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Chair

Mr. Kevin Sorenson

Standing Committee on Public Safety and National Security

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• (1530)

[English]

The Chair (Mr. Kevin Sorenson (Crowfoot, CPC)): Good afternoon, everyone, and welcome here. This is meeting number 41 of the Standing Committee on Public Safety and National Security, on Monday, November 22, 2010.

Just before we get into the orders of the day, I want to encourage all of our members to submit their lists of witnesses for the coming hearings on Bill C-17, the investigative hearing and recognizance with conditions bill. We have only two meetings scheduled for that bill, on December 13 and December 15. The justice minister will be appearing for the first hour and departmental officials in the second, but we do have witnesses who we would ask opposition and government members to get in for the other. We will want to hear those witnesses. We have not had too many submitted as of this point. For the clerk to be able to send the invitations out, we would ask that you get them in as soon as possible.

Today we're going to continue on our study of Bill C-23B, an act to amend the Criminal Records Act, and at the same time we're conducting a review of the Criminal Records Act as per Dona Cadman's private member's business motion M-514.

Our committee thanks the witnesses who have appeared before us here this afternoon. From the John Howard Society of Manitoba we have John Hutton, executive director, and Barrett Fraser, board member. From Building Urban Industries for Local Development, we have Chris Courchene, level one carpenter apprentice, and Andrea Derbecker, training coordinator. From Opportunities for Employment, we have Kenton Eidse, employment consultant, facilitator for the community office, and Mumtaz Muhammed, a participant at the community office.

I understand that each of these three organizations has opening comments and brief remarks, and then we will go into the first round of questions, which is a seven-minute round. The second and all other rounds are five-minute rounds.

Madame Mendes has asked—

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): One request. One little request, Mr. Chair. Could we reserve 15 minutes at the end of the meeting for committee business, please?

The Chair: If it's the will of the committee, we have a motion to move to committee business at 5:15.

Is that the will, then, of the committee?

Mr. MacKenzie.

Mr. Dave MacKenzie (Oxford, CPC): I just have one question. Is it new business?

Mrs. Alexandra Mendes: It's to propose that we have, once a week, half an hour for committee business, every week.

The Chair: Have you submitted that as a motion?

Mrs. Alexandra Mendes: I did. I retracted it. I thought it would be best if we—

• (1535)

The Chair: No, it's probably better as a motion.

Mrs. Alexandra Mendes: —arrived at a consensus. Yes?

The Chair: I would think it's better to send a motion like that in so we're prepared.

A voice: A full motion.

The Chair: A full motion would give us 48 hours, and we'll deal with that next time.

So do you withdraw your motion for 15 minutes? Yes.

Mr. MacKenzie.

Mr. Dave MacKenzie: Mr. Chair, I think it brings up a bit of an issue. I'm not sure if my friend would agree, but my understanding is this committee was dealing with committee business at the last meeting. We can't move to new committee business till we complete the committee business that was before the committee at the last meeting.

The Chair: Yes, that is the case. When we have committee business and when it ends in the midst of debate, the process is that this is the committee business we go back to. So on the Wednesday, if you want to have your committee business for 15 minutes, it shouldn't take long to get that out of the way, I would think, and then proceed. So it should be all right. I think we're all right.

But you are correct.

Mr. Dave MacKenzie: But I'm not sure we are all right, because I'm not sure, Mr. Chair, with all due respect, that my friend understands the process. At the last meeting—

Mrs. Alexandra Mendes: If I may, Mr. Chair?

The Chair: Go ahead.

Mrs. Alexandra Mendes: What I'm proposing is that as part of our procedures, once a week we dedicate a certain amount of time to committee business, not that we change the committee business. Okay, and I know we have to address what we have not dealt with yet.

The Chair: Yes, so when we go to committee business, we will deal with what was on the table when the clock ran out last week and then we will proceed into any new motions.

So I would suggest, Madame Mendes, that you submit that, that we get the 48 hours and it be a motion, because I knew that you had submitted it.

Very quickly, Madame Mourani.

[*Translation*]

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Chair, I would also like us to set aside maybe 30 minutes every week or every other week to talk about our motions. So many motions have been brought forward, and we have not discussed them at all.

[*English*]

The Chair: Madame Mourani, on that point, with committee business, once the motion is in, and once we ask for committee business, we move to those motions. There are different reasons for having a whole group of motions on the books. Different parties have different motions. The point is, they can bring forward those motions as they see fit at the proper time. It's not up to the table or the chair to remind each one that you have an outstanding motion on the books. When you want to bring forward a motion, you request committee business, and we move to those motions.

It's not that your motions haven't been dealt with and that we've tried to prevent that. We will make that available. All we have to know is that you want to proceed with the motions.

I think, then, that we will not proceed to committee business today. We will wait until Wednesday.

Again, to our guests, we have some of these housekeeping duties we have to take care of every once in a while.

We welcome you. I'm not certain if there's any particular order...

Mr. Hutton, you're straight down the way here. We look forward to your comments.

Mr. John Hutton (Executive Director, John Howard Society of Manitoba): Thank you.

Good afternoon. Thank you for this opportunity.

The John Howard Society of Manitoba, with support from the John Howard Society of Canada, BUILD, and Opportunities for Employment, is appearing this afternoon to respectfully ask this committee not to make any further changes to the legislation governing pardons, especially those set out in Bill C-23B. In our opinion, the proposed changes are unnecessary and would ultimately make Canadians less safe.

We're particularly concerned about changes that would double the waiting period for those wanting to apply for a pardon, prohibit those who've committed specific offences from ever getting a pardon, and deny anyone convicted of more than three indictable offences from ever applying for a pardon.

The society is also opposed to changing the term "pardon" to "record suspension". In discussions around Bill C-23B last spring, it was said that the government should not be in the business of giving pardons, and this was the purview of victims. I respectfully submit

that two different concepts—pardon and forgiveness—are being confused here.

Under Canadian law it is the crown, on behalf of the Government of Canada, that brings charges as an aggrieved party, not the victim. If convicted, an individual is found to have committed an offence against Canada. Therefore the government clearly has a role in granting pardons as an aggrieved party, which is separate from forgiveness that a victim may or may not grant. Furthermore, the word "pardon" has deeper significance than "record suspension". "Pardon" implies that the individual in question is no longer an offender or a risk to the community in a way that "record suspension" does not.

At most, only 4% of those pardoned reoffend at a later date, strongly suggesting that the current criteria are more than sufficient. A pardon doesn't prevent a person from being investigated for other offences or make it any easier for the person to commit a crime in the future. What benefit is there to public safety in doubling waiting periods and taking away pardons altogether from those who commit specific offences or have more than three indictable offences? On the contrary, putting additional pardon barriers in the way of individuals trying to move forward and live crime-free lives decreases public safety. It is in the interest of public safety that, once convicted of an offence, the individual has a way, through the pardon process, of putting their past activities behind them and not committing any further crime.

There's also an element of unfairness in this proposed legislation for those it would most impact. It is well known that aboriginal peoples are over-represented in the correctional system. In Manitoba, aboriginal people make up only 12% of the overall population, but represent approximately 70% of those who are incarcerated. Therefore, Bill C-23B would be many times more likely to negatively impact this community, especially in Manitoba.

It has been said that the legislation has been drafted with victims in mind, yet it does not give victims any say or part to play in the pardon process, nor does the bill appear to advance victims' interests.

In my experience from working as a mediator in victim-offender mediation for many years, victims have three key needs: to know that the offender will not victimize them again; to know that they will not victimize someone else; and to know that the accused has learned from the experience and is making himself or herself into a better person as a result.

None of these needs are addressed by making it more difficult for an individual to get a pardon. In fact, the victim is more likely to be satisfied that his or her accused has been able to move forward and demonstrably live a crime-free life, which is symbolized by the offender getting a pardon.

The committee will now hear from three individuals who have committed crimes in the past and are working hard to move forward with their lives. I ask that you consider the consequences these individuals would face by not having a pardon, and how denying pardons in their instances would in any way make our community a safer place to live.

• (1540)

The Chair: Thank you.

Mr. Fraser.

Mr. Barrett Fraser (Board Member, John Howard Society of Manitoba): Good afternoon, everyone. It is a privilege to be here among you all.

Can an old dog do new tricks? Can a leopard change its spots? Yes, indeed. I am a testament to that. I have a significant criminal record—over 25 indictable convictions. When you get arrested in Manitoba, the prosecutors are very good and they pile on indictable offence after indictable offence after indictable offence. One arrest got me five indictable procedures.

But that was a long time ago. I've been conflict-free with the courts for over six years. I am the director of sales and marketing for a national online community called teambuy.ca—a great place. Check it out. I formerly ran and operated Manitoba's largest radio station, NCI-FM. I am contracted through Corus Media as well as Astral Media in Winnipeg. All my colleagues know of my past indiscretions.

I mention this not so much to qualify myself, but rather to qualify everybody else who has a criminal record, everybody who has somehow found a reason to live life the way it should be led. I'm no different from anybody else. Fortunately for me, though, I have strengths, supports, and resources in the community. The pardon is one of those strengths; it is one of those resources that I fully intend to take advantage of.

Quite candidly, my criminal record costs me a tremendous amount. When I travel to the United States, I need to get a border waiver, as they call it. It costs me money every time I want to do that. I understand that the pardon would not allow me entry into the United States, but the pardon is significant. I look at it this way. I served a six-year sentence. I did four years on a six-year sentence. I served every day of it. I went out on mandatory supervision. I served the rest of my sentence in the community. My debt to society is paid. I've paid my fines; I've done my time. Now I live a positive and pro-social lifestyle. Heck, I'm a member of the John Howard Society. I would never have thought I would sit on a board like that and have the opportunity to speak to you people.

My question is when do I and 400,000 other people stop being ex-offenders? When do we become citizens? By passing Bill C-23B, you're removing a tremendous piece of motivation for people like me. Trust me, that pardon, that opportunity to have my name cleared, is a tremendous carrot. It's a tremendous piece of motivation to keep me moving forward, to keep my eye on the prize.

As I said, I'm not unique. I might be a bit of an overachiever, but I guarantee you there are plenty of others like me out there, people who can come out of a federal institution after serving long sentences, get their lives in order, get married, get good jobs, and become respected members of their communities. I guarantee you there are other people in the same situation as I am.

I ask, beg, that you not pass this legislation. Ultimately, all you're going to do is hinder some good people.

That's all I have to say. Thank you.

• (1545)

The Chair: Thank you, Mr. Fraser.

We will move to Mr. Courchene.

Mr. Chris Courchene (Level 1 Carpenter Apprentice, Building Urban Industries for Local Development): Bonjour.

My name is Chris Courchene. I'm a member of Sagkeeng First Nation in Manitoba. I live in Winnipeg, and I am a carpenter's apprentice. I am here today to tell you my story and how it relates to the legislation being considered.

The first 11 years of my life I mostly lived with my grandparents on reserve. I went to school, and it was a fairly functional environment. Then I turned 11. My mother did the best she could, but she suffered from having attended the residential school system. She was a drug addict and an alcoholic and was very abusive. This was her hurt. She wasn't able to look after me the way she should have, had she had a normal upbringing herself.

She got me involved with a local street gang when I was 11. I want to repeat this: My mother got me involved in a street gang when I was 11. The gang offered me belonging, opportunity, and safety. Between the time I was 11 and 24, I was arrested more than seven times, and I have more than seven offences.

I spent more than half of this time in jail. Every time I got out of jail, I had good intentions for starting a new life, but I continually hit dead ends, partly because I was unemployable with my history, partly because of alcohol and drugs. The cycle of offence, arrest, conviction, time in jail, and release would repeat itself over and over until I was 24. It was then that I was hired into a program called BUILD, in Winnipeg's inner city.

BUILD is an aboriginal social enterprise that accepts people with backgrounds similar to mine where we receive training, job experience, and a supportive environment. It helps us go from being unemployable to being an asset in the labour market.

While at BUILD, I took a parenting course and realized the patterns I had to break in order to be a good parent to my two children. I took a budgeting course, WHMIS, first aid, and CPR and even obtained my driver's licence through their driver's licensing program.

Now I am ready to take steps to move on to my second apprenticeship level. But I can't do this with a criminal record. I am prevented from obtaining a good career job with employers such as Manitoba Hydro. I haven't reoffended now in soon to be five years, and I was intending to obtain a pardon, given that I will soon reach five years with no offence.

I have now completed my grade 12, my level one apprenticeship, and my driver's licence. I am career-oriented and am a loving, committed parent to my two children.

Prime Minister Harper offered an apology to aboriginal peoples here in the House of Commons. When I heard about this apology, it encouraged me to heal and put the past behind me, and I look forward to becoming a productive citizen and a member of society.

I feel that the proposed legislation paints everyone with the same brush. I think that the pardon should be meant for people who clearly have demonstrated without a doubt that they have reformed and that they have a very negligible chance of reoffending. I know that with this legislation you are hoping to reduce crime. I think that is commendable. There have to be consequences for actions, but painting everyone with the same brush won't serve that purpose.

I hope that you allow me to apply for a pardon. I'd like to move on with my life.

Thank you.

• (1550)

The Chair: Thank you very much, Mr. Courchene.

Ma'am, did you have a statement as well? All right, go ahead, please.

We'll go to Andrea Derbecker.

Ms. Andrea Derbecker (Training Coordinator, Building Urban Industries for Local Development): We at BUILD believe in consequences. For example, we think that some offences should have stiffer penalties, like home invasions. However, let's help people break the cycle of violence when they are ready. A one-size-fits-all approach to pardons will increase violent crimes rather than decrease them. Once out of jail many inmates are unemployable. How many employers will hire an ex-offender with no job experience, no driver's licence? Even former inmates who want to find work are unable and many of them are forced back into a life of crime, building up offences and ruining lives.

Chris's story is one of a multitude in the north end of Winnipeg. His mother got him involved in gangs when he was very young. The fact that Chris is out of that life and is being a role model should be rewarded, not punished. In Chris's situation the problem is not related to the individual; rather, it is systemic, thanks in part to the residential school system, reservations, poverty, lack of employment. Many good employers, like Manitoba Hydro, and many construction firms, for example, require a clean criminal record. Pardons should be for people who have clearly shown reform and who do not present a risk of reoffending. Let reformed inmates get on with their lives on a case-by-case basis. We at BUILD know from front-line experience that many, if not most, of these individuals can become productive members of society. They need supportive employers to enter the workforce and build a résumé. The court incarceration and police systems have likely spent well over \$1 million arresting, sentencing, and incarcerating Chris Courchene. At BUILD we spent \$20,000 to train and support Chris so that he could enter the workforce. He is pulling his family along with him now.

Thank you.

The Chair: Thank you very much, Ms. Derbecker.

We'll now go over to Mr. Eidse.

Mr. Kenton Eidse (Employment Consultant and Facilitator, Community Office, Opportunities for Employment): Good afternoon, honourable members of Parliament and this committee. Thank you for this opportunity to appear before you.

My name is Kenton Eidse, and I'm an employment consultant with Opportunities for Employment, which is located in Winnipeg's west end. I work primarily with young men and women who have criminal records, assisting them with preparation for employment and their job searches.

Opportunities for Employment is concerned with being a presence that promotes strength, growth, and safety in our neighbourhoods by assisting community members with finding and keeping meaningful employment. We hope today to contribute to a complete picture of how the proposed Bill C-23B legislation will affect our communities.

With our community in my mind, Opportunities for Employment wishes this committee to consider that unnecessary barriers to honest employment placed before job seekers with criminal records will increase the risk to public safety. Numerous proposed changes to the Criminal Records Act constitute significant barriers to reintegration by denying offenders the opportunity to prove themselves, earn a pardon, and reach their full potential as productive members of society.

Job seekers with criminal records envision an earned pardon as a twofold benefit: one, a strong incentive to lead drug-free, crime-free, and productive lives in the community; and two, a means to achieving success in the long term, as a pardon removes an increasingly common barrier to employment, housing, volunteering, and educational opportunities.

Specifically, the proposed changes to the Criminal Records Act that would significantly reduce the incentive and increase the barriers to long-term success are doubling the waiting period for those wanting to apply for a pardon, prohibiting those who have committed specific offences from ever having the chance to earn their pardon, and prohibiting those who have been convicted of more than three offences from ever having the chance to earn a pardon.

Half of the participants who come through our employment agency's doors have a criminal record. These job seekers, who are taking positive action and staying out of trouble while waiting for their pardon eligibility, face a vastly diminished job pool because of their criminal record. No longer are criminal record checks confined to banking, health care, teaching, security, and government sectors. An increasing number of employers in the skilled trades, warehousing, building maintenance, landscaping, and manufacturing industries are also requiring a clear criminal record.

By asking on their application form, “Have you ever been convicted of a crime for which you have not received a pardon?”, these companies recognize that potential employees with criminal records can rehabilitate. They will hire ex-offenders if they have proven good conduct and evidence of rehabilitation—in other words, if they have achieved a pardon. Based on the current pardon system’s 96% success rate, employers can be, and they are, confident that a pardon signifies reform. They are willing to hire based on skill and experience, not on past mistakes.

A 2007 report of the Correctional Services of Canada review panel, *A Roadmap to Strengthening Public Safety*, observed that

Informed and engaged citizens and communities are integral to safe offender reintegration. CSC depends on the communities it serves to accept and support offenders. The Panel believes that this is critical to public safety.

If this proposed legislation takes away the opportunity for offenders to prove themselves, to turn a new leaf, to shed the stigma of their past, it will further separate offenders from the needed acceptance and support of their communities. In my experience as an employment counsellor, this separation will increase the likelihood that an offender will come up against too many walls in his or her efforts to change and return to old destructive patterns of survival, which may lead to further crimes.

We see so many people working hard every day to change their lives, to rebound from their mistakes. We are doing everything we can to assist them, with the knowledge that by doing so we are helping build safer, productive communities. We sincerely hope this legislation will continue to help and not hinder this vital endeavour.

Our recommendation to the members of this committee is to consider carefully the success that our current pardon system enjoys; the role of employment, housing, volunteering, and education in reintegration and the importance of an earned pardon in achieving these goals; and the necessary foundation of our correctional system, that offenders can be rehabilitated under the right supportive conditions.

I would like to turn it over to a participant of ours, Taz Muhammed. In my opinion, he exemplifies amazing potential in his particular career hopes, which could definitively be lost if he is not given the chance to apply for his pardon.

• (1555)

The Chair: Thank you, Mr. Eidse.

Mr. Muhammed.

Mr. Mumtaz Muhammed (Participant, Community Office, Opportunities for Employment): Thank you, Kenton.

Thank you today for the opportunity to have me speak to you here today. This is the last place I ever expected I’d be.

I’m an ex-offender who is trying to put his criminal past behind him, but the way our society is structured, and how far I’ve become unstructured from society, on its own is a long and trying endeavour. It’s an absorbing road that one may never find a way out of, so people choose to give in. But I refuse to quit, because I know that with my family, my beliefs, and my goals that I’ve set forth, those things that I achieve will bring me happiness and a sense of self-worth.

I believe that by increasing the pardon waiting period to make it impossible for anyone with more than three indictable offences to apply for a pardon, many lives will be affected—as well as mine. If this new bill were to pass, it would close many doors for me and condemn me to live with my past indefinitely. I may never be able to achieve a job with respectable pay like the one at Turning Leaf, which I acquired through the help of the staff at Opportunities for Employment, who didn’t discriminate against me and believed in me, believed that I could do it.

I volunteered at Turning Leaf. It is an organization that works with children with disabilities, and it was a rewarding experience. I’m passionate about this work, and my referrals from this organization will tell you that this work is a great fit for me and for my skills as well. Though they couldn’t hire me because of my record, they hoped that after I received my pardon I would come back and work for them.

I’m in the middle of my pardon process and trying to get all the necessary documents. It may still take quite a while. But if this bill goes through, I will not be eligible for a pardon at all, and the field of work that I love may never be accessible to me. Many opportunities in my life will be impacted by this new change, and I’m pleading for you to consider this bill, because my future opportunities will be limited.

Thank you.

• (1600)

The Chair: Thank you very much, Mr. Muhammed.

Thank you to each of you for your testimonies.

We’ll move into the first round of questioning with Mr. Holland, please.

Mr. Mark Holland (Ajax—Pickering, Lib.): Thank you, Mr. Chair.

I want to thank the witnesses, and in particular I want to thank Mr. Fraser and Mr. Courchene and Mr. Muhammed. I know it’s not easy to come forward with your stories and to share those, but you put a human face on an issue we’re dealing with, and I’m deeply appreciative of your doing that.

We had the minister in last week and we went over a number of weaknesses in the bill. The minister acknowledged a number of them, and they concern me deeply. One is referenced in one of the presentations—I can’t remember whose. It made the point that in one night you could in fact have five indictable offences. It was Mr. Fraser who indicated that. So you could have a person in one night make one mistake from which there stem five indictable offences, and under this current bill as it stands, that person would never have an opportunity for a pardon.

The other concern, of course, is the nature of the indictable offences. The bar is pretty low. A lot of people don’t consider that when you’re dealing with hybrid offences, some of those indictable offences could be possession of marijuana, or they could be somebody in a desperate situation writing a fraudulent cheque. We’re not saying they should do these things, but clearly these are not the types of things on which we would want to bar people forever from being able to get a pardon.

Mr. Hutton, if I could go to you to start, my concern is this. If we shut the door, if we say to people that there is no hope, that they're not going to get the opportunity to get a pardon, or call it a record suspension, whatever the title you might want to put on it, aren't we endangering public safety by saying to those people that there is no light at the end of the tunnel, that they have no way back in, they have no way to become a productive member of society in the way that other citizens are? That would be the first question.

Secondly, if changes should be made, where do you think the line should be redrawn? Are there examples where you feel that a pardon or record suspension shouldn't be made available to individuals?

Mr. John Hutton: Thank you.

In terms of your first question, I think we're concerned about any barriers that are there. Essentially, what you've heard is that a pardon isn't something that's just nice to have; a pardon is instrumental in the lives of these three gentlemen as they move forward and build stronger, healthier lives for themselves, their children, their families, and their community.

And frankly, I don't see that there should be any barrier put in place, that there is anything to be gained by making it more difficult for Barrett, for Chris, for Taz, or for the 400 or 500 or thousands of other Canadians to move forward in a crime-free life.

At the John Howard Society some of the people we work with have committed some very serious offences, have spent a lot of time in prison, and they too would have this opportunity. And it never comes at one point. I've met people who have seen the light after their first sentence. I've met people who have seen the light after 25 years. But they are working in the community, they are crime-free, they are not hurting other people.

I can't predict when that's going to happen. I want to be able to say to all of my clients, "You have that opportunity at some point. If you don't break the law in the future, if you don't hurt people in the future, you can put this behind you and move forward." That is a huge piece of hope for someone, and I don't think it should be taken away.

You asked me where I would draw the line. I say that the line is fine where it is. The number of people... Ninety-six percent of people who get a pardon don't have it revoked. And some of those who have it revoked have it revoked for something that occurred before the pardon was granted—a past offence that the police have found out about—as in the case of Graham James, for example.

I say that the line is fine where it is. If someone is crime-free for five years from the end of their sentence, statistically they are not going to commit another crime.

The people we see, the repeat offenders—and I work with a lot of repeat offenders—don't wait five years to commit another crime. They're doing it within five weeks or five months.

I think the line is fine where it is and there is no need, from a safety point of view, to change that.

• (1605)

Mr. Mark Holland: One of the things the minister referenced in his appearance before the committee was that people who are

committing multiple offences—and I'm talking here about very serious multiple offences—are his concern. He wasn't able to furnish to committee as of that point the number of people who would be in that circumstance who would be getting pardons.

Would you or anybody on the panel have access to that kind of information and be able to provide it? Because I think it's an important thing. If that's what he's trying to go after, the first question I'd be interested in is how many people in those circumstances are getting pardons under the current system? I haven't seen that. Are you aware of any statistics in that regard?

Mr. John Hutton: Semantically, could we just separate between people who are committing multiple offences and people who have committed offences in the past? When somebody has reached a point in time—five years from their last offence—they are no longer in my mind a repeat offender, a chronic offender. And if somebody continues to break the law, they would not be eligible for a pardon. There is already that cooling-off period.

I think the minister is pulling in two things. He's talking about somebody who is actively breaking the law and confusing that with somebody who has had a period of a minimum of five years since they've broken the law. I think at that point, the pattern is broken.

In terms of the numbers, I can't say. I am told that the number of Canadians with a criminal record approaches 3.5 million. How many of those would be multiple offences, I couldn't tell you.

Mr. Mark Holland: I have a very limited amount of time. So to Mr. Courchene, Mr. Fraser, and Mr. Muhammed, can you just tell the committee...? And first of all, I'm assuming that this bill would preclude any of you in your circumstances from being eligible for a pardon or a record suspension, as it might be called. Can you tell us what that would mean to you? If that door were shut, what impact would that have on you? Aside from the issue of fairness, what impact do you think that would have on your life, your circumstances, and what impact do you think it would have on others?

Mr. Barrett Fraser: I can speak to that first.

First of all, it would affect me tremendously professionally. I've been fortunate enough to find myself in a career where people are forgiving, understanding, and results-oriented. As long as you do a good job, they're prepared to overlook your indiscretions. However, I'm fast approaching a ceiling in my work. In order for me to move from senior management to a senior executive, I'm going to need a pardon. I would love nothing more than for Reuters to phone me and say, "Mr. Fraser, we'd love for you to come and work for us and you have to live in London." I will need a pardon for that. I'd love for CNN to call me and say, "Would you like to work for us and move to Atlanta or to Washington?", but I would need a pardon for that, too.

I want to emphasize that I don't think I'm a unique individual. My story is different from Chris's; it's different from Taz's. But we have a common bond between us—that the pardon represents closure. I've been conflict-free for six years now. I'm married, I own my own home, I have a mortgage. I have all the responsibilities that you have. But I also have this burden, something I always have to be prepared to answer for, something I get challenged on virtually every day.

Those are the consequences I have to deal with because of the choices I made some time ago. However, I'm making all the right choices now. Not getting a pardon would prevent me from getting any closure on that portion of my life, and that closure is important to me. Also, the lack of a pardon would put a hard ceiling on where I can go professionally.

Chris.

•(1610)

Mr. Chris Courchene: I wouldn't be able to get a job at places that ask for criminal records. Lots of places ask for criminal records in the carpentry industry. I don't know what I'll do if I don't get this pardon. I'm scared that I'll end up on welfare or something, or that I'll be sweeping buildings and cleaning toilets for the rest of my life, or that I'll be doing back-breaking labour until I'm 80 before I can save up to take care of my kids. All I want to do is get on with life. I want to continue to be a good member of society, a good citizen. I want to teach people like me how they can do it too, how they can get away from that type of stuff. But if I can't get this pardon, what do you expect me to do?

The Chair: The chair was caught up in some of these stories.

Mr. Muhammed, maybe you'll be able to work it into another question.

Madame Mourani.

[*Translation*]

Mrs. Maria Mourani: Thank you.

Good afternoon, everyone. Thank you for being here. I would also like to thank you for sharing your life stories with us. You represent many of those who were accused of a crime at some point in their lives.

I think that one of the main issues with this bill is that, once someone commits a third offence, he or she becomes completely ineligible for a record suspension. Your story is making me think that this ban could cause a major problem. It's possible for someone to commit several crimes in one night or in less than a week. As you deftly put it, Mr. Courchene, people don't necessarily choose to join a street gang. Sometimes, that lifestyle is deeply ingrained and can be traced to the family.

You could perhaps help us with the following point. The bill also states that once a person is accused of an offence referred to in Schedule 1, which covers a number of sexual offences, he or she becomes ineligible to apply for a record suspension. We know that, for crimes involving drugs, and so on, the success rate of rehabilitation is quite high.

I am wondering about sex offences such as, for instance, pedophilia and sexual assault of a minor. I must admit that I have a hard time believing that people who commit these types of crimes can be rehabilitated. I worked at the Institut Philippe-Pinel for a long time. I can tell you that when offenders also have mental issues, it is very difficult to rehabilitate them, even with the help of all the programs currently available.

Don't you think that, in such cases, record suspension should not be granted, since these people could end up working in schools, with sports teams, and so on? What do you think about this?

•(1615)

[*English*]

The Chair: Go ahead, Mr. Hutton.

Mr. John Hutton: I'd very much like to respond. Thank you.

First of all, anyone who's applying for a pardon has not reoffended, certainly not to the awareness of the police or the courts, or else he or she won't get the pardon. There's an assumption that sexual offenders can never be rehabilitated. I've heard this. People always say "they say". Yet the evidence is that 90% of sexual offenders do not reoffend. And we are talking only about people who can prove they have not, when we are talking about being able to apply for a pardon. So anyone who is applying for a pardon, including Mr. James, has gone offence-free for at least five years from the time they finished their last sentence. So I think we can accept, at some point, that they have stopped the behaviour.

In terms of whether they should be able to get a pardon, they should, absolutely. In terms of protection...I have applied both in this country and in other countries to work with the vulnerable sector. I have had a criminal record check. There is already a provision there. There is a box you're required to check if you're going to be working with children. Even if you have a pardon, it will show if you have had a sexual offence working with children. So there's already a provision there whereby the vulnerable sector is protected and people can find out, even when there has been a pardon. Simply by requiring that the volunteer or employee check the box for a vulnerable person check, the employer will be told whether there has been a sexual offence.

[*Translation*]

Mrs. Maria Mourani: You're saying that, currently, when people whose record has been suspended after they were accused of a sexual offence involving a minor apply for a job in a daycare centre or a school, the prospective employers, who request a criminal record check of the applicant, can see whether that person had been accused of a sexual offence involving a minor. Is that right?

[*English*]

Mr. John Hutton: Yes.

[*Translation*]

Mrs. Maria Mourani: So, these provisions already exist.

[*English*]

Mr. John Hutton: Yes. As long as the school—and this is an education piece rather than a legislative piece—makes sure that the box for "vulnerable persons search" is checked. Then the police will say whether there was a sexual offence. Whether there was a pardon or not, they will say.

[*Translation*]

Mrs. Maria Mourani: Okay.

So you're saying that this bill is completely useless. On studying it, we see that it contains two major provisions, aside from the change from the word "pardon" to the word "suspension", which is really just filler more than anything else. If we examine the bill, two problems emerge. The first is people's ineligibility if they've committed an offence referred to in Schedule 1. The second is the ban on a record suspension following a third offence. So you're telling me that these two points, and thereby this bill, are completely useless.

[English]

Mr. John Hutton: As I said, I think the existing criteria in terms of protecting public safety are fine and we see no need for further changes at all. And if I might add, doubling the waiting period is the third aspect, from five years to ten if someone has even one indictable offence. We see no need for that.

Mr. Barrett Fraser: I would just like to touch on that, if I may, with the doubling of the waiting period, for lack of a better term. I'm a 42-year-old man. It takes approximately five to seven years under present legislation to get a pardon. If you're going to double that, does that mean I am going to be maybe 67 when I finally get a pardon, if it's arbitrarily decided that I get one? What happens during that period of retirement? Where does the value of that pardon go? If I'm out of the workforce, if my primary motivation is to feed and provide for my family and pay my bills and to further my career as far as I possibly can, if I'm going to be possibly past the age of retirement to get my pardon, my pardon has no value now. It really becomes a piece of paper.

I don't mean to be harsh on this, but I agree with Mr. Hutton. The legislation does not need to be changed. It's somewhat of a shame that resources such as these have to be utilized for something like this. I will look at it from my perspective, just as an individual. Two high-profile individuals have really been the catalyst behind this, one being Mr. James, the other being Ms. Homolka. Neither is relevant in this particular situation, because those people.... If you believe in monsters, great. I believe in monsters too, but that's not what we're here to talk about.

How is this going to affect that 96% of people with criminal records, those people such as me, Chris, and Taz, who have got their lives together and have done everything right? All this particular piece of legislation is going to do is put up unnecessary barriers and unnecessary roadblocks, regardless of what particular socio-economic background, whatever your cultural background, wherever you are in your life. If you have a criminal record, this is going to affect you.

•(1620)

The Chair: Thank you very much, Mr. Fraser.

We'll move to Mr. Davies, please.

Mr. Don Davies (Vancouver Kingsway, NDP): Thank you, Mr. Chairman.

First of all, I just want to express my deep appreciation to all of you for coming and sharing your stories, particularly those of you who have served time. It takes a lot of courage and I think it also shows Parliament and the Canadian public the success stories that occur in our corrections system. I think it's really important to hear

from people like you who are doing so well in your lives. I commend you all.

One thing I've heard the government say quite often—and I might be paraphrasing—is that the best social security program is a job. I've heard the Conservative government say that on many occasions, and I think there's some truth in it. So I've already heard you talk about the importance of a pardon in getting employment, which I think is foundational. There are things, when you come out of prison, that I think you have to access. There's housing, there are mental health services, there are addiction services, there's connecting with community and family, and there are all sorts of really important things. But I think getting a job is one of the most critical pieces in helping to rebuild your life.

I'd like to hear briefly from each of you about how much difficulty you had getting a job and where a pardon fits in that process for you.

Mr. Chris Courchene: After I got out it took me about seven or eight months to get a job at BUILD, because I was straight-looking. I was barely on welfare.

I actually went into this company called Change Innovators, where they focus on your résumé. They help you with power words and stuff. Then my probation officer told me about this company named BUILD. I went with them. They gave me a shot. I had an interview on a Friday and I started on Monday. I started at \$8 an hour and I stayed with them for about six and a half months. Then I was in school. I got my level one, my grade 12, and then I came back as a construction supervisor. I started teaching ex-cons how to be like me, how to become a productive member of society.

Mr. Don Davies: Taz, did you want to say something?

Mr. Mumtaz Muhammed: Can you repeat the question?

Mr. Don Davies: How a pardon would work in terms of your future job prospects and how important that would or wouldn't be in terms of you getting a good job.

Mr. Mumtaz Muhammed: As I stated before, I've received employment through OFE, to work with people with disabilities. That's a very rewarding job, and I could provide for my family with that.

Without having a pardon, it wouldn't allow me to get such jobs. I'd basically be a labourer or a janitor, where there's nothing to progress to. I'd be stuck where I am, I guess, from now until I die, and I would like to make changes.

It doesn't necessarily prove anything to the world, but getting a pardon proves to me that I am forgiven, in a sense, that people do make mistakes and everyone does deserve a chance. I need that.

•(1625)

Mr. Don Davies: Thanks.

I want to also get your opinions on the name change. This bill proposes to change the name "pardon" to "suspension of record". I'm wondering, as people who have probably spent a fair bit of time thinking about the day when you may get a pardon, what your feelings or thoughts are on that name change.

Mr. Barrett Fraser: I think the name change is foolish. I think you'd lose a tremendous amount of significance by calling it a record suspension. Pardon, to me, represents the complete circle, the closure of it. I have paid my debt to society, and that society has now acknowledged it and has basically wiped the slate clean with me. A record suspension still has the stigma attached to it: "Whoa, he has a suspended record. What did he do?"

People are biased. It's simply the nature of the beast. It's how we think. We're always going to think the worst until someone demonstrates the best.

When I take a look at record suspension as opposed to pardon, pardon is much more significant, in the fact that it's now my government that has pardoned me from my past behaviours and my past actions. They happened to put it in a folder, put it in a filing cabinet, and said, "Okay, you're good." They've acknowledged that I've paid my debt to society.

Mr. Don Davies: There are three of you here today. I suppose you must know other people who have spent time in prison. Can you tell this committee what the general experience on this would be among the people you know? Are you representative of what ex-offenders would be thinking about this, or can you even say?

Mr. Barrett Fraser: As I said, and I think I've said it several times, and I've said it to John and to other people, I'm not unique. I just decided that I'm going to speak up and I'll be a voice. I can't speak for anybody else. I'm not unique. I would guarantee that if we were betting people here, we would put money down on the fact that my thoughts are shared by hundreds if not tens of thousands of men and women who are locked up in institutions across this country.

At the end of the day, by altering this legislation, all that is going to happen is that you're going to turn around and you're going to stifle an opportunity to meet another ex-offender who could sit at this table and perhaps tell you his or her story or thoughts on some upcoming legislation that may or may not be related. That's ultimately what will happen if this changes. If you were to change this, I would not have this opportunity to sit here and speak to you right now.

The motivation level for each individual is unique as well. I can't say what motivates Mumtaz, as he can't say what motivates me. But at the end of the day, the one common goal that we all have, regardless of whether you are sitting in a cell or I am sitting home on the couch with my wife now, is that we all want that day to come when we have no more biases, no more raised eyebrows, and our records have been cleared.

Mr. Don Davies: We know that this legislation—

The Chair: Mr. Davies, we're at seven and a half minutes.

We'll move to Mr. McColeman.

Mr. Phil McColeman (Brant, CPC): I would like to thank everyone for being here today, and in particular Mr. Muhammed and Mr. Fraser and Mr. Courchene.

One of the most significant parts of this bill that we've had comments about already is the fact that what matters to a lot of Canadians and victims is that if this were to pass, individuals who commit a sexual offence involving a child would be ineligible to receive a pardon. These sexual offences would include things like

child pornography, luring a child, and sexual exploitation of a person with a disability, among others. Clearly, they are some of the more heinous crimes imaginable committed.

As we know, obtaining a pardon comes with benefits. As you've said, it helps with employment opportunities, it helps when travelling to another country, and in some cases it would assist with child custody hearings, visitation rights, etc. Would you agree that most Canadians consider a pardon to be a privilege and not a right? I think your comments have indicated that today, that it is clearly a privilege that you're working toward.

Did you consider the pardon system, before we enacted Bill C-23A in the spring session—primarily motivated because of the Homolka situation—a system where the parole board did not have the authority to deny pardons in cases that would bring the administration of justice into disrepute, to have been adequate?

Your comments today say not to change anything, yet this particular situation was so heinous, and the parole board could not deny that individual a pardon. Do you think that's adequate?

Please go ahead, Mr. Fraser or Mr. Muhammed.

• (1630)

Mr. Barrett Fraser: I have some very strong feelings. I don't necessarily share the same feelings as all the members of the board of the John Howard Society. I think Karla Homolka is a monster. She should never have gotten out of prison, and that's it.

I have an interesting insight, as I played hockey for Graham James as a young man. It's so very bizarre. I'll never forget the day when my father told me that I was not going to play for that man any more. I believe in monsters.

Give the power to the parole board to make that decision. That's really what needs to be done. Look at every person as an individual when that comes through, instead of rubber-stamping them like they possibly were. I don't know. But I do know that some people, and this is just my opinion, are incorrigible, are beyond help. But you know what—that's maybe 1%.

Mr. Phil McColeman: I want to carry on with that thinking.

In other words, the existing legislation was not adequate, and Parliament needed to do something in that situation to give the parole board some latitude to make a decision so that the administration of justice in that situation was carried out properly.

The minister was here, and he said that if we can come to some kind of discussion and agreement, perhaps, on the three indictable offences and come up with a system that says yes, you can have five indictable offences, as one of you described, he's prepared to listen. We have to work on that as a committee, perhaps, to better that.

Having said that, the thing we're looking at here is that we need to clearly focus on the type of people.... And they are the repeat offenders. They are the most heinous people, and we're trying to focus this legislation on them.

You seem to think that's funny, Mr. Hutton, so maybe you'd like to answer.

Mr. John Hutton: The most heinous people. Sorry, these are the people you're talking about: Chris Courchene, Barrett Fraser, and Taz Muhammed. These are the repeat offenders.

Mr. Phil McColeman: Well, if you think they are, maybe we should have more background—I don't know whether you want to share it with us—in terms of the crimes they committed and the victims left behind in those crimes.

Mr. John Hutton: I guess the point is that you're bringing up legislation that's already been passed, Bill C-23A. If I were in front of this committee in June—I didn't have that opportunity—I would have said that I didn't think any changes were necessary, that it's bad policy to change law based on the most heinous example. But those changes were made. Those changes were made to deal with Karla Homolka and Graham James, for better or for worse.

Mr. Phil McColeman: Okay, I'm going to interrupt you here, because I only have limited time.

I'd like to know something from the people here who are looking to have pardons, the three individuals who have criminal records. I assume that there were victims in the crimes you committed. Would you object to them providing evidence, their comments, and their impact statements to a parole board at a pardon hearing?

Mr. Barrett Fraser: I have nothing to hide. I was a property offender. I sold schedule II drugs—steroids—and I committed fraud. So I would be classified as a non-violent offender. Some people would say that my crimes were almost victimless. I don't believe that. There's a victim in every crime.

That being said, I had a victim impact statement read to me at my parole hearing many, many years ago. It was devastating to everyone in the room, including the victim, including me. If it was something I had to go through again to ensure that I would get a pardon, absolutely. I made the mistakes. The consequences are still there. At the end of the day, yes.

• (1635)

Mr. Phil McColeman: How about the other gentlemen?

Mr. Chris Courchene: I would have no problem with that. I did robberies with weapons, right? I scared people in stores, and I've stolen things, and I've taken stuff that wasn't mine. If they came to court like they did last time and told me what happened and how they felt and wanted to hear an apology, I would definitely say yes. I'm sorry. I went to jail. I paid my time. I am sorry. I gave you guys four years of my life to show you how sorry I am. I said that I'm guilty. I'm sorry.

Mr. Phil McColeman: Mr. Muhammed.

Mr. Mumtaz Muhammed: I went through that too. I did a robbery. One of my conditions was that the people I robbed ended up showing up at the court. It was like a two-sided thing without really having to go through court. They told me how they felt and how it impacted them. So I've already been through that. To have other people, because of the stuff I've done—I did robberies and slept in dwelling houses, because I was on the streets—I have no problem with that.

Mr. Phil McColeman: By the way, I have just one last comment, if you will allow me. I don't consider any of you to be in that most heinous category, as was depicted. That was a misrepresentation. If it came across that way, it was not meant that way.

The Chair: Thank you, Mr. McColeman.

Madame Mendes.

[Translation]

Mrs. Maria Mourani: Mr. Chair, given the fact that the witnesses have talked about their offences, will Mr. McColeman grant them a pardon? It's just that, during the testimony, it felt like we were at a National Parole Board hearing.

[English]

The Chair: That is not a point of order.

Madame Mendes.

[Translation]

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

[English]

If this bill passes, none of you would be eligible for a pardon. That would be the first limiting thing. Victim impact or not, it wouldn't change much in your cases. This is why we are against this legislation. Pardons have always been a privilege; they are not a right, and I think we all agree on this. I think Mr. Hutton was taking a good policy direction when he asked why we were changing this on the basis of the most heinous examples. Why don't we look at how the pardon system worked? Was it working well? I would like to give you the opportunity to pursue that.

The Chair: Thank you, Madame Mendes.

Mr. Hutton.

Mr. John Hutton: Both Kenton and I mentioned that 96% of pardons did not have to be revoked. Pardons were granted under the system that was in effect up until June. This shows that the system was working well and that those who were applying for pardons had gone past the period of risk. There are repeat offenders, I understand that. In my work, I meet many of these individuals. But somebody who has gone at least five years without committing an offence has stopped being a repeat offender. So pardons aren't being given to repeat offenders. They may be given to people who have offended many times in the past, but at some point they have stopped, moved forward, and achieved stability.

Mrs. Alexandra Mendes: They have spent five years or more taking charge of their lives and trying to find a path that will make them productive citizens. Wouldn't it be a lot less productive if we denied them pardons? Then they wouldn't be able to find that path.

Mr. Muhammed or Mr. Courchene, if you didn't have the possibility of obtaining a pardon, would that be one more reason for you to go back to a life of crime?

• (1640)

Mr. Chris Courchene: If I can't get a pardon, I don't want to go back to the old lifestyle. I'll sweep floors for the rest of my life. I will sweep this floor if I have to.

Mrs. Alexandra Mendes: You wouldn't be able to.

Mr. Chris Courchene: I don't want to say that I would go back to crime. I know I won't because I have children and I want them to be proud of me. I don't care if cleaning the streets is what they have to be proud of. I am going to do it for my kids. If I had no kids, then I would do it for my cousins. And if I had no cousins, I would just do it for me.

I lived a bad lifestyle and I have seen what happens. I don't want to go back to it. That's why I went through programs. That's why I went to school. I became a supervisor to show people that.

Mrs. Alexandra Mendes: What is your main reason for obtaining a pardon, then?

Mr. Chris Courchene: I want to get a job at Manitoba Hydro. They ask for criminal record checks just to work on a telephone pole.

Mrs. Alexandra Mendes: For you, Mr. Muhammed?

Mr. Mumtaz Muhammed: Can you repeat that?

Mrs. Alexandra Mendes: What is your reason for trying to obtain a pardon?

Mr. Mumtaz Muhammed: My main reason is just to have an adequate job where I don't have to struggle as much. Right now I work as a roofer, a small guy like me. Everyone that works around me is a giant. But I have been there every day, and I am not going to miss a day, with or without this pardon. A pardon will allow me to run around with the family I will someday have, instead of walking with a crutch. I would be better able to provide for them. So I need to get pardoned for what I have done, and I need that for myself as well.

Mrs. Alexandra Mendes: Mr. Fraser, I think you mentioned that it's mostly for professional reasons too, as a question of advancement in your career.

Mr. Barrett Fraser: For professional reasons and for closure.

Mrs. Alexandra Mendes: Okay, thank you.

The Chair: Thank you very much.

We'll now move to Mr. Rathgeber.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Thank you, Mr. Chair, and thank you to all the witnesses for your attendance here today.

And to Mr. Fraser, Mr. Courchene, and Mr. Muhammed, for the efforts and successes you've made in turning your lives around, I do genuinely congratulate you.

Mr. Fraser, I have a question. In your opening comments you indicated that you did some time incarcerated, you paid your fines, and therefore you've paid your debt to society. Did I hear that correctly?

Mr. Barrett Fraser: Yes. I went through my sentencing. I did parole. I did fines. I took programs. Everything that Corrections Canada told me I had to do, I did.

Mr. Brent Rathgeber: So by saying you paid your debt to society, can I assume that all your victims have been fully compensated?

Mr. Barrett Fraser: Yes. I had significant restitution that I had to pay. So you can assume correctly, yes.

Mr. Brent Rathgeber: Excellent.

Mr. Hutton, I have a number of questions for you. Quite frankly, I'm troubled by a number of things in your brief and in your comments.

You indicated in your submission that under Canadian law it's the police that lay the charge and the crown prosecutes. So if a person is convicted, they have committed an offence against Canada; therefore, as an aggrieved party, the government clearly does have a role in granting pardons.

So tell me, sir, what role, if any, do the victims play in this process, if it's the crown that prosecutes and it's the offender that defends?

Mr. John Hutton: Actually, very little. I did mention that I had spent several years working in victim-offender mediation. One of the advantages of that process is that the victim has much more of a role in this alternative to the courts. But in the court system the victim does not have a formal role. They may or may not even be aware that the case is going to court. If they are there, they would be there as an observer, not as a participant. And if they address the court, it's usually just at the end, and usually after guilt has been determined, and if the person is convicted, to do a victim impact statement. But the victim doesn't have a—

Mr. Brent Rathgeber: Philosophically, you don't have a problem with that, that victims have a very limited role in that procedure that you just outlined?

Mr. John Hutton: Actually, I think victims should have a greater role. That's why I spent several years working as a victim-offender mediator, because it gave victims an opportunity to be much more involved in the process. So I think victims' involvement is important, but the current court system doesn't allow for great victim involvement.

● (1645)

Mr. Brent Rathgeber: Well, I can name off a list of ten victim groups very easily, without trying very hard, that support this proposed legislation. If you are advocating for a greater role for victims in the process, why do you take such a different view from, say, the Resource Centre for Victims of Crime, or the Kids' Internet Safety Alliance?

Mr. John Hutton: As I said, I read the bill and I didn't see anything in there that provided a role for victims. As part of this process, somebody asked if there could be a victim impact statement to the parole board. I didn't see that in the legislation. Did I miss that?

My comment was that this legislation doesn't give victims more of a role.

Mr. Brent Rathgeber: So I guess all of the victim groups that have come out in favour of this are mistaken, according to you, in placing their advocacy behind this proposed legislation?

Mr. John Hutton: I don't know why they're advocating for it. That's their decision. I'm just saying I didn't see a role for victims in the legislation.

Mr. Brent Rathgeber: Okay.

In response to a question from my friend Mr. Holland, I think you said that any barrier put in place to prevent individuals from getting a pardon is not welcome and that the line is fine where it is. I think you may have already answered this. You don't support Bill C-23A either. You believe that the status quo prior to Bill C-23A was appropriate, and in that, the parole board has no discretion to deny a pardon, even if in its viewpoint it would bring the administration of justice into disrepute?

Mr. John Hutton: The bill has changed, and I'm not here to argue against Bill C-23A. You already have a clause in the legislation that allows for a great deal of discretion, and if that is your goal, it's there. There's quite a bit of discretion.

Mr. Brent Rathgeber: You're here, sir, with all due respect, to provide your opinions regarding Bill C-23B and with respect to the pardon system generally. So I'm asking you for your thoughts on Bill C-23A.

Mr. John Hutton: Certainly.

I didn't think it was necessary. As I mentioned, getting a pardon doesn't make it easier for someone to conceal a crime or escape investigation. The police are still very much aware of an individual's record. There are two differences. One is that the person, prior to Bill C-23, got a pardon—and I guess they still do—but then the police don't share the information they have on file with an employer or somebody else who's wanting a check, but the police still have that information. So having a pardon doesn't make it easier for me to commit a crime or conceal my past from the police or make it harder for them to investigate me. At the time this first came up, I said on CBC national radio that it wasn't necessary. I thought the system, with a 96% success rate, worked just fine.

The Chair: Thank you very much, Mr. Hutton.

We'll now move back to Madame Mourani.

Madame Mourani, *vous avez cinq minutes*.

[Translation]

Mrs. Maria Mourani: Thank you, Mr. Chair.

Mr. Hutton, you said that this bill doesn't have any additional value for the victims. That's a rather interesting comment. I was wondering if you are familiar with Bill C-343.

Mr. Hutton, did you hear what I said?

[English]

Mr. John Hutton: No, I'm not.... I was listening to it—

The Chair: The interpretation is sometimes a little bit delayed.

[Translation]

Mrs. Maria Mourani: Sorry.

[English]

Mr. John Hutton: Yes.

No, I'm not familiar with it.

[Translation]

Mrs. Maria Mourani: I didn't get the translation of what the gentleman said.

Are you not familiar with Bill C-343?

[English]

Mr. John Hutton: No.

[Translation]

Mrs. Maria Mourani: To quickly summarize the bill, I would say that it's a piece of legislation that ensures a two-year work attachment maintenance for people whose family members have died as a result of a criminal offence or a suicide. It was drafted for families in distress. It entitles them to a year of employment insurance. The bill was introduced by my colleague Ms. Bonsant, and it was studied by the committee. It will soon pass third reading. This bill was drafted with the victims in mind, and it is only concerned with them.

Yet, Conservative MPs voted against the bill, and they voted against its provisions in committee. They voted against a bill for the victims. However, this is not the only bill they have introduced... They have tabled several—and always with the criminals in mind. That's how they say it: "The criminals, the criminals."

Do you really think that this government, with all its policies it passes off as law and order—and this is really dramatic—is acting in the best interest of the victims and, at most, in the best interest of public safety?

• (1650)

[English]

Mr. John Hutton: I'm going to speak very narrowly. Because I was asked to come and speak to Bill C-23B, I should keep my comments focused on that.

As I've said, I don't see a lot in this bill that would help victims groups.

I do want to say that the John Howard Society also works with victims. Some of our programming is restorative in nature. Victims are very much involved in some of the work that we do with offenders to try to help them repair some of the harm that's been done. So I'm certainly sympathetic.

I will just say, broadly perhaps, that it would be good if the victim's voice could be heard more broadly in the justice and correctional system. I'd say that would be a good thing.

[Translation]

Mrs. Maria Mourani: It seems to me that's not the case in this bill.

[English]

Mr. John Hutton: I don't see anything in the bill that would give victims a stronger role in the process.

[Translation]

Mrs. Maria Mourani: Considering all that's been said in the past hour or so, why do you think the bill is before us?

We talked about Bill C-23A, which was drafted specifically with one or two people in mind. I always have a hard time understanding how bills can be drafted for one or two people. The idea behind law is that it should apply to the majority. Unfortunately, we can't change the past.

Here is my main question: Why exactly is this bill on the table?

Mr. Eidse.

[English]

Mr. Kenton Eidse: I recognize that this committee is concerned with public safety. I understand that the purpose of this bill is concerned with the safety of the public, with vulnerable sectors. We are concerned with protecting society from further crimes.

I would like to remind the committee, though, that anybody who's been convicted of a crime under section 1 offences will still be flagged in the CPIC system; therefore, vulnerable sectors are protected under the current legislation. I would like to remind the public of that.

In terms of Karla Homolka or Graham James, what I see a pardon providing for these individuals—the most heinous criminals, as you suggest—would be that they'd be able to get a job. I personally wouldn't want people sitting around at home, bored, wondering what to do with their lives. I would really like Karla Homolka to be able to get a job and be able to be productive in society. Certainly we are protected from Karla Homolka working with children under the current legislation. I would like to really emphasize that a pardon would allow her to move, to be productive, instead of drawing off our welfare system, and moving forward or doing any other thing. I want her to get a job, and I think most of you would agree.

The Chair: Thank you very much, Mr. Eidse.

We'll now move to Mr. Lobb.

Mr. Ben Lobb (Huron—Bruce, CPC): Thank you, Mr. Chair.

First, I'd like to say that I'm really proud of the three individuals who are here today for what they've been able to accomplish. I think that's a real testament to your goals and hard work. You should be proud and your families should be proud, because it's a great story. I hope, moving forward, if you have time, you can talk to other people who are going through the same thing. I think that would certainly give them a lot of motivation to keep going, even on the rough and rocky days that are out there.

I guess the first question I have is for Mr. Hutton. I wasn't clear if you feel that someone like Graham James, for the crimes he's committed, should receive a pardon. Do you feel as though he should receive a pardon?

• (1655)

Mr. John Hutton: At the time that first came up into the news, I did speak in the media about it. I said that if he qualified for a pardon, my understanding—

The Chair: One moment.

Mr. Holland, on a point of order.

Mr. Mark Holland: On a point of order, Mr. Chairman, I've let it go a number of times, but we keep talking about a bill that's already been passed, Bill C-23A. Currently before us today is Bill C-23B, so I wonder if we can maybe restrict our questions to the matter before us.

When there are a couple of instances, that's fine, but we seem to be having a protracted conversation about a piece of legislation that's already passed.

The Chair: One of the things I would like to do is try to keep people focused on the legislation. I think we must have a certain latitude on this as well. We are speaking about pardons. I'm willing to let that go. I simply think that all of us need to keep focused, all the time, not on the specific technicalities of each piece of legislation.

But I think you're in order still, Mr. Lobb. You were still speaking about the pardons generally, so you can proceed.

Mr. Ben Lobb: Thank you. It certainly was intended to—

The Chair: I wanted to add, before you do, that I'll give you that time. Remember, when we are meeting in a meeting like this, it's not specific to Bill C-23B; it's also dealing with the Criminal Records Act, private member's motion M-514 of Madam Cadman, so there are larger parameters here than only Bill C-23B.

Continue, Mr. Lobb.

Mr. John Hutton: As I was saying, I saw nothing wrong with Mr. James getting a pardon if he had in fact met the criteria, had not committed any new offences and was living a crime-free life.

I think it's important to recognize the size of this carrot. Barrett talked about it as a carrot. For many of us, we would not break the law because we're afraid of being arrested and there's a lot of shame; we're also afraid of going to prison. But if you've already been arrested, if you've already gone to prison, then what's left in terms of the motivation to live a crime-free life in future? Well, what that leaves is a pardon. I would hate to see that taken away from anyone, and that does mean, obviously, that we have to apply rules to everyone and not an individual. What I would want for my clients, obviously, I would want for him too.

Mr. Ben Lobb: I'm sorry. For the sake of time.... Thank you.

Mr. Fraser, when you were delivering your opening speech you gave a very passionate reason for why it meant so much to you to obtain a pardon. I can see that. I can see why you want to have a pardon and have it be called a "pardon" and not a "suspension of record".

On the flip side, not on your case specifically, but talking in more general terms about particular crimes, some people who are victims of crime would say that they don't forgive that person for the crimes. I think of a child who's been abused by a parent or something like that. They've had the scars and the emotional toll well into their adult life, and they don't forgive that parent or that person.

How does this committee deal with that? The crimes you've committed are very different from the acts somebody else has committed against, say, a child who is not forgiving. But others are forgiving. What do we do, in regard to the wording, with pardons and suspension of records?

Mr. Barrett Fraser: That's an excellent question.

I can only speak from what I feel and from my personal experiences. Your points are very valid. I too have been a victim of crime. I've had my house broken into three times. I've had my wife cry. I've had my dog stolen. I took those acts all very personally, and I don't forgive the people who committed them either.

That being said, if those individuals are ever apprehended and are tried and convicted, after they get out of prison, if they remain conflict-free for five years, I think they should have an opportunity to get a pardon, regardless of whether or not I personally forgive them. It's personal. It's malice. It's petty. It's spiteful. Yes, they broke into my home, took my stuff, violated all my property, and everything like that. I am entitled to feel angry, and I'm entitled to hold a grudge against them. But I'm not entitled to turn around and prevent those people from becoming better. That's really how I look at it.

If we talk about crimes that are of even greater gravity and that are much more heinous, the area becomes even greyer. I agree. There is a portion of me that would really say to just lock them up and throw away the key. Once they get out, let them try to figure it out.

But at the end of the day, we're a society of compassionate people. We're a society that is generally forgiving. We give second, third.... I'm a big believer in third and fourth chances, and this is a country that gives third and fourth chances. I just think we would take on an awful lot of responsibility, and therefore an awful lot of consequences, if we were to turn around and just say, "You have four indictable offences. Regardless of what they are, you won't get a pardon."

• (1700)

The Chair: Thank you, Mr. Fraser.

We'll move to Mr. Rota. Welcome to the committee, Mr. Rota.

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Thank you, Mr. Chair.

It's very interesting being here today. I was just going through listening, and Mr. Fraser said something very interesting, in that he works for a very results-oriented company and he really wants to see results. I know I read this before, and it's nice to hear it again. There's a 96% success rate after a pardon. Those are pretty darn good results.

I'm looking at this, and I'm just trying to make some heads or tails of it. I don't normally sit on this committee. I'm listening to the bill, and when somebody commits a crime, there's a mixture there. There's some retribution and some penance. You have to be punished a certain amount, but to me the penal system should be more about rehabilitation. How can we avoid having this person doing that crime again? I don't see that here. It seems to set up barriers.

We hear about how the victims are not listened to on the other side. Mr. Hutton, maybe you could give us your comments. What does this bill actually do for victims to prevent them from being victimized again?

The Chair: Thank you, Mr. Rota.

Mr. Hutton.

Mr. John Hutton: As I said in the brief, in my experience working with victims, it is very important that the victims have an

opportunity to understand what happened and why something happened. And they want to have some assurance that it's not going to happen again so that they feel safe. I think this is an important point. Ultimately, they want to know that somehow this incident has had an impact on the offender, as well. They would like to know that the offender is going to be a better person or make some amends, not just to them but to society, as a result. These are things I've heard when interviewing victims in mediation sessions, in preparing for mediation, and that I've seen come forward.

I think, actually, what this bill would do is make it harder for victims to feel a sense of satisfaction, because they wouldn't get the sense that the person is moving on, that in being pardoned, the person has achieved a certain level, has met certain criteria, and has not committed a crime. I think that would be lost.

Mr. Anthony Rota: That's exactly the way I was looking at it, because I'm thinking that the victims want to be able to see that yes, there's been an injustice to the person they love or to them. But they want to see that maybe this person has changed, or that maybe hearing that person's side of the story would allow them to move on.

I want to go back to the 96% success rate, if you will. I look back to what happened in the U.S. years ago with the "three strikes and you're out" policy. I know that it had to do with sentencing, but all it did was fill up prisons. There really wasn't very much rehabilitation. It was all retribution. What would something like this law do to the 96% success rate with pardons now?

I'll leave that one open. Mr. Fraser, I see that you're kind of grinning there. Mr. Hutton, I know that you probably have some opinions on this as well.

The Chair: Go ahead, Mr. Fraser.

Mr. Barrett Fraser: Ultimately, I think you're going to crush that 96%. I was thinking of how to say it eloquently, but that's really what's going to happen, because no one is going to get a pardon.

I go back to my opening remarks. When I was arrested, one incident netted me 11 indictable offences. That's one incident. That's the police coming to my door and saying, "Mr. Fraser, you're under arrest". And what am I under arrest for? They listed off a sheet off them.

Here's an interesting thing, too. In Canadian law, crowns have an opportunity on some offences to either go summary or indictable. In many, many instances, at least in Manitoba, I have seen people who should have been prosecuted in a summary fashion have those charges brought up to an indictable level. Why? Maybe a crown is looking to further his or her career. Maybe there's a grey area in there too.

But it would crush that 96%, sir. It would bring it down to zero is what would happen, because no one could get a pardon.

• (1705)

Mr. Anthony Rota: Thank you.

Mr. Hutton, do you have a comment?

The Chair: We have ten seconds.

Mr. John Hutton: I will be quick.

I think the process of rehabilitation begins in prison and in jail. And parole is a tool a probation or parole officer can use with clients to encourage them, even before they've left the institution—"here is something you can work towards". We would be taking that away. I think that would not be helpful in terms of public safety.

The Chair: Thank you very much, Mr. Hutton.

We'll go to Mr. Norlock, please.

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

I would also like to thank the witnesses, especially those who have encountered our criminal justice system and been brave enough and have enough belief in themselves to be able to come forth and tell their stories.

I was listening to a lot of the evidence. Of course I can't speak for Manitoba, but between my fellow caucus mate the parliamentary secretary and I, we have about 60 years of police experience, and 60 years of sentencing and court experience. So I can tell you that in Ontario—generally, not always—in dual-procedure offences the crown tends to, after negotiations, go to summary conviction.

When there are multiple charges the crown tends to—although not always—combine the charges and there's a conviction for one out of three or four offences, especially when those offences are three or four thefts in a row, or three or four break-and-enters stemming from the same set of circumstances. Again, you can only speak in generalities, but I speak from 60 years of experience. I was a court officer in two jurisdictions in Ontario, so I had day-to-day experience with it. I think some of the fears and issues brought up are mitigated by actual practical experience of what happens in court.

I am particularly interested in some of the statements that were made about being able to get on with one's life. We have various members of Parliament around the table here, but I get the pulse of the community from the place where Mr. and Mrs. Ordinary or regular Ontarians go to socialize. It used to be that on a Friday night they might go to a pub, but today we go to the coffee shop, and I listen to the general conversation.

I've heard some of the comments made here as to why would this or that happen, and why would the government do this and that. I think it's a collective experience we've had, based on the general perception. Canadians feel a certain way, and governments respond to the feelings and aspirations of the average person in society.

When you go out to the coffee shops you don't necessarily confess what you've done every time you go out in public to everyone who wants to listen. But especially to Mr. Fraser, being in the communications field with that radio announcer's voice you have....

I'm asking this because I seconded a motion—I'll cut out a lot of the parliamentary stuff—that says:

That the Standing Committee on Public Safety and National Security be instructed to undertake a review of the Criminal Records Act and report to the House within three months on how it could be strengthened to ensure that the National Parole Board puts the public's safety first in all its decisions.

That was the question put to the House of Commons. There were 285 yeas and zero nays.

So using what I've just said and the direction of this committee, can you give us some quick comments? Perhaps we can start with Mr. Fraser, work to the other three, and maybe go to Mr. Eidse after that.

• (1710)

Mr. Barrett Fraser: When I sit in the coffee shops, go to a pub, or go out with my buddies to a game, and stuff like that, the common consensus is that we need to be tougher on crime; we need to punish people and lock them up. But you're right that I don't confess. If I'm with my close friends they already know. If I'm with some acquaintances, of course I'm not going to say anything.

Having lived on both sides of the fence, so to speak, I think there is merit in what you're saying. We need to be tougher on crime and maybe have stiffer sentences. All of those things apply. But at the end of the day, someone gave me an opportunity; that's all they did. I had a choice to turn around and take that opportunity and run with it, or squander it, as I did with several thousand other opportunities. I made the right choice that time and took the opportunity, and it has served me very well.

Unfortunately, having insight from being on both sides of the fence, if this legislation passes perhaps I wouldn't be able to present an opportunity to someone else in the future. It really comes right down to the fact that there is a need for stronger and stiffer sentences, but if you put up too many barriers and restrictions you will ultimately take people who already have a very jaded and cynical attitude, and reaffirm what they think they already know: that the world is against them. They won't be able to recognize opportunities when they're presented to them. That's really what it comes down to, sir.

The Chair: Mr. Eidse, there are ten seconds left.

Mr. Kenton Eidse: I would simply like to say that I think the nays were zero because everybody is in favour of strengthening public safety. The mandate of this committee is to look at the evidence, to look at the facts, and to make a decision based on the facts, no matter what the public mood is.

The Chair: Thank you, Mr. Eidse.

Mr. Holland.

Mr. Mark Holland: Thank you, Mr. Chair.

I think that is the point. I think that every party, every member who's elected, is interested in public safety. I don't think any member is for crime or against keeping people safe, although if you listen to some of the rhetoric you might come to a different conclusion. I think the truth is everybody here wants that. The question is, what's the best approach to get it? That's where we have differences.

On this, we have to look at what's in front of us today, and it's the reason I made the point of order earlier. Bill C-23A is done, it's passed, so the Karla Homolka and the Graham James situation is the situation we've dealt with under that.

The situation we're now dealing with, under Bill C-23B, deals a lot, frankly, with the gentlemen who are with us here today. And what I heard from the opposite side a number of times was to say, "Well, we don't want to see someone like you or you or you not have the chance to be able to go out and get those opportunities". I heard a number of people say, "Well, we're not thinking of you when we think of that". And if I'm wrong, if I heard that incorrectly, please correct me, but that's what I heard.

The problem is that that's what this legislation does, as it's currently crafted. Every single one of the gentlemen in front of us today would be ineligible for a pardon, or call it a record suspension, whatever name you give it, if this legislation were to pass. I think that should give us pause, because when you actually look at real lives and real circumstances, it has a different meaning.

On that, talking about rehabilitation, if we're honestly interested in keeping people safe and reducing victimization, not having victims, then we need to have rehabilitation. Mr. Rota talked about the 96%. He talked about what impact it would have. But specifically, I think you gentlemen are in a unique position to talk about how important a motivating factor that light at the end of the tunnel is for something like a pardon.

As you've taken the journey—and many of you are now many, many years incident-free, without any relapse of any kind—can you talk about how important that light at the end of the tunnel is to you, as a motivating factor in your rehabilitation?

Perhaps I could start with Mr. Muhammed, because I didn't get an opportunity to hear from him last time.

•(1715)

Mr. Mumtaz Muhammed: To me, it's like a drive that gives me motivation, something worth all my work that I'll be putting toward an accomplishment that I will get something from at the end. Then my family will look at me and view me differently, which they already do. Accomplishing those things makes me feel that and lets me see the things they see in me. That's what it gives me.

Mr. Mark Holland: Maybe the same question to Mr. Fraser, and also to Mr. Courchene, kind of in the opposite direction. You have to go through some difficult periods, obviously, of self-reflection, what caused you to make the mistakes you made and how you can improve yourself, how you can not make those mistakes, how you can make positive contributions to your community and to your own life. How important is that light, that possibility of being able to eventually get it, if you stay on the straight and narrow and stay on the good path, in your process of rehabilitation?

Mr. Barrett Fraser: I think I've been rehabilitated for a long, long time. For me it's tremendously important, because, if you haven't noticed, I'm pretty type A, I'm pretty achievement-oriented, I'm goal-oriented. I take complete responsibility for everything that I've ever done in my life, and I don't look at a pardon as a pat on the back, "Oh, good for you for being a good boy". Pardon, for me, ultimately, is credibility. At the end of the day, I can only speak for myself. I work in a very cut-throat industry, I work in media, I work in communications. You are constantly under a microscope, as you guys know, because I'm putting you under the microscope—well, not me, personally. But it's credibility.

One of the big things, for me, is that I do have peers and I do have colleagues in my industry who are of influence, who look at me and think there has to be some way that he managed to back-door his way into this situation. Nobody in seven years can go from where he was to where he is now without pulling some strings. I fight that fight every day. With a pardon, I'm vindicated. All of the hard work and all of the effort that Taz puts into making himself feel good about himself again, that pardon, that piece of paper, becomes vindication for him.

So it's immense. To answer your question, sir, it's immense.

The Chair: Very quickly, Mr. Courchene

Mr. Chris Courchene: Growing up, I didn't even know what a normal life was. I thought being a better gangster was normal because that's what I was surrounded by. But when I got into the BUILD program, I was with different kinds of Indians, you could say. They had normal lives. They showed me what normal was: going to work everyday, taking care of families, and taking them out to places. I took programs at BUILD where I got in touch with my cultural side. They took me out to sweats and showed me how people of my nationality lived. I've taken anger management at the John Howard Society.

When I was sentenced, the judge said, "This man doesn't need more jail time. What he needs are programs and rehabilitation. He needs AA." What we need to find out more about are what are the motivations behind the crimes, and how we can get offenders to go through a program while they're still incarcerated, so that they can understand how they're supposed to act when they come back into society.

The Chair: Thank you very much, Mr. Courchene.

We'll now move to Madame Bonsant.

[*Translation*]

Ms. France Bonsant (Compton—Stanstead, BQ): Good afternoon.

I don't normally sit on this committee. I will nevertheless ask you some questions.

You, the young people, are very brave for coming today and for sharing your experiences with the committee. Mr. Fraser is also young. He is actually younger than me.

My home has also been broken into in the past. I replaced what was stolen and had an alarm system installed. That fixed the problem. We usually know some people who have made mistakes and have paid their dues to society. I don't think it's up to us to repeatedly pass judgment on these people. You have taken responsibility for your actions, or you wouldn't be here today. You have decided to take a giant step towards becoming a productive member of our society, and I tip my hat to you for that.

Ninety-six per cent of people can be rehabilitated. Yet, the provincial governments are always saying that there is a shortage of professionals workers.

Mr. Courchene, your goal is to become a professional. You have attended post-secondary courses. I would like you to explain to this government, which is somewhat reactionary, how a pardon would help you. Would it help you get even further ahead, become someone who pays his taxes, raises his children, loves them and provides them with a better future?

• (1720)

[English]

Mr. Chris Courchene: It would help me because I would get a better job. There's PCL. There's Manitoba Hydro. There's JEDS Construction. They all need criminal record checks. Even going to school.... I'm trying to get into Red River College. I'm sure there will also be a criminal record check for that.

But if I could get a pardon, it would mean I could climb up the ladder. I would get paid more. I wouldn't be stuck at \$9.50 forever. I am making \$17.10 now. I just want to get more money, so I can provide for my family.

If I were to get my red seal in carpentry, I could start my own business. I could teach my cousins, my aunts, and my uncles how to do what I do, and then they wouldn't have to be on welfare. They wouldn't have to live the lifestyle they are living. I'm trying to create a program to help my own family, and help their friends and help their friends. But I need a pardon to get on with my life, so that I can do these things.

[Translation]

Ms. France Bonsant: I am glad to hear you say that. In addition to being someone who has reintegrated himself into society, you will create jobs, and that's what this country needs. Your vision is extraordinary, and I tip my hat to you.

I would like Mr. Muhammed to tell us—and let's keep in mind the shortage of workers—whether he also wants to get ahead, to learn a trade in order to be able to, someday, become a good father, if he wants a family, and so on.

How could a pardon help you?

[English]

Mr. Mumtaz Muhammed: Receiving a pardon would help me a whole lot, in terms of those aspects. It would help me to move from where I am situated right now, in the job I'm in. It would help me to do the other job I was into, helping disabled children and such. Doing that would help me provide for my family and build my credibility. I would very much like that.

[Translation]

Ms. France Bonsant: How much time do I have left?

[English]

The Chair: You have a minute left.

[Translation]

Ms. France Bonsant: Okay.

As I said earlier, we all know many people who have made mistakes. I know someone who has paid their dues, in a way. This person also owns a company and creates jobs.

What can those people who are among the 96% of those who can be rehabilitated bring to all the small rural and urban communities in Quebec and Canada? I am focusing on Quebec because I am more familiar with it. I don't know anything about Manitoba or all the programs offered there. Can you estimate what these people could bring to communities in your respective areas?

[English]

The Chair: Thank you, Madame Bonsant.

I don't know who would like to respond.

Mr. Hutton, I see your finger in the air.

Mr. John Hutton: An aspect we haven't talked about is that it's very important to also have a criminal record check before you can volunteer at your own school, at your child's school, or the community club.

It's not just about work, it's also about having a fuller role in the community. You don't want the principal of your school to know you've spent several years in prison; that may prevent you from volunteering at the school. So it has very wide ramifications.

The Chair: Thank you very much, Mr. Hutton.

We'll now move to Mr. Davies, please.

Mr. Don Davies: Thank you, Mr. Chairman.

This spring, in response to a couple of high-profile cases—Graham James getting a pardon and the prospect of Karla Homolka getting a pardon—this Parliament met, and all parties got together and made a couple of changes to the Criminal Records Act.

We increased the time you have to wait for a pardon to ten years for manslaughter, for indictable sexual offences committed against children, and for offences that involve serious personal injury. We added a broad discretionary power that permits the National Parole Board to deny a pardon in any case where to do so would bring the administration of justice into disrepute.

We're here today because the government wants to go further than that. There are those of us on this side of the table who think the system is now cured. The ills that were there before are cured by what we did in Bill C-23A. I want to be clear about that. I think we have made steps to address what some of the concerns are.

I want to get to the heart of the matter. This bill before us would paint everybody with the same brush, were the words you used. It would mean anybody with more than three indictable offences, even if those happened in one bad weekend when you were 18 years old and you lived 25 years of perfect conduct after that, would prevent you from ever getting a pardon. There are certain people who would never be able to get a pardon under any circumstances, even if they committed one offence. It means every single person who commits one single indictable offence would have to wait ten years before they could even apply for a pardon.

When it comes right down to it, I guess what I want to know is how many of you think this legislation is positive in terms of helping offenders reintegrate into society, and how would this affect public safety as well?

• (1725)

The Chair: I don't see anyone jumping forward.

Mr. Eidse, please.

Mr. Kenton Eidse: I certainly don't see this as being a positive contribution to the reintegration efforts of many of the people I work with.

I think five years is a really long time already. I notice individuals in my work struggling in job after job, never being able to get promoted in their jobs, being stuck in a lot of the same industries when they want to do something else.

Taz tried to get into working with kids with disabilities. He did an amazing job, and he has amazing references. He was loved by the children and the staff there. They want to hire him back if he gets a pardon, but he might not get a pardon and he might not be able to work in that field. Right now, he's roofing and enjoying it, but there are other possibilities for someone with the skills that Taz has. I think five years is a long time.

As John has mentioned, when you've proven yourself, proved you can move on with your life in five years, when you've overcome the huge barriers that are placed in front of you every single day coming out of prison, out of our federal system, and you do that over and over again for five years and you make it, you have earned your pardon.

I think ten years is enough to break someone, and I don't think that's worth it for public safety.

Mr. Don Davies: I just want to focus a little bit on victims. The former victims' ombudsman, Steve Sullivan, appeared before this committee in April, and he spoke about the needs of victims. He mentioned a speech Prime Minister Harper gave at the opening of the victims of crime symposium, and he said, regarding Mr. Harper's speech, and I quote:

I was a little disappointed, however, that he proceeded in his speech focusing almost exclusively on how we treat offenders. On the day we were supposed to remember and recognize victims of crime, he talked about Karla Homolka, Clifford Olson, and Graham James. And I can tell you that when he left and a discussion began among those victim service providers and within those workshops, the issues we talked about were very different.

He mentioned some of the things you elaborated on. Victims really want those offenders not to reoffend. They want to be safe. They want those offenders to not hurt anybody else. And they want those offenders to understand and appreciate the harm that's been caused. That's fundamentally, I think, what victims have expressed they want in this country.

It's not just, as I think Mr. Rathgeber expressed, that victims are one-sided on this. Victims have testified, and they say in this country every day, and in the coffee shops of this country, that they want

offenders to succeed. They want you to become productive members of society as well, because after all, that's the best way to have public safety.

I just want to know if any of you have any final comments on that and maybe on how victims' interests may be served by you obtaining pardons.

Mr. Barrett Fraser: I can certainly answer that.

Speaking personally, I found myself ideologically having a complete shift in thinking in a relatively short period. I became more proactive in my community, volunteered my time, and travelled across the country to come to Ottawa. I love it here.

I mention this because these are things I never did before. And the reason I started doing them is that I've lived both sides. I've been a victim of crime—and I have an alarm now, ma'am, thank you very much. I've learned to develop empathy, and I understand, through my own personal experiences, both good and bad, that we need to learn.

You are quite right, sir, people are forgiving. They do want to see an ex-offender succeed. They do want to see us achieve as much as we possibly can. I don't believe they want to see this type of legislation that would put up a barrier and restrict any opportunity for them to get their closure, for them to see their wishes come to fruition.

When I was in prison... I've seen some very, very, interesting restorative resolution situations. I have sat in a room where a man who killed a woman's daughter was sitting face to face with that person. If anything has the potential to go bad, it is that situation, when you have the mother of a murdered child sitting there in front of her killer and they're working it out.

I believe that what you're saying is absolutely true. So when we put in place legislation like this that paints us all with one brush, situations like the one I just spoke of will never ever happen. And that's really it.

• (1730)

The Chair: Thank you very much, all, for appearing here.

Certainly, speaking on behalf of the committee, it's always good to hear people's stories. From the other side, we hear the stories of victims. We hear the stories of many kinds of offenders, not always who have been rehabilitated, not always when there has been rehabilitation back into society.

We thank you for coming. We thank you for your input on this bill.

We are now adjourned.

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