the degree to which they, the street gangsters, have experienced it in their own lives.

The aforementioned informs us on the absolute need for intervention on two very important levels. First, at a rate of almost 80%, the majority of offenders belonging to gangs report that they are dissatisfied with their lives and would rather live a life apart from the dictates of the gang subculture. Second, intervention with this population will be difficult, arduous, and painstaking in terms of duration, with the potential for future hostility and violence needing to be assessed and carefully managed while the offenders are incarcerated and reintegrated into the community.

In recognition of the value of and need for coordinated intervention with the aboriginal gang population of offenders, the Correctional Service of Canada and the Assembly of First Nations have entered into an interchange agreement whereby my services will be utilized by both agencies as an adviser to the national chief, Shawn Atleo, of the Assembly of First Nations. A working group, including me, is engaged in a number of activities to enhance support for aboriginal communities across the nation that are experiencing issues pertaining to gangs.

First, we will be attempting to determine the scope of the problem across aboriginal communities by taking a census survey of communities. Second, we will be compiling a compendium of existing human resources in aboriginal communities that have the potential to assist in integrating persons requiring assistance, and we will make this compendium available to agencies, organizations, and citizens. Third, we will be providing training pertinent to intervention with persons who are gang-affiliated and support to those who are providing the intervention and living with gang violence in their communities.

Concomitantly, my responsibilities to the Correctional Service of Canada have resulted in a working alliance with the sociology and criminology department of the University of Alberta. In conjunction with the head of the undergraduate department, we will be conducting research, for the very first time, with gang-involved offenders, both in federal custody and in the community. The research should serve to inform on the scope of the problems and issues pertaining to the genesis of gangs and the process for intervention and disaffiliation.

My responsibilities also extend to Native Counselling Services of Alberta, in partnership with the Correctional Service of Canada. We will continue to share knowledge, best practices, staff training, and expertise in managing the risk of federally sentenced aboriginal gang offenders.

Also important, given the unique dynamics related to the management of gang-affiliated offenders, is that the Correctional Service of Canada is focusing on enhanced training of front line staff in gang dynamics awareness, risk management, and safety-related issues.

Thank you for this opportunity to speak to you today.

● (0925)

The Vice-Chair (Mr. Brian Murphy): Thank you, Mr. Foss.

From the National Aboriginal Advisory Council, Roy Louis.

Mr. Roy Louis (Member, Citizen Advisory Committee, National Aboriginal Advisory Council): Honourable members of the committee, thank you for coming to this great province of Alberta.

I am a proud Plains Cree member of the Samson Cree Nation of Hobbema, a community rich in history, culture, ceremonies, and business development.

In the beginning of the year 2005, changes started to happen in our community, with graffiti and tagging of buildings and homes within our townsites. Gunfire became a nightly occurrence. Fear gripped our nation. The gangs had a foothold in our communities. At one point, we had 150 drive-by shootings within a period of six months.

Many of us became concerned about what was happening, about why relatives were threatening and assaulting innocent family members. In 2007, the RCMP estimated that there were between 225 and 250 gang members operating with 13 gang affiliations, with the majority being Indian Posse, Redd Alert, Alberta Warriors, and other local gangs.

In 2008, Asia Saddleback, a young child living in the Samson townsite, was almost killed by a drive-by shooting. This was a pivotal point of change. The Samson chief and council called for an open band meeting, where hundreds of people came to our community hall to hear many people express their anger and to make recommendations as to what should be done.

From there, the council created the Samson task force. They came up with 171 recommendations and then condensed them to 69 in their final report. I wish to table that "Working Together" report with the chair.

In the area of crime and victimization, aboriginal people experience rates of violence and victimization three times higher than those for the non-aboriginal population. During the years of 2005 and 2006, 7,500 aboriginal youth were admitted to custody or probation. For adults, aboriginal people represent 4% of the population in Canada, yet they accounted for 24% of admissions to provincial or territorial custody, 19% of admissions to remand, and 18% to federal custody. These statistics are available from Statistics Canada.

As part of our ongoing initiatives during the last three years, we've had gang experts make presentations to our community. We've heard from people like Michael Chettleburgh, author of the book *Young Thugs: Inside the Dangerous World of Canadian Street Gangs*, and Serge LeClerc, an MLA from Saskatchewan, who was a former street gang member. We had biweekly meetings with the local RCMP detachment and with various stakeholders from the Four Nations and the surrounding community. We had an excellent gang suppression unit with the RCMP, who worked closely with community members to drive out the gang members and drug dealers.

Our group, the Maskwacis Consultative Group, working closely with the RCMP, has created victim services for the Hobbema Four Nations, a family violence unit, and risk and threat assessment for police officers assigned to various schools in Four Nations. We've now secured funding for the Hobbema cadet corps from NCPC. I would like to personally thank our member of Parliament, Blaine Calkins, for working with us in securing some funding for the Hobbema cadets.

We're also in the process of working on a proposal for a gang exit strategy. Any help would be greatly appreciated.

In Hobbema, we didn't just report a drug house: we demolished the house. This was done to take action against the drug dealers and gang members, since these homes could not be repaired anyway. Altogether, 26 homes were completely demolished. Today, we've been out of the spotlight, but we continue to be vigilant in our aspirations to make our communities safe with the help of governments, our people, and the RCMP.

I also want to compliment Corrections Canada, under the leadership of Commissioner Don Head, who has supported our local correctional facility, the Pe Sakastew healing centre, in bringing partnerships and stakeholders together, not only to find solutions to the negative issues in our community, but to understand and be educated on the ways of our first nations community. A brochure about our minimum correctional facility is available. One example of this is hosting the RCMP in eight cross-cultural training sessions specific to our local Four Nations on history, language, colonialism, residential schools, the Indian Act, and the ceremonies of our area.

Thank you to Superintendent Darcey Davidson for his vision and initiatives, which have opened the doors to a healthy relationship with the RCMP in our community.

Finally, my humble recommendation is to have crime prevention in the school curriculum in all jurisdictions in Canada. This is the most effective long-term approach when dealing with gangs, drugs, and violence.

Thank you.

● (0930)

The Vice-Chair (Mr. Brian Murphy): Thank you very much.

From the Public Prosecution Service of Canada, Mr. Rice.

Mr. Greg Rice (Senior Counsel and Team Leader, Edmonton Regional Office, Public Prosecution Service of Canada): Thank you, Mr. Chair.

Thank you, members of the committee, for inviting me here today.

I have been a federal prosecutor for about 10 years. Before that, I was a provincial prosecutor for approximately two years. Federal prosecutors generally deal with drugs, and drugs mean organized crime. As mentioned, I'm the team leader at our Edmonton office for organized crime cases, so not only do I handle organized crime cases, but I am apprised about any organized crime cases that are ongoing in our office.

I'm sure that in these hearings you'll hear at length about the incredible amount of time and resources required to investigate and prosecute these offences, which usually have a wiretap, a component that is really the expensive component of these investigations. Of note is the fact that the reason for a wiretap is to go up the chain to catch the top-level criminals. Because they are so insulated, it is necessary to intercept a conversation. In a drug context, for example, a member of the Hells Angels is not going to get caught with a quantity of drugs on him. He will not touch the drugs, so it is necessary to tap his phone.

I want to share a couple of experiences with you. These experiences tend to underscore the length of time and the resources required for these prosecutions.

On our experience with disclosure, I will say that disclosure in organized crime prosecution tends to be our Achilles heel. Our experience with disclosure is not great. In an extremely large drug conspiracy, for example, an information was laid charging up to 39 accused, I believe, and that information hit the prosecutor's desk unbeknownst to them. Disclosure was non-existent, and ultimately this matter collapsed under its own weight, as our disclosure obligation could never be fulfilled. Unfortunately, it took several years and incredible resources to get to that point.

We learned a lot from that. For example, we now have charge approval on big cases. We separate the accused, if there are many of them—and in most of these cases there are many—into smaller separate trials, with perhaps four or five accused each. When we are aware of a large investigation taking place we task a crown and a paralegal, usually, with attending upon the police and commencing the disclosure and charge approval process prior to the wiretap even being taken down. Sometimes due to resources, this is not as complete a process as it should be.

That said, despite our best efforts and the best efforts of the police, disclosure continues to be problematic. I have two examples. I think

that both of these cases should be viewed by the panel as what should take place.

Police took down a number of accused in a large, complex prosecution. This was organized crime and there were some organized crime charges laid. The wiretap ended in February 2006. To facilitate disclosure and charge approval, the individuals were not actually arrested until late November 2006. Even with that, a disclosure disk—and of course with computers, most of the disclosure is put on hard drives and disks nowadays—was not provided to defence until late January 2007. The remainder of the disclosure was not out until much later. The fastest of the matters, which went to trial, went initially to preliminary inquiry in February 2008 and ultimately to trial in February 2009. There were some convictions and sentencing took place in December 2009.

As I mentioned, pieces are broken off. Two other trial matters continue today, and disclosure issues are still arising. Additionally, the matter I've just related was my first real experience with a trial matter, with all of the surveillance calls and seizures, etc., also encompassing a full IPOC workup. IPOC, of course, relates to the proceeds of crime, and IPOC's raison d'être is to try to take the profit out of organized crime.

● (0935)

IPOC seized a number of assets of these individuals. The difficulty on the disclosure front is that IPOC matters usually continue well beyond the wiretap stage. Also, their investigations tend to be as big or bigger than the original prosecution. In this particular case, IPOC disclosures, particularly reports, were still being made on the eve of trial.

The other matter I wish to relate to you is in regard to a current prosecution. The takedown was done in the summer. At that point in time, a prosecutor and a paralegal were working with the police prior to takedown.

Fast-forward to today. Some disclosure has been made, but not of some of the most important parts of the investigation. The IPOC investigation continues and documents are still being scanned into the database. My point is that disclosure problems, despite the best efforts and lessons learned, continue.

I also want to talk briefly about another aspect that is a drain on time and money. If it goes unbridled, it can cause a prosecution to spin out of control. That's the issue of proper notice and the Garofoli hearing. In the project I just related to you, where the wiretap ended in February 2006, as we approached trial there was much sabre-rattling over the Garofoli hearing. In the Garofoli hearing, the wiretap affiant may have to testify. Of course, the main concern for any affiant on a wiretap or a warrant is the identity of confidential informants.

I'm sure you will hear at length about this issue so I won't say too much about it except to say that if an affiant is on the stand, it always has a very chilling effect on the prosecution, especially if the court allows any leeway concerning questions about informants. Particularly in the case of a wiretap where there could be as many as 10 to 20 informants, with as many individual informant handlers, the affiant is put in a tough position if they are to answer any types of questions in this area. If the identity of an informant becomes an issue, it may ultimately force a stay of the case.

As I mentioned, there was much sabre-rattling. In the scheduling of the trial, the defence indicated they would need four months for a Garofoli hearing. That was before the trial; that was just the charter hearing. Then we would break for summer and would need another four months to conduct the fall trial. Now, pursuant to a Supreme Court of Canada case called Lising-Pires, we insisted upon the defence seeking leave to cross-examine the affiant. We also insisted that the defence provide a written brief outlining exactly what was wrong with the affidavit. As it turned out, there wasn't much.

We responded to the brief. Ultimately, the Garofoli opened in front of the Court of Queen's Bench and closed in one day, with the defence not being granted leave. So instead of conducting four months of Garofoli, we conducted the trial instead.

The point is the court was on board with this process, and because of that, we saved significant time and resources and also protected confidential informants. That being said, all too often courts allow defence fishing expeditions—and we see this all the time—creating trials that continue on and on, with the safety of informants often swinging in the balance.

Those are my comments with regard to this morning's proceedings.

Thank you, Mr. Chair and members of the committee.

● (0940)

The Vice-Chair (Mr. Brian Murphy): Thank you.

Before we get into the questions, I'll note that we don't talk about cases all the time. We've talked about Askov and delay, and Stinchcombe. I think the committee members are aware of those cases. But I, at least, am not aware of and don't know what you were saying in terms of "Gary Foley". That's a new one. It sounds like a guy who has a sports store. What's the spelling of that? I know that will help the people who are doing the transcription.

Mr. Greg Rice: Thank you, Mr. Chair. It's a Supreme Court of Canada case called R. v. Garofoli. It indicates that certain notice provisions are required before an affiant is to be cross-examined on the stand by defence counsel.

As I mentioned, I think one of the significant drains on resources is the fact that oftentimes if cross-examination is allowed to go on fishing expeditions, trials can actually spiral out of control.

Mr. Brian Murphy: You mentioned a Supreme Court case...?

Mr. Greg Rice: Yes. I mentioned Lising and Pires. Of note, it was some bikers, I understand, out of B.C.

The Vice-Chair (Mr. Brian Murphy): Thank you.

We'll start our rounds of questions for seven minutes each.

We'll start with Ms. Mendes.

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Thank you very much, Mr. Chair.

Good morning, everyone. Thank you for being with us.

I'm reasonably new on this committee, so forgive me if I'm not terribly aware of all the ins and outs of the justice system.

From all that we've heard, most specifically from Mr. Foss and Mr. Louis, there is a great deal to be said about prevention before we get to the part about correcting behaviour. I wonder if you are familiar with what the Quebec government has done in Quebec to prevent a lot of these gangs from developing, precisely because it is a serious problem.

Would you share with us a bit more what you are doing here in Alberta, and in the prairies in general, in terms of prevention? Either Mr. Foss or Mr. Louis can reply.

Dr. Hugo Foss: Not to repeat what I've said already, but we're looking at ways and means of gathering data for first nations across the country so that we can become a service for people who are already receiving gang people in their human resource agencies and provide them with specific intervention techniques that have been used in—

Mrs. Alexandra Mendes: But that's after they have offended, right?

Dr. Hugo Foss: This has been used after they offend, but by bringing it into the community, this will be used before they get into the criminal justice system.

The interesting thing about intervention and prevention is that they are often seen as being distinct, but they actually overlap in a very important manner. If we don't provide intervention for people, even when they are in the criminal justice system, we defeat ourselves in terms of prevention.

These individuals will come out into the community, and they hold more sway and influence over future recruits than we do. That is why intervention and prevention are really closely linked. The lessons we have learned in working with this population in prison will be effective in the community for people who are identified as problematic before they get to us.

On my comment about ultimate prevention, I agree with Mr. Louis that it really should become part of the school curriculum.

• (0945)

Mrs. Alexandra Mendes: Mr. Louis, is that being done in the aboriginal communities now in Alberta?

Mr. Roy Louis: I don't think we'd have so many gangs if that were being done. Unfortunately, there are a lot of issues that need to be looked at.

My wife has been a teacher in the system for over 35 years, so she has dealt with children all her life. I think if we're going to get anything done, that's where it counts.

Mrs. Alexandra Mendes: Is it a question of funding?

Mr. Roy Louis: It's a question of more work that needs to be done with different curricula and different jurisdictions in the province. For instance, what we do here in Alberta might be different from what is done in Quebec, so it's an issue of jurisdiction.

Mrs. Alexandra Mendes: It is provincial jurisdiction at that level.

Mr. Rice, you mentioned all the challenges you face, both in disclosure and in proper notice procedures, and that does touch the justice department. How do you propose we address that, very specifically?

Mr. Greg Rice: We have a policy division with PPSC and the justice department that could probably comment better on that.

With regard to notice provisions and disclosure issues, I simply put that out there, and I'm hoping that there may be ways to streamline or potentially force the issue of notice that this committee can look at. As I said, it's now governed by case law. Sometimes case law is followed; often it is not. These cases can spiral out of control. In some instances, it's surprising how they can take on a life of their own.

On disclosure, I'm trying to relate my experiences with it. I don't have any specific recommendations. My point is that despite our best efforts, as it presently stands in our case law and with the police's best efforts, disclosure problems continue to plague us and continue on for years.

I don't really have any suggestions. I wish I did. I don't know that there is a magic bullet, but I'm hopeful that this committee can certainly consider that. I would defer to them on that aspect.

Mrs. Alexandra Mendes: Do I have more time?

The Vice-Chair (Mr. Brian Murphy): You have a minute and a half.

Mrs. Alexandra Mendes: Thank you.

To any one of you who would like to answer the question, do you think mandatory sentencing or a hardening, if you wish, of the sentencing process would in any way prevent, dissuade, or help address this matter of organized crime?

The Vice-Chair (Mr. Brian Murphy): Mr. Cenaiko.

Mr. Harvey Cenaiko: I apologize. I can't answer that question. As an independent agency of government, free of political will—

Mrs. Alexandra Mendes: It's not a political question.

Mr. Harvey Cenaiko: —we're here to respond to and work with the government on the legislation that we have imposed upon us. I can't answer that. Maybe one of the other panel members can.

Mrs. Alexandra Mendes: Nobody wants to answer that...?

Okay.

Thank you.

[*Translation*]

The Vice-Chair (Mr. Brian Murphy): Ms. Guay, you have seven minutes.

Ms. Monique Guay (Rivière-du-Nord, BQ): I invite you to use your earphones, because I will be speaking in French.

I have taken some notes. I see you do a lot of prevention work among youth. I also see you have a pretty good success rate. You said that 79.3% of youth stated that they would get out of the gang if they had a true second chance in life. I was surprised by that number. That is a lot. This means that a lot of work has been done and it must continue in order to allow these young people to reintegrate into society, so they can have a better life.

In the past, there were major criminal gangs like the Hells Angels and the Rock Machine. Now we are experiencing another phenomenon, namely, street gangs. In Toronto, we heard a great deal about ethnic gangs, for instance, Asian gangs, black gangs, and so on. Now you are telling us about aboriginal gangs. Do aboriginal groups really have the resources they need to help young people and work on prevention? Perhaps you could talk about this, Mr. Louis.

Mr. Rice, you talked about electronic surveillance. That made me chuckle, because young people today all have BlackBerries and iPods; they use Facebook and Twitter, and they all have codes. It is very difficult to try to decode their systems. It could take years to do so. It made me chuckle a little when you talked about electronic surveillance, because they are very familiar with how you work. Small-time, young street dealers are not the ones who are dangerous, but rather the big bosses are. They will often use young people who have never committed a crime, who have never taken drugs in their life and who are out to make a fast buck. So the big bosses make them sell drugs on the street. I wonder what your thoughts are on this.

Mr. Louis, perhaps you could go first.

• (0950)

[*English*]

Mr. Roy Louis: Thank you for that

I think the issue we always face in the first nations community is the fact that very little or no funding comes for program development for many first nation communities across the country. It's always an issue, because first nations have different priorities across Canada. Some are struggling because of dysfunction in their families or they struggle because of poverty, lack of education, and a lack of resources. All of those issues are tied into this issue of where we're at today.

If proper research is done on issues that would help our first nation communities, I would totally support that. I think that's being looked at. Mr. Foss is working with the Assembly of First Nations to work on some of those initiatives.

So yes, it is a big issue. Funding is always an issue.

[Translation]

Ms. Monique Guay: What do you think, Ms. Fox?

[English]

Ms. Jan Fox: It was my colleague, Hugo, who mentioned the 79%, but thank you for letting me speak to it. For me, when you ask about resources, I think what we need to do as a government agency is work very hard to keep those partnerships, because we realize that by the time they come to federal custody they have been through a lot of other systems that perhaps have failed them.

Whether it was the school system or provincial corrections, by the time they get to us, we know that we need a lot of other people to help us work through it, and I really support what Hugo has said in relation to the importance of working together to help them to disaffiliate. The partnership in which he is going to be working closely with the AFN is a really significant and important one. I think it's groundbreaking, and I think that it takes not only money but a lot of corporate will, so I'm proud of our organization.

I'm proud that we're working together to move towards that. Sometimes we may focus too much on the day-to-day work of purely supervising people, following all the rules and regulations, and not reaching out to get the help we need to do that, so for me that has been an exciting partnership.

Ms. Monique Guay: Mr. Foss.

Dr. Hugo Foss: I wish I had more to say at this point in terms of what we want to do, but we're at the very beginning stages. I've had one meeting with the Assembly of First Nations. We're going to continue to work on the project.

For the skeptics in the crowd, I'll just say this with respect to the 79.3% out of 3,500 who said they would want a better life, a different life if they could. There often are skeptics when it comes to organized crime or street gangs, and the thought people often have is that they don't want to change and will never change. So arbitrarily cut that in half, if you will. Then we are still dealing with a significant number of people who are dissatisfied with the way in which they are living. That is the motivating factor for me: to tap into what is already their dissatisfaction and move it forward.

You may hear a lot about disaffiliation in your travels throughout the country, but it is important to remember that disaffiliation is not an event; it's a process. Just because somebody says he wants out doesn't mean that he has the resources, the fortitude, or the support to

do that. I've been working with some individuals for six, seven, and eight years. We are at the point where they are no longer active in the gang, but they are still piecing their lives together because they come from very broken backgrounds.

• (0955)

[Translation]

Ms. Monique Guay: I have one minute left.

I would simply like to say that you could look at Quebec as an example. In Quebec, we have street outreach workers who work with these youth. These people really work in the street. They are trained to seek out these young people, reintegrate them into society and help get them back on the right track. There are associations and working groups. There are important services aimed at supporting young people from an early age, while they are still adolescents and can be rehabilitated, and not treating them like criminals. Indeed, dealing with criminals is completely different than dealing with a young person who is just starting down that path.

Thank you.

The Vice-Chair (Mr. Brian Murphy): Thank you very much, Ms. Guay.

We continue with Mr. Comartin.

You have seven minutes.

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

[English]

Thank you all for being here.

Mr. Rice, I am going to start with you.

We were in Toronto last Thursday. Bill Trudell, who is with the Canadian Council of Criminal Defence Lawyers, was in front of us telling us about the symposium that had been carried on fairly recently, which was an outflow of the work that Michael Code did specifically on disclosure and other procedural problems in prosecuting mega cases.

We understand recommendations are coming out of that symposium, which I hope the committee will have before we write our report, but the major item on disclosure that they identified was the fact that it had to be dealt with under the present system in the course of the trial. You are going to be recommending that both the Criminal Code and the Canada Evidence Act be amended so that procedure as to what is necessary in disclosure would be determined in pretrial proceedings.

I'm not sure if you are aware of that. If you are, have you any comments?

Mr. Greg Rice: Thank you.

No, I wasn't aware of the symposium, but obviously when that comes out it will be front and centre with our office. I'm interested in seeing how this is going to work. In a way, some of these disclosure problems are often dealt with in what we call pretrial motions: Garofoli itself is a pretrial motion.

Usually what happens in a mega trial is that first there will be the defence application for disclosure, and that's usually dealt with. It may take several weeks or months to hash out, especially when there are a lot of vetting concerns where pieces of the disclosure have been blacked out or taken out to protect confidential informants or what have you. All that has to be defended. In fact, we tend to do that; we'll split that off from the actual trial at present, so—

Mr. Joe Comartin: I'm sorry, Mr. Rice. Is it the trial judge who's making those determinations or is it a different judge?

Mr. Greg Rice: In this province, we've actually had some charter issues split off, but generally speaking it is the trial judge who makes those determinations.

Mr. Joe Comartin: All right.

Ms. Fox, and perhaps Dr. Foss, for the programs you're describing today, can you give us a sense of when you identified the need to throw those extra resources at fighting gangs in the corrections system? When did it start? Then, as an adjunct to that—and as parliamentarians I guess we are always looking for this—is there any monitoring or criteria that will assess the success rate in terms of reducing recidivism or encouraging disaffiliation?

• (1000)

Ms. Jan Fox: Maybe I'll start with some of the specific ones. I talked about the more static interventions. I could ask Mr. Foss to talk a little bit more with respect to the program interventions.

I think you might be referring to my opening comments about the resources we've put toward security intelligence. We have had a security intelligence officer assigned to parole districts for just a few short months now, for about eight months. Before that, we had them assigned only to institutions, so we weren't sharing information, both with our partners inside the institution and with our partners at CSIS, in Canadian border security, and in policing agencies, on the level that we really needed to be.

In a very short time, in that short eight months, the results of putting resources there have been that we know exactly the numbers of those gang members, who they are, where they're residing, what the incompatibilities might be, and in particular any residual problems there might be. Already in those eight months, we've seen huge differences. In an even shorter period of time—I'd say four to six months—we've also had criminal community analysts who've been able to work to assess and analyze some of the situations involving the gangs.

The importance of this, though, is that it's really enabled us to establish even better credibility with our policing agencies and with prosecutors, with people who work in that side of the business. It's been really good from that perspective.

The other part I really want to highlight is the community correctional liaison officers we now have in all of the districts. They're actually serving police officers, who are, if you will,

seconded on an intergovernmental exchange from one department to the other.

We began that almost two and a half years ago. We had an arrangement both with the Edmonton police and with the Calgary police. I note that both chiefs are going to speak to you later today. They may want to talk about that. We've had that for just over one year and now have that same agreement with the RCMP, so we've been able to reach out beyond the major urban cities to work with that.

We have a lot of data. To answer your question more specifically, we're researching that. We're evaluating that. It's important right now because that was done with Treasury Board funding that we received only for a very short period of time, so that's being evaluated to determine if it would continue.

If I'm allowed to say so, I would say that this has been a wonderful initiative. What has been important about our work with the police and with people who do interventions is the recognition on both sides of the fence of the importance of prevention programming and suppression—that we can't do one without the other. We need to recognize that there is a need to take a strict approach with some really difficult guys we work with—and I say “guys” because the vast majority are male—but we also need to recognize what Hugo has said and the importance of that program.

What I've learned through this and through the research we're conducting is the importance of a balanced approach. I hope that answers your question.

Mr. Joe Comartin: Do you want to add anything, Mr. Foss?

Dr. Hugo Foss: In terms of a timeframe for when interventions occurred, within the prairie region specifically, we started the intervention process directly with gang members in the late 1990s, probably 1996 and later. It occurred sporadically. We did have some external evaluations done on intervention and actually found dramatic improvement in attitudes towards vengeance. There was a reduction in vengeance and in negative attitudes towards the police, and tolerance for law violations, for violent criminal acts towards others, was decreasing.

But more importantly, we also found real behavioural change within the institutions. The average offender a year prior to intervention was accumulating serious or minor charges at the rate of nine a year, but one year post-intervention, those serious or minor charges within the institution were down to less than one per person.

The Vice-Chair (Mr. Brian Murphy): Thank you, Mr. Comartin.

[Translation]

We will now move on to Mr. Petit.

[English]

I understand you want to split your time with Mr. Woodworth.

Monsieur Petit.

[Translation]

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): We support the idea of conducting a study on organized crime and to do so, we need your insight. You all spoke to us about your field of expertise, but now I would like to ask some questions that I hope you can answer.

When governments decided to control alcohol, they said they wanted to reduce organized crime. One of the first things to be nationalized was alcohol. That was the case in my province and perhaps in other provinces. Next came gambling. Once again, the objective was to reduce organized crime, which was still a problem.

Now we face a challenge. Even if we nationalize everything that criminal gangs have or want, we will be forced to deal with things like drug problems, human trafficking and money laundering. Poor people are always the ones to have alcohol and drugs; they are the ones who wind up in prison. Whether aboriginal or white, poor people are the ones who take the rap because of these things that belong to the government. We must not forget that the government has ownership over alcohol and gambling, for example.

I wonder if you have any suggestions, based on your own personal experience. Mr. Rice is proposing legal solutions, but are there any solutions that could be introduced on the ground and that we could include in our report? We want to curb organized crime. As you know, we control everything related to the vices that exist in society, yet we cannot fix this problem. From your perspective, how would you go about it?

My question is for everyone, but primarily for those who work in the field, for instance, Ms. Fox, Mr. Cenaiko, Mr. Foss and Mr. Louis. As for Mr. Rice, I understand the issue of disclosure.

•(1005)

[English]

Ms. Jan Fox: That's a complicated question. If you are asking me about what you can do to help us, what we need the help in is to have better knowledge and understanding of the differences among gang members.

You talked a lot about gangs being controlled by all of those things you mentioned: alcohol, drugs, and human trafficking. In my world in the prairie provinces, that's not what I see in prison. What I see in prison and on conditional release, as you've also said, Mr. Petit, are such things as poverty, lack of education, and no employment. Those are the people who are in my jails. They are not rich. They're not making money from the drug trade. They're not making money from human trafficking or from those substances.

In fact, as for what they do, they're violent, and whatever money they do have, they either spend it on themselves to abuse those substances or they give it to their families to help support them. So my experience has not been so related to those things you were mentioning; I think we need to look more at the root causes of prevention before they get to my doorstep.

Dr. Hugo Foss: Just to add to that, I'll tell you a little short story about working in a group of 15 offenders in a medium-security prison here, all of whom were in a gang. My question to them was, "What's the number one thing that keeps you guys coming back to prison and keeps you being losers?" Their response was alcohol and drugs and their own consumption of it, not so much their ability to sell it, but absolutely their consumption of it. Do they participate in the selling? Absolutely, but more or less to support their own lifestyle, which is really about the consumption component.

My major objective when I'm working with them individually is to point out to them that with the substances they continue to use, especially if it's soft substances or some that are legal now, like alcohol, what they continue to teach themselves are inappropriate coping skills. Any time something goes wrong, it's "have a joint" or "have a drink". But that's the wrong answer. That's the coping they teach themselves and that keeps them stuck in their lifestyles.

I'm not sure if that directly responds to your question, but it is a significant issue.

The Vice-Chair (Mr. Brian Murphy): *Est-ce que cela suffit, monsieur Petit?*

You have about two minutes and 10 seconds, Mr. Woodworth.

Mr. Stephen Woodworth (Kitchener Centre, CPC): *Merci, monsieur Petit.*

Thank you to the witnesses for being here.

For Mr. Rice in particular, I wanted to ask about the issues regarding disclosure, because I can imagine a number of different things that would be included in that problem, one of them being deciding how much confidential information about informants should be released; another being perhaps even the sheer necessity of typing transcripts and the time that takes; another being not knowing for sure what the defence will want in disclosure; and yet another being the fact that you may be having ongoing investigation even after charges are laid.

In order to understand what I can do about the disclosure problem, I need to have a little more fleshing out of that from you. Why, after four years of a case, is there still an ongoing disclosure problem? What can this committee recommend to solve that?

•(1010)

Mr. Greg Rice: Thank you.

I'm not really sure what the committee can recommend. You're absolutely correct on one of the main issues, and I can tell you about one of the main issues, not anecdotally but factually. In the second case I related to the panel, the main issue is a wiretap affidavit that has many informants. There are confidential informant problems with it. If that is disclosed, the obvious concern is that those informants' lives will be in danger.

Because of the way the information was put into that affidavit, we have had to basically tear it apart and put it back together. We're still not absolutely confident that we have it right yet, because they used a lot of very specific information with regard to information, so that has taken literally five or six months to do. That's one of the issues. Confidential informants: that's our main concern.

With regard to ongoing investigations, we can always basically withhold disclosure to protect them, but ultimately, as we approach trial, we have to tell the police to make a decision on whether they are going to continue the investigation. Otherwise, we have to disclose it. I guess part of the problem is that these files are so big and involve so many different mechanisms and parties; it seems to me that there is not consistently one thing or another that goes wrong.

You put so many facets into one of these files. We're talking about prosecution, the courts, defence lawyers, the police, and even civilian members of the police. When you put so many facets into one of these files, it always seems that somewhere along the line there is a breakdown.

One case is not the same as the next. I can't put my thumb on what the general problem is. However, I can say that it seems in many cases there's always one facet that goes wrong, and I don't know what to do about that.

The Vice-Chair (Mr. Brian Murphy): I'm going to have to stop you there, Mr. Rice.

Madam Mendes, *vous avez cinq minutes*.

Mrs. Alexandra Mendes: Thank you very much, Mr. Murphy.

In terms of the disaffiliation process, as you say, it is a process that can be very, very long. What kind of protections do these young people...? I imagine that most of them would be in their late teens or early twenties. Or even older...?

Dr. Hugo Foss: I work with the adults, so they're 18 and older.

Mrs. Alexandra Mendes: Okay. But what protection do they need during this process of disaffiliation to actually make it stay, to make it stick with them? I imagine they get threats from their former gangs. I don't know how that happens, but what is their means of protecting themselves?

Dr. Hugo Foss: Are you speaking about that relative to people who are not incarcerated?

Mrs. Alexandra Mendes: Yes, once they are out of prison and have gone through the process.

Dr. Hugo Foss: There are many things we discuss with them. The major issue, really, is for them to become useless to their gangs. It's not necessarily to announce while they're in prison that they're leaving. It's just to fade into the woodwork, to fade into the background when they come out into the community, and not have contact with anyone.

If they're on conditional release, we take into account where to put them with respect to halfway houses and we make sure there aren't any incompatibilities. If they're living on their own, they have to live out of the core area and not socialize in those areas. A lot of times, unfortunately, they go back to the areas where they're most comfortable. Then we have to work with them and say, "You really

will put yourself in the line of fire or in jeopardy if you go into those areas".

"Nothing good happens after midnight" is a consistent message.

• (1015)

Mrs. Alexandra Mendes: Is that part of their parole agreement?

Dr. Hugo Foss: While they're on parole, yes, they have curfews as well.

Mrs. Alexandra Mendes: Would job training be part of what you offer, a sort of reorientation in a meaningful way to find other ways of living?

Dr. Hugo Foss: Parole officers would certainly be interested in the vocational and job-training part of it. We also have staff in the parole services who assist in finding employment. It is actually a very, very significant part of them being able to change.

Mrs. Alexandra Mendes: To reintegrate.

Dr. Hugo Foss: Yes.

Mrs. Alexandra Mendes: While they are with you, Ms. Fox, at Correctional Services, is any vocational training or education offered to them?

Ms. Jan Fox: Yes, very much so. We work really closely with the offenders right from the beginning when they're incarcerated. I have a person who works full-time as an employment coordinator. She does a market analysis to determine what kind of work is required out there. Then we link that to all the men and women who are in jail and give them some training and retraining, vocational training, inside jail.

We then link that to when they come out into the community. We try really hard to do that. It's about the simple things like the specific training skills that they require, but they also need to know how to write a resume and even just about the importance of good work-life behaviour in terms of being on time for your job, being respectful, dropping your gang colours, and not being allowed to wear any markings and that sort of thing.

Again, the multidisciplinary approach we have is important. For example, if Hugo, as a psychologist or in his work with disaffiliation, has some things he needs them not to do in terms of their work, it's about communicating back and forth between parole officer, community employment coordinator, psychologist, and mental health workers. It's a very big multidisciplinary team. As well, from the security side, there are strategies the police are asking us to employ.

We even have the resources, for example, to check on them in their workplaces and make sure they're doing what they saying they're doing. We work in close partnership with the police to do that.

Mrs. Alexandra Mendes: Does that include the parole officers?

Ms. Jan Fox: That's correct.

Mrs. Alexandra Mendes: Thank you very much.

[Translation]

The Vice-Chair (Mr. Brian Murphy): We will continue with Ms. Guay, who has five minutes.

Ms. Monique Guay: Yes, I will respect the time limit, Mr. Chair.

You do a lot of work with young men aged 18 and older, if I understand correctly. When these young men get out of prison, when they are on parole, under supervision, limited in their actions and have curfews, and so on, they have to find a job, but more importantly, they have to leave the gang. This must be very difficult, because the gang is expecting them upon their release.

How are these young people protected? How do you ensure that if they really want to get out of that lifestyle, the gangs will not try to kill them for trying to leave? I am very curious about how you work with those individuals who really want to leave. What is the success rate? Please go ahead.

[English]

Mr. Harvey Cenaiko: From a risk assessment point of view, as I mentioned earlier, in assessing each individual, their backgrounds, and their criminal activity, and then moving into the institution and assessing their institutional behaviour and the programs they've taken within the institution, for those individuals whom we release on conditional release, our success rate or our rate of granting parole where they did not commit another offence, is 90%, and 99.5% have not committed a violent offence. These are conditional releases or UTAs, day parole, and full parole.

This does show that the programming the CSC is providing in the institution is working and that when they are legislated, their time is there for a parole review.... When we assess risk, we're assessing risk in a number of areas from past, present, and future. This does show that the programs are working, but I think it shows as well that the conditional release decision-making process is working too.

•(1020)

Ms. Jan Fox: Just to add to the question of how we keep them safe, I'll start and then let Hugo finish. It's an important question. Thank you for asking it.

For me, a lot of it is about information sharing and knowledge. My staff need to be aware of the situations that these fellows can be facing. We need to know the gang members, who they're with, and who they're trying to leave. We also need to know the rival gangs.

We need to be aware of who is where and of who is living where. We need to make sure the parole officers are incredibly well trained in knowing that. We need to use very strong techniques. We use something called motivational interviewing, for example, so that our parole officers know what's fact and what's fiction.

I very much have to support what Hugo said about how disaffiliation is a process. It's a lot.... People who have had long histories of difficulties and who may have come in conflict with the law do not change overnight, as much as we would like them to. So it may take a long time, but it's a lot about information sharing with our parole officers, our partners, and aboriginal organizations and about being able to listen to what the guy is telling us.

If there are safety issues, we do have the power to move them, to transfer them. If we feel they're not being honest with us, we also have the power to suspend them and put them back in jail.

Dr. Hugo Foss: Thank you for that question. I think it's a really important and difficult question. As you were asking it, I could feel my heart get heavy, because it's not always possible to keep them safe. The discussions and conversations that we have, the offenders and I, are very much around their safety and around public safety.

In the 12 years or better that I've been working with this population, a number of people haven't made it. For various reasons, they have ended up being killed. But we work really, really hard to keep them as safe as we possibly can, both in the institutions and in the community, but it's not always 100% possible.

In terms of success rates, it's very difficult for me to say what those rates are. I don't keep statistics on it. Success is also very different. My measure of success is that the public has been kept safe and the person is still safe. There have been many times where I've said to offenders that I know they hate Corrections, but I tell them I have news for them: Corrections doesn't like them either.

I tell them to just finish their sentences, and if for some reason they go unlawfully at large or breach a condition, or use alcohol or drugs, I tell them not to run. I tell them that it's the dumbest thing they can do. "Turn yourself in", I tell them, "turn yourself in". That's the message they consistently get from me.

There have been six or seven individuals, hard-core gang members, who are shocked when they have actually turned themselves in. They'll say, "This is so not me—I never do this". Again, that is part of the success ratio. They haven't killed anyone, they haven't hurt anyone, and they're still working at their recovery and their healing journey.

The Vice-Chair (Mr. Brian Murphy): *Merçi.*

We're going to continue now with Mr. Dechert for five minutes.

Mr. Bob Dechert (Mississauga—Erindale, CPC): Thank you, Mr. Chair.

Thank you, ladies and gentlemen, for sharing your expertise with us here this morning.

I want to ask you a number of questions about how aboriginal gangs form and how they're different from other types of gangs. I think, Ms. Fox, you mentioned that they're different from biker gangs. I take it you meant that whereas a biker gang is more like a business, these are different in nature.

As you've heard from other members of the committee, when we were in Toronto last Thursday we heard from individuals who were trying to prevent individuals, young people, from joining the ethnic street gangs that we have in many of our urban areas. I was wondering if there's a difference between aboriginal street gangs and why they form and these other ethnic street gangs.

We were told that some individuals are looking for a group of people to share identity with, that they sometimes lack positive role models in their personal lives, and that there's a general lack of economic opportunity for many of these young individuals. We were told that these are some of the reasons why they join the gangs.

A number of organizations in urban areas try to work with young people in terms of at-risk youth programs. I was wondering if you could comment on what types of programs you think would be effective and that we should be offering to try to stem the flow of young people into these gangs in the first place.

Additionally, I wonder if you comment on the role that drugs play.

Mr. Foss, you mentioned that many of the members of these gangs are users themselves. We heard from a number of witnesses last week in Toronto who suggested that one way of taking organized crime out of gangs is to decriminalize and legalize some, if not all, of the drugs they may be using.

I wonder if you could comment on what you think the impact of that sort of a solution would be on some of these young people. Perhaps you could also comment on where the drugs come from and what we ought to be doing to stem the supply of the drugs.

I know that these are a lot of different questions to focus on, but I'd be interested in hearing from Ms. Fox, Mr. Foss, and Mr. Louis specifically on those issues.

•(1025)

Ms. Jan Fox: Again, I'll start, and I'll talk about my experience, although I'm by no means the expert here. The two on my right are certainly more expert in terms of the actual characteristics.

But when you were describing the ethnic gangs, I did hear some similar words about things that I also see with the aboriginal community, and particularly, the need for a sense of belonging, not having good role models, and the relationship to poverty. I would also say that in jail I think gangs might flourish a bit more for the purpose of protection in jail and, you know, being together to address that.

You did ask about what we think might have caused what's going on. Again, I'll defer to Mr. Louis, but one of the things I've seen is that some of the young aboriginal guys have very much moved away from their roots, from their spirituality, and from their work with their elders. That has changed in their communities. I'm also seeing a bit of a migration. Instead of going to home communities, many of the young ones are coming to the cities, where they are feeling a little bit lost and where there are not the same supports, if you will, as there are in their home communities.

So what do we need to do? I think we need to stay the course. You may have heard that in Corrections we've done an awful lot of work in trying to assist people in regaining their spirituality and their culture. It's not always successful, but it has been one of the most successful things I've experienced in my time, and we have some wonderful programs in relation to that.

Most importantly, what I've seen in my 29 years of working in Corrections, although I hate to admit that, is that we've often tried to be everything to everybody, and we don't have that ability. We need

to focus on what our colleagues in the aboriginal communities are telling us.

Also, we haven't talked much what is new and emerging, and in my district, that is the Asian gangs. We need to ask the people in those communities what they see as needs for their young people. I think you'll hear from both chiefs of police in my district later about some initiatives they've undertaken in that regard. Both Chief Boyd and Chief Hanson have really reached out in town hall meetings and have come to the communities where gangs issues are prevalent. They've had some great success with that. I think we need to continue to do that as well.

Mr. Bob Dechert: Could I just ask you to clarify? Did you say that some people join the gangs after they go to prison, not before?

Ms. Jan Fox: Yes.

Mr. Bob Dechert: Thanks.

Mr. Foss.

The Vice-Chair (Mr. Brian Murphy): Thank you very much. Your time is up.

Ms. Jan Fox: Oh, I'm sorry.

Mr. Bob Dechert: Perhaps we'll have another chance to finish up later.

Thank you.

The Vice-Chair (Mr. Brian Murphy): Yes, I think we probably will, Mr. Dechert.

Mr. Rathgeber, for five minutes.

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

Thank you to all the members of the committee for coming here today.

I would especially like to say hi to my old friends, Greg Rice and Harvey Cenaiko. Greg and I practised together early on in our careers, and Mr. Cenaiko and I were MLAs together from 2001 until my premature retirement in 2004. He stayed on until 2008, I think.

It's great to see all of you.

When Mr. Rice and I practised together, we were civil litigators, and I'm intrigued by this issue of disclosure. With respect to the resolution of disclosure efforts civilly, it is handled in a pretrial application, as Mr. Comartin suggested, and that may be the result of this symposium last Thursday in Toronto that we talked about.

I'm intrigued by it, and I agree, Mr. Rice, that we need to fix this. It takes up too much of your resources, it leads to delays in trials, and ultimately, sometimes those trials are stayed as a result. But given what the Supreme Court has said in Stinchcombe case and others, and given what the charter says about making the right to full answer in defence to a charge, can this be modified, in your view, or are we stuck with this?

•(1030)

Mr. Greg Rice: That's a tough question.

Just for the committee's information, the test under Stinchcombe is that everything is to be disclosed that is clearly not irrelevant. I think one of the committee members brought up the fact that we can't get into the mind of a defence counsel. It's really difficult even for us to ascertain what is relevant and irrelevant. Something that appears to be totally innocuous may be really important to the defence. We don't know, so we always err on the side of inclusion, and of course the test is "clearly irrelevant", that is, what is really clearly irrelevant in a case. That's a very difficult thing.

What can we do? I don't think it's for me to say here what we can do, but here's what I can say, for what it's worth. I've wondered about this. I've wondered about how investigations were conducted. I realize that Stinchcombe wasn't around 20 or 25 years ago; it was in the early nineties that Stinchcombe came in. But we have all these new tools now. We have the ability to put vast amounts of information through computers and to put various things into databases.

So when we do these investigations, we can continue them not just for a month or two months, but for a year or a year and a half. Also, we can employ police officers across provinces and we can get all of their information and import all of it into a database. That may actually mean going far up the chain to get the people we want, but by the same token, I wonder if in creating the ability to do that we haven't outsmarted ourselves and produced a product that we simply can't prosecute.

Because you have to remember that when we go into court, we have to present the evidence through witnesses. We don't have the ability to simply put a hard drive in the court or on the jury's desks and say, "Here you go—read it". We need to do it through witnesses. I wonder if we haven't created a kind of monster through the use of computers and the like.

Mr. Brent Rathgeber: It's normally law enforcement and crown prosecutors such as you who cite disclosure issues as being a problem in the prosecution of organized crime. I know that you talk to the defence bar from time to time, so would you agree with me that it's also in the defence bar's best interests to have this matter resolved? It's just so the disclosure they get is in fact relevant, and so they're not getting a truckload full of documents they have to sift through, much of which might not be relevant but is needed to satisfy your obligation to provide them with everything that is clearly not irrelevant?

Mr. Greg Rice: I would agree with that. In many cases, I think, when defence counsel receives the hard drive, which is really what amounts to a truckload of paper, they are not in a position with their own resources in their own offices to adequately digest all of that information.

Defence counsel will have to speak to this, but my view of the procedural bogging down that it causes is that unless something is changed this will continue. In some cases, it can be a useful tool to defence to basically cause one of these large cases to go on either until we get to a delay problem or, as I mentioned with one case, until a case is crushed under its own weight.

The Vice-Chair (Mr. Brian Murphy): Thank you, Mr. Rathgeber.

Mr. Norlock, for five minutes, please.

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

Thank you to the witnesses for coming today.

Mr. Rice, I have just a quick observation. It's defence council's obligation to their client to try to win at all costs. That's the problem you face. As a policeman for 30 years, I saw the transition. I saw the Canadian Charter of Rights and Freedoms. It's a good thing, but when left in human hands, it can be manipulated beyond belief. That's just a comment, sir. I really wish.... I was going to go down that path, but I think it's fruitless.

But here's what I do think is a fruitful path, quite frankly. Warkworth Institution is within my riding. It's Canada's largest federal medium-security penitentiary. They have a healing centre there. I forget the exact name of the program, but it is a complete and separate dwelling within the confines of the institution. There are some first nations territories in the vicinity, but actually, because of the numbers we have, it's very successful. I believe it's immensely successful.

I'm throwing this out to Mr. Louis, Ms. Fox, and Mr. Foss, if we have time. I'll try to be succinct with my words. I think the reason it is successful is that it goes to the roots of first nations people, which are for all intents and purposes very religious, if I can use our term. That is based on the creator, and it works up from there, building on self. That's the same for every religion. Quite frankly, I think you underuse the chaplaincy programs in our prisons. They're very cost-effective and they reach into the community from birth up.

I wonder, Mr. Louis, if you could talk about that, and then just leave a bit of time for Ms. Fox and Mr. Foss to comment.

• (1035)

Mr. Roy Louis: Thank you for that question.

I really think what Corrections has done in creating these institutions.... We have one in Hobbema. It's based on native spirituality. It's very unique in that sense, because it's unfortunate that our people have to learn their own spirituality in an institution. However, what they've done and what they've learned is something else. I think our statistics on recidivism are quite low because of the fact that they're working on themselves to heal their minds, their bodies, and their spirits. I think it's very important for places like that to continue. In our region, I'm very proud of them.

I've been involved in our institution since the day it opened in 1997. I've seen a lot of progress and I've seen a lot of changes. I've seen some of the programs that we've done. Our horse program is very successful and the "In Search of Your Warrior" program is very successful. There are many other things happening there, which is good for the inmates serving their sentences.

Mr. Rick Norlock: Mr. Foss.

Dr. Hugo Foss: I think your question relates very much to Mr. Dechert's previous question in terms of how this population is different. The fact that they come from very dysfunctional backgrounds—poverty, emotional, financial, etc.—is actually in a strange way a reason for hope in working with this population, because they aren't sophisticated, they aren't businesses, and they don't take pride in what they do.

The programs you speak of, and the programs that I think are effective with this population, are the ones that deal with the heart of the matter. The spiritual component is very important: dealing with the individuals from the point of their dysfunction rather than a cognitively based program that might only speak *at* them, but really engaging them from the heart.

One of the questions that I will often ask these guys is about at what age they would like their son or daughter to join the gang. That question is met with expletives directed at me, because they recognize that they don't want that. When you engage them from the heart versus just the mind, there's a tremendous amount of growth. That's what healing is really all about.

Ms. Jan Fox: There's not much time, but I wanted to say that I absolutely agree with what you said about how we may be underutilizing our chaplains. I'm proud that we now include our elders as part of our chaplaincy programs. It's an incredibly important thing.

But what you said that's most important to me is that we can make those linkages from the institution into the community. One of the things we do, I think very well, is to create a circle of support. You may have heard of some of these as well. I think Warkworth has a number of them. That circle of support is what helps my parole officers to do their jobs and helps people disaffiliate from the gangs and become law-abiding citizens.

The Vice-Chair (Mr. Brian Murphy): Thank you very much.

Mr. Dechert, you have five minutes.

Mr. Cenaiko?

Mr. Harvey Cenaiko: Mr. Chair, I'll just add one comment. The National Parole Board has elders on contract across the country who work with us in elder-assisted hearings, the vast majority of which are done in the prairie and Pacific regions.

Having been a board member in the prairie region and having led hearings in elder-assisted hearings, I can tell you that you can see the spirituality and culture of an aboriginal offender come forward. There's a visual difference. You can see the difference between an offender in an institution and an offender in a healing lodge.

So working with CSC on this, I think it's a tremendous opportunity. I think there is tremendous room to expand in that area as well. The success rates are very good.

As Dr. Foss mentioned, they're pulling on the cultural, the spiritual, the social, and the community to assist them to reintegrate as law-abiding citizens into their own communities.

•(1040)

The Vice-Chair (Mr. Brian Murphy): Mr. Dechert, you have five minutes.

Mr. Bob Dechert: Thank you, Mr. Chair.

I wonder if, in the time available, we could go back to my earlier question.

Mr. Foss, I appreciate that you addressed it partially, but perhaps we could focus on the drug issue.

I'd like to hear from Mr. Louis and Mr. Foss on this.

What is the impact of drugs on the aboriginal street gang population? In your view, what is the better approach? Is the better approach to focus on who's supplying the drugs and perhaps come up with stronger deterrent measures focused on the suppliers of the drugs? Or is it to decriminalize or legalize marijuana or some other drugs to take money out of organized crime? That is what was suggested to us by some witnesses in Toronto.

I'd appreciate your views.

Dr. Hugo Foss: In terms of decriminalizing the drugs that street gangs use, I don't see how that could occur. To think that cocaine or crystal meth or pills could be decriminalized doesn't make a lot of sense to me.

In terms of what our best avenue is, certainly the suppression and the policing of the suppliers is important, but prevention for youth is absolutely critical. Once we have these individuals in the federal system and they're adults, they've already developed a dependency on or an addiction to drugs. Intervention is really the key.

Mr. Bob Dechert: Who gets them hooked on the drugs when they're young?

Dr. Hugo Foss: From my experience in working with them, at ages 11, 12, and 13, they start to experiment collectively. They recognize that they're having fun and that they're not having as many problems. It becomes a coping mechanism for them by the time they're adults.

Mr. Bob Dechert: Are the Hells Angels or anybody like that involved in getting the drugs to them in the first place?

Dr. Hugo Foss: I would assume that many of our street drugs are made available through organized crime, biker crime, yes.

Mr. Bob Dechert: Mr. Louis.

Mr. Roy Louis: If you were a treaty or a status Indian, you were prohibited by law from having intoxicants in our communities. That only changed in 1970. Our choice of drug is alcohol. It's like that in many first nation communities across the country.

Our people still talk about prohibition and doing away with alcohol or having a referendum to do away with it in our communities. I don't know if that's a good thing to do.

Mr. Bob Dechert: Okay.

Do I have time left?

The Vice-Chair (Mr. Brian Murphy): You have two minutes.

Mr. Bob Dechert: I want to relate a story that I heard recently. Before I joined the justice committee, I happened to be on a plane flying from Ottawa to Toronto. I was sitting beside a lady who was coming back from Pangnirtung, on Baffin Island, where she works as a nurse. She is of aboriginal or first nations heritage.

She was telling me about the drug situation in Pangnirtung, the small isolated community of 1,500 people that she serves. She said the drugs there were supplied by the Hells Angels. She started off by telling me that there were three full patch members of the Hells Angels in that community. I was really surprised and asked if they were local people. She said no, they're actually from Montreal, and they run some kind of café in Pangnirtung and supply the drugs directly to that community. They get people addicted early to all kinds of things.

At some point, the Hells Angels must have sat down in their head office in Montreal with a map of Canada and decided on where they could find some new customers. They sent these three guys there, who must stick out like sore thumbs in Pangnirtung.

I know that none of you are police officers, though we have some police officers coming here later today. Surely there must be something we can do to stop the flow of drugs into a place like Pangnirtung, where there are only three flights a week, I think. The drugs must come in via their suitcases.

Is that typical of aboriginal communities that you know of? What should we be able to do when we see these guys arriving in a community with a suitcase full of street drugs? I realize that it's a tough question—

Some hon. members: Oh, oh!

An hon. member: That's for our prosecutor here.

Mr. Bob Dechert: I was just blown away by that story and I don't understand why the police can't just pull these guys aside and search their suitcases.

An hon. member: It's the Charter of Rights and Freedoms.

Mr. Bob Dechert: Does anybody want to comment on that story? No? Okay. I'm just sharing it to show that there's something we ought to work on.

Thank you.

• (1045)

The Vice-Chair (Mr. Brian Murphy): Thank you.

In our rounds, the objective was for everybody to get a full five minutes. I think Mr. Woodworth was cut short a little bit by Mr. Petit.

Mr. Daniel Petit: *Pardon.*

The Vice-Chair (Mr. Brian Murphy): You can have two or three minutes, Mr. Woodworth.

Mr. Stephen Woodworth: *Merci beaucoup.*

No, we were sharing time, and I appreciated that opportunity, but I do have a question that has arisen since. I'll direct it to Ms. Fox if I may, because I know a little bit about the circles of support idea.

In my community of Kitchener Centre, we have the Grand Valley Institution for Women, in which there are circles of support that we try to achieve. The issue that has come to my attention is that there is a disconnect between the corrections service and the parole and supervision service, in that some of the counsellors and supports given to women and others in custody are simply discontinued when they are released. They go out and have a new supervisor and new counsellors, so all of the work that was done in custody and the relationships that were built up get lost.

I don't know if that's a problem unique to my community or if it occurs in the circles of support you were referencing. I wonder if there is any solution whereby the siloing of relationships in custody can be somehow broken down and continued under the parole and supervision process. Do you have any comments on that?

Ms. Jan Fox: I do. It's actually something I'm really passionate about. You're not wrong on this. I think that for quite a long time we did have a disconnect between the institutional side of the business and the parole and supervision side.

We've tried to make some inroads in that regard. I think you're aware of the report that was called a road map for public safety, that transformation. In the work that was done, that is one of the things that the committee pointed out to us very clearly. We need to do a better job of that.

The problem is not unique, but one of the things I can say is that we have the Edmonton Institution for Women here in Edmonton, and because of our proximity, we've been able to do a better job of making those linkages. So in this region, it has been a little bit about geography.

For example, we have institutions in Drumheller, Red Deer, and Grande Cache, but we don't necessarily have community parole offices there. We've had to come up with some creative ways to reach out to our institutional counterparts. We have the technology; as I say, there's video conferencing and there are telephones and all of those kinds of things.

It's something that is top of mind for me, and it's on my performance agreement and those of other wardens and district directors across the country. There are only eight district directors across the country. We meet regularly and that is one of the things that we're working very, very hard on.

So you are correct, but I think we're starting to make some inroads in that regard.

Mr. Stephen Woodworth: That's good. The reason I ask is that it comes through very clearly to me this morning that, as I think Mr. Foss said, disaffiliation is not an event; it's a process. Therefore, it should be one that begins in custody and continues seamlessly out of custody.

I do have one other question, if I have time. We've talked a lot about the street gang problem here. I differentiate that from the problem of the larger national organized crime groups coming into a community, which I think Mr. Dechert was referring to. I wonder if we could have any idea about how those larger national organizations are operating in Alberta, if at all, if anyone knows.

Mr. Rice, I'll put you on the spot. Do you come into that? Do you see prosecutions against the Hells Angels and so on in Alberta? Or is it all mainly street gangs?

Mr. Greg Rice: Yes. The one I referred to was a Hells Angels prosecution. My understanding is that there are clubhouses, or certainly chartered clubs, in Edmonton, Red Deer, and Calgary, at the very least, and that perhaps there are fingers going into other outlying communities such as Fort McMurray and Grande Prairie. But probably Mr. Foss and Ms. Fox would have a better understanding of the exact amount.

•(1050)

Ms. Jan Fox: I can speak to the numbers in my district. I think I mentioned at the beginning of my remarks that we have 92 gang-affiliated offenders. Of that number, 64 of them are in aboriginal or Asian gangs. The remaining numbers are small.

For example, for Hells Angels under parole supervision—and this is only parole supervision—I have four, just to put it into perspective. With respect to that, I don't know if that is due to them being from different places, so that when they end up being convicted of crimes, they're incarcerated in different places. I can't speak to that, but I can tell you that the parole supervision numbers are very, very small in Alberta and the Northwest Territories.

Mr. Stephen Woodworth: Thank you very much.

The Vice-Chair (Mr. Brian Murphy): Everybody has had a fair chance.

We'll let the fourth party have a second question for five minutes.

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

Mr. Cenaiko, I was interested in the point you were making on the difficulty you have of considering evidence and holding it back from people who are looking at being eligible for parole. Has the board looked at any recommendations for amendments?

I can think of any number of acts that might be amended to include the authority to the board to take that into account but hold it back from the individual because they are associated with gangs. The Supreme Court has been I think fairly lenient at allowing those types of exemptions from the charter.

Has there been any discussion by the board members or any recommendations for amendments?

Mr. Harvey Cenaiko: No, there haven't been any from the board. Again, as I mentioned earlier, if the minister or the government asks us for our advice to them on legislation, we'll respond. We don't go to government and say to change the laws for us to do this or that. We basically follow the laws that are in place under the CCRA, the CRA, and the Criminal Code of Canada. That's what happens there.

We've had third party information come to us. We have a strong working relationship with police agencies across the country as well as the CSC. With any information that comes forward regarding an investigation that may be critical to this offender and/or other individuals who may still be in the community, and/or the victims, a gist is drafted up, which will be very brief and will state that there is an ongoing investigation on this offender by the RCMP.

That's provided to the offender and to us. That's all the information we get. It would have nothing to do with what type of an investigation it is. It wouldn't have anything to do with whether it is a homicide or a sexual assault or whatever it is. It's just a very brief gist saying that he's still being investigated for an additional or a new offence. That has to be provided to the offender. That's sensitive third party information.

As well, that includes other offenders within the institution who may provide information that the offender we are going to be reviewing or assessing risk on is trafficking in drugs within the institution or is an enforcer for a group. Again, that's third party

information. In order to protect the offender, who obviously doesn't want his name going before the hearing in regard to saying that this offender told on that offender—again, that's third party protected information—a gist or a brief summary is provided to us through CSC, so that we also have some knowledge that he is part of the drug subculture within the institution.

Mr. Joe Comartin: Thank you.

Mr. Louis, when I was on the public safety committee a few years ago, I did a fair amount of work on witness protection. There are major problems with our witness protection system in Canada, but I have to admit that we didn't take into account, with regard to street gangs, individuals who did come out of the first nation, Métis, and aboriginal communities.

Have you had any experience as to whether that can be used as a methodology to combat the street gangs? Are there particular problems for our first nations in terms of going into witness protection? I don't know if you've had any experience, but if you have, I'd like your comments.

•(1055)

Mr. Roy Louis: No, not at all.

Mr. Joe Comartin: Okay.

Mr. Rice, do you have any comments in that regard?

Mr. Greg Rice: That's sort of out of my bailiwick. I think the police officers would probably have a much better... But I've certainly dealt with witnesses who were in witness protection. That's all I can really say.

Mr. Joe Comartin: Okay.

Ms. Fox, I have one last question. We've had this experience, and I think particularly in Quebec, where correctional officers were targeted, and by the Hells Angels in that case. Without disclosing specific cases if they're not public, have you had any experience of attempts to intimidate correctional officers in Alberta or within your region?

Ms. Jan Fox: I have personally not heard of any of those situations. I did understand from a colleague that this may have been a concern in one particular area in British Columbia, but to my knowledge, not that we've been made aware of.

The Vice-Chair (Mr. Brian Murphy): Thank you.

I want to thank all of the witnesses.

Mr. Louis, you in particular mentioned that there were some documents you would like to table with the clerk. That goes for anyone else who might have further documentation to follow up on your testimony and help us in our study on organized crime.

I thank you very much for coming.

We'll suspend now for about five minutes.

- _____ (Pause) _____
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- (1105)

The Chair (Mr. Ed Fast (Abbotsford, CPC)): I'll reconvene the meeting.

This is the sixth meeting of the Standing Committee on Justice and Human Rights. As you know, we're continuing our study on organized crime across Canada. We're just winding up the study. We hope to issue a report in the next couple of months. In the meantime, we're still hearing from witnesses here, as well as in Winnipeg.

I want to thank all of you for appearing.

For the record, we have with us today Michael Boyd, chief of police, representing the Edmonton Police Service, and Rick Hanson, chief of police, representing the Calgary Police Service. We also have with us Mike Skappak, director, criminal investigations, prairie region, Canada Border Services Agency; Staff Sergeant Terry Kohlhauser and Inspector Clemens Imgrund, Royal Canadian Mounted Police; and finally, Brian Gibson, chair of the board of directors, Criminal Intelligence Service of Canada. I welcome you here.

I think you know what the process is. You have 10 minutes to present and then we'll open the floor to questions. By the way, thank you for appearing on such late notice. We were scrambling to try to set up these dates, and you were so gracious to accept our invitation to appear.

Why don't we start with Mr. Boyd?

Chief Michael Boyd (Chief of Police, Edmonton Police Service): Thank you, Chairman and members of the committee.

Today I am speaking to you in my capacity as vice-president of the Canadian Association of Chiefs of Police and president of the Alberta Association of Chiefs of Police.

Canada's justice system has two overall responsibilities: protection of the public and ensuring justice for all those charged with committing crimes and those who are victims of crimes.

In the last several years, there has been great focus on ensuring justice for those charged, as a result of the judicial and public attention to those cases where offenders have been wrongly convicted of crime. That attention was warranted and strongly supported by the police chiefs in Canada.

The focus of my address today deals with the latter: changes that are needed in legislation and in system practice to ensure that the public is protected from further criminal victimization or crime by people who are known as chronic offenders, prolific offenders, or repeat offenders.

To provide you with some background, during the 1970s, Parliament passed into law the Bail Reform Act. In essence, the act established principles such that those alleged to have committed crime would be free from custody until the court established their innocence or guilt. If the court determined that a person was guilty, then further consideration was given to determining whether or not

the disposition of the case meant incarceration or jail time for the offender.

The act also established exceptions to the general rule or principles. The first exception dealt with offenders where there were grounds to believe that the offender, if released from custody, would fail to appear in court in answer to the charges against them. The second exception dealt with offenders charged with a crime or multiple crimes where there were grounds to believe the offender would continue to commit crimes while out on bail awaiting their trial.

In the first exception, an accused person could face a bail hearing during which the court would hear evidence relating to those grounds. The law permits the court either to hold offenders in custody until their trial or to release offenders on strict conditions of release that they must adhere to or be in breach of their conditions, which is another criminal offence for which they may be charged.

In the second exception, where there are grounds to believe that an offender will continue to commit crimes while out of custody on bail, the offender can face a bail hearing where the court can hear what those grounds of belief are. Either a judge or justice of the peace can commit the offender to pretrial custody, which incapacitates them entirely from committing more crimes, or the court can release them from custody on strict conditions of release, which ideally prohibit their ability to reoffend.

The foregoing is what the legislation provides for in section 515 of the Criminal Code of Canada. The concern is not so much with the legislation needed to protect the public. We have it, and when it is used properly, for the most part it works. The concern is that the legislative processes are not being used to the extent that they should be, especially with prolific, chronic, or repeat offenders, and because of that, the public is not being properly protected from further victimization.

The justice system is made up of the police, crown attorneys, the defence bar, judges and justices of the peace, and, of course, corrections. While these different participants of the justice system are constitutionally independent of one another, on a practical level they are interdependent on one another to make the system effective. This is important to fulfill both responsibilities of the system: to ensure justice for victims and offenders and for protection of the greater public.

Through 2006 and 2008, studies looking at criminal offender backgrounds were done in Edmonton and Halifax. Canada's police leaders wanted to establish that this was not happening just in one area of Canada.

The studies revealed patterns of offending up to and beyond 100 arrests in a five-year period, where offenders were arrested and released dozens of times, where they breached their conditions of release multiple times, and where they reoffended, harming the public. Hence my focus and my remarks on the protection of the public.

•(1110)

In fact, it is not uncommon to see offenders out of custody on the streets of our cities on multiple bails when their background suggests that they should be incapacitated through pretrial detention. Often, chronic offenders are those who are addicted to or dependent on alcohol or drugs. They're most often locked into the cycle of committing crime to get the money to buy the drugs to feed the habit and so on and so forth.

Most experts agree that the offender's concern is a health problem, primarily, and I believe the Canadian police community would agree. However, when someone crosses the line from harming themselves to criminally victimizing other people, that is a problem for our justice system and for the Canadian public, given the system's responsibility to protect the public from those committing crime.

Although the terms "chronic offender" and "prolific offender" are often used to mean the same thing, the term "prolific offender" can be used to describe offenders who live a lifestyle of crime and victimization and have no lawful means of support. Although for the most part the legislation is in place to address offenders who commit crime, there are legislative changes necessary to strengthen the effects of the justice system in this 21st century.

Allow me to give you some ideas and try to make those tangible. Today I have specific recommendations for change that the committee might wish to consider.

Number one: changes to legislation are needed that make certain actions by justice participants mandatory.

Number two: Parliament must recognize in law the prevalence of alcohol and drug dependence and its influence on crime in today's society.

Number three: Parliament must make changes to the legislated "conditions of release" options, making them more reflective of today's realities and more effective in controlling an alleged offender's conduct while on release.

Let me begin with number one, please: making actions mandatory. When the police prepare evidence for a bail hearing showing the likelihood of an offender reoffending if released, this information amounts to a risk assessment or threat assessment for future criminal victimization. This information is very often disregarded, with no explanations given. This puts the public at risk, and the system is therefore not accountable.

With respect to number two, the legislation makes no mention of Canada's drug problems and the impact of drug dependence on crime and those who are trafficking in crime. I believe this is necessary. It would also link Canada's anti-drug programs to those most affected and causing the most criminal harm to others in our society.

On number three, changing conditions of release, the conditions of release options written into law in the 1970s and 1980s do not contemplate technological advances now available to the justice system. Electronic monitoring may well be an option the courts could consider for offender release, but that option in law does not currently exist.

Another example is the condition to "keep the peace and be of good behaviour". The example is often used, but it seems to count for nothing in today's system. That expression seems to really mean nothing.

There are many more examples I could provide to you, but the point is that we need to modernize the conditions of release options and ensure that they are effective in limiting the opportunities for criminal behaviour.

Here's the payoff, though: more focus on prolific, chronic, or repeat offenders will without doubt make our communities safer and without doubt reduce crime. I also believe that it will reduce the strain on our justice system, make justice more effective for all, and have a deterrent effect on offenders as well.

In conclusion, while the existing legislation is very much upheld by the Supreme Court of Canada, it needs to be modernized to reflect today's reality. The system needs to put more focus on the harm to Canadians from repeat offenders and the system's responsibility for protection of the public.

In the short term, I believe the only way to accomplish that is by making certain actions mandatory. Making changes to this area of criminal law will help bring about the changes that are needed to protect the public and reduce criminal victimization.

Thank you for the opportunity to address the committee this morning.

•(1115)

The Chair: Thank you.

We'll move on to Mr. Hanson.

You have 10 minutes.

Chief Rick Hanson (Chief of Police, Calgary Police Service): Thank you very much.

I have reviewed some of the previous submissions and it would be repetitive of me to reiterate the history of organized crime in Canada and how we got here, so my comments will be relatively brief.

But there is one particular point that I feel compelled to make. Those people who are involved in the mid-level and upper level of organized crime are in for one reason and one reason alone: profit.

Unlike other types of crime in Canada where addictions or stupidity may be the primary motivator, organized crime is motivated by greed and profit, and it relies on the continuous victimization of the naive and the innocent. Therefore, the government and the justice system must recognize that serious crime requires serious sentencing.

A criminal involved in serious and organized crime must be treated far more severely than the young, foolish male who finds himself in trouble with the law for a few years. Organized crime has serious social and economic consequences and we can't ignore the increasing impact on the Canadian economy and on Canadian society.

I want to speak to recent trends and some of the solutions I would suggest.

The first issue is diversification of organized crime groups, geographically and commercially. Whereas in the past organized crime tended to stick to one market, this is no longer the case. Groups will now be involved in any enterprise that makes money: human trafficking, prostitution, auto theft rings, debit card fraud, and mortgage fraud. Organized crime groups are no longer restricted to geographic areas or neighbourhoods and will cross all borders to pursue profits.

Organized crime groups are actively trying to corrupt and infiltrate police, the judiciary, and legitimate businesses. They are also actively working to unmask police sources.

The implication for law enforcement? As organized crime groups broaden their networks, they increasingly interact with each other, causing conflict and violence. Multi-faceted layers of criminal enterprise make it difficult for police to investigate, not only in terms of resources, but also in terms of in-house expertise. For instance, a simple drug file will lead to a complex fraud investigation requiring commercial crime expertise, tech crimes, etc.

Cross-jurisdictional crime trends make it necessary for different agencies—rural, municipal, corrections, CBSA, and sheriffs—to work together and share information. There are few processes and systems in place to facilitate information sharing.

There are some potential solutions to that particular issue. One is to facilitate exchange of information and intelligence between agencies through support to development of shared intelligence databases, analysis, and other resources. Another is to develop and support workable technology within the province and the country. The majority of law enforcement agencies use different technology and systems, which makes sharing of current information difficult.

To combat mortgage fraud, government needs to compel banks to discontinue their present desktop appraisal technique and develop new techniques that are designed to discourage mortgage fraud as opposed to facilitating it.

A second issue is disclosure. Two issues are associated with disclosure. One is that the Stinchcombe requirements use an excessive amount of police and judicial resources. Second, disclosure packages themselves are being used by criminals to uncover the investigative tactics of police.

Local intelligence reveals incidents of organized crime groups using disclosure laws to identify and respond to police investigative tactics. There have been instances of disclosure packages being disseminated in jails. Organized crime groups have also been known to hold what they call "heat meets", in which they discuss recent trends in police surveillance and the means to counter them.

There is a heavy onus on police and crown, such that it's virtually impossible to run an organized crime trial of any complexity in a province like Alberta. You virtually cannot try more than four people at once.

The implication for law enforcement is that counter-surveillance is becoming a huge issue. Counter-surveillance is their ability to identify the police and how they're responding to their particular crime issue. Traditional police investigative tactics are no longer as effective as they once were because they've been distributed to all the criminal elements, especially in organized crime, so they can study it and figure out a way to get around it. It significantly limits our ability to conduct large organized crime trials.

● (1120)

Potential solutions include: a review of the Stinchcombe decision for the purpose of simplifying disclosure for police and, where appropriate, masking police techniques so criminals cannot study them and develop counter-investigative strategies; the promotion of technological tools that address issues around the volume of disclosure; and increased federal prosecutorial capacity and experience by increasing positions and staffing levels.

The third issue is that organized crime groups have become increasingly technologically advanced. They are increasing their use of sophisticated techniques to communicate with each other and increasing their use of the Internet to facilitate the commission of crimes such as prostitution, money laundering, etc.

What are the implications for law enforcement? Again, counter-surveillance is becoming a huge issue. Organized crime groups are using anti-surveillance techniques such as RF or signal monitors to find police covert surveillance equipment and are using jammers to block the communications.

Both of these create safety concerns for officers and operational impediments to the running of a successful operation. There are many examples of police officers conducting traffic stops who have had their phones and, in some cases, their police radios made non-functional because of the application of these jamming devices. Traditional investigative techniques are becoming less effective.

Among potential solutions, the first is to have a cybercrime centre for Canada. We need a national centre for combatting online Internet crime to address spamming, viruses, and botnets, etc., but also to allow local law enforcement to have an investigative body to gather evidence of money laundering, frauds, etc. Moreover, under lawful access legislation, we need to be able to monitor crime groups in online chat rooms and in areas that are currently untouchable, such as game box online sites, MSN, and PIN to PIN communications on a BlackBerry, etc.

Lawful access legislation needs to be passed to enable police to monitor communication devices more effectively. Telephone companies and Internet service providers must be compelled to provide a back door for law enforcement to intercept private communications when we come to them with a judicial authorization for such interception.

In addition, law enforcement needs to be able to access subscriber information for cellphones and Internet IP addresses without a warrant. Legislation to make it illegal for citizens to sell, possess, use, or import signal jammers is also critical.

Finally, there is education. Organized crime relies on its ability to prey on the naive and the vulnerable. We have to do a far better job of educating the public. This has to include kids as early as elementary school so that they get the proper message on drugs and cyber-predatory behaviour that leads to approaches for prostitution and gang involvement. We need to continue this right through to high school.

How else does one explain the continuing success of some Internet frauds that are continually perpetrated on the public with great success when, to law enforcement and the educated, it's just ridiculous to think anybody could even be victimized by these types of approaches? There needs to be a national commitment to education to reduce the levels of victimization.

Thank you for this opportunity today.

• (1125)

The Chair: Thank you.

Mr. Skappak, you have 10 minutes.

Mr. Mike Skappak (Director, Criminal Investigations, Prairie Region, Canada Border Services Agency): Thank you.

Mr. Chairman and members of the committee, thank you very much for inviting the CBSA to participate in the hearings today.

The prairie region of the Canada Border Services Agency is responsible for securing prairie, Northwest Territories, and Canadian borders at our ports of entry, which consist of 37 border crossings, 5 airports, and 2 marine ports. Of the 1,216 CBSA employees in the region, 682 are border services officers. Since 2009, nearly 3 million air passengers, 460,000 commercial trucks, and nearly 1.3 million vehicles carrying 2.8 million travellers came into Canada through the prairie region ports of entry.

The CBSA region has seized drugs worth approximately \$26 million in the last five years, \$17 million of which has been seized in the last 12 months. The majority of the drug seizures in the past two years have involved cocaine from South America, khat from the

United States, and khat from Africa. Other drugs seized to a lesser degree are heroin, hash oil, and, of course, marijuana.

Although the majority of the drug shipments that have arrived by air enter Canada through the major ports of entry in the east and through Vancouver, there have been increases in the number of drug shipments at our airports, Calgary International and Edmonton International. One of CBSA's challenges in identifying suspect containers and shipments through air mode is the use of legitimate companies by organized crime to conceal their drug shipments.

The enforcement mandate of the CBSA is delivered through the efforts of the port-of-entry operations and three enforcement divisions of our agency. The majority of our officers work at our ports of entry and are managed through a network of five district offices throughout the prairie provinces and the Northwest Territories. These front line officers, who are the first point of contact for the traveller's entry into our country, perform inspections on their goods and conveyances.

Complementing the front line staff are officers from the criminal investigations and intelligence divisions, as well as the inland enforcement division. The majority of these officers are located in Calgary, Edmonton, Winnipeg, and Regina. In addition to those centralized units, officers are also located in offices in Coutts, Alberta; North Portal, Saskatchewan; and Emerson, Manitoba.

Criminal investigators are responsible for investigating, for the purpose of prosecuting, individuals who are purposely contravening the act we administer. In the prairie region, investigators prosecute a number of offences, including Immigration Refugee Protection Act—IRPA—violations, handgun and firearms smuggling, child pornography, and currency violations. Our criminal investigators conduct criminal investigations into suspected cases of evasion or fraud with respect to over 80 federal acts that relate to border legislation.

Our inland enforcement officers locate and remove foreign nationals who enter Canada illegally or individuals, including permanent residents, whose admissibility status changes after they have entered Canada. This activity involves investigations in cooperation with other law enforcement agencies, which include the RCMP and the Canadian municipal police departments. Many of the people removed from the prairie region have been deemed inadmissible due to criminal activity committed in Canada or overseas. Some of those individuals have been, or are currently, members of various recognized organized crime groups, including the Afrikan Mafia, MS-13, the Clippers, Fresh Off the Boat, and Fresh Off the Boat Killers.

Finally, our intelligence officers and analysts are responsible for anticipating illegal activity that has not yet occurred and for providing tactical intelligence to all program areas so that our interdiction efforts are more effective and our officers' safety is protected. Many of the indicators used by BSOs—border services officers—to identify suspicious behaviour were developed within the intelligence program.

More directly related to your deliberations here today is the fact that our intelligence program is most frequently and directly involved in the gathering, analysis, and sharing of information related to organized crime.

• (1130)

Thank you.

The Chair: Thank you very much.

We'll move on to the RCMP.

Inspector Imgrund, I believe you're going to be presenting. You have 10 minutes.

Insp Clemens Imgrund (Officer in charge, National Security and Criminal Intelligence, K Division, Royal Canadian Mounted Police): Thank you, Mr. Chairman and members of the committee.

I am the officer responsible for the RCMP criminal intelligence program in the province of Alberta.

Alberta's organized crime landscape has changed rapidly in the last 10 years, in part due to our prosperous economy. The economy has also resulted in a population influx from across Canada and around the globe.

With this, we have seen an increase in the ethnic diversity, complexity, and numbers of criminal organizations in Alberta. As part of the globalization, there has also been an increase in organized crime's scope of operations, with national and international connections being the norm. There are presently 83 organized crime groups identified in the province of Alberta.

Organized crime was once found mostly in major centres of our province. As a result of enforcement pressure and economic opportunity, they've expanded into rural areas and communities across the province, including areas such as Brooks, Lloydminster, Fort McMurray, and Grande Prairie. An example is a group of central east Africans who moved from Toronto and elsewhere to establish themselves in Alberta communities. This group has been involved in a range of offences, including assaults, weapons offences, drug trafficking, and murder.

The majority of organized crime groups have some level of involvement in the production, distribution, and importation and exportation of illicit and controlled drugs. This includes the movement of precursors, grow operations, and clandestine labs. They also are involved in a multitude of other criminal offences, including: counterfeit goods and pharmaceuticals; money laundering; prostitution; firearms trafficking and importing; vehicle theft; counterfeit currency, payment cards, and travel documents; diamond smuggling; human trafficking; illegal gaming; frauds; commercial thefts; and corruption and intimidation of officials.

When it comes to organized crime, our policing challenges are many, with sophisticated approaches to corruption of law enforcement, border personnel, corrections staff, lawyers, clerks, regulatory agency staff, airport staff, couriers, truckers, private security agencies, and whoever else can gain them an advantage. Also, there's the intimidation of those involved in the criminal justice system, primarily witnesses, but including prosecutors, judges, police, and corrections officers. Then there's technology, which is

used to thwart investigative efforts and to have the ability to facilitate crime from great distances anonymously, as is often the case in mass marketing frauds, counterfeit payment cards, identity theft, and travel documents.

The lag time in passing legislation to keep pace with the criminal trends and new technology is exemplified by the need for the proposed lawful access legislation, the increased complexity of investigations, the length of time required to investigate, the volume of evidence required, the need of highly specialized skill sets, the onerous judicial requirements, and the lengthy, complex prosecution of organized crime.

Organized crime groups conduct operations and move between multiple jurisdictions, using the different laws to impede law enforcement's ability or to create difficulty in obtaining evidence, sharing information, and conducting investigations. Organized crime recognizes no borders and exploits territorial models. There's also the disclosure of police investigative techniques through the court process and, subsequently, the sharing of these techniques among the criminal element.

How do we deal with these challenges? We start by ensuring that our limited resources are strategically focused on the criminal organizations that are doing the greatest harm and are vulnerable to enforcement activity. This requires a robust and timely intelligence process to identify the threats, vulnerabilities, and opportunities to assist in establishing the enforcement priorities, including common national platforms for the information and the ability to share and access the needed organized crime information.

The ability to share information must include government agencies and industry, both domestically and internationally. We need to ensure that we utilize appropriate enforcement strategies and partnerships. We must integrate police resources with other enforcement entities and prosecution personnel, and we must strengthen partnerships with government, industry, and communities, utilizing trans-jurisdictional partnerships and non-territorial enforcement models to reduce duplication and overcome jurisdictional challenges.

We need the appropriate police resources—namely, capacity, specialized skill sets, and experience—to deal with the complexity of these investigations. This includes the right equipment and legislation to be able to exploit technology, capture evidence, minimize the risk to investigators and the investigation, and reduce wasted effort. We need to be innovative and ensure that we are employing best practices in our investigative and prosecution strategies. We need the appropriate prosecution team with the right skills, experience, and equipment, and the capacity to support the investigation and manage lengthy and complex trials through the court system.

• (1135)

Police alone cannot tackle organized crime and gangs. We need more engagement and commitment from all levels of government and the public. I can't say enough about the strong engagement and commitment of our provincial government in Alberta to deal with these issues.

Examples of this support include: the creation of several new integrated enforcement initiatives over the past five years that are directed at giving police additional capacity to focus on organized crime and gangs; provincial legislation to facilitate enforcement, including civil forfeiture, soft body armour and armoured vehicle regulation, and provincial witness protection; a law enforcement framework where police, in conjunction with government, are identifying non-territorial models to reduce duplication and leverage resources through integration and sharing of common services; and the development of a multi-pronged cross-ministry gang strategy to reduce the impact, membership, and prevalence of gangs.

Within the RCMP, we've been involved in developing a province-wide aboriginal gang strategy and the creation of the Hobbema Cadet Corps, both of which are designed to reduce the impact, membership, and prevalence of aboriginal gangs.

We have integrated border enforcement teams working with partners in Canada and the United States.

Police in Alberta are using intelligence to lead their enforcement activities and it has been shown that we are working on the right priorities. The police members in Alberta are integrated in a number of areas, including under the auspices of the Alberta Law Enforcement Response Teams, ALERT. They have built strong partnerships with enforcement agencies across the province, country, and internationally.

In addition, we routinely work with prosecution services, both federal and provincial, to ensure that strong investigative and prosecution strategies are in place.

One aspect that is outside of our control and requires the engagement and commitment of government are the enhancements to legislation that are needed to ensure that law enforcement will be effective in dealing with organized crime.

There are some areas that create challenges in the investigation and prosecution of organized crime.

One is the need for lawful access legislation to allow police to keep pace with changing technology and criminal use of technology. Another is enhancing the ability to share with police information from government agencies and industry, domestically and internationally. The current environment is one of fear of sharing information, due to either legislative restrictions or human rights concerns.

Another area is the facilitation of access to financial records and complex testimony from non-accused in complex financial investigations. The current legislation creates significant investigative barriers and results in extremely lengthy investigations.

The current low threshold for disclosure creates a significant burden on police and prosecution in the way of costs, resources, and time. Disclosure law is used to identify police investigative techniques to the criminal element, compromising investigations and safety. There's a need to establish a well-defined and consistent threshold for relevant disclosure and for the courts in embracing electronic technology. This could be accomplished through enacting disclosure requirements and procedures.

We work closely with government, industry, and other law enforcement to create safe homes and safe communities in Alberta and across Canada. I am pleased to have been provided this opportunity to present to you. I'm confident that the work of this committee will be of benefit to all Canadians.

Thank you.

• (1140)

The Chair: Thank you.

The last witness in our panel is Brian Gibson.

Mr. Gibson, I understand there was some confusion over who you're representing and who you'll be speaking for. If you could, please clarify that. Then you'll have your 10 minutes to speak.

Mr. Brian Gibson (Chair of Board of Directors, Alberta Law Enforcement Response Teams, Criminal Intelligence Service Canada): Yes. I'm the chair of the Edmonton Police Commission as well as the chair of the Alberta Law Enforcement Response Teams.

Good morning. Today I'm privileged to provide testimony on the state of organized crime in Canada on behalf of Mayor Stephen Mandel and the Edmonton Police Commission. Additionally, as the board chair of the Alberta Law Enforcement Response Teams, I will speak from time to time from a provincial perspective.

There are three themes that I will address today: emerging trends in organized crime; working together to disrupt and dismantle organized crime; and the need for national leadership. Organized crime is complex, multi-faceted, and, most importantly, ever evolving. It poses a threat to public safety, security, our economy, and the overall health of our communities. This issue is far-reaching and indirectly affects all Canadians.

In Alberta, we know that 83 criminal organizations were operating in our province and the Northwest Territories last year, according to the Criminal Intelligence Service Alberta 2010 provincial threat assessment on organized crime. Seventeen of these organizations are new to Alberta's threat assessment since previous years.

While crime organizations have branched into many new markets, the primary activity of most groups operating in Alberta remains drug trafficking, with cocaine being the commodity of choice. In 2009 the Edmonton police alone seized 25 kilograms of cocaine, an increase of 8 kilograms over 2008. Marijuana is the second most popular drug trafficked by organized crime groups, with 47 kilograms seized by the Edmonton Police Service in 2009. These are considerable increases over previous years.

In addition, ALERT green teams, made up of investigators who specialize in dismantling marijuana grow operations, last year seized approximately 65,000 marijuana plants with a street value of \$78 million. To put this quantity in perspective, these plants, if grown to maturity, had the potential of producing nearly 33 million marijuana joints.

Criminal organizations operating within Alberta also profit from drug production, money laundering, prostitution, human trafficking, firearms trafficking, importation and exportation of vehicles, counterfeiting, drug smuggling, illegal gaming, and fraud.

During 2008 and 2009, information was received from various law enforcement agencies in Alberta suggesting that there had been an increase in the number of groups involved in financial crimes, including counterfeit payment cards, point-of-sale skimming rings, the production of false ID, and gift card schemes. What our police are attempting to dismantle are multinational criminal enterprises with a multitude of business operations and sources of revenue. When police disrupt or dismantle one revenue stream, another emerges.

While the severity of crime index and the crime rate declined in Alberta in 2009, they remained the fourth highest in Canada. The Alberta homicide rate was the second highest and our drug crime rate the fourth highest in Canada in 2008.

The criminal element is becoming more sophisticated. They use technology exceeding the capabilities of our police agencies to track and unlawfully access information. Technology such as police scanners, GPS devices, and encryption communication devices is being commonly utilized by organized crime groups to evade police and conduct counter-surveillance.

There has been a noticeable increase in the use of cellular phones and the BlackBerry by criminal groups to conduct their operations using e-mail and text messaging. Law enforcement agencies are challenged to keep up with the new technology. Without enacting legislation that allows police agencies to lawfully access information contained by third party providers and communication networks, criminal organizations are continuing to evade police detection.

Organized crime has no boundaries and frequently spills beyond municipal and provincial boundaries. We recognize the need for police beyond the boundaries of our municipality. The federal government has to play a more significant role in facilitating this on a national level. I'll provide you with a practical example of how the province of Alberta has addressed this issue.

• (1145)

It is leading the way with the most ambitious example of integrated policing in Canada. The Alberta Law Enforcement Response Teams, ALERT, were established to bring together Alberta's most sophisticated law enforcement resources under one umbrella to strategically tackle serious and organized crime.

This model allows teams of highly skilled municipal police, RCMP, and sheriffs to work together in an integrated environment to disrupt and dismantle serious and organized crime such as drug trafficking, gang violence, child exploitation, and organized crime.

Since ALERT's inception in 2006, ALERT units have arrested more than 2,500 criminals, have seized nearly \$8 million in cash, and have taken 800 kilograms of drugs and 350 firearms off the street. Today, ALERT comprises 400 seconded police officers and personnel. Funding is provided by the Province of Alberta, with municipal police and RCMP contributing a number of positions.

Investigation of organized crime is resource-intensive, costly, time-consuming, and complex. The ALERT model provides a strategic provincial focus to battle against organized crime, allowing for a coordinated, integrated, cross-jurisdictional response.

Intelligence is the cornerstone for targeted, effective law enforcement. A modern, standardized, real-time approach to gathering and sharing intelligence is critical to better identify crime hot spots and criminal movement and to direct enforcement activities.

Recognizing the sophistication of criminal networks operating in the province, the Alberta government is developing a provincial records management system called the Alberta Police Integrated Information Initiative, API3, to better share information among provincial agencies. In addition, a province-wide emergency radio network is in current development.

On a national level, intelligence systems need to be modernized. The development of the next generation of criminal intelligence systems for Canada must be fast-tracked. Good information that could be used to track criminal organizations moving between jurisdictions needs to be better collected, analyzed, and disseminated.

Aside from this, the work of the Canadian Integrated Response to Organized Crime, CIROC, a division of Criminal Intelligence Service Canada, has been recognized as a successful information sharing forum among member agencies. It provides a balanced, intelligence-led approach to combatting organized crime throughout Canada, and it is an excellent example of leadership at the national level.

No community is immune from organized crime and no one jurisdiction can combat organized crime on its own. The federal government has a responsibility to provide leadership on a national front. The Criminal Code and the proceeds of crime and witness protection legislation could and should be strengthened to address issues our police are facing in fighting organized crime.

In Alberta, police agencies have moved to civil forfeiture through the Victims Restitution and Compensation Payment Act, because the federal proceeds of crime legislation is too cumbersome. The burden of proof is too high on police and prosecutors. The reverse onus should be put on the defendant.

Additionally, the witness protection program is not responsive to the needs of police informants and sources. Our police would be able to disrupt and dismantle more organized crime if we could offer witnesses short-term protection and temporary relocation during the investigation and trial. The threshold for witness protection needs to be revisited and the current program needs to be streamlined, modernized, and better funded.

Our National DNA Data Bank is a powerful tool in combatting crime. It helps to link crimes without identified suspects with previous entries in the database, eliminates possible suspects, and identifies prolific offenders.

Significant gains have been made in the area of DNA ballistics analysis and other forensic identification; however, funding issues need to be resolved and federal resources need to be devoted to forensic testing in order to reduce wait times for analysis of evidence.

• (1150)

Edmontonians have expressed concern to city council and the Edmonton Police Commission about the severity of crime in our community. Edmonton City Council and the Province of Alberta have responded by adding 314 new police officers to the Edmonton Police Service and more than \$33 million in funding since 2005. We've also brought together 400 highly skilled police officers under the ALERT umbrella to tackle serious crimes from a strategic, intelligence-led, cooperative front.

The federal government has a significant role to play in better coordinating provincial crime-fighting initiatives, strengthening legislation to assist police officers, and providing more funding to municipal police agencies. In the throne speech, the Governor General stated that "our Government will introduce legislation to give police investigative powers for the twenty-first century". She further acknowledged that "Canada's police officers and chiefs have asked for these vital tools to stay ahead of the tactics adopted by today's criminals".

On behalf of the mayor and the Edmonton Police Commission, I am hopeful that this promise will translate into changes that: better track criminal movement across jurisdictions; allow for coordination of directed enforcement activities; provide lawful access for intelligence gathering; lower the threshold of proof for proceeds of crime; offer improved witness protection; and devote more resources to the National DNA Data Bank.

Thank you for the opportunity for us to provide this testimony today.

The Chair: Thank you.

We'll open the floor to questions now. We'll begin with Mr. Murphy, for seven minutes.

Yes, Mr. Comartin.

Mr. Joe Comartin: On a point of order, we have one more, don't we?

The Chair: Did I miss anyone?

Madam Clerk, I understood that each organization was going to receive 10 minutes. Typically, for example, if we have the RCMP up here they have a collective 10 minutes.

S/Sgt Terry Kohlhauser (Non-commissioned Officer in charge and Team Commander of Project KARE, K Division, Royal Canadian Mounted Police): Project KARE was notified late last week and I was advised to be here with a presentation.

The Chair: May I suggest to you that we have your presentation and we will all read through it? What I don't want to do is leave us

short of time for questions, because we have about an hour, and everybody should get an opportunity to ask questions, if that's all right.

S/Sgt Terry Kohlhauser: Yes, there's no problem.

The Chair: Mr. Comartin, do you agree with that?

Mr. Joe Comartin: I wonder if we can give him even just two minutes for an overview of KARE.

The Chair: All right.

In two minutes, give us a summary of your presentation, please.

S/Sgt Terry Kohlhauser: I'm the team commander and a staff sergeant with the RCMP.

In the fall of 2002, it was noted that an increasing number of cases involving found human remains were determined to be cases of persons who had been engaged in a high-risk lifestyle in the Edmonton area. Our K division criminal operations officer requested that a strategic analysis be completed on all high-risk missing females and unsolved homicides in Alberta.

A report and strategic overview were completed in November of 2002. The overview confirmed that significant numbers of high-risk missing persons and unsolved female homicides were reported in Edmonton as opposed to other parts of the province. In January 2003, the high-risk missing persons project, HRMPP, was formed.

This team incorporated several police analytical processes, investigative file reviews, and major case management protocols. The HRMPP soon expanded its definition to include all high-risk missing persons, regardless of gender. Its mandate was to identify, collect, collate, evaluate, and analyze all high-risk missing persons and unsolved homicide cases in Alberta and the region, determine if they were potentially linked, and, if possible, identify offenders.

That review resulted in a task force being created: Project KARE. The four goals and objectives of Project KARE are as follows: first, to formulate and implement strategies to minimize the lethal risk facing high-risk missing persons; second, to create and pursue investigational strategies to investigate leads and to apprehend and prosecute the serial offender or offenders responsible for these types of crimes; third, to establish an integrated RCMP and EPS homicide unit that enables the Province of Alberta to have a permanent capacity to investigate high-risk missing persons, unsolved historical homicides, and serial offenders; and fourth, to create a template of best practices for utilization in other similar projects nationally.

There are several initiatives within KARE. One of them is the proactive team. This team was established to canvass, identify, and register sex trade workers and others engaged in high-risk lifestyles on the streets of Edmonton.

The members of this unit have been very successful over the past six years in building genuine trust between the unit and those leading high-risk lifestyles. It's allowed for intelligence gathering on persons of interest and potential suspects who interact with sex trade workers.

It also provides an educational and preventative framework to develop reliable information pertaining to the whereabouts, movements, associates, identifying characteristics, and next of kin contacts of sex trade workers. This proactive team is one strategy investigators utilize to collect, analyze, and potentially link information with respect to persons identified as "bad dates". They present a particular challenge to our conventional methods of enforcement due to the lack of trust between persons living in that environment.

In the Project KARE analytical unit, which contains the Alberta missing persons and unidentified human remains project, there are several initiatives. A website has been developed by that unit. Police can view and search over 180 missing persons and unidentified human remains profiles that contain photos and information gleaned from the RCMP and other agencies.

New cases are added on a regular basis to our missing persons website. In November 2009, Project KARE obtained approval from policing partners in Manitoba and Saskatchewan to import their missing persons data from their provincial missing persons website into the AMPUHR searchable database, which already contained Alberta cases and cases from the Northwest Territories and Nunavut. This will allow us to create a centralized, searchable, missing persons data set.

Project KARE and our Alberta missing persons and unidentified human remains team are contributing partners to the ongoing Canadian strategy on missing persons and unidentified remains. The ultimate goal is to develop a national, searchable, missing persons and unidentified remains database, a publicly viewable website that Canadian police agencies and the coroners services will contribute to and share. This committee is currently looking at ways to adapt existing databases and search tools to meet their needs.

● (1155)

The Chair: Thank you.

We'll move on to Mr. Murphy, for seven minutes.

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

Thank you to our witnesses for coming here today.

Some of us have been on the justice committee for quite a while, we've been around the country a little bit, and we get a lot of issues. We understand the need to tackle the disclosure issue, so I won't dwell on it. We understand that it's an issue that probably can be helped with legislative intervention. We get that.

We definitely get the idea that technology is surpassing law enforcement's ability to keep up and that something has to be done about it. Please don't think that I'm not asking about it, that I don't care, or don't understand it.

We also get that prevention, early intervention, and tackling mental health issues, which are often intertwined with recidivist

crime and so on, are extremely important. But I'm not concentrating on those today.

I'm going to be rather surgical in asking specific questions of specific witnesses, so please understand that we think there are some great ideas here. This mortgage fraud reform seems very pertinent and is something that can be done.

But two specific things struck me, and I'd like to give you the time to flesh them out. Chief Hanson in particular, you spoke of—I didn't write this down perfectly—the national cybercrime unit. It sounds to me, from Mr. Gibson's testimony, like you have a great precedent here in Alberta. We've been in other places where the silos are still pretty strong, but the ALERT example sounds pretty good.

It sounds to me as though in Alberta you have the "working together" thing going pretty well, so maybe you have really good evidence to give us. What would this look like? How would it help? Who do you see being part of it?

● (1200)

Chief Rick Hanson: As you suggested earlier, we're woefully behind, and not only in relation to investigating organized crime and its ability to use technology. Canada is in desperate need of a national organization consisting of educational partners, the private sector, and the police to better monitor some of the multitude of huge risks associated with the use of Internet cyber-attacks, not only on our critical infrastructure, but also in relation to policing and to regular citizens.

There's so much that's happening that we and the average citizen are not being kept aware of. I guess the best way to put it is that if we can get ahead of it with this national partnership that would include those three key partners—the private sector, government, which includes the police, and educational facilities.... There's that gap in protecting the average person in society from the predators who use the Internet for everything from viruses to infiltrating people's computers to obtain key information from them. There are things that are as simple as identity theft—and I mean it, it is simple today—right up to accessing key information that will allow them to commit serious fraud.

This model just does not exist anywhere in Canada today. There was an effort made to try to build this type of model with work by Ian Wilms and the Global Centre for Securing Cyberspace. There's an international appetite to commit resources and organizations to work towards this common end, but the reality is that it's not happening in this country, and the gap continues to grow. What we're seeing is victimization at the early levels, the youngest levels, with kids, right up to the senior levels, with seniors themselves, who are so open to being victimized by crime.

I don't know if this helps at all. The short answer is that there is an appetite for it at all levels.

Mr. Brian Murphy: Thank you very much for your help.

Chief Boyd, you spoke around specifics on the topic. I listened intently. You spoke about the players in the criminal justice system; not to sound like a *Law & Order* prelude, they're independent, but also interdependent.

Chief Michael Boyd: Yes.

Mr. Brian Murphy: In particular, I think you were talking about show cause hearings and reports prepared therefor that are being ignored. Are you saying that judges are not taking into account bona fide and useful reports and that they should be made to?

Because you talked in your second point about specific reforms to make certain things mandatory. Let's be open and frank here. Are you saying that certain players are not taking good evidence into account to make right decisions? Because you did say, particularly with respect to section 515, that the legislation is there and it works, but it's not being applied right.

Chief Michael Boyd: I think a number of different participants need to do what they need to do. For example, in some parts of Canada, police officers act and do the job of crown prosecutors, which in my opinion is totally unacceptable. Crown prosecutors need to be engaged to do what their role is in the system.

I think justices of the peace and judges need to take judicial notice of what amounts to a threat assessment. It's not just a bunch of information. In today's policing parlance, it's a threat assessment/risk assessment and there are very valuable clues that I think need to be taken into consideration.

All of us are engaged in a system to make it effective. We all need to do what we are all responsible for doing, so that the public is protected.

In my humble opinion, that's not what is happening now—including among judges.

Mr. Brian Murphy: I only have 45 seconds left, I know, but would you say that a piece of legislation should say a judge "must" consider the threat assessment, if you want to call it that, or that he "must" follow it? What exactly are we talking about here?

• (1205)

Chief Michael Boyd: I think so, and yet the law says that on a reverse onus, a judge must provide reasons and must say why. If you got a transcript of all of the show cause hearings, I submit to you that you wouldn't find a judge offering an explanation.

Mr. Brian Murphy: Thank you.

The Chair: We'll move on to Monsieur Ménard.

[Translation]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Please allow people time to get their earphones in place, and to be fair, as you always are, please begin timing me when everyone is ready.

I would like you to confirm quickly that I have understood something correctly. There is no longer a single, main group monopolizing criminal activities, like the mafia or the Hells Angels. If I understand correctly, now there is much more diversification and many organized crime groups. Is that right? I thank you, because the same thing will be noted elsewhere.

Furthermore, you all talked about human trafficking. A bill was passed in 2005 regarding subsection 279(1) of the Criminal Code. Recently, when there was an effort to strengthen that aspect of the law, we noted that only about six or eight such cases have been prosecuted under section 279 in all of Canada.

Are there other cases of human trafficking? Have there been any arrests? Why is this new subsection added to the Criminal Code in 2005 not being used more?

[English]

Chief Rick Hanson: Calgary laid charges for human trafficking just this past year.

But like every organized crime investigation, it takes a huge amount of resources to focus on the investigation itself. When you don't see large numbers of charges, it may not be because the effort is not there; it may be because the effort is currently under way in the form of an ongoing investigation. When we target these large organized crime groups, we find that it's not just about human trafficking: there are links to their other enterprises.

I can tell you that in Calgary we have used that legislation. The case is currently before the courts.

Chief Michael Boyd: In Edmonton we have also laid those charges, and we continue to have investigators focus on that particular crime of human trafficking.

[Translation]

Mr. Serge Ménard: But how many cases have there been, approximately?

[English]

Chief Michael Boyd: I can't tell you how many cases are on the go now, but I can tell you that we made our first case a little more than a year ago, probably, and we continue to investigate that crime. There's been an increasing movement of people from other parts of the country and from other parts of the world to Alberta. We've seen this as a bit of a shift, and it's something that we've seen more of recently than we did in the past.

[Translation]

Mr. Serge Ménard: Alright.

I wonder if you can talk to us about the sharing of information on criminal activity among various police forces and, if I am not mistaken, customs officials. Is that organized in any way?

[English]

Mr. Mike Skappak: One of our biggest struggles as an agency is transferring intelligence from a police force to an agency, and vice versa. We are integrated into some of the integrated units across the country—IBETs, CIID, CCIU, and CEIU—and we're trying to make strides toward that.

However, we do have a problem with section 107 of the Customs Act, which prevents us from sharing in a timely fashion from time to time. It can delay the transfer of information, and sometimes when you need it in real time, that is a problem. But we're hopeful that integrating members, intelligence officers, and analysts into these units will expedite that.

•(1210)

Mr. Brian Gibson: Within the province of Alberta, that's the foundation of the ALERT model: to provide us the opportunity to do intelligence sharing across the province. We're working directly toward that.

[*Translation*]

Mr. Serge Ménard: Perhaps you have already heard about the Carcajou squad in Quebec, which tackled the Hells Angels, and was very successful. The formula consisted of bringing together police officers from various police forces into a single squad. Thus, they were able to share criminal intelligence quickly, on a daily basis, and when combined with intelligence from other police forces, it was often complementary.

Has this model been introduced here? If not, has it been considered?

[*English*]

Insp Clemens Imgrund: I have the red light, so that's great. I was wondering when I was going to get a chance.

Some hon. members: Oh, oh!

Insp Clemens Imgrund: Thank you.

In Alberta there's a great deal of exchange of intelligence, but we are challenged by technology. We are hoping the new API system that Mr. Gibson spoke to is going to help solve that problem. We utilize ACIIS, the national crime data bank, and various other processes to do that. We have daily interagency conference calls, which I chair, where we actually exchange intelligence on a live basis.

We also have a great number of integrated units within the province where the exchange of intelligence is inherent. The Calgary criminal intelligence unit and the Edmonton criminal intelligence unit are integrated units. Not only do we share intelligence on a regular basis, but we work together day to day. Therefore, the sharing of this intelligence is inherent to the daily processes.

We are very optimistic that once API3 is developed and the new platform to replace ACIIS is in place—and I don't recall its name—it's going to help facilitate that from a technological point of view. I would suggest that our biggest challenge at this time is to have a seamless technological process to facilitate the exchange. That's why, in the interim, we have something like these daily teleconferences for the exchange of intelligence.

The Chair: Mr. Comartin, you have seven minutes.

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

Thanks to all of you for being here.

I was in Toronto on Thursday. We got some indication of the corruption of officials. I was concerned about the way that was presented. I have the same concern, Inspector Imgrund and Chief Hanson, that you have today.

I'll ask the question that I posed to the police officials at that time. Are you aware of any cases where judicial figures—prosecutors, regular police officers, people within our corrections system—have been corrupted by organized crime?

Chief Rick Hanson: The answer to that is yes.

Mr. Joe Comartin: Were charges laid and convictions made?

Chief Rick Hanson: No. In answer to the question of if we are aware of where corruption and infiltration are occurring, not to the point where we've laid charges, but there are investigations under way.

Again, it's an issue of resources and the ability to focus an adequate amount of resources on those investigations. Nothing is more important than that, I want you to know, but I can categorically assure you that we're very much aware of the issue as it relates to Calgary, and we have investigations under way.

As you can understand, I obviously can't even comment on which branch of the justice system we're looking at, but I can tell you that we do have investigations under way.

Mr. Joe Comartin: I want to be clear that I'm talking about corruption in the form of bribery or active engagement as opposed to intimidation. Are you distinguishing that way as well?

Chief Rick Hanson: Yes. Intimidation is one thing I would gladly be able to give you more detail on, but corruption includes having influence on accessing either police information or information within the justice system, or influencing the actions of somebody within the justice system.

Mr. Joe Comartin: Do you expect charges to come out of these investigations or is it too soon to be able to answer?

Chief Rick Hanson: I expect that at some point down the road, yes.

•(1215)

Mr. Joe Comartin: Inspector, are there any investigations in your area?

Insp Clemens Imgrund: I'm aware of two current investigations that involve corruption. I suspect one of them is the same one that Chief Hanson was making reference to.

I also know of incidents of corruption at a lower level, where a detachment clerk, for example, was inappropriately manipulated for the purpose of gaining intelligence. But it is happening at a higher level as well; people who are in an official capacity are being utilized for the sake of facilitating criminal offences.

Mr. Joe Comartin: I'm trying to put this in a time context. Is this a relatively recent development? What this committee is trying to get a sense of is the penetration of organized crime in society generally, and in terms of these questions, specifically in the criminal justice system. Is this a fairly recent phenomenon or do you have reason to believe that it's been going on for some time?

Chief Rick Hanson: Again, I can only speak for Calgary, but unfortunately I think we've been incredibly naive over the years as it relates to Calgary. I think it has probably existed for longer than we believe. But now there's a firm understanding that it is a new part of the police landscape.

Again, it's something that is more complicated to investigate because it needs an independent body to investigate it. When you investigate people within the justice system, people you work with every day, they're pretty much familiar with who you are, and that creates an issue. But on the level of it, I think it is increasing.

Mr. Joe Comartin: Mr. Gibson, the OPP indicated it had set up a unit within the OPP in Ontario, but I share with Chief Hanson that concern of them investigating themselves.

Is there anything going on at the provincial level for some type of independent body being established to conduct these types of investigations?

Mr. Brian Gibson: Yes. We've set up ASIRT. It's provincial and chaired by a lawyer. He has investigatives. He seconds them from the police services at this point in time.

Mr. Joe Comartin: Can the investigation he would be conducting result in criminal charges?

Mr. Brian Gibson: Yes.

Mr. Joe Comartin: How much time do I have, Mr. Chair?

The Chair: You have two and a half minutes.

Mr. Joe Comartin: Thank you.

We haven't heard much—and I'm speaking specifically of Alberta and the territories—about the stereotypical old gangs, the Mafia, the Cosa Nostra, that type that mostly came out of the prohibition years. Do they have any significant presence in Alberta?

Chief Michael Boyd: Of the old gangs, there are the obviously traditional organized crime gangs, but in recent years a lot of other new gangs have been formed. One of the things that's interesting is that we're seeing mergers of interest, whereas at one time, some years earlier in my career, I would say, most gangs or organized crime groups stuck to themselves and did their own thing.

That's not what the trend is these days. They come together. There are mergers of interest where money can be made; it's for that reason that you see those mergers come together.

Mr. Joe Comartin: Inspector Imgrund.

Insp Clemens Imgrund: On a day-to-day basis, we in the intelligence community see exactly what Chief Boyd is speaking to; I would like to confirm that it's exactly the case. But to add to that, yes, we do see the traditional organized crime groups. It's just that how they interrelate with other organized crime groups is evolving.

The traditional ones definitely do still exist in this province. What is interesting, of course, is that their level of sophistication is much greater due to the length of time that they've been engaged in these activities.

Mr. Joe Comartin: Would they have contacts with organized crime groups elsewhere in the country or internationally?

Insp Clemens Imgrund: Oh, absolutely. Not only do they have contact, but very often the organized crime groups expand across the country. So certainly, there's leadership outside of the province in some cases.

Mr. Joe Comartin: I have a quick question on the proceeds of crime.

I think we're getting the same response across the country. There's very little use, if any, of the federal legislation, and much more use of provincial legislation because of the balance of probabilities versus proof beyond a reasonable doubt, or even the reverse onus.

Is it the same in Alberta? How successful are you in using the provincial legislation?

• (1220)

Chief Rick Hanson: We are fairly new to the provincial legislative game. It's only been in place for about a year. It has been extremely successful and it grows monthly.

Mr. Joe Comartin: Where do the—

The Chair: That's it.

Mr. Rathgeber.

Mr. Brent Rathgeber: Thank you, Mr. Chair.

Thank you to all the witnesses for your excellent presentations and for your service in keeping Canadians safe.

Chief Boyd, I listened with interest to your concerns about judicial interim release and show cause hearings. I am certainly sympathetic, but like my friend, Mr. Murphy, I'm at a bit of a loss as to how to fix it. I thought I might explore some of your impressions in a little more detail.

You indicated your experience and said that hundreds of individuals commit crimes when they're on judicial interim release. Does your department keep specific statistics on how many crimes are committed by individuals while they're on release from other offences?

Chief Michael Boyd: In 2006 we did a study here in Edmonton. We looked at it and identified 137 people who had been arrested over 100 times in five years. Now, we stopped at 137, but we probably could have gone up to 237.

When we brought the backgrounds forward and diagrammed them out quite differently from the justice system partners' traditional look at it, it was just horrendous as to, first of all, why that level of crime existed, and then why our justice system was so bogged down and clogged up with what was going on.

Mr. Brent Rathgeber: Put yourself in my seat as a legislator. If you were to make justices of the peace and judges take into account those reports, which you suggest they are not, other than making them provide reasons for their decisions to release or not release somebody, how would you make it mandatory?

Chief Michael Boyd: It's hard for me to fathom how a person could be out of custody and operating in the community on 10 existing bails. It's just beyond my imagination how that could happen. That mere fact tells me that we have a repeat offender. To disregard that kind of information...

By the way, within the province of Alberta, I think fewer judges are involved in dealing with bail because of the process that's been set up here with justices of the peace. There are more justices of the peace who would come into contact with bail issues.

Mr. Brent Rathgeber: You indicated the meaninglessness of the words "keep the peace and be of good behaviour". Again, if you were a legislator, how would you have those words read? What would you change? What should be the condition on a person's release?

Chief Michael Boyd: Well, I think the words are just so overused that they don't mean anything anymore. I'm not sure whether I would replace those words. I think any of us who work in the system understand what that's supposed to mean, but it doesn't seem to have the kind of effect we would hope for.

If someone is re-arrested after being told to be of good behaviour and keep the peace, if they violate that, it would seem rather obvious that they didn't have the same respect for the courts as we would hope.

Mr. Brent Rathgeber: I want to change gears here. I don't know if you're aware of this, but we're going to be hearing this afternoon from Mr. Mahamad Accord from the Alberta Somali community. As you know or as the members will certainly hear this afternoon, the Somalian community has had some problems with respect to its involvement in organized crime. Tragically, a number of members of that community have been murdered.

So my question on that is twofold. In your view, why do so many young Somalians—for the most part from Toronto, the GTA—end up being lured to Edmonton to get involved in drug trafficking and why do so many of them end up murdered? Thirdly, why are so many of those murders unsolved?

Chief Michael Boyd: First of all, I would say they have come to pretty fertile ground here in Alberta. Organized crime goes after the money. Certainly in the past, and even more so before the tougher economic times, the money was here in Alberta. That would provide the opportunity for individuals committing crimes—and especially for organized crime—to come to a place like Alberta.

But there is conflict within organized crime, and often when you see that conflict played out, there's violence. In a number of cases, we have seen many individuals murdered because of their connection with organized crime—not just those in the Somali community.

I don't want to prejudice any unsolved investigations here by saying more than I ought to, but I think these cases are often tougher to solve. Witnesses can be reluctant to testify. They're concerned about the protections that would be afforded to them.

•(1225)

Mr. Brent Rathgeber: Do I have any time left, Mr. Chair?

The Chair: You have one and a half minutes.

Mr. Brent Rathgeber: Switching to Chief Hanson, then, I thank you for your words as well, Chief, with respect to technological advancement.

I appreciate that criminals are becoming more sophisticated, but if I heard you correctly, you were suggesting that we might consider allowing police to intercept cellphone transmission and require service providers to provide IP addresses without warrant.

I have two questions. How do you think the courts would respond to that? Do you think the public is ready to have cellphone transmission monitored without warrant?

Chief Rick Hanson: I don't think I said that; we recognize we'd have to have a lawful intercept order in place—part VI—in order to intercept private communication.

What we're saying is to have the ability to do it... Subscriber information is not available in regard to just straight out who has what number; currently it's not easy to obtain, and yet it's information that should be easy to obtain. The simple information around who is registered to a particular phone should just be public information or should be easy to obtain for the police.

Secondly, it's to have access, or in other words, to be able to access with the lawful authorities. Some of the technology that's out there is absolutely critical. Currently we don't have that. It's just not where it should be, that requirement for technology companies to have access to some of the technology that exists out there, such that when the police have a lawful order, they can access the information that's required. It's not there.

Mr. Brent Rathgeber: Thank you for that important clarification.

I expect that my time is up, Mr. Chair.

The Chair: It is. Thank you.

We'll move on to Mr. Murphy for another question, this time for five minutes.

Mr. Brian Murphy: Thank you.

For guns, drugs, money, or sex—human trafficking sex—we're hearing increasingly that money, for organized crime anyway, is what sort of greases the wheel, and the other things are areas of enablement. We've talked a bit about drugs. We've talked a very little bit about guns.

The Criminal Code has been amended for many years in regard to dealing with specific violent crime. I don't want to turn this into a meeting on sentencing. For mandatory minimums, we can have that debate in Ottawa. It just goes around and around, you know, like everything in Ottawa.

But in terms of actually getting the guns out of the system, the guns that criminal organizations and gangs use, what can we do? Don't talk about sentencing, because we've dealt with that, and I don't think it's working. There's a big border. I think you said that there are 37 border sites here in western Canada. Where are the guns coming from? How can we get them out of the system to some degree?

Anybody can answer.

Chief Rick Hanson: Well, the one thing I would disagree with you on is that I'd love to see where sentencing is even applied. I think they're not looking at gun possession seriously. When someone carrying a handgun is picked up in downtown Calgary in the entertainment district, I don't think it should matter what he's doing with it. I don't think it should matter that he hasn't shot anybody yet. The mere possession of that gun should result in a significant sentence, because at the end of the day, the intention is to kill somebody.

That's not happening. It's a joke. The sentences around possession or use of a firearm in the commission of an offence are absolutely pathetic, especially with the time they're in jail. I'd love to see a regimen in place that actually sends these guys to jail. Let's get off the—

Mr. Brian Murphy: You're talking to an east coast Liberal, so I don't think that's a problem.

In terms of getting the guns out, I didn't mean to minimize that—

Chief Rick Hanson: It's search and seizure.

Mr. Brian Murphy: —but we talk about sentencing a lot. We need to do more. I agree with that. But on the supply of guns...?

Chief Rick Hanson: It's search and seizure. The ability of our officers to conduct search and seizure is severely limited.

I think there has to be a distinction between violating somebody's home and doing a traffic stop late at night when you have certain grounds. Maybe those grounds are insufficient to justify a search warrant, but certainly they're sufficient grounds to believe that this is a dangerous person—because you have information—and to subsequently search that vehicle and remove the firearms before they're used in the commission of an offence, without having to justify the criteria that have been established by the courts through the interpretation of the charter.

If you're serious about getting guns off the street, then untie our hands and let us do what we're paid to do out there. We'll do it for you. In the meantime, with the gun registry, we pretend we're doing more. We're just kidding ourselves. There are guns flooding into this country in numbers that we have not seen, ever, and I've been in policing for 35 years.

● (1230)

Mr. Brian Murphy: Is there any time left?

The Chair: You have two minutes left.

Mr. Brian Murphy: I'm really interested in this gun thing. Does anybody else want to speak? The border people may be implicated in this.

Mr. Mike Skappak: Yes.

Mr. Brian Murphy: Guns are flooding into the country. You're CBSA. What do you say to that?

Mr. Mike Skappak: Yes, absolutely. Port of entry gun seizures are up right across the board. A lot of our challenge is between ports, which is the jurisdiction of the RCMP. We put people into the IBET units to curb some of this issue; however, the guns continue to flood in.

The main thing here is that it's about intelligence sharing, about getting information from the convictions and seizures made inland back to us so that we can track the weapons back and use our international partners to possibly identify where the guns are coming from. Getting that is huge and sometimes that's limited.

Other than that, the huge challenge is the issue of it being between the ports. There are miles and miles of border that surround this country. There are 37 ports of entry in the prairies. Down east, there are more ports that closely attached to each other and there's not as much distance between them.

Mr. Brian Murphy: Briefly, then, in 20 seconds, are the guns coming in primarily through known border points—ports or airports or whatever—and then being concealed, or are they coming in across our undefended, porous border, where there are no posts? Do we know this?

Mr. Mike Skappak: It's both.

Mr. Brian Murphy: Is there no proportion to it—mostly this or mostly that?

Mr. Mike Skappak: No, there isn't, really, unless my counterpart from the RCMP knows anything different.

Insp Clemens Imgrund: No. Beyond that, there's not much I can say other than to mention the fact that in the areas where they're coming across, the porous areas of the ports, I think there's an unknown element to it. It's hard to speak exactly to what extent it is happening, but certainly there's no question that it's happening, by both means.

The Chair: Thank you.

Monsieur Ménard, you have five minutes.

[*Translation*]

Mr. Serge Ménard: In the case of these people who have been arrested over 100 times, this must not involve very serious charges, since they have been released so many times. I doubt a judge would release someone convicted of murder before 20 years, or even individuals convicted for bank robberies, armed robbery, and so on.

Do you really know of cases where people have arrested over 100 times? Are these not, as I have seen at times, unfortunate souls, people of very limited intelligence who commit petty crimes, like shoplifting and petty larceny, simply so they have a roof over their heads in the winter? Do you really know of cases of dangerous criminals who escape justice 99 or 100 times?

[*English*]

Chief Michael Boyd: The people I was referring to were arrested for a variety of offences: break and enter, certainly; theft of auto, or stealing cars; and theft from auto. Sometimes, though not in all cases, there were robbery arrests, violent crime. A lot of that, in comparison to murder, sounds like minor crime, but if you get enough of it, it can really affect an entire city. In my experience, that's the effect of not dealing appropriately with crime.

I'm not referring to some people who may be out of work, who may be homeless and on the streets, and who may be committing some crimes as a form of existence. I'm talking about people who are committing crimes on a habitual basis; if they go to jail for a little bit of time, it's just the cost of doing business.

● (1235)

[*Translation*]

Mr. Serge Ménard: In your presentation, you spoke a great deal about mandatory measures. You talked about them a lot in relation to people who are released on bail.

Am I to understand that these mandatory measures have to do with release conditions, and not mandatory sentences?

[English]

Chief Michael Boyd: For those people who are out on bail, who are before the courts facing charges, there are limited conditions written into the Criminal Code, which I think need to be modernized. That was my point. We need to look at where the world is now in 2010 rather than where we were in the late seventies or early eighties.

I think there are some conditions that... We may put curfews on individuals. There may be people who are out breaking and entering into homes in the daytime, but whose curfew is to be inside a location—ideally, a given residence—from nine o'clock at night to eight o'clock in the morning. So it's not limiting or controlling their behaviour.

I believe that the conditions that need to be expanded and specified in the Criminal Code need to be more consistent with today's world. For example, with some street gang individuals, I know of an incident where, in order to restrict their ability to operate, the request was to prohibit them from carrying cellphones, because when they carry cellphones, that's how they do their business. It was, I believe, a responsible condition to prohibit them from carrying cellphones, but these conditions need to be expanded. They need to be commensurate with controlling the behaviour of individuals if they are out of custody on strict conditions. I think we need to revisit that.

[Translation]

Mr. Serge Ménard: In any case, the end of those sections always include the mention “any other condition prescribed”.

Basically, do you want to be able to force them to wear a device, like an electronic monitor, to follow their movements? Is that what you would like to see? Secondly, you did not want to—

[English]

The Chair: Monsieur Ménard, your time is up.

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

Mr. Rick Norlock: Thank you, gentlemen, for being here today.

I'm going to be challenging to you. I'm going to make some statements that you'll get at the local Tim Hortons with regard to our seriousness when it comes to crime. Then I'm going to talk about one of our previous witnesses in Toronto and what he had to say about the seriousness with which our society, particularly our governments and police, investigates organized crime.

I'm referring to the evidence of Mr. Antonio Nicaso, who is an investigative journalist specializing in organized crime. He says we're not really serious about investigating organized crime because we devote so little attention to it. If I could paraphrase—and he'd probably get a little angry—we're basically going after the low-hanging fruit, the minor drug dealers. We're not really working on the big guys. He was referring in particular to the Mafia, to that high level, to the guys who are buying legitimate companies, money laundering, etc. He says if you go after them, the rest falls.

I want you to address your comments to this. Are you doing anything about it? We're shy of time and I need some quick answers.

Then I'm going to go to the CBSA. I'm going to give you time to think about this. Some of the people say that CBSA is mostly interested in getting some duty from the people who go down to the States for shopping, because you're not really serious about getting the drugs and the other things coming across the border. You've heard that before, I know you have, so I want you to address that.

Mr. Gibson and the others can follow up, but this is particularly for the chiefs of police. Are you really that interested in getting the big guys? Or are you just interested in taking down the low-hanging fruit?

● (1240)

Chief Rick Hanson: I don't know who this guy is you're talking about, but let me say that you can't focus on one level or the other. The reality is that they're organized like any other organization.

I can tell you this. I'm at the top of my organization, but if I can get taken out tomorrow, you don't miss a beat. There are a half a dozen guys who can take my job. If you think it's any different in organized crime, you're just wrong. The next guy is ready to step in there.

You have to attack all levels of the organization at the same time. It's as simple as that. If I have a half a dozen cops who don't show up for work on night shift, the organization suffers. If you take out six street-level drug traffickers, you're going to have a significant impact. You cannot be simplistic and say that you focus up here and take the organization down. You won't. They have a whole system—it's like any business—so you have to focus on all of them.

Are we targeting the top? Absolutely, but I'll tell you something. It takes a lot of time and a lot of resources.

The Chair: Chief Boyd.

Chief Michael Boyd: I agree with Chief Hanson.

The other thing that I think is important to recognize is that it's all about having enough resources to tackle organized crime. We get bogged down on redoing and working and working and expending resources and that takes away from our efforts to focus more on organized crime. I think that's why we all want to see the system working more effectively.

Mr. Mike Skappak: In relation to duty collection, we do have a responsibility to collect duties and taxes to make business even across the board for everyone, but I'd be remiss if I said we are not concerned about organized crime and criminal activity. Our major mandate is the security of this country. I'll make that very clear.

In relation to our other partners in law enforcement, we work tightly with them. We're seeing increases across the board in all types of seizures and criminal activity. So for somebody to say that we're just tax collectors, while I think that may have been a good term in the sixties and seventies, that has changed dramatically.

Mr. Rick Norlock: Thank you very much.

There's one other statement this witness made. A statement was made as a result of a conversation that was overheard by a lawful police wiretap. I think the speaker was a Mr. Alfonso Caruana, who I think is spending 21 years in a jail in Italy. He basically said that the reason a lot of organized criminals, particularly the Italian Mafioso and others, come to Canada, is that they don't go to jail for very long here, that we're a soft touch when it comes to our sentencing regime, compared to other nations.

But we've had numbers and numbers of witnesses who have come here to tell us that's not true, that we're becoming like the United States, that we're putting too many people away in our jails, that mandatory minimum sentences don't work, and that what we need more is crime prevention, more socio-economic policies, etc.—

The Chair: Mr. Norlock, let them answer. You're out of time.

A very quick answer, please.

Chief Rick Hanson: You're right. We're filling our jails, all right, but we're filling them with the mentally ill, and the criminals are now running rampant. The frustration we have is that we would like to see some kind of sentencing regime that takes serious criminals who hurt and victimize people and sends them to jail, and then let's find an alternative, which we're currently trying to do, for the mentally ill and the addicted and get them into treatment programs.

Because that's how we're filling the jails. The number one component in our jails today, both federal and provincial, is the mentally ill. We've turned them into the insane asylums of 40 years ago and we're just ignoring that as a country. Those are the people who are filling up the spots in our jails. Let's try putting criminals in there and see what happens.

The Chair: Thank you.

Ms. Mendes, you have five minutes.

Mrs. Alexandra Mendes: Thank you very much, Mr. Chair.

Thank you to all the witnesses for being here.

I was a bit curious about your mention of the witness protection program. Could you elaborate on what would need to be done to make it more effective and to protect the witnesses who are helping to solve these crimes? Can we do more, federally, to help with that?

• (1245)

Chief Michael Boyd: I'll begin. Certainly, within the system, our ability as a country to deal with organized crime, violent street gang crime, etc., relies on our justice system. Our justice system won't work unless we have people who are willing to testify against offenders.

We all know of cases across the country where people have been reluctant to testify because they fear for their safety. We need the capability to protect witnesses who come forward to testify in order for us to gain convictions against dangerous offenders who need to be kept off the street. Our system isn't going to work without it.

Mrs. Alexandra Mendes: What would that capability be? What suggestions do you have?

Chief Michael Boyd: Well, it would certainly be to have the resources in place where you need to provide a range of different protections, depending on the type of case. I wouldn't say that every

witness necessarily needs to be uprooted and relocated, but we need to have a range of alternatives that would address the different types of cases we face as police officers.

Mrs. Alexandra Mendes: Thank you very much.

Do I still have some time?

The Chair: Yes.

Mrs. Alexandra Mendes: I think it was Chief Hanson who mentioned the large increase in the white-collar crime type of fraud—both the mortgage fraud and the credit card and banking card fraud. What kind of federal legislation would be needed to address that question?

Chief Rick Hanson: One of the things I alluded to was that banks began doing something recently that actually facilitated organized crime. Somebody buys a \$500,000 house. It used to be that somebody would come around and do an appraisal on the house to make sure it actually was of that value, but the banks switched to something that can be done at your desk.

What happened was that the switch facilitated the ability of organized crime groups to take advantage of a big gaping hole: they over-finance a house, reap the benefit, and make a significant amount of money. It was a simple change in the way that banks operated that contributed significantly to the proceeds of crime for organized crime groups.

When it comes to the ability.... No, you know what? I'm going to sit back and let other people have a chance.

Mrs. Alexandra Mendes: So bank laws would be one measure that could be taken to cover that...?

Chief Rick Hanson: I think that's definitely one. As for the complexity of investigating serious commercial crimes, to get back to the sentencing and the sentences in the U.S., compared to the that, the sentences in Canada are pathetic.

We have a lot of cross-border interaction with our partners in the U.S. For possession of a significant amount of drugs, for instance.... I realize this isn't the fraud question you are asking about, but sentences relate to this, as they relate to fraud as well; that is, you can make big money in Canada committing a fraud, and the sentence you get is a joke. You don't have to look farther than Earl Jones in the east. He's going to be walking away in 20 months, he's going to be a rich man, and he's going to leave a trail of victims behind him.

We forget in sentencing that a person in Canada generally has to serve only one third or one sixth of their sentence. When it comes to sentences for drugs, it's the same thing. A person will get a 25-year sentence in the U.S. for a crime that in Canada would mean three and a half years. It happens all the time. Unfortunately, people still say we're filling up our jails. We are—with the wrong people.

When it comes to white-collar crime especially, it's viewed as victimless. It's not. If you're an old person who has just spent your entire income on fixing your house, and renovations were never completed or were done shoddily because they were done by a company that defrauded the homeowner, you're a victim. Yet the risk to the person committing that crime is minor; he probably won't even get time in jail, and if he does, it's insignificant.

Again, it's balancing off the level of victimization versus this idea that some crimes are victimless crimes because there isn't a dead body in the street.

Mrs. Alexandra Mendes: Thank you very much.

The Chair: Thank you.

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

[*Translation*]

Mr. Daniel Petit: Thank you very much.

Good afternoon, gentlemen. First of all, thank you for being here today. We will carefully note all the suggestions you have made. Some of them are certainly very interesting.

Mr. Hanson and Mr. Kohlhauser, you both raised an issue that interests me. Any time you have to talk to the public as representatives of police forces, people always give you statistics. Statistics will indicate if crime rates have gone down, for instance. Everyone is against you. People say you are too strict, even though on the ground, you realize you need to be even stricter.

Consider the example raised by Terry Kohlhauser. We are also interested in that example. When someone commits a homicide and the body is found, it is considered a homicide in Canadian statistics. When someone goes missing and is never found, that case is not included in the statistics.

We checked and noted that 41% of missing persons are found; 59% are never seen again. These people are young girls and young boys, men and women who go missing and whose cases are not included in statistics. Perhaps they were killed by criminal organizations, which have become so intelligent that now they hide the body after killing someone. The bodies are not found, and this gives the impression that homicide rates are going down. However, when we look at at-risk populations, as Mr. Kohlhauser mentioned—prostitutes or poor people—we see that these groups are being killed and not included in the statistics because their bodies are not found. They are missing persons.

I know there has been an increase. But how do you see this increase on the ground? I wonder if you have your own statistics. The statistics we get from Statistics Canada are not always effective enough to help us.

• (1250)

[*English*]

Chief Rick Hanson: You've raised a very good point. The problem is in tracking those people who are on the margins of society. We're talking about those people who are drug addicts or prostitutes, about those who really may go missing for a period of time. Nobody reports them as missing. Or when they are reported missing, they could have switched locations.

Again, the solution to this is twofold. One is a national database of missing persons that can adequately track who is missing, so that there is the link to the information systems of all police services, and when this person is relocated.... In Calgary, for instance, it could be a young girl who is a prostitute on the stroll and disappears. She may show up a year later in Vancouver under a different name.

It's very hard to track that information. There has to be a national database that not only tracks missing persons but accesses their information in the system, so that when the same person shows up as being arrested for shoplifting or whatever, it searches that database.

It's a very complex issue because, number two, you're absolutely right, in that there is a huge number, I'm sure, of homicides that occur where we're not even sure they've occurred because the person has a transient or high-risk lifestyle. They could have switched jurisdictions and we aren't able to track that adequately.

Again, it's resource intensive. All police services are faced with deciding on dealing with the dead body that's on the ground now after a gang shooting or tracking a missing person, who, in the majority of cases, will usually show up sometime later in another jurisdiction or sometimes even show up as being out of the country.

Organized crime uses that gap in the system to facilitate things like human trafficking. They can abduct somebody or get them under the influence of drugs and move them to another country, where they're prostituted.

I'm not going to pretend that we have the solutions to what you're bringing up. I'm just agreeing that there is an issue there and that our numbers don't adequately reflect what is actually happening in the real world.

The Chair: Mr. Kohlhauser.

S/Sgt Terry Kohlhauser: It's a huge issue with respect to missing persons in comparison to homicide cases. Our statistics show that 95% of missing persons are located, one way or the other, within six months. At the investigator level, my level, that makes it difficult.

In regard to the person who lives a high-risk lifestyle or otherwise and who may be forced into a vehicle and never seen again, that will be a priority for, I would suggest, any police agency of the jurisdiction. However, knowing that a six-month window occurs for 95% of missing persons, all that police agencies can do is investigate it to the best of their abilities.

Hopefully, we will get things up and running. The initiatives have started with respect to the national initiative, our Alberta missing persons initiative, and some of the initiatives that the other provinces are putting together with respect to missing persons.

• (1255)

The Chair: Thank you.

We're left with just under five minutes, so what I'll do is give Mr. Woodworth two and a half minutes and give Mr. Dechert two and a half.

Mr. Woodworth.

Mr. Stephen Woodworth: Thank you very much.

I want to thank the witnesses today. There has been a great deal of very, very helpful evidence, in my opinion.

I'm going to start by asking Chief Hanson about his statement because I thought it was one that made a great deal of sense and really is the hallmark of what I've heard today: that is, that organized crime is motivated by profit, not by stupidity or substance abuse.

What I take from that and from some of your comments afterward, Chief Hanson, is that if this is the case, then there is a role for sentences that will deter people, sentences that will in fact outweigh the profit to be made in the business of organized crime.

So I'm looking at that as a statement to say that maybe there is a place for deterrence in those kinds of crimes. Is that a correct interpretation?

Chief Rick Hanson: You're absolutely right. If I could I'd make just one point on that. If for serious offences, there's serious time, there's a protection in society, absolutely, in regard to deterrence. If there's one thing that this committee could recommend, it would be a recommendation to allow treatment sentences to be part of the Criminal Code regimen. In other words, for so many of those people who are in jail, if we had the ability upon arrest to put them in a treatment facility for mandated treatment and detox them—they're going to jail anyhow—for 30 days or 45 days, and then introduce them to proper treatment, we will have an effect, not only on crime, but also on who is in the jails.

Mr. Stephen Woodworth: Thank you.

The Chair: Are you talking about mandatory treatment?

Chief Rick Hanson: They're going to jail, so—

The Chair: Mandatory treatment...*[Inaudible—Editor]*.

Chief Rick Hanson: Yes, mandatory treatment for a drug addiction while they're in jail, because many of them are masking a mental illness. Once they're detoxed, you can find out that it's not an addiction but a mental illness that's facilitating whatever crime they're involved in.

The Chair: My apologies, Mr. Woodworth.

Mr. Stephen Woodworth: That's all right.

If I may, I'll move on to Chief Boyd.

I've listened with interest to your remarks regarding the Bail Reform Act and the system of release for offenders. I wonder if you have any comment with respect to the young offender release provisions. You didn't specifically address that.

I am led to believe that young people sometimes are enlisted to assist in certain aspects of organized crime, at least in relation to the drug trade. So I wonder if it is any better or any worse when it comes to the release provisions around young offenders.

Chief Michael Boyd: Well, certainly, some of the release provisions don't end up being able to sufficiently control a young person's conduct. I think that's what this Bail Reform Act and the release is aimed to do: not to punish, but to exercise some restriction or control over the behaviour of an individual. Whether it's an organized crime individual, a drug-addicted offender, or a young person, we need appropriate mechanisms to control the criminal conduct of these offenders to protect society.

The Chair: Thank you.

Mr. Dechert, you can have a really short question.

Mr. Bob Dechert: Thank you, Mr. Chair.

I want to thank all of you gentlemen for all of the important information you've been sharing with us this morning.

I think it was Inspector Imgrund who mentioned marijuana grow ops. Specifically, I'd be interested in hearing his views, and perhaps also yours, Chief Boyd.

In my area of Ontario, Peel Regional Police have told me that there is a significant problem with marijuana grow ops. I've seen these operations in my city of Mississauga. They're well-financed and sophisticated operations. Sometimes these people buy a house that's worth \$400,000 or \$500,000 or more, load it up with equipment, and bring crime right into the neighbourhoods where people live.

I know that it's expensive and risky for the police to shut down these operations. Hazardous materials are involved and sometimes these operations are booby-trapped. I wonder if you could tell us a little bit about what's involved in shutting these places down and the cost to you and your officers, and what you think we should do to prevent these things from being set up in the first place.

• (1300)

The Chair: We only have time for one response, so we'll go to Inspector Imgrund.

Insp Clemens Imgrund: I did mention it briefly. I hate to say it, but I don't know if I have a great deal of expertise on the cost of shutting them down. I don't know if somebody else wants to take it. I can say something, but it's probably not the most authoritative response. If nobody else wants to, I will.

Chief Michael Boyd: It certainly takes a lot of resources, and it's beyond the resources of the police as well, I might add, because there are hazardous substances in there, so you need other professionals. You need electricians and you need haz-mat people to come in and work with you, and that's just on the marijuana grow operations. We have other types of operations where it's same type of thing. It's very labour intensive.

I think you're absolutely right: we have this problem in many areas of the country, starting with the west coast and going right through to the east coast.

Mr. Bob Dechert: And they make other drugs in these labs as well, don't they?

Okay. Thank you very much.

The Chair: Thanks to all of you. This is perhaps one of the most helpful panels we've had in our journey across Canada. I hope the report we issue will go a very significant way forward in addressing the problem of organized crime in Canada.

Chief Hanson.

Chief Rick Hanson: We thank you for making the time for this and for inviting us. It means a lot to us for you to take your time to listen to what we have to say. It really does mean a lot, so on behalf of all of us here, I ask you to please accept our sincere thanks for making time for us here today. It means the world to us.

The Chair: We're glad to do so. Thank you.

We're adjourned.

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