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Chair

Mr. Ed Fast

Standing Committee on Justice and Human Rights

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•(1105)

[English]

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

This is meeting number 13 of the Standing Committee on Justice and Human Rights. Today is Tuesday, April 20, 2010.

You have before you the agenda for today. For the first hour and a half of today's meeting, we'll continue, and perhaps complete, our study on organized crime. I recognize that further instructions may have to be provided to our analysts. They are working on a first draft of a report.

During the last half hour of today's meeting, we'll hear from John Weston, member of Parliament for West Vancouver—Sunshine Coast—Sea to Sky Country. Not bad, eh? He'll be speaking to Bill C-475, which is his private member's bill.

To help us with our organized crime study, we have with us some representatives from Statistics Canada, more specifically from the Canadian Centre for Justice Statistics. We have Julie McAuley, who is a director; Mia Dauvergne, a senior analyst; and Craig Grimes, chief/advisor of the courts program. We also have with us John Martin from the University of the Fraser Valley. He's a criminologist at that university.

I think you've been told the process. Stats Canada, you have 10 minutes to present. Mr. Martin, you have 10 minutes to present. Then we'll open up the floor to questions from our members.

Ms. Dauvergne, are you starting?

Ms. Mia Dauvergne (Senior Analyst, Policing Services Program, Canadian Centre for Justice Statistics, Statistics Canada): It will be Ms. McAuley.

The Chair: Ms. McAuley, you have 10 minutes.

Mrs. Julie McAuley (Director, Headquarters, Canadian Centre for Justice Statistics, Statistics Canada): Thank you for the opportunity to present to the committee this morning on organized crime. My colleagues, Mr. Craig Grimes and Ms. Mia Dauvergne, will assist me in answering any questions you may have.

If you would please turn to the first slide in the deck, this is the first of several slides providing information related to homicides committed in connection with a criminal organization or street gang. The charts show the number of gang-related homicides and the number of homicides not related to gang activity over the last decade. By gang related, we mean whether the police identified the homicide as involving an organized crime group or a street gang.

In 2008, police reported a total of 611 homicides in Canada. There were one in four of these homicides, or 138, reported by police as being gang related. This is an increase of 20 over 2007.

Gang-related homicides have been increasing over the last decade, as you can see in the chart on the left. This upper trend contrasts with the trend in the number of homicides that were not gang related, as shown on the right. Firearms are more likely to be used to commit gang-related homicides than in other types of homicide. In 2008, 77% of gang-related homicides were committed with a firearm, compared to about 20% of homicides that did not involve gangs.

The next two slides indicate where the gang-related homicides occurred. The first is a regional breakdown. In the late 1990s, most gang-related homicides occurred in Quebec. However, in recent years, many gang-related homicides have also been occurring in Ontario, Alberta, and British Columbia. The overall number of homicides increased in Alberta and British Columbia between 2007 and 2008. Two-thirds of the increase in Alberta was due to an increase in gang-related homicides. In British Columbia, gang-related homicides accounted for about one-third of the provincial increase in homicides.

If you could please turn to slide 4, you will see that most gang-related homicides occurred within Canada's largest cities. The 10 largest census metropolitan areas accounted for about half of Canada's homicides in 2008, but more than two-thirds of gang-related homicides. In particular, Toronto, Vancouver, Montreal, and Calgary had the highest number of gang-related homicides. Together they accounted for 55% percent of all such homicides in 2008.

Turning to the next slide, we will look at youth accused of gang-related homicide. In 2008, 501 people were accused of homicide, including 55 youths aged 12 to 17. We know that homicides for youth who are accused often involve gangs. There were 32% of homicide incidents with youth who were accused involving gangs, compared to 11% of incidents with an adult accused. Because of the small numbers, the rate of youths accused of gang-related homicide does fluctuate year over year. As you can see in the graph on the left, the trend in this rate has generally been upward since about 2002, despite dropping in 2008.

Please turn to slide 6. The extent of organized crime activity in Canada is very difficult to measure. There are some agencies, such as Criminal Intelligence Service Canada, that do collect detailed information on criminal organizations, but it is mainly intelligence-based, often secret, and generally kept in a format that is not conducive to statistical analysis.

At Statistics Canada we have information on four Criminal Code violations related to organized crime, as presented in this slide. Information on the involvement of organized crime groups for other violations, such as drug offences, prostitution, or fraud, is limited. That is something we are currently working with police services to improve.

Other than the four violations listed, the only offence where we can estimate the involvement of organized crime is motor vehicle theft. Based upon the assumption that most vehicles stolen by an organized crime group are not recovered by police, about four in ten motor vehicle thefts in 2008 involved an organized crime group.

• (1110)

As you can see on slide 7, Statistics Canada has a number of upcoming releases that can inform the work of this committee. These include data tables on street gang activity, which will be available in June, and police-reported crime statistics, which will be released in July and will include information on the short- and long-term trends in overall violent and non-violent crime at the national, provincial and territorial, and census metropolitan area levels.

Adult criminal court statistics will be available in July and will summarize trends from provincial and territorial adult criminal courts across Canada. Information will be available on the characteristics of cases and accused persons, the percentage of guilty cases, sentencing trends, and related issues. Similar data on youth courts will be released at the same time.

From these data it will be possible to produce statistics on cases where the accused was charged with a Criminal Code offence specific to organized crime. Data from the 2009 cycle, as a general social survey on victimization, will be released in August. This survey collects data on victimization and public perceptions of crime and the justice system. It measures the risk of violent and household victimizations, victims' use of services, and perceptions and fear of crime.

Finally, data from the 2009 homicide survey will be available in October. We would be happy to return to the committee in the fall to provide you with updated statistics from these data sources. Once again, thank you for the opportunity to present this morning. This concludes the presentation.

The Chair: Thank you very much.

We will move on to Professor Martin. You have 10 minutes.

Professor John Martin (University of the Fraser Valley, As an Individual): Thank you very much. I am greatly appreciative of the invitation to appear before this committee. I consider it quite an honour.

I'm a criminologist. I've been doing that at the University of the Fraser Valley in excess of 20 years.

I would like to speak to the issue of organized crime in the context that organized-crime-specific initiatives are really contingent on some fundamental shifts in the way we do criminal justice in this country. I had the benefit of looking at the previous testimony of other witnesses, and much time was allotted to discuss specific pieces of impending legislation and law enforcement initiatives, and I applaud those. But I do believe that without some fundamental rethinking of the approach to criminal justice, any results are going to be limited.

I'll discuss this in three areas.

The first one—and I'm quite troubled by it—is that there is almost a resignation that we should accept and tolerate this particular level of crime. Time and time again we hear commentators who have just accessed the latest Statistics Canada data and they wave it around and tell us, “See? Crime is down.” That is often used to challenge this government's initiatives to bring forward legislation. They'll say, “Well, we don't need to change sentencing practices; we don't need to change bail issues, because crime is on a decline.”

The people who say that are all starting from the high points in the 1970s and 1980s when crime had nowhere to go but down. Crime went through the roof during that time period and now it's hovering around the ceiling. Many of us are wishing we could get it down to the area where it was in the early 1960s, down in the basement. Almost no commentators that I can identify will talk about the crime rate in comparison to where it was in the early 1960s. It is considerably higher, particularly for violent offences.

I think this should be disturbing, because we're under this illusion that somehow crime is dropping and obviously everything is fine or there's no need for dramatic reform. I would say, yes, it has decreased somewhat, but it's nowhere near where it once was.

What troubles me about that is there's this acceptance that it's normal. In other areas of public policy we strive for zero tolerance. One could argue that there's much less hostility today towards gays and lesbians than there was 20 years ago, there's much less overt racism today than 20 years ago, but no one is saying that means we shouldn't be advocating for policy in this area, that we shouldn't be pursuing education and more diversity initiatives. We're trying to get it even lower still.

I think it's very odd that somehow when it comes to drug dealers, when it comes to violent offenders, we're saying, “Well, it has come down considerably from the 1970s or 1980s, so what we're doing now is obviously working and there's no need to pursue these new initiatives.”

So I ask that statistics be taken in the context not of where we were in the 1980s, but where we were in the early 1960s. I believe the information started to be collected in 1962, and we're nowhere near those levels. That's the first issue I would bring forward.

The second one, related to that, is to address this mantra that punishment doesn't work, that tough sentences don't work. One of the difficulties is that very rarely do people who say these things operationalize their terminology: What does one mean by "works" or "doesn't work"? Punishment clearly does work. It's one of the most fundamental principles in human behaviour and psychology. The dynamic of punishment and reward is universal. It's used to raise children. It's used by employers. We use it everywhere. So the notion of just dismissing extended sentences in response to offenders because somehow punishment doesn't work really doesn't pass the test. Punishment takes offenders off the street. It takes them out of circulation. When they're doing time, they're not doing crime.

● (1115)

We have people with 40, 50, or 60 convictions getting community supervision and going out and committing more offences. I would say that denying those people an opportunity to reoffend does work. Similarly, enhanced sentences speak to the denunciation of the criminal act, another objective of sentencing. They bring a sense of closure. They bring a sense of justice to victims and to the community, another objective of sentencing.

When people say that punishment doesn't work, what they're usually saying is that it doesn't deter. The research is mixed on that. We have different evidence that it does or does not deter, depending on the offence and the offender. Even if it does not deter, I don't think that's a reason to categorically dismiss the concept of enhanced sentences.

Because of the way the statistics are presented, they show that crime is on the decline, giving confidence and ammunition to those who say there's no need to even look at enhanced sentences and there's no need to even look at adjusting parole, because crime is on the decline. Again, the extent to which we are actually seeing a decline in crime is debatable. Maybe the aggregate data does suggest that, but when we look at drug crime, which is not included in the data for the most part, and when we look at violence among young offenders, it's not going down, it's going through the roof, and that should cause us to be disturbed.

The notion that somehow addressing the issue of punishment is a wasted exercise because it doesn't work is usually held out because somehow it doesn't deter. People don't discipline their child to set an example for the neighbour's kid. They do so because it's seen as a response to the behaviour. I think we've gotten away from the fundamental concept of just basic human behaviour in the application of a punishment.

The third thing I would bring up is the dialogue around this issue. The statistics are used in a fashion to categorically dismiss legitimate debate, legitimate discussion, and dialogue. When initiatives have been suggested or legislation proposed, the words I have heard coming from commentators, academics, and such have been "draconian" or "barbaric" or things like "oh, you want to create an American justice system, and you want to do as the Americans do". Nothing the government has proposed is anywhere remotely close to

what goes on in the United States. There's no "three strikes and you're out". There's no life without parole. There are a couple of incidents of mandatory minimums that have nothing to do with the concept as it's used south of the border. I think that toxicity poisons the debate. It really calls into question the legitimacy of the dialogue around what is actually happening in crime.

Statistically we have some disturbing information in front of us, particularly with regard to gun-related crime or youth violence and the amount of transnational crime or international crime for which Canada is used as a stopping point, which doesn't factor in to the typical crime rate. This stuff is devastating communities, and it's not really showing up in the discussion. There's a limited amount of material that comes out of the uniform crime reports and Statistics Canada victimization reports. I don't think it's responsible to jump on this, as we have been doing, and proclaim that this is sound evidence that we don't need reforms or we don't need new initiatives.

I would argue that what we've been doing hasn't been working. Given the changes over the last several decades, the crime rate should be a fraction of what it is. We have the smallest proportion of young people that we've ever had in this country.

● (1120)

We have enhanced technology, 911, paramedics, and cellphones that are increasing response time. To keep the crime rate slightly below where it once was I don't think is adequate, given all the resources we have at our disposal that weren't there in an earlier period.

Thank you so much.

● (1125)

The Chair: Thank you very much.

We'll open the floor to questions.

Mr. Murphy, you have seven minutes.

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

I have a number of short snappers, I guess, for the Statistics Canada people.

Mr. Martin, I listened with interest to your comments. I don't think anybody at this table thinks that serious crime in certain sectors and among certain groups is something to be minimized. In fact, this whole organized crime committee is about surgically trying to respond to what we see as dangerous spikes in criminal activity. I hope you read that in the remarks that were read in preparation for your testimony.

One of the questions I have, which we got into on our little road show on organized crime, is on the aspect of youth criminal justice, which is what the act is called. I think we've heard that youth are being used as pawns, willing or otherwise, in criminal organizations or in criminal activity involving gangs. It's particularly bad in certain locations in Canada. However, international law, I think you'd agree, in most civilized and developed countries, recognizes that there ought to be a different regime for youth and children. Almost all jurisdictions allow a little crossover, if the acts are heinous and the intent is formable and formed, to elevate the mode of trial, and so on, and the rights and obligations, to an adult type of trial. I'd be interested in your brief comments on whether you think importing adult criminal or mainstream Criminal Code principles to the separate youth criminal justice scheme is appropriate.

Prof. John Martin: You would always want to keep the youth system separate from the adult system. We've always done that. Even Bill C-5's proposed changes don't really adjust that. They do make some allowances for movement of status.

Mr. Brian Murphy: You mean Bill C-4.

Prof. John Martin: No, I would not consider, under any circumstances, bunching the two systems together.

Mr. Brian Murphy: This is a short snapper for Ms. McAuley.

It seems that June or July is the reporting period. Has that always been the case?

Mrs. Julie McAuley: Those are our standard release dates for those provinces.

Mr. Brian Murphy: I'm not saying that we put off doing this report, members, but it might be interesting to know what the hottest statistics are and look at this in the fall, at least to revise it, maybe. I don't know.

I have a number of questions about your slide on upcoming releases and what we're going to get in the summer—in June, July, and August. It wasn't clear to me whether any of these were new groupings of questions. Is it just reporting on the same topics as before, or does it identify the things we're interested in? Particularly, we get, quite often, the idea that reporting of plea bargains or cases that don't go to trial.... Are those stats new? Are they going to be kept and that sort of thing?

Mrs. Julie McAuley: Maybe I'll start, and I'll turn to my colleague, Craig, in a moment.

The releases you see here are the standard releases we would have on an annual basis from Statistics Canada, apart from the victimization in Canada release, which comes from the general social survey. That's a survey we conduct every five years.

We choose a cycle. We choose a topic; the latest one is victimization. We have done that. The most recent data were available in 2004, so it's a follow-on from that 2004 survey. All the others we release are standard products.

Mr. Brian Murphy: Is this 2009 report on victimization in Canada—I realize the last one was done in 2004 or 2005—exactly the same survey, or is it a little different?

Mrs. Julie McAuley: Some of the questions would have been modified based on user feedback we had from 2004, but *grosso modo*, the same questions were asked.

Mr. Brian Murphy: All right. We could look at that previous report and get an idea of what's coming.

Mrs. Julie McAuley: Yes, and we'd be happy to provide that to you, if you wish.

Mr. Brian Murphy: We've had testimony throughout my time here that Statistics Canada's *Juristat* is not capturing all the crime that's going on in Canadian society. What would you say to that allegation?

Mr. Craig Grimes (Chief/Advisor, Courts Program, Canadian Centre for Justice Statistics, Statistics Canada): It's police-reported crime from the UCR2. There's also victimization information from the GSS. Those are the two sources we have.

● (1130)

Mr. Brian Murphy: Do you have any reason to think that police chiefs and mayors and people concerned about the image of their community would underreport crime? I know this is something civic officials and police departments in the United States have been accused of. I don't think I've heard too much of it in Canada, but do you think it happens? You'd be really crazy to say yes, I'm sure.

Ms. Mia Dauvergne: That's not something we get into with police services. We publish the information provided to us by the municipal, provincial, and RCMP services across the country. One of the reasons we do the victimization survey every five years is to look at those instances that do not come to the attention of police services.

Mr. Brian Murphy: Have Mr. Sullivan—who's the current, for a short time to come, victims of crime ombudsman—and his group been part of this victimization survey? Have his substantial resources been useful, do you think, in compiling the results? Are our results in 2009 going to be more illuminating and more balanced from the police reporting than the survey in 2005, do you think?

Ms. Mia Dauvergne: I didn't have that information available to me, but it's certainly something we could look into to see whether or not consultations were done and get back to the committee on that.

Mr. Brian Murphy: How much time do I have?

The Chair: You have half a minute.

Mr. Brian Murphy: Good. Just briefly, I don't want to pick on Manitoba, but when we went to Winnipeg, it seemed it was a hub of certain activity. I see in slide 4 that in 2008, of the 14 gang-related homicides, six were in Winnipeg. Where were the others?

Mrs. Julie McAuley: We would have to get back to you to let you know the exact location. We're happy to do that with these data.

The Chair: All right. Thank you.

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

[Translation]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Thank you.

When we examine the statistics on crime attributable to young persons under 18 years of age, am I to understand that they are established based on the uniform crime report that police officers complete at the time of the offence?

[English]

Mr. Craig Grimes: That's correct.

[Translation]

Mr. Serge Ménard: Statistics are established at the time the crime is reported. However, in addition, the statistics concerning the prosecution of young offenders are different from those based on the uniform crime report, are they not?

[English]

Mr. Craig Grimes: Yes. There are different statistics for youth in criminal court.

[Translation]

Mr. Serge Ménard: Could you send us both separately?

[English]

Mr. Craig Grimes: Yes, I can provide a copy of the most recent youth court *Juristat* to the clerk of the committee, and there's also a release in July.

[Translation]

Mr. Serge Ménard: On page 3, we can see how the situation evolved in Quebec between 1998 and 2001. Then it went from 23 to seven to 15 to 18 and 24. Why did it decline that way?

[English]

Ms. Mia Dauvergne: These numbers are provided to us by the police services. We would have to speak directly with those police services for the explanations as to why the numbers would change from year to year.

[Translation]

Mr. Serge Ménard: Perhaps I can speak to you about it. It's related to Operation Springtime 2001, which was the culmination of the Carcajou squad. That squad, whose objective was to combat organized crime, was established in late 1998, and its work ended, I believe, around the fall of 2001 with the arrest of 321 members of the Hells Angels. The group was decapitated.

Could that be an explanation?

• (1135)

[English]

Mrs. Julie McAuley: It could be an explanation. We would have to go back and talk with the people who provided us with the data to confirm, but again, it could be.

[Translation]

Mr. Serge Ménard: Thank you.

Mr. Martin, you talked about the influence of gun control on violent crime. I don't understand what you conclude from that. Do you mean that better gun control generally makes it possible to reduce the level of violent crime?

[English]

Prof. John Martin: I don't recall speaking to the issue of gun control. I did address the—

[Translation]

Mr. Serge Ménard: You cited the example of the methods used in the United States. You talked about the difference between the United States and Canada.

[English]

Prof. John Martin: I didn't speak to gun control, sir.

[Translation]

Mr. Serge Ménard: Mr. Martin, do you think a minimum sentence of seven years in prison should be a deterrent?

[English]

Prof. John Martin: It would be a deterrent for some individuals. It would not be a deterrent for someone who is very deep in the gang lifestyle. They would not be deterred by that type of sentence.

[Translation]

Mr. Serge Ménard: There was a time when the cannabis that grew in Canada did not have a hallucinogenic effect, as a result of which all marijuana and hashish came from outside the country. People at the time received a minimum sentence of seven years in prison for bringing those drugs into Canada.

Do you think it would be good to determine whether that very harsh sentence helped reduce marijuana consumption or whether, on the contrary, it contributed to increasing it? To determine whether there was an influence on drug imports to Canada, we could go back and examine the statistics on drug-related sentences during the following periods: the first, during which a minimum seven-year sentence was applied; the period during which it was no longer applied; and the period during which the Supreme Court declared that that minimum sentence was unconstitutional.

[English]

Prof. John Martin: On the issue of marijuana and sentencing, I think if we look at the difference between British Columbia and Washington state, the story speaks for itself.

Washington state is very similar demographically to B.C. It has almost no grow ops. They are not a priority for law enforcement or for prosecution. British Columbia has tens of thousands of them.

Now, what's the difference? In Washington state, someone convicted of a major grow would do five years in the penitentiary. They would lose their home. They very likely would have children taken into state custody. In British Columbia, we would take their light bulbs.

[Translation]

Mr. Serge Ménard: I don't believe my question was well translated, Mr. Martin, but I believe the Statistics Canada representatives understand it.

Would it be possible to go back to the past, as far back as the 1960s, when marijuana started to be used—

The Chair: Mr. Ménard, your time is up.

Mr. Serge Ménard: Could we get some statistics starting in 1960?

[*English*]

The Chair: A very quick answer.

Mr. Craig Grimes: It's not possible to go back to 1960 for criminal court statistics. The earliest for adults is 1994-95, with 80% coverage.

The Chair: Thank you.

We'll go to Mr. Comartin for seven minutes.

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

Thank you for being here.

I'd like to pursue this point of the youth crime statistics going through the roof, as we heard from Mr. Martin. As I understand statistics gathering—I think I'm correct that he said it started in 1962—the accuracy of the statistics has improved gradually as police forces across the country have reported more efficiently, more effectively, and in keeping with the standards set by your office.

Is that a fair analysis?

• (1140)

Ms. Mia Dauvergne: The survey that we used to collect information from police services has changed over time. The information is reliable and accurate going back in time. What has changed is the detailed level of information that is available.

Mr. Joe Comartin: Okay. So with regard to youth crime—and we divide that into two—I don't know where the dividing line is between non-violent and violent, but let's say serious violent crime by youth and non-violent crime, again by youth, that trend. From the sixties to the period of time of 2010, has it gone through the roof by comparison between those two periods of time, if you can answer that?

Ms. Mia Dauvergne: It depends on how you're defining “serious violent crime”.

Mr. Joe Comartin: Let me start with murder.

Ms. Mia Dauvergne: If you look at particular offences, you can see ups and downs, depending on which offence you're looking at.

I could certainly provide the committee with information on all the different offences that we have data on, specifically for youth.

Mr. Joe Comartin: On the kind of spike that you're showing on the page 5 graph, can you go back, historically, to the sixties? Have we had periods of time when we've had that kind of a spike, up and down?

Ms. Mia Dauvergne: For that information we could go back to 1991.

Mr. Joe Comartin: That's as far back as you can go.

Ms. Mia Dauvergne: Because it's specific to gang-related homicides, and that information was standardized in 1991.

Mr. Joe Comartin: I want to switch over to the organized crime charges, which I think is on page 6. On the first category you have there, proceeds of crime, was this just for 2008? Can you tell me or

the committee—I think that legislation came into effect in 2006, 2007, so we're our third or fourth year in—what previous years were like?

Ms. Mia Dauvergne: I can tell you that in 2007 the numbers were fairly similar to what you see here. Prior to that, I'd have to go back and look at the data.

Mr. Joe Comartin: Okay. I'm sorry, we'll get the 2009 ones when?

Ms. Mia Dauvergne: In July.

Mr. Joe Comartin: With regard to the other two, being part of a criminal organization, the next two categories, do you know what 2007 was like? Were they fairly similar?

Ms. Mia Dauvergne: Again, for all of the categories that you see here for 2008, the numbers are similar in 2007.

Mr. Joe Comartin: Okay.

Ms. Mia Dauvergne: We could certainly provide the specific numbers to the committee.

Mr. Joe Comartin: Again, you can't go back too far in the forfeiture side—

Ms. Mia Dauvergne: Yes.

Mr. Joe Comartin: Could you give the committee those previous years and send them to the clerk?

Ms. Mia Dauvergne: Certainly.

Mr. Joe Comartin: When you say “number of violations”, just so I understand, I assume within that the accused may have several violations.

Ms. Mia Dauvergne: Correct.

Mr. Joe Comartin: Which is the difference between the 761 and 617?

Ms. Mia Dauvergne: Well, there isn't always an accused person associated with a violation, because sometimes an incident can occur but nobody's actually identified.

As well, for the number of violations that you see here, there can be multiple violations associated with one incident.

The UCR survey captures up to four violations for each incident that occurs, so the numbers here represent...any one of the four violations was one of these offences.

Mr. Joe Comartin: In terms of an event, this may be multiple accused with multiple violations?

Ms. Mia Dauvergne: Correct.

Mr. Joe Comartin: Okay. Those are all the questions I have. Thank you.

• (1145)

The Chair: Thank you, Mr. Comartin.

We'll move on to Monsieur Petit for seven minutes.

[Translation]

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Good morning.

I'm going to ask some simple questions, if possible. They are intended mainly for the Statistics Canada representatives.

Is it true that there is a program called the Uniform Crime Reporting Program at your organization, which you call the traditional program? Is it still in effect?

[English]

Ms. Mia Dauvergne: I believe what you're referring to is a survey, the uniform crime reporting survey, which collects information on all crime committed that is reported to police in Canada.

[Translation]

Mr. Daniel Petit: Is it true that traffic offences under the Criminal Code, such as impaired driving causing death, impaired driving causing bodily harm, impaired operation of a motor vehicle, impaired driving and refusal to provide a breath sample, dangerous operation causing death and dangerous operation causing bodily harm are excluded from the traditional crime rate?

[English]

Ms. Mia Dauvergne: If you are referring to the crime rate, the crime rate excludes any traffic offences as well as any federal statute offences. But we certainly have information on those particular offences that you did mention, for example, impaired driving.

[Translation]

Mr. Daniel Petit: Is it true that drug offences, such as cocaine trafficking, cocaine importing and production, cocaine production, cocaine trafficking, trafficking in other drugs referred to in the Controlled Drugs and Substances Act, heroine importing and production, and others, are excluded from the traditional crime rate?

[English]

Ms. Mia Dauvergne: That is correct. Anything that would fall under the Controlled Drugs and Substances Act is excluded from the calculation of the traditional crime rate. However, again, we can certainly provide statistics on those particular offences.

[Translation]

Mr. Daniel Petit: Is it true that criminal offences under federal statutes, such as fraud under the Bankruptcy and Insolvency Act, fraud under the Income Tax Act, fraud under the Immigration and Refugee Protection Act are excluded from the traditional crime rate?

[English]

Ms. Mia Dauvergne: If the offence falls under the Criminal Code—there are fraud-related offences within the Criminal Code—then they would be included in the calculation of the traditional crime rate. However, if they fall under another federal statute, then yes, they would be excluded. But again, we have information on some of those offences.

[Translation]

Mr. Daniel Petit: Is it true that, under the Uniform Crime Reporting Program, you consider the offence a homicide only if police find the body? There are an average of 5,000 disappearances in Canada a year and 150 to 175 persons are never found. For

example, in Quebec, the daughter of Mr. Surprenant disappeared 10 years ago; Cédrika Provencher, four years ago. There are 500 Indians who disappeared a number of years ago. Is it true that people who have disappeared for a long period of time are not considered under the Uniform Crime Reporting Program?

[English]

Ms. Mia Dauvergne: We have two separate surveys that collect crime information in Canada. One is the uniform crime reporting survey. The other is the homicide survey, which is specific to homicides that occur in this country, and it collects more detailed information. If the police deem that a homicide has occurred, then that would be reported to us.

[Translation]

Mr. Daniel Petit: Is it true that, under the Uniform Crime Reporting Program, you count criminals, but not always victims? For example, if you have 10 fraud artists who defraud 10 persons, you count them as 10 offences. However, when a fraud artist defrauds 9,200 persons, you count only one indictable offence.

• (1150)

[English]

Ms. Mia Dauvergne: It depends on the type of offence. We do collect information on victims within incidents that are categorized as offences against the person. So, for example, we have information on assaults that occur. If there are five people who are assaulted within a particular incident, we would count one incident and five victims.

[Translation]

Mr. Daniel Petit: In the Uniform Crime Reporting Program, when a person is charged with a number of offences, is it true that only the most serious offence is counted for statistical purposes? For example, an individual commits a break and enter at a residence in order to commit a sexual assault and a rape. The most serious offence is the one for which the law provides the harshest penalty or that appears first in the classification of offences. In the example I just cited, it is the sexual assault that will be counted, not the break and enter. Is it true that you count it that way in the UCR, that is to say in the Uniform Crime Report?

[English]

Ms. Mia Dauvergne: We have different versions of the uniform crime reporting survey. In our earliest version—and I think we were talking about this earlier—that is correct. We used to count incidents according to the most serious violation that occurred within the incident. However, we have a newer version of the uniform crime reporting survey that can capture up to four violations for each incident that occurs. In other words, we have information on the most serious as well as up to three other violations.

The Chair: Thank you.

Ms. Mendes for five minutes.

[*Translation*]

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

I am referring to what you said earlier, Professor Martin, that the crime rates, relative to the 1960s, are much higher today. I don't have any statistics to hand. You also talked about the fact that there was greater tolerance for homosexuals or immigrants. So there is less racism.

Professor, I would say that it is mainly as a result of prevention and education that is being done in society. It's not necessarily because we punish that the situation is improving. I think a lot of work has been done on education and prevention.

So if you apply this point of view to the question of crime committed by young persons—I'm not talking about those committed by adults who do it for profit—it seems to me that the policy of punishment without rehabilitation can never work. It's not by increasing their term of imprisonment or by sending them to prison for life that we'll solve the crime problem. You have to attach that to a very coherent prevention and rehabilitation program. Often sending people to prison has the effect of making them more hardened criminals. Prisons are schools for crime. That doesn't solve the basic problem.

I'd like to know your opinion on that subject.

[*English*]

Prof. John Martin: I don't think anyone is disputing the need to focus on rehabilitation with youth. I think we're being wholly irresponsible, though, when we send youth and adults for these short, brief sentences where there's not even enough time to conduct a diagnosis, let alone engage in a treatment plan. We'll do this 10, 20, 30 times, and there's never been an attempt or an opportunity to engage in any treatment.

Mrs. Alexandra Mendes: But you mentioned something important, treatment I think being associated with somebody who is sick or suffering some sort of disturbance that has nothing necessarily to do with the crime. We're told by police chiefs in Edmonton that a lot of the people we're sending to prisons are people with emotional problems and mental illness. Prison is not necessarily the place to send them, no?

Prof. John Martin: We have an enormous problem with sending mentally ill people to jail. That's been going on since the 1980s when we entered into the de-institutionalization of mental health facilities and we dumped these people on the street. We're still paying the price for that. For the most part, the system is not really set up to deal with the mentally ill, but in some cases that's where they are being sent.

•(1155)

Mrs. Alexandra Mendes: It's where they end up.

Prof. John Martin: The issue that I would add to that, though, is that there's little comfort to victims and families who have lost loved ones when people are sent back into the community untreated and who have not had an opportunity to engage in rehabilitation. I don't think we want to talk about sentencing in terms of increasing the sentence necessarily as a punishment, but as an opportunity to

engage in rehabilitation, which supposedly is the mandate of the corrections system.

The average sentence in this country is 30 days. Almost 30% of people are sentenced to two weeks or less. You don't engage in treatment when you're sending people in and out, in and out, 20, 40, or 60 times.

So we're spinning our wheels and accomplishing nothing with the status quo.

Mrs. Alexandra Mendes: You're saying that the average sentence is 30 days for criminal offences?

Prof. John Martin: Correct.

Mrs. Alexandra Mendes: Okay.

Thank you.

The Chair: Mr. Murphy for one minute.

Mr. Brian Murphy: Briefly, on the reporting in the United States and other countries, do you follow a benchmark that you need to meet in each country, or is there a benchmark...? Is it universal, this method of reporting crimes like this? Could you give us a little insight into it?

Ms. Mia Dauvergne: Are you asking if it is universal across different countries?

Mr. Brian Murphy: We often hear comparisons with the United States, the EU, etc.

Ms. Mia Dauvergne: There are particular offences that can be better compared than others; they are relatively few. We don't generally do a lot of overall types of comparisons because the methodologies do differ.

The Chair: Thank you.

Mr. Lemay, are you next?

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Pardon me, Mr. Chairman. My colleague has a question. I'll speak afterwards.

Mr. Serge Ménard: Are there any statistics on repeat offenders?
[*English*]

Mr. Craig Grimes: There's no recent data on repeat offenders from Statistics Canada. There is a study from about ten years ago that was a birth cohort analysis, but there's no recent study on recidivism.

[*Translation*]

Mr. Serge Ménard: Are there any on young offenders who reoffend?

Mr. Craig Grimes: No.

[*English*]

Other than the birth cohort study.

[*Translation*]

Mr. Serge Ménard: So to know that, we have to rely on the impression of judges or lawyers who practise in those courts.

[English]

Mr. Craig Grimes: Doing work on recidivism is something that is on our agenda. It's something we want to prepare statistics for. We have a project right now that's looking at improving how we identify people, because the real issue in doing studies on repeat offenders is making sure that you identify those people correctly, that you produce accurate statistics. That's the first order of business before we produce any new numbers on repeat offenders and repeat contact with the criminal courts.

[Translation]

Mr. Marc Lemay: It would be very interesting to have statistics on repeat offences.

The page where it states "Upcoming releases", shows the following: "Youth court statistics, 2007/2008 and 2008/2009". When do you expect to have those statistics?

[English]

Mr. Craig Grimes: They'll be released in July, and with that release there will be the ability to do additional work on the criminal organization offences.

[Translation]

Mr. Marc Lemay: I won't conceal the fact that we would very much like to have them. You'll no doubt be coming back because very soon we'll be studying Bill C-4, the bill to amend the Young Offenders Act.

This isn't clear. Let's go to page 5 of your document, which states the following: "Youth (12 to 17 years) accused of gang-related homicides, Canada, 1998-2008". As I am a criminal defence lawyer, I don't like the word "accused". What do you mean by that expression? Where does the word "accused" come from?

•(1200)

[English]

Ms. Mia Dauvergne: It would be any person against whom the police have laid a charge or have recommended that a charge be laid. In this case the person would be 12 to 17 years of age.

[Translation]

Mr. Marc Lemay: And that person would belong to a gang?

[English]

Ms. Mia Dauvergne: The police would have determined that the incident was either associated with organized crime and/or street gang activity.

[Translation]

Mr. Marc Lemay: Do you have the figures from 1998 to 2008? You're just talking about homicides. I know that, for the moment, you don't have the figures for 2008. You'll have them in July. Can we have the figures for the other major crimes committed by young offenders, accused youths 12 to 17 years of age? We're talking about involvement in a gang, assaults, and so on. We have the figures on murders, but can we have the other figures, particularly on attempted murders?

[English]

Ms. Mia Dauvergne: We can definitely get those statistics for other serious types of crimes—however, not gang-related.

[Translation]

Mr. Marc Lemay: Pardon me. I have nothing against translation, quite the contrary, but I really didn't understand. What did you say? Can you repeat that?

[English]

Ms. Mia Dauvergne: I think I mentioned earlier that we have two surveys that are collecting information on crime in Canada. One is the uniform crime reporting survey and one is the homicide survey. We have information on the homicide survey that is related to gang activity or organized crime dating back to 1991. For the uniform crime reporting survey, we don't have that information historically.

[Translation]

Mr. Marc Lemay: Perfect.

[English]

The Chair: Thank you.

We'll go to Mr. Dechert.

Mr. Bob Dechert (Mississauga—Erindale, CPC): We'll start with Mr. Petit and then we're going to share.

[Translation]

Mr. Daniel Petit: Thank you, Mr. Chairman.

I'm going to share the time allotted to me.

I have two final questions to ask the Statistics Canada representatives.

Is it true that you introduced a crime severity index in 2006?

[English]

Ms. Mia Dauvergne: We introduced it in our 2007 data. In 2006, yes, we had a report that pertained to 2006 data; however, it was officially launched as part of our standard report for our 2007 data.

[Translation]

Mr. Daniel Petit: Is it true that you assign a numerical value to crimes whereas, in the old system, which is still in existence, all crimes have the same value? Everyone is a victim, so all crimes have the same value. Is it true that you currently assign a numerical value to crimes? For example, there are three points for a homicide, two points for a rape and one point for a fraud.

[English]

Mr. Craig Grimes: There is a numerical value, but it's based on sentencing data. The method is to take all of the convictions for the various offences under the UCR2 violation codes—there are about 130 different violations—to track all of the convictions for those violations, identify how many were sentenced to custody, and use the average sentence, excluding outliers, to come up with a weight for that violation. That weight becomes a numerical value for the offence.

Ms. Mia Dauvergne: The basic idea is that a more serious offence would be allotted a higher weight.

[Translation]

Mr. Daniel Petit: Is it true that the number of crimes reported by police is higher in the west and north of the country than in the east and central region of the country, even today? Is it true that there are more reports in the west and north of the country than in the east and central region, according to a document issued by Statistics Canada?

• (1205)

[English]

Ms. Mia Dauvergne: It is generally true, yes, that crime rates tend to be higher in the western part of Canada and in the north compared with the eastern part of the country.

[Translation]

Mr. Daniel Petit: Are you talking about the report made by police?

[English]

Ms. Mia Dauvergne: Yes.

[Translation]

Mr. Daniel Petit: I have one final question.

Is it true that the Uniform Crime Reporting Program does not take all cases into account? I'm going to give you a very specific example. There are 11,000 victims of sexual assault in Canada whom the Catholic Church has compensated. If there was compensation, there was an admission of criminal acts. Is it true that those cases are not included in your statistics? The settlement occurred in 2006-2007. Is it true that the 11,000 victims of sexual assault are not included in your statistics?

[English]

Ms. Mia Dauvergne: I can't speak specifically to particular incidents. What I can tell you is that any incident that comes to the attention of police and is substantiated through police investigation is then reported to Statistics Canada and counted within our data.

The Chair: Mr. Dechert.

Mr. Bob Dechert: I don't have much time left, but I'd like to ask a question of Professor Martin.

The question is this. If sentences for certain serious and violent offences are increased by approximately 20% to 30%, what impact would you expect those longer sentences to have on crime statistics in the future? What would you expect to see?

Prof. John Martin: It would depend whether we're talking about the actual sentence being enhanced legislatively or about judges imposing it.

Mr. Bob Dechert: Let's say judges actually imposing it, so that criminals are staying in prison longer by, say, 20% to 30%. What impact would you see?

Prof. John Martin: The impact would be that this is additional time during which those individual offenders cannot accumulate more victims. That would mean less crime. It doesn't mean they're not going to reoffend when they get out, but at least we would have had a holiday from them.

Mr. Bob Dechert: So you would expect to see some reduction in the statistics.

Prof. John Martin: Yes.

Mr. Bob Dechert: If I have time left, I have another question.

The Chair: No, you're out.

Mr. Bob Dechert: Okay. Maybe I'll ask it in the next round, if we have another round. Thank you.

The Chair: Mr. Murphy, you have five minutes.

Mr. Brian Murphy: I'm going to ask questions using slides 3 and 5. I'm trying to ballpark this. I'm trying to think of this in real numbers, the way our citizens think of it. If I have this right, this would suggest that 138 people in 2008 were accused of gang-related homicides; 10 of those accused were youth. In 2007, there were 34 youth out of 118.

Am I wrong about this?

Ms. Mia Dauvergne: The slide on page 3 is referring to the number of victims, not the number of persons accused.

Mr. Brian Murphy: It says gang-related homicides.

Ms. Mia Dauvergne: Yes, it's the number of victims of gang-related homicides. There were 138 victims in 2008.

Mr. Brian Murphy: Is there an apples to apples comparison? Let's put it this way—

Ms. Mia Dauvergne: In other words, not all homicides are solved by the police and not all homicides result in an accused person being identified.

Mr. Brian Murphy: Okay. If we just look at slide number 5—this is all I really was getting at, if I think about it—and you average all those numbers, 16%, 32%, 25%, they're probably around 25%. I don't know; you're the statisticians. So one quarter of persons in Canada accused of gang-related homicides are youth, on a roughly three-year average. Is that right?

Ms. Mia Dauvergne: That's correct.

Mr. Brian Murphy: Along the lines of what Mr. Petit was asking about other serious crime—serious assaults or other serious crimes, such as sexual assaults, assaults, anything in those parts of the code—is it the same proportion? Is there an inordinately high percentage of gang-related homicides being committed by youths, or is this average, or would you be able to guess?

I know statisticians must just hate to guess.

• (1210)

Ms. Mia Dauvergne: Are you speaking specifically of gang-related homicides?

Mr. Brian Murphy: Yes. Is it a higher proportion? I'm taking a three-year average; it's about one-quarter. It seems high to me, that people between 12 and 17 are committing a quarter of all accused gang-related homicides in Canada. It seems they are a higher proportion.... Are they a higher proportion of that group than they are of society in general? Are they higher in that slide than they are with respect to other serious crime or crime in general?

Mrs. Julie McAuley: We don't have those figures in front of us. We would be happy to go back and provide those to the committee for the serious offences you would like us to give you, but we don't have the information right now, so we wouldn't be able to comment.

Mr. Brian Murphy: If you could get that, it's of interest to me.

Mr. Craig Grimes: There's no way to do it for the other serious violent crimes and whether or not there are youth gangs. That's not possible, because that comes from a different data source.

Ms. Mia Dauvergne: I could certainly provide you with information that looks at the proportion of youth accused for other types of violent crime, but not if they're gang-related.

Mr. Brian Murphy: I got that from the previous comment, but just for crime in general—

Ms. Mia Dauvergne: Right. Absolutely.

Mr. Brian Murphy: What percentage of our population is between 12 and 17 years of age?

Ms. Mia Dauvergne: We can absolutely get that for you.

Mr. Brian Murphy: Well, you should just know that, shouldn't you?

Ms. Mia Dauvergne: Do you mean the exact number?

Mr. Brian Murphy: Just make it up. We wouldn't know the difference.

Voices: Oh, oh!

Mr. Brian Murphy: This is for Mr. Martin. A roundabout discussion about what you think would be... I have no quarrel with the debate that if a person is put away, they're not going to commit a crime. Your evidence seems very heartfelt, from an amassing of information, so I'm going to ask you a general question. Do you think that extra time in prison does an offender any good? Would that offender come back and be more of a threat than the picture you're painting of a sort of indoor, outdoor, revolving-door system of incarceration that doesn't do any good either?

Prof. John Martin: It can do a world of good for offenders who want the help. Let me quickly tell you, my brother-in-law is a lifer; he committed first-degree murder. He was eligible at 15 years with a "faint hope". The two people he was co-convicted with, who were much more seriously involved in it than he was, got out at 17 years. He stayed in another two and a half years, because he thought the system had more to offer him. He's out and he's working as a chef at a golf course now. I speak to him a lot about this. He says for those who want it, it is there. But that's not the majority of people.

So sometimes that extra time can be extremely beneficial.

Mr. Brian Murphy: You don't seem to be fearful of wading into topics, so what do you think of the pardon situation? Should they be allowed? You read the Prime Minister's comments on this over the weekend, perhaps.

Prof. John Martin: I would encourage the continuation of pardons for offenders who have committed property crimes, maybe small-level drug crimes in their youth, who have made mistakes and carried on with their life. I would not grant it to the most serious cases that are for public discussion right now under any circumstances.

The Chair: Thank you.

We will go to Mr. Dechert for another five minutes.

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

Professor Martin, can you describe for us the percentage of youth of the ages 12 to 17 years as a percentage of the general population today compared to that percentage, say, back in the sixties? I think you mentioned there was a higher percentage of young people who perhaps commit more of these sorts of offences.

Prof. John Martin: My understanding is that it's almost 20% less than it was in the sixties.

Mr. Bob Dechert: Okay. What are your sources for that information?

Prof. John Martin: That is just using basic demographic data that has been accessed from Statistics Canada, delivered through the census.

Mr. Bob Dechert: Okay. Thank you.

Certain senior police officers in my region, Peel region in the Toronto area, have suggested to me that there is sometimes an underreporting of offences by police, especially young offenders, because they feel that the time they are required to put into investigate and prosecute the crime versus the sentence that will result under the Youth Criminal Justice Act just deters them from following through. So in many cases with repeat offenders they won't bother to process the crime. Does that make any sense to you? Have you seen anything in your studies that would suggest that is true?

Prof. John Martin: Anecdotally, I hear that all the time from police officers. They will confiscate the marijuana, the alcohol, and they won't proceed formally. It takes too much time, and it's extremely frustrating because they know ahead that all of the processing is for naught—nothing is going to happen; nothing will come of it.

•(1215)

Mr. Bob Dechert: So that would suggest that some of these crime statistics we are looking at are not entirely accurate as to what is actually happening out there.

Prof. John Martin: Right, they will miss that. What they will also miss is that there are many more alternative strategies out there than there used to be for informal resolution, so it never actually gets necessarily documented as a criminal offence.

Mr. Bob Dechert: Thank you.

Do I have any time left?

The Chair: Yes.

Mr. Bob Dechert: Could I defer to my colleague Mr. Norlock?

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

You were sort of cut off when you were comparing British Columbia to Washington state, but I think we got that message.

I just need to ask you this, because it's probably very close to the end. One of the ways people like me might want to ignore a person's statistics or your message is to bring into question its source. So you mentioned the difference between crime rates in the sixties compared to the seventies compared to today. You gave us a lot of your opinion. What do you base those opinions on? What are your sources?

Prof. John Martin: I stay current with the statistics, with the published research that comes out. I'm constantly devouring the reports from the RCMP, from Justice, from the Solicitor General, and this is the material I work with to go into the classroom and to go to public sessions to explain what is happening.

I do obviously have an opinion. I've been writing opinion pieces in newspapers; I've published some 500 of them in the last 12 years, so I wouldn't deny I do have an opinion.

Mr. Rick Norlock: Is that opinion based, do you believe, on your ideology, or is it based on the preponderance of professional studies in your capacity as a person who disseminates that information to willing minds such as students?

Prof. John Martin: It has to be based on the evidence, on the research. I would be eaten alive if it wasn't. I'm a bit of a pariah as it is for not being a left-leaning criminologist, and if I make one misstep, as I occasionally do, the sharks circle me, and they're quite merciless.

Mr. Rick Norlock: When you mentioned the difference between Washington state and British Columbia, you were somewhat cut off as to the reasoning why you think there is a difference in the preponderance of drug grow operations. Could you elaborate a little bit more on that?

Prof. John Martin: The point is that there is no reason Washington state and B.C. should be different in that capacity. Their crime rates are quite similar for almost everything else, but in grow ops it's day and night. The only difference that I can attribute it to is sentencing, five years versus forfeiture of your light bulbs.

The only problem with that in Washington state is people growing on crown land and in forests where they don't have to worry about their homes being seized. We have more and more people from Washington state buying recreational property in the interior so they can come up, and the response from them is, "We're not allowed to do this back home."

The Chair: Thank you.

We'll go on to Mr. Woodworth for five minutes.

Mr. Stephen Woodworth (Kitchener Centre, CPC): Thank you.

I'd like to go back to a question similar to what Mr. Norlock was asking you, Dr. Martin, about the source of information, because I think what you have to say is valuable. There was some evidence earlier that some of the statistical crime reporting didn't begin until the 1990s. If we wanted to know what the crime rate was in 1962, where would we find that, or where would you find it, I should say, and can you just elaborate on that a little?

Prof. John Martin: It's my understanding that 1962 was the first year that a crime rate was established and made public. The problem is that the measure of what goes into the crime rate has changed over

the years, so it does become difficult to make comparisons from one decade to the previous. But it's really the best we do have.

In terms of the victimization studies, which have been done for almost as long, we see the same thing. We see an increased number of people purporting victimization as time goes on, compared to the 1960s.

• (1220)

Mr. Stephen Woodworth: Thank you.

Prof. John Martin: But we are limited by what's there.

Mr. Stephen Woodworth: If I could ask the statistical people, I thought I heard something earlier about adult crime statistics not being gathered until 1991. Can you tell me what was the practice in 1962, and did I misunderstand the evidence about statistical gathering?

Ms. Mia Dauvergne: What Dr. Martin said is correct. We do have information on the crime rate beginning in 1962. What began in 1991 was the collection of information specific to gang-related homicide.

Mr. Stephen Woodworth: I see. Thank you. That's a good clarification.

Is there anywhere a compendium of the history of reporting changes that have occurred? We've spoken about a number of reporting changes, including different versions of the uniform survey, which I thought was an interesting turn of phrase, but also various things, the crime severity index, of course, being recent, and now, of course, we know gang reporting in 1991. I wonder if that is collated anywhere and set down where one could sit and read a few pages of what the various changes in reporting have been since 1962.

Ms. Mia Dauvergne: We could certainly provide some information to the committee on that. I'm not sure it would be only a few pages, but—

Mr. Stephen Woodworth: I don't want to put you to too much homework, but in the comparison of statistics from one decade to the next, it would be useful to know what was reported then and what is reported now.

Ms. Mia Dauvergne: Absolutely.

Mr. Stephen Woodworth: I was a bit curious about that phrase, "different versions of the uniform crime reporting survey", because if it's uniform, I suppose it's all the same. Did you mean to say that it evolved over time, or is it used differently in different parts of Canada today?

Ms. Mia Dauvergne: The analogy I like to give people is that it's like a version of Microsoft Windows. The earlier versions had limited capacity, and as newer versions came out they still had the same capabilities as the old version, plus additional ones. The newest version of the uniform crime reporting survey can do what the older versions did, plus more. So the level of information we collect has become more detailed.

Mr. Stephen Woodworth: And is that used to collect data not only on Criminal Code non-driving offences, but also on Criminal Code driving offences and other federal statutes?

Ms. Mia Dauvergne: That is correct.

Mr. Stephen Woodworth: All right. So all that data is out there.

Do you publish an actual crime rate that shows in fact not just Criminal Code non-driving offences but all criminal or quasi-criminal offences?

Ms. Mia Dauvergne: We don't typically publish it as a rate, but we certainly can provide the number of total violations that have occurred for each year.

Mr. Stephen Woodworth: Is there a reason you don't publish a comprehensive crime rate?

Ms. Mia Dauvergne: It's the way the crime rate has been defined, going back years and years.

Mr. Craig Grimes: I know one of the considerations is that over the years, impaired driving offences, as well as drug offences, have been particularly susceptible to enforcement practices, so there can be a lot of variability in those rates from jurisdiction to jurisdiction.

Mr. Stephen Woodworth: I don't know if Mr. Petit has any additional questions.

The Chair: No, you're out of time.

Mr. Stephen Woodworth: Oh, I'm out of time. All right.

The Chair: And we're actually at the end of our time here.

I will say I'm still troubled by the fact that drug offences are not included when we calculate the crime rate. In every single city we visited, when we talked about organized crime and met with the different stakeholders, drugs were the number one focus of discussion, wherever we went. And from personal experience—I can only speak for my community of Abbotsford, but it has been called the crime capital of Canada, at least last year, thanks to Statistics Canada—my concern is if we really want a true picture and we want to communicate that true picture to Canadians, we need to find a way of incorporating drug statistics in the overall crime rate. Otherwise, I think we're going to continue to mislead Canadians.

Are there any plans to provide a more consistent treatment of how we deal with drug offences?

• (1225)

Ms. Mia Dauvergne: One of the things we've recently developed, and I believe it was mentioned earlier, is the crime severity index. That index does take into account drug offences as well as all Criminal Code offences, so it might be useful for the committee to have information on that.

The Chair: The challenge, of course, will be....

Will that become the reporting norm for the public, or will the public still talk about crime rates as they have been reported over the last 30 to 40 years?

Ms. Mia Dauvergne: At this point in time, we are publishing both. It's difficult to determine what the future holds, but certainly our primary focus this year, for example, in our standard publication, will be on the crime severity index.

The Chair: Perhaps that's the challenge we can leave you with, to take all of these comments into account. Whatever we can do to make our reporting more transparent and honest would be very helpful.

So thank you to all of you for appearing before us.

Monsieur Ménard.

[Translation]

Mr. Serge Ménard: I have one question. You have taken an initiative, but I believe we are all interested in that.

I believe the drug statistics aren't published, but that they have been compiled. What would be interesting for us would be to have that compilation, if possible.

[English]

Ms. Mia Dauvergne: We do have published drug crime offence statistics that we could certainly provide to the committee.

The Chair: If you would....

Ms. Mia Dauvergne: Absolutely.

[Translation]

Mr. Serge Ménard: Can we have them?

[English]

The Chair: *Oui.* Yes.

Ms. Mia Dauvergne: Oh, yes, they're publicly available.

[Translation]

Mr. Serge Ménard: All right.

[English]

The Chair: Thank you. We will suspend for five minutes.

Again, thank you to all of you, witnesses.

• _____ (Pause) _____

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• (1230)

The Chair: We will reconvene the meeting.

We're moving now to consideration of Bill C-475, an act to amend the Controlled Drugs and Substances Act, in regard to methamphetamine and ecstasy.

We have with us the proponent of the bill, John Weston, the member of Parliament for West Vancouver—Sunshine Coast—Sea to Sky Country. That's a mouthful, but we're glad you're here. You have 10 minutes to present, but before you do, I want to remind members that we talked about getting the names of any proposed witnesses to us by today. If we don't have a long list, we'll also move to clause-by-clause at our next meeting. That's my proposal.

At our next meeting also, you should know, we may be in a position to consider one of the two order in council appointments, if that's the committee's wish. We have an order in council for the new appointee as deputy minister and AG. Of course, as well we have former Justice Iacobucci's appointment. Certainly we can fit one of them in at our next meeting.

If we can go clause by clause on this bill, as well as deal with that, that might be a good plan going forward.

In any event, we have with us Mr. Weston.

Please, you have 10 minutes to present.

[Translation]

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

[English]

I'm very grateful to be here.

[Translation]

I'm surprised you've planned your schedule this way.

[English]

You have me here today, only six days after the bill passed second reading in the House. So I very much thank you.

I'm honoured to speak on this bill, which would amend the Controlled Drugs and Substances Act. My appearance comes hard on the heels of last Wednesday's unanimous vote in favour of the bill on second reading, the first time a private member's bill has attracted unanimous support in this Parliament.

On behalf of the many agencies and people who have endorsed the bill outside the House, I thank the members for their support.

In the previous session of Parliament, a version of the bill received unanimous support from the House as well. That was the work of my colleague and friend, Chris Warkentin, the MP for Peace River, who also deserves thanks for all the work and time he has invested in this matter.

I also want to thank colleagues of mine who accompany me today, Joshua Peters and Adrian Reimer, who have spent untold time working on the bill and gathering endorsements for it. I'm sure the unanimous consent that we received inside the House was influenced by the long list of supporters outside the House, which so far include the Federation of Canadian Municipalities, the Solicitor General of B.C., the B.C. Association of Chiefs of Police, the Crystal Meth Society of B.C., the Town of Gibsons, the City of Powell River, the District of Squamish, the Municipality of Bowen Island, the Squamish-Lillooet Regional District, Chief Gibby Jacob of the Squamish first nation, and several other groups and people.

Let me concede, colleagues, that I'm by no means an expert on the fight against drugs, but I am here to represent the public interest, the people of my riding, and all Canadians who are concerned about the fight against crystal meth and ecstasy. In that respect, I welcome your suggestions on how to improve the bill or make it more likely to achieve the goals of wiping out crystal meth and ecstasy use in Canada.

This bill would restrict the availability of crystal meth and ecstasy by providing additional possible charges against the drugs' manufacturers. These drugs are cheap to make, highly addictive, damaging to physical and mental health, and, in their manufacturing process, toxic to the environment. Increasingly, drug traffickers are mixing crystal meth into other drugs because it's inexpensive and it gives other drugs greater addictive qualities.

Crystal meth is a highly addictive drug, with a long-lasting high, and it produces an overwhelming euphoria. Those who use it are quickly addicted and experience more intense effects from prolonged use compared to other drugs.

These drugs have affected a large number of Canadians. In B.C., it was estimated by the Ministry of Health in 2003 that 4% of school-aged children have used methamphetamine-type drugs. At the same time, it was estimated by the Alberta Alcohol and Drug Abuse Commission that 5.3% of the school-aged population had tried methamphetamine-type stimulants. Between 2000 and 2004, 65 people died in B.C. with methamphetamine present in their bodies.

• (1235)

The Chair: John, I'm going to get you to slow down. The interpreters are having trouble keeping up with you.

[Translation]

Mr. John Weston: If I speak French, is that better?

Some hon. members: Oh, oh!

[English]

This number, which has been increasing each year for which statistics are available, charts a disturbing trend for all people in Canada. One of the most insidious qualities of these drugs is the covert way in which they attack users. Ecstasy appears to be a harmless drug to some. It's often marketed through colourful pills with cheerful designs such as happy faces. Police have found that a significant amount of ecstasy seized from the streets is laced with more dangerous drugs such as crystal meth. When combined, the two can become an addictive, toxic, and dangerous blend. Overdoses are common due to the unregulated nature of the drugs and also to the user's inability to monitor what he or she is actually consuming.

Side effects of methamphetamines are similarly worrisome. A 2007 position paper produced by the National Drug and Alcohol Research Centre in Australia noted that methamphetamine use has often been associated with violent crime and the drug has a strong reputation for inducing violent behaviour.

[Translation]

The 2004 United Nations report made clear what a scourge these drugs are to youth in our country. Serious health implications resulting from chronic use of these drugs include dependence characterized by compulsive drug seeking and drug use, and a phenomenon known as amphetamine or methamphetamine psychosis, which includes strong hallucinations and delusions. Crystal meth and ecstasy use can translate over the longer term into schizophrenia, a side effect with lasting consequences. Trauma experienced by users includes great physical, psychological and emotional harm. Too many families and communities are being affected by these awful drugs.

• (1240)

[English]

In addition to the harm to the individual consumer and his or her community, we legislators should take note of the dangerous environmental aspects of the production of crystal meth and ecstasy. The covert nature of the production process means there's no way to control the quality of the substances produced, the safety of production, or the location. Though large-scale industrial production of these drugs is an increasing reality, the vast amount of crystal meth and ecstasy is still produced in small kitchen-like laboratories.

A 2004 Carleton University report stated that “Versatility is the term that best defines methamphetamine production.” Clandestine laboratories have been found in sites as diverse as private residences, motel rooms, dorm rooms, campgrounds, storage facilities, and almost any other place you could imagine. These laboratories appear innocuous from the outside as they're located in residential neighbourhoods, but they produce toxic waste, up to five kilograms of waste for each kilogram of crystal meth produced. They're also a major fire hazard. A UN report noted that “environmental harm and costs caused by illegal laboratories and their safe removal are considerable”.

Many of our colleagues in the House have expressed to me concerns about the effects of these drugs on people across Canada. However, the marketing of crystal meth and ecstasy transcends Canada's borders and tarnishes our reputation on an international scale. A 2004 UN report entitled, *Preventing amphetamine-type stimulant use among young people* noted that there is evidence that Canada-based Asian organized crime groups and outlaw motorcycle gangs have significantly increased the amount of methamphetamines they manufacture and export for the U.S. market, also for Oceania and East and Southeast Asia.

The report went on to note that Canada has grown to be the most important producer of ecstasy for North America. Since 2006, all ecstasy laboratories reported in Canada have been of a larger-scale capacity operated principally by Asian organized crime groups.

We have many resources, skills, and commodities to send abroad. How sad that we Canadians must now include crystal meth and

ecstasy among our recognized exports. The UN Office on Drugs and Crime also noted in 2009 that Canada is the single largest supplier of ecstasy to the U.S. and a significant supplier of the drug to Japan and Australia.

I welcome this committee's suggestions on how to improve the bill so it can best eliminate crystal meth and ecstasy found on the streets of Canada. I'd also appreciate your input on how to ensure that it moves quickly through this committee and the House, and thus avoid the fate of MP Chris Warkentin's bill, which died in the Senate even though it had received unanimous consent in the House.

I thank you again, Mr. Chair, and I'm more than happy at this time to answer any questions about the bill.

The Chair: Thank you.

With the committee's consent, I'd like to make a three-minute round. Is that all right?

Mr. Brian Murphy: I have quick questions.

If I compare Bill C-428 to Bill C-475, I think there are three major differences. For one, your bill adds ecstasy. Two, it clears up how the previous intent section was drafted. It had sort of a passive use, “is intended for”, and yours is clearer in that it says “knowing”. In other words, the intent is very clear that it's with the accused, not objectified by the previous language.

I think the third point is that it specifies a maximum sentence of ten years. I'm not clear about what Bill C-428—unless I didn't get all the pages—intended to do for penalty. Maybe you can answer that.

The second thing I wanted ask you was, if someone is producing a listed drug in the schedule, is the maximum sentence ten years now? I didn't look it up so I don't know. Is this in league with the sentences that are there for other combined drugs?

• (1245)

Mr. John Weston: Thank you for the questions.

The first thing I'd like to do is outline my approach in bringing the bill to the House.

It was very much an information-gathering, consensus-building approach. I went to the critics of the other parties to get their input. I went to law enforcement officials, both national and from my own province. It was recommended that we add ecstasy.

In my remarks, I mentioned that ecstasy is in many occasions a Trojan horse for crystal meth, so the law enforcement community felt that would be consistent with the intent of the bill and consistent with the health and welfare of Canadians. In terms of the intent, many people have asked about the intent provision. Any criminal offence in Canada has a *mens rea* or an intent portion, whether it's specific or not. We thought the clarity would both protect innocent users of the legal ingredients that may be covered by this bill as well as make it clear to the law enforcement community what they have to prove to get a conviction.

The sentence in this bill is ten years less a day, and I know there are various sentences for different offences in the Criminal Code. I suspect there are people at this table who are better able than I to make the comparison.

Mr. Brian Murphy: Thank you.

The Chair: Thank you.

We'll move on to Mr. Lemay.

[*Translation*]

Mr. Marc Lemay: To answer my colleague, Mr. Murphy, it is seven years that is provided for in subsection 4(3) of the act.

I have a question which it may not be possible to answer. Why is the term being increased to 10 years rather than being left as it is?

First, we are clearly not opposed to your bill. I even agree with it. However, the bandits are often faster than the police. I'm concerned, having been at the World Antidoping Agency, about Olympic athletes and athletes at all levels.

Everything is already provided for in Schedule I. I've examined it, and everything is entered in it, "Methamphetamine (N,a-dimethylbenzene-ethanamine), salts, derivatives", etc. Are you going to ask that over-the-counter flu products be banned? It's merely a practical question.

I believe all my colleagues agree with this bill. There's no problem. However, it's the practical question. Would it not have been preferable to establish regulations, which are much easier than amending an act? Everything's already in it. I'm trying to understand what more this offers. That's my question.

Mr. John Weston: I think that may be the best criticism that can be made of this bill. This isn't the perfect response to the threats that methamphetamine and ecstasy represent.

However, I must say that it is a major step. If police officers have the opportunity to

[*English*]

make an arrest and investigate,

[*Translation*]

that's something more because we currently don't have that tool in our toolbox. Even if everyone knows that a man or a woman who wants to make drugs can do it, we currently can do nothing against them.

• (1250)

Mr. Marc Lemay: That's what I don't understand, Mr. Weston.

I have a lot of respect for your position. There is a problem especially in the west, in Vancouver, and near schools. I am entirely aware of that and I agree with you.

I claim they have it already. You claim this will give them another tool. So much the better. It is prohibited to produce, sell and have the drug in your possession. That's what's provided in the Code and what appears in Schedule 1, but they don't use it. They discover crystal meth labs every day.

Mr. John Weston: I understand that it's now illegal to manufacture these drugs, but it isn't illegal to look for the ingredients with the intention of making them. So this can lead us to prohibit production.

Mr. Marc Lemay: All right, there you have the argument.

The Chair: Mr. Lemay.

Mr. Marc Lemay: Wait, I just want to finish.

You have a very good argument.

He told me I was using his time.

Now I understand. It's the example of a young person or an adult who goes to a counter to look for certain ingredients and police officers who would be capable of proving they are used to make drugs. There I agree with you.

All right, that's fine. Thank you.

[*English*]

Have a nice weekend.

Voices: Oh, oh!

The Chair: Mr. Comartin.

Mr. Joe Comartin: I assume I still have left a little bit of my three minutes.

The Chair: Yes, you have a little bit of time.

Mr. Joe Comartin: I don't want to ask a question.

I spoke to Mr. Weston about this before we started today. I think he shares this concern.

We've just mentioned these two drugs, but there certainly could be, in the future, derivatives—there may already be derivatives—along the same lines. I think it behooves the government to be looking now to add in the future, and maybe the near future, additional ones using this section as the base, or, as Mr. Lemay has raised, to use the regulations to bring additional drugs of this nature under the purview of this legislation.

That's all I have, Mr. Chair. Thank you.

The Chair: All right.

Is there anybody on the government side...?

Mr. Woodworth.

Mr. Stephen Woodworth: I have only one small point of clarification that I want to double-check.

In proposed section 7.1 of your bill, there's a reference to item 18 in schedule I. I'm assuming that's either methamphetamine or ecstasy.

Mr. John Weston: One or the other.

Mr. Stephen Woodworth: One or the other. There is also a reference to subitem 1(9) of schedule III, which would be the other.

I notice, however, that in the coordinating amendment, the number is a bit changed. There is a reference to item 18 of schedule I, but then, instead of subitem 1(9) of schedule III, it's subitem 19(8) of schedule I.

I'm wondering if you know whether Bill C-15 moves one of those substances from schedule III to schedule I, which is sort of the way the draft appears here. Or is that in some way a misdescription?

Mr. John Weston: It's great that we have 308 members of Parliament to represent us, because there's probably only one out of the 308 who would know...and be observant enough to ask that question.

I'll have to check and reply to you afterwards.

Mr. Brian Murphy: On a point of information, that's exactly right: Bill C-15 changes this. It moves some drugs to different schedules.

Mr. Stephen Woodworth: Well, if we could make sure that this was...that meth or ecstasy were moved, that would satisfy my concern.

Mr. John Weston: I am relying to some extent on the legislative branch of the House of Commons, which assisted and looked very closely at that, but I'll make sure it's done correctly.

Mr. Stephen Woodworth: Thank you very much.

The Chair: Thank you, Mr. Weston. You did very well. Your French is remarkable for a west coaster.

Before we adjourn, I want to raise with committee members what we will be doing at the next meeting.

By the way, Mr. Weston, you can leave.

Mr. John Weston: Thank you.

The Chair: We've had those two referrals, orders in council, so we can probably deal with at least one of them at our next meeting. I'm hoping to move to clause-by-clause as well on Mr. Weston's bill.

Mr. Murphy has asked the Department of Justice officials to appear, so we'll have them here for the clause-by-clause.

If you have any other witnesses, please let us know who they are by the end of today so the clerk can schedule their appearance as well.

Other than that, if I don't see any demurrals on those proposals, we will move forward on that basis.

Mr. Ménard.

•(1255)

[Translation]

Mr. Serge Ménard: I would like to talk to you about it, but I think it may be better to do it in front of everyone.

For the moment, we're going to have statistics on drug crime. What you're saying is very true, that drug trafficking represents more than half of organized crime. That's the only area where we apparently don't have statistics. That makes no sense. They're able to prepare them for us. We're asking Statistics Canada to provide us with a statement of statistics on drugs in Canada and offences in that field.

[English]

The Chair: Mr. Ménard, I believe I specifically requested that they provide this committee with that information.

I'll make sure the clerk reminds them of that so that by the next meeting we've got that information, I hope.

[Translation]

Mr. Serge Ménard: That's perfect.

[English]

The Chair: This meeting is adjourned.

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