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Chair

Mr. Dave MacKenzie

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• (0845)

[English]

The Chair (Mr. Dave MacKenzie (Oxford, CPC)): Seeing the clock is at 8:45 and there's a quorum present, we'll begin meeting number 6 of the Standing Committee on Justice and Human Rights, studying Bill C-10.

I think the panel has probably read the directions from the clerk that there is a limit of five minutes for an opening address. The panel should be aware that the members of the committee have five minutes to ask a question, and answers are included in that five minutes. I will cut you off when we get to the five minutes, just to be fair to everyone.

Would you like to go first, Mr. Westwick?

Mr. Vince Westwick (General Counsel, Legal Services, Ottawa Police Service): Absolutely. Thank you, Mr. Chair.

Mr. Chair, my name is Vince Westwick, and I'm the general counsel for the Ottawa Police Service. I appear this morning representing Chief Vern White and the Ottawa Police Service. Chief White would have appeared himself, but he is currently in China lecturing on law enforcement matters.

In preparing to present comments to this committee, I sought input from operational police officers, those who investigate the types of offences that are the subject of Bill C-10. They were most supportive. While it is easy for me to report the strong views of the members of the Ottawa Police Service, it is important to understand their thinking on why they believe this bill is important. It is more than a simple plea for longer sentences. It is about ensuring that there is accountability within the criminal justice system. It is about revitalizing confidence in the criminal justice system, confidence for the community, confidence for the victims, and confidence for police.

When police officers in Ottawa encourage victims to come forward and submit to the rigours of the criminal justice system, it is important for the victims to feel the system will be responsive to the pain they have suffered. It is important for police officers in Ottawa standing up before a town hall meeting that they are able to tell communities that the system will protect them and their families. It is also important to police officers to believe that their efforts in investigating and assisting in the prosecution of crime are worthwhile.

Community confidence needs a shot in the arm. The 140-plus pages of Bill C-10 send an important message about safety, but they

also send an equally important message about community confidence in the criminal justice system.

I'd like to make a few comments about the specifics within the bill.

Regarding conditional sentences, when a judge has decided that an offender should be sent to jail, the judge may impose a conditional sentence, allowing the offender to serve his sentence in the community—house arrest. Under the current legislation, conditional sentences are available except for a very small group of serious offences. Bill C-10 is decreasing the availability of conditional sentences by increasing the range of offences for which conditional sentences are excluded. While there may be a justification for a person serving his or her sentence in the community, there is no justification for a conditional sentence where the serving of that sentence affects the safety of that community. This reduction in the availability of conditional sentences will increase public confidence in the criminal justice system.

In respect of mandatory minimum sentences, MMPs have caused a lot of controversy. The starting point of the discussion should be section 718.2 of the Criminal Code of Canada. That section sets out criteria for addressing aggravating and mitigating circumstances that judges must consider in imposing a sentence. These sections were introduced in 1995 and have been used extensively by trial judges since then. Bill C-10 takes that process one step further by attaching a predetermined sentence to aggravating factors—not for all crimes, but for those related to sexual offences involving children, and for serious drug offences.

The staff sergeant in charge of the Ottawa Police sexual assault and child abuse section wrote to me the following:

We can't say enough about the need to put the increased penalties in place. The current mandatory sentencing for sexual interference...sexual exploitation...and invitation to sexual touching...is 45 days with a 10-year max (that is never used). It is our view that 45 days doesn't even touch the surface of what is required to send a message of determent. Most of the time upon conviction these offenders are getting out for time served and go right back at it. One case we are...involved in...allowed for a male involved in possession and sharing child pornography to go right back into the community (after conviction) where he continued and escalated to luring—our [high-tech crime and] Internet Child Exploitation Team is now investigating the luring of over 100 young females. Harsher sentencing is required to stop these predators.

That's from the officer in charge of the sexual assault and child abuse team.

Critics of Bill C-10 argue that it is better to focus on preventative strategies than to focus solely on MMPs. The Ottawa police do not think these strategies are mutually exclusive. For example, Chief White indicated his support for mandatory minimum sentences related to drug offences, but asked me to specifically convey to this community that any MMP strategy needs also to increase the availability of treatment in a correctional facility.

• (0850)

He refers to the Swedish model as an example of a positive step in that regard.

The Chair: Your time is up, Mr. Westwick. Sorry.

Chief McFee.

Chief Dale McFee (President, Canadian Association of Chiefs of Police): Thank you, Mr. Chair.

Let me begin by thanking each of you members of the House of Commons Standing Committee on Justice and Human Rights for having me appear today regarding this very important bill.

This is my first opportunity to present to you, as the newly elected president of the Canadian Association of Chiefs of Police. For me, this is truly an honour and a privilege.

We may not always agree on issues relating to law enforcement, justice, and public safety, but I want to assure you that we are very respectful of your positions.

My name is Dale McFee. In addition to my position at CACP, I'm the chief of the Prince Albert Police Service. Prince Albert, Saskatchewan, is like many communities across Canada. We hear Statistics Canada reporting to us that crime is down in most areas of Canada, but as my law enforcement colleagues would tell you, public concern and crime severity indexes regarding serious and violent crimes have increased.

The criminal justice system is facing a serious challenge of confidence. Members of our communities from all parts of Canada, victims and police officers, are losing a bit of faith in the ability of the criminal justice system to keep their families safe. Therefore, as my very first comment, I would like to say that overall the CACP strongly endorses the Safe Streets and Communities Act.

By way of background, the CACP, through its member police chiefs and other senior police executives, represents in excess of 90% of the police community in Canada, which includes federal, first nations, provincial, regional, municipal, transportation, and military police leaders. The CACP continues to support legislative amendments, which assist in making Canada's communities safe and provide support for victims of crime. We have been supportive of many individual bills, which were introduced in the previous Parliament.

Canadians need to know their police and government officials at all levels are working together to ensure their safety. This is why I am here today. Canadians want to know that if they are victims of crime, the perpetrators will be dealt with fairly by the criminal justice system and will face the appropriate consequences for serious criminal acts.

When we talk about terrorism, organized crime, serious violent and/or sexual crimes, producing or trafficking controlled substances, and many other criminal acts related to this bill, let me emphasize we are talking serious crime, and this type of activity simply is not acceptable. In dealing with such crimes, we need to extend protection to the most vulnerable members of society, we need to enhance the ability of our justice system to hold criminals accountable for their actions, and we need to improve the safety and security of all Canadians.

I am here today with my colleague, Vince Westwick, who is presenting as general counsel to the Ottawa Police Service. In addition, Mr. Westwick is co-chair of the CACP's law amendments committee.

The CACP has 21 committees of police leaders who, above their demanding work in agencies and communities, work towards improving our ability to protect Canadians, and, most importantly, reduce the number of victims in our society. Our committees do not take this role lightly.

Deputy Chief Warren Lemcke, a member of the CACP law amendments committee, in addition to his work with the Vancouver Police Department, will be appearing next week to discuss conditional sentencing. The CACP supports the concept of conditional sentences but agrees they ought to be reserved for the appropriate situation. Their misuse only serves to feed the lack of confidence in the criminal justice system.

My colleague, Chief Barry MacKnight, of the Fredericton Police Force, will also appear on behalf of our CACP drug committee and will speak to the amendments related to the Controlled Drugs and Substances Act to address production and trafficking.

The CACP supports the Justice for Victims of Terrorism Act. The CACP is a longstanding supporter of victims initiatives, but is especially so in this case. This act will give some sense of empowerment to victims of terrorism as they seek redress through the civil process. This act will also send a message to those responsible that they will be held accountable for the damage they do. This is most worthwhile.

I wish to compliment the government for proposing changes to offences and penalties associated with sexual crimes related to children. This is profoundly important.

On a further note, we need to ensure that we keep pace with advancing technology, allowing law enforcement to more effectively deal with the same issues. I would urge all parliamentarians to assist us in this important matter.

In conclusion, we believe Bill C-10 provides appropriate consequences for serious criminal acts and will strengthen the public's faith in the justice system. Canadians need to have their confidence in the criminal justice system restored, perhaps reinvigorated. It is a critical element of Canadian life.

To critics of this bill, when it comes to discussing issues related to improving community safety, there is no right or wrong. Community safety is everyone's business. Some see solutions as hard on crime; others see it as soft on crime. Certainly a balanced approach is needed. Crime prevention is an important aspect, which the CACP studies, having a committee dedicated to this issue.

The economic circumstances facing all Canadians is a reality affecting law enforcement as well. It requires some very innovative thinking and new perspectives as to how we approach crime in our communities. I am a very strong proponent of early intervention and community mobilization towards a common-sense approach to reducing crime. It is an area the CACP looks forward to making a significant contribution with governments at all levels.

Obviously, Mr. Westwick and I will be pleased to respond to any questions you may have.

Thank you very much.

●(0855)

The Chair: Thank you, Chief.

Mr. Waller, do you have an opening statement?

Dr. Irvin Waller (President, International Organization for Victim Assistance): Thank you, Mr. Chairman.

I want to pursue the issue of prevention and how this bill could become an effective way of doing that.

I want to just mention briefly that I have spent most of my professional career fighting for victims of crime. I received awards in the United States and internationally for getting the UN General Assembly to adopt basic human rights for victims. I worked with Manitoba to establish the first victim rights legislation in this country. I've recently done work for a think tank for David Cameron in the U.K. The report was called "Less Crime, Lower Costs", and I've done a book on rights for victims of crime addressed to legislators.

It won't surprise you to hear that I agree with the Minister of Justice that 440,000 victims of violence and 1.3 million victims of property crime need addressing. It also won't surprise you that \$83 billion in harm to victims of crime deserves action and deserves additional expenditure and energy. However, there is a very important element missing from Bill C-10, Safe Streets and Communities Act, and the two previous speakers have mentioned it. That is prevention and that is victims.

I am proposing, respectfully, that the committee consider a crime reduction board for Canada. This would be a permanent and high-level office to sustain efforts to prevent crime and bring our services up to international standards. We would achieve this in a variety of ways that are specified in my written submission.

I want to close with a couple of very important examples. Canada has moved to implement effective prevention strategies, but unfortunately, these are a patchwork from coast to coast and we need federal leadership to make more happen. The province of Alberta now has the leading crime reduction and community safety strategy in North America, which, to quote the previous speaker,

balances smart enforcement with smart treatment with smart prevention, in sum, combining what this bill needs to combine.

Just last month the province of Saskatchewan, with the approval of the previous speaker and the provincial Association of Chiefs of Police, endorsed a similar strategy for Saskatchewan. But we do not yet have this federally.

My second example illustrates the cost effectiveness of investment in crime prevention. In Winnipeg the number of victims of car theft was significantly reduced by a collaborative process between police, social agencies, and the provincial insurance company. The \$50 million that it cost has been recovered, and \$40 million is saved every year to taxpayers, and of course much more to victims who are not harmed. Car thefts often cause serious injury.

In my written brief I've shared details of the compelling knowledge that shows that violence can be prevented but requires investments in prevention. I've talked about the Scottish Violence Reduction Unit. I've talked about the British Youth Justice Board.

Thank you, Mr. Chairman, for this opportunity to interest you in a small step toward making Canada the safest country in the western world, if we can add to this bill this small amendment that will stop victims, reduce harm, and save costs to the criminal justice system.

Thank you very much for listening.

●(0900)

The Chair: Thank you, sir.

Mr. Kennedy, do you wish to make an opening address?

Mr. Sheldon Kennedy (Co-Founder, Respect Group Inc.): Thank you all for having me here this morning. My name is Sheldon Kennedy. I'm the co-founder of Respect Group Inc. We're a prevention organization that educates all adults across this country—over 500,000 annually—on abuse, bullying, and harassment.

I'm here today to speak in support of Bill C-10, the Safe Streets and Communities Act, specifically, part 2, proposed paragraph 11(a), which calls to increase or impose mandatory minimum penalties and increase maximum penalties for sexual offences with respect to children, thereby offering greater protection to Canada's most vulnerable.

When I finally filed a report of sexual assault against my junior coach in 1997, as an adult and professional hockey player, there were people in the media and hockey in the town where it happened who didn't believe me. On top of having to battle with the fear and shame that sexual abuse brings, I had to deal with disbelievers.

Children who are victimized spend years trying to explain what happened to them and working to restore their emotional well-being. Offenders, in my opinion, serve an inadequate amount of time, in some cases, none, paying for these atrocities. Believe it or not, current sentencing laws for someone convicted of sexual assault against a child under 16 carries no minimum mandatory penalty. This needs to change.

Currently, child sex offenders are also eligible for pardons. My abuser got three and a half years for his crimes and was released after only 18 months. He paid \$50 and got a rubber stamp pardon, took off to Mexico with a clean record, name changed, and had a chance to start offending yet again. Now he is out on bail facing the same charges. That is what this government is trying to prevent.

Is there a parent in this country who would have an issue with protecting their children from this predator and others like him? Pardons should be eliminated for all child sex offenders, period.

Child victims of sexual assault often struggle with emotional issues, alcohol, drug dependency, and suicide. They have to seek out their own specific forms of rehabilitation. In my case, it's been a 30-year struggle. I lost a lucrative professional hockey career. I've been in countless treatment centres. I lived a reckless lifestyle with significant cost to me, my friends, family, and my marriage. I'm still receiving counselling on a regular basis and it has taken all this time to become a productive member of society.

I believe we need to toughen sentencing for child sex offences. They just don't seem in line with the damage they leave in their wake, not even close. The proposed legislation for my perpetrator would go from a 90-day minimum sentence to one year. The ceiling of a maximum sentence would remain at 10 years. By imposing increased minimum sentences, we are telling these predators that they will go to jail. MMPs and maximums will provide direction to the courts and serve as an equal starting point.

Research shows that the rehabilitation rate for pedophiles is very low, if they can be rehabilitated at all. Why then would we not do everything we can to keep them off the streets for as long as we can? They're a serious threat to our children. They belong in jail for their heinous crimes.

We constantly tell our children and their caregivers to come forward to tell someone. They need to know that the courage it takes to tell someone and report this will result in consistent convictions that will stick and that justice will be served.

To me, the fundamental reason for change to these laws is simple: we can't let these perpetrators walk freely among our youth organizations, our schools, our neighbourhoods, and our workplaces. Children need to feel safe, and parents have to trust that the government is playing a role in protecting them. Criminals need to be held accountable and be dealt with consistently with clearly defined consequences. In my mind, child protection is paramount.

In closing, I want to thank this government for standing up for victims and finally taking action. It's about time someone gets tough on criminals.

Thank you.

The Chair: Thank you, Mr. Kennedy.

That completes the opening addresses by the panel, so we begin the question and response period.

Mr. Harris will go first.

• (0905)

Mr. Jack Harris (St. John's East, NDP): Thank you, Chair, and thank you to the panellists for your presentations this morning.

First of all, Mr. Kennedy, I want to publicly say what I said to you a minute ago privately: I'm very pleased to have met you. I want to commend you for your courage in becoming public on this issue, and for showing leadership, particularly to the young people of this country who admired you as a hockey player and who were able to get some comfort in knowing you had the courage to speak out.

I myself represented numerous victims of the Mount Cashel orphanage scandal during the nineties, and I was very aware of the importance of what you did when you came out in 1997. I started in about 1989, and we went through a public inquiry where young men were talking about their experiences at an orphanage—the same stories of non-belief and trying to get attention for what had happened to them. I'm very sympathetic to your circumstances.

Can you tell us whether you have seen any change in awareness in the last 10 or 12 years by society or young people, in terms of prevention of further perpetration? Do we have a better situation now than we did 15 years ago because of people like you, because of these prosecutions, because of the inquiries that have happened?

Have you seen any progress, in other words?

Mr. Sheldon Kennedy: Yes, and thank you for the comments. I appreciate that.

I do believe that as far as awareness, our understanding of not only sexual abuse, but abuse, bullying, and harassment has come a long way. As a social issue, these issues have come leaps and bounds from where we were in 1997.

But I think there's a gap. The gap is that we are out there in the prevention role telling individuals and our kids to tell people and to go to the police, and then there's nothing being done. I think that's a huge deterrent right now.

We need to really narrow that gap, and I think with these proposed changes in Bill C-10 we can accomplish that. As far as the prevention side of it, we reach, as I said, half a million people annually. I know we've donated a lot of money to the Red Cross. We've been in front of three and a half million youth across this country with education programs on these issues, specifically abuse, dating violence, bullying, etc. Those people are now adults.

There was a time that if you had a prevention program in place it meant you had problems within your organization, whereas today, if you don't have something in place, you know what, we're not signing up.

Mr. Jack Harris: That's a good line.

Professor Waller, I know you talked about having a particular role in prevention, or a particular body to do that. Aside from the specifics, such as Mr. Kennedy was talking about with particular offences....

I'm going to quote you a comment from your own paper. It says, "If locking up those who violate the law contributed to safer societies, then the United States should be the safest country in the world."

That's a general comment about how many people are in prisons. That comes from a committee of this House, in 1993, I think, led by Jack Horner. He would have been the chair of that committee.

How does that comment fit with your comments about crime prevention generally? We do have a lot of commentators saying that a solution of having more people in jail is not going to make our communities safer—notwithstanding what Mr. Kennedy said about perpetrators; that's a different category.

Dr. Irvin Waller: I think my concern is very simple. There have only been debates about more or less punishment; there have not been debates about effective prevention. It was actually Bob Horner, the Conservative member of Parliament for Mississauga, who was the chair of the parliamentary committee that looked at what should be done. That was based on 1993 data.

We're now in 2011. We have World Health Organization data. We have the examples of the Scottish Violence Reduction Unit. We have the success of the Youth Justice Board. The World Health Organization has recognized the Fourth R as one of the three proven programs that reduce bullying and sexual assault in schools. We have many, many examples of things that are effective. I think it's important that we combine whatever we're going to do to be tough on criminals with being tough on causes.

● (0910)

The Chair: Thank you, Mr. Harris.

Go ahead, Mr. Goguen.

Mr. Robert Goguen (Moncton—Riverview—Dieppe, CPC): Thank you, Chair.

I'd like to address my question to Chief McFee. Chief, critics often say that crime rates are in decline. Of course, they cherry-pick the data that feeds their ideological hunger, yet they seem to fail to recognize that there remains a significant concern about crime, violent crime particularly, in this country. Particularly, I'd note that a recent Statistics Canada survey reported increases—yes, increases—in crimes. Crime rates increased 36% for child pornography, 11% for firearms offences, 10% for drug offences, 5% for criminal harassment, and 5% for sexual assaults. These are all criminal activities our government has specifically targeted both in the past and in this current legislation, including of course the measures in Bill C-10. Also there was a recent Nanos poll where the highest—yes, the highest—percentage of respondents chose cracking down on gun, gang, and drug crime as being the government priority most important to them.

Chief McFee, if there does remain a significant concern about violent crime in Canada, does your organization support Bill C-10? If yes, I'd like you to expand on what measures contained in the bill you personally support and why.

Chief Dale McFee: Good point. Obviously there's a lot in that. The reality is, is it a concern? Absolutely, yes. I think you just hit it on the head. If you look at demographics across Canada...I was in Iqaluit two weeks ago at a summit with the leaders of Nunavut,

Northwest Territories, Yukon, and we had Alaska Public Safety, Newfoundland and Labrador, Saskatchewan, and Greenland. I mean, even looking across the country there are differences. But overall, is the violent part an issue? Absolutely. Is it a concern? Is the perception of it a concern? Absolutely.

I think as my comments earlier refer to, what we see here is tackling serious crime. And you know what? That's needed. The reality is there are people who should go to jail because that keeps communities safe, and there is the purpose of a jail.

On the other side, Mr. Waller is saying we equally believe that we need to go in on the front side—if we call one the back side and one the front side—and we need to also do some programming in a lot of those things that make a difference and alleviate the call load. Obviously between the two of them they become cost efficient.

I struggle with the fact that it's one or the other. You know, this hard versus soft on crime. I think it's all hard on crime, with tough decisions. What I see here is dealing with one side. I assume that's what we're dealing with today, but equally important at a later date is something in relation to crime prevention. Obviously it's equally important. That's why we see this as one part of the key cog. If it's half of your business or a third of your business and you don't pay some attention to those things that work, then you don't maximize your results.

I hope that answers your question.

M. Robert Goguen: Yes, that's very good.

Bill C-10, Chief, focuses on sexual predators, of course, organized drug crime, protection from violent young offenders, terrorism, human trafficking—all pretty heinous areas of criminal activity. From your organization's perspective, is our government on the right track when it comes to improving the safety of our streets and communities? Are we getting it right, Chief?

Chief Dale McFee: As I said in my opening statement, overall we support this. We're going to have other people come here to talk about sentencing and the drugs part of it, but I think there are some really good, positive moves here dealing with that side of the business. When you're talking about terrorism, about child exploitation, about serious violent offences, and organized crime, you're not talking about everybody. You're talking about the things that are disruptive in our community, that obviously decay our community, and are on the very serious end of the business we do. Absolutely, we think that. We put it in terms of "appropriate sentence for the appropriate crime".

Mr. Robert Goguen: Do I have any time left?

The Chair: Almost a minute.

Mr. Robert Goguen: Okay.

I'd like to expand on something Sheldon Kennedy was saying, Chief. He was talking about sexual offenders and how, if they can be treated, certainly they can be rehabilitated. Of course, in Canada we have a very effective probation system, but regrettably, although people serve a sentence, the maximum period of probation thereafter is only three years. Is there any thought of perhaps expanding the probation period to follow sexual offenders for a longer period of time, and perhaps in fact give them some sort of treatment and cure? Would that be an effective measure?

• (0915)

Chief Dale McFee: One thing I noticed about this bill when I was reading it was that everybody who is an offender is going to have a set out plan on how they're going to get.... I mean, there are assumptions that they go to jail and they shouldn't be taking treatment. Our correctional institutions have great treatment programs. They're proven, they're evidence-based, and I think they're only getting better.

I don't want to keep going back to it, but that's a certain part, and then there's a certain part on the preventive side not coming into the system yet. We see these as equal. That's why we're able to sit here and speak on this as important. This is a part of what we see in relation to serious crime that needs to be dealt with, and it needs to have the appropriate consequence or the appropriate punishment. I think we have to say that we know there are folks that are going to go to jail, but that doesn't mean we forget about them. There are good programs in jail. Hopefully they'll acknowledge them and take them and go through that rehabilitation.

The Chair: I'm sorry, Chief, I'll have to cut you off there.

Mr. Cotler.

Hon. Irwin Cotler (Mount Royal, Lib.): Thank you, Mr. Chairman.

I also want to welcome our guests today.

I concur with what my colleague Mr. Harris has said, and I commend you, Mr. Kennedy, for your courage and commitment.

Professor Waller, I think we have a unique privilege in having a world leader, really, with respect to protecting victims of crime, protecting their rights, testifying before us today. Your central proposal, that Parliament should add a short amendment to Bill C-10 to create a permanent crime reduction board for Canada I think is a compelling one. I hope it will be adopted by this committee. As you put it, it would combine being tough on criminals with being tough on causes.

In your statement, you make this point:

If the federal government matched every additional dollar for prisons with an additional dollar for prevention and victim rights, Canada would have significantly fewer victims of crime and so would have alleviated harm to crime victims.

I agree with that statement and your proposal. But it appears to me that your proposal.... I understand that it presupposes, in effect, that Bill C-10 is going to be adopted, and, since it's going to be adopted, we should have an amendment as you have suggested. And that is correct.

I would just like to take you back one step and ask you whether Bill C-10 in its fundamentals, as it now exists...because some have said that this will end up incarcerating more people for longer periods of time, and we'll end up with more crime rather than less crime, with less justice rather than more justice.

Are there any other suggestions that you might make regarding Bill C-10 as it stands now that would fit with your model of an effective balance between enforcement, treatment, and prevention?

Dr. Irvin Waller: Clearly I'm in favour of the two sections that refer to victims, but these are.... Well, the one on reparation and terrorism is a very important one. The one on greater standing for victims in the parole hearing is also progress. But it's a drop in the bucket compared to what is needed.

In very simple terms, if we began to spend intelligently the amount of money that we're expecting to spend on additional prisons—not just because of Bill C-10 but because of previous bills—and we began to match that with prevention and improving services for victims, we would probably, certainly within the next five to ten years, significantly reduce the need for incarceration.

My pleading here is that the most important thing to do is to address the \$83 billion—that's \$14 billion to \$15 billion in tangible costs and \$60 billion or so in intangible costs—that the Minister of Justice has talked about.

I do not share the view of some other experts that crime is going down in this country. If you look at the victimization survey, done only every five years...which it clearly isn't. We've seen a huge drop in reporting in this country, which the Minister of Justice has also mentioned.

So I think there's some urgency. I very much agree with the president of the CACP about this balance. He said, well, it's for a future event. I think it's important to do things now. The title of the report that I worked with for the Cameron government was "Less Crime, Lower Costs". It's about preventing crime, preventing people from becoming victims. We have a huge amount of knowledge, some of which we're using in this country. We could be using way more to reduce those numbers significantly.

• (0920)

The Chair: You have about 30 seconds.

Hon. Irwin Cotler: Okay.

I have a very quick question for either you or Chief McFee. Both of you have made reference to providing civil remedies to victims of terror, which is a proposal in the bill that you support and that I would support.

Chief McFee, perhaps you can address my final question: would you support the listing mechanism in that legislation?

Chief Dale McFee: The simple answer is yes—to keep to the 30 seconds.

The Chair: Thank you. That is the time.

Mr. Seeback.

Mr. Kyle Seeback (Brampton West, CPC): I'd like to go back to Mr. Westwick. First of all, it appears you didn't get to finish part of your opening statement. We have a little bit of time, and I'd be happy to allow you to do that.

Mr. Vince Westwick: Thank you very much.

I was going to point to a couple of other parts of the bill that we think are very important. There's the one the last questioner raised about the Justice for Victims of Terrorism Act. While I agree it's very important—and I suspect it may be a tad optimistic—it's also empowering to victims and may give them a sense of closure. So I think in that regard it's very important.

I think there are a number of changes in the Correctional and Conditional Release Act being put forward that are very important, some of which our association and police across Canada have been requesting for years—some very significant ones.

The last one I would point out is that Bill C-10 allows immigration officers to refuse work permits to applicants and persons who are vulnerable to abuse and exploitation. This is a preventative step, and I think it's a very creative and wise approach to that problem. So we would support that as well.

Thank you for letting me get that in.

Mr. Kyle Seeback: No problem.

In Bill C-10 there are two new offences. One bans anyone from providing sexually explicit material to a child for the purpose of committing a sexual offence against that child. The second is to ban anyone from using any means of telecommunication to make arrangements with another person to commit a sexual offence against a child.

Would you say that these are two important tools for police in the ever-expanding fight against the exploitation of children?

Mr. Vince Westwick: The simple answer is yes, and very strongly so.

Normally I stand before this committee and argue that police could do without more complexity in the Criminal Code, but this is an exception to that submission. It's an exception because of the unique nature of the Internet, the unique nature of crimes that have developed in relation to children, and unique crimes that have developed in relation to the mechanisms that these kinds of predators are using.

The flip side of that is it opens up other investigative avenues to police. So the answer is a very strong yes.

Mr. Kyle Seeback: I want to switch gears a little and talk about drug crimes. The president of the Canadian Police Association, Tom Stamatakis, said with respect to drug crimes:

Everyday our members see the devastating effects that drug traffickers and producers have in all of our communities. Those police officers, like those assisting us here today, are the ones that constantly have to arrest the same drug dealers and producers over and over again and stop them from poisoning our children and our grandchildren and robbing youth of their future.

Can you comment on how Bill C-10 and the proposed legislation is going to aid police officers in this fight against drugs and drug crimes?

Mr. Vince Westwick: Perhaps as a starting point, when Chief White came to Ottawa, one of the first things he did was create a street crimes unit that was specifically designed to go out to deal with street-crime-level drug trafficking. The drug section still exists to deal with project and larger, more complex things, but he saw a need for street enforcement on the drug side. It has been hugely effective in terms of the number of arrests and convictions, and so on, but also in terms of providing community confidence that something was being done and there was a manifest way to do that.

The street crime officers will tell you that they continue to arrest the same people over and over again, therefore putting in mandatory minimum penalties that are tied to aggravating factors is a sound approach. It ties it to serious escalations in the crime—youth violence, and so on—and I think that has value. It has value for the police, but it also has value for the community, in that they see there is some clear consequence to the police actions.

• (0925)

Mr. Kyle Seeback: I want to pick up one of your other comments. You talked about revitalizing confidence in the justice system for the public and victims. I know that in my riding of Brampton West I continuously hear from people who say the justice system appears to be broken, and people are getting very soft sentences for very serious crimes.

Are there parts of the legislation that you think are particularly important that will help with that aspect?

Mr. Vince Westwick: Absolutely. I resisted in my remarks using the phrase “crisis in confidence”. I prefer to see it as a glass half full and say to revitalize. But it's clear that communities—members of the public and average citizens—are very concerned about the criminal justice system.

I think there's an interesting debate as to whether it's broken, and if so, how broken is it? Some of it is perception. I think the most important thing that's sent out of Bill C-10 is that you have a bill of 140-plus pages that is talking to communities. I think the title, Safe Streets and Communities Act, is very important. It sends a strong message to the reader. I like to think this bill is about messages.

The Chair: You'll have to end it there. Thank you.

Mr. Jacob.

[Translation]

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Mr. Chair, my first question is for Mr. Vince Westwick, from the Ottawa Police Service.

Could you tell me what specific preventive measures has the Ottawa Police Service put in place over the past few years to deal with youth crime?

[English]

Mr. Vince Westwick: What types of services? Which types of services have they—

[Translation]

Mr. Pierre Jacob: In terms of prevention services addressing youth crime, has the Ottawa Police Service taken any measures over the past few years?

[English]

Mr. Vince Westwick: I'm very quick and proud to say that it's not simply over the last few years, but over the last number of years. Ottawa has always taken a very aggressive posture on youth activities. It has a large community program. You may have noticed that there was an advertisement in the paper for activities in two high schools about talking about youth issues, bullying, and so on. Much of these are driven by community partnerships that include the police. They also have a specific position within the youth section dealing with prevention and community activities related to crime activities.

The whole philosophy is that it isn't simply enforcement; it is a community action that also includes enforcement.

One other example of that is the issue of what they call school resource officers, which is putting police officers into the schools more often, where they can speak to youth at even a primary level, respond to situations, and, I hesitate to say guide, but to offer direction to educators and to youth.

[Translation]

Mr. Pierre Jacob: Thank you, Mr. Westwick.

I am happy to hear that prevention is alive and well at the Ottawa Police Service and that it is working.

My second question is for Mr. Irvin Waller.

You talked about a concerted common strategy for prevention and you pointed out that it is the best way to deal with crime victims. Could you tell me more about the proposed common strategy for preventing crime?

[English]

Dr. Irvin Waller: I've been involved with 14 municipalities from coast to coast that have established city-wide crime prevention and community safety strategies, including in the city of Ottawa an organization called Crime Prevention Ottawa, which has the Boys and Girls Club, the Youth Services Bureau, and so on working in partnership with the police with housing.

I think there are some amazing examples of this in Canada. Waterloo Region has become very well known internationally. Edmonton had a task force that created one. Montreal has for a long time been successful in reducing gangs and so on, because it has had youth outreach programs.

I'd like to give the example of Scotland. Glasgow is a large city with a relatively high homicide rate, with gangs, as was mentioned. The chief of detectives of Glasgow said, "I'm fed up with picking up the phone. I know I can't arrest my way out of crime." That's a quote from supercop Bill Bratton.

What did they do? They brought in a public health analyst to look at what seemed to be the factors relating to crime. They implemented the solutions, which was a combination of making sure you get the bad guys off the street with programs to help with everything from early childhood through to youth programs. You see reductions of 50% in violence in the areas where they've concentrated, and that's, of course, where the majority is.

That program became a national violence reduction unit. In the recent riots in England, Prime Minister Cameron, after hearing Bratton say you can't arrest your way out of crime, said "We need to adopt the Scottish model."

I think there are examples in this country where they're already doing this, but I think the Scottish model is a clean example of what we need. This is why we need to balance "tough on criminals" with "tough on causes", using what works. By the way, you can achieve these reductions in violence in a relatively short period of time, much shorter than adding prison sentences to already lengthy prison sentences.

What I would like to see is a balance between both and I'd like to see it urgently.

• (0930)

The Chair: Thank you, Mr. Waller.

Mr. Rathgeber.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Thank you, Mr. Chair, and my thanks to all the witnesses for your interesting and thoughtful presentations.

My first question is to Dr. Waller, and perhaps to Chief McFee. You both mentioned crime statistics, and I think it's important that we explore this a little bit, because there is some misconception out there that, statistically, crime is going down.

I agree with you, Dr. Waller, that that's not necessarily so. You mentioned the victimization survey, and I know the survey to which you refer, but it has admittedly been some time since I've looked at it. This is Statistics Canada surveying Canadians every five years. Is that the survey?

Dr. Irvin Waller: That's correct.

Mr. Brent Rathgeber: And this was last done in 2009 or 2008?

Dr. Irvin Waller: It was in 2009.

Mr. Brent Rathgeber: And if my memory is correct, one in four Canadians reported being a victim of crime in the last 12 months, when they were surveyed?

Dr. Irvin Waller: Correct.

Mr. Brent Rathgeber: And 31% of crimes are reported to police. Is my recollection accurate?

Dr. Irvin Waller: That's correct, and that's what the Minister of Justice uses too.

Mr. Brent Rathgeber: So my memory is better than I thought.

With respect to official police-reported statistics, which is what I think most individuals cite when they want to argue that crime is down, do you know if police forces across Canada uniformly record reported crime?

Dr. Irvin Waller: Statistics Canada has since 1962 had a reporting system called the uniform crime reporting survey, similar to the system in the U.S. or in the U.K. A lot of effort goes in to making that uniform, and there's no doubt, if you look over the last 10 years, that police-recorded crime has been going down in this country. The severity index was introduced only in 1998, so automatically that has been going down.

Mr. Brent Rathgeber: The severity index attempts to rank certain crimes as statistically more significant than others, so that murder isn't weighted the same as shoplifting. Is that correct?

● (0935)

Dr. Irvin Waller: Correct.

Mr. Brent Rathgeber: It has been suggested with respect to police-reported crime that there have actually been changes over the last 20 years in how police count crime, and specifically with respect to incident reporting as opposed to crime reporting. For example, if an individual breaks into six houses on one evening, where historically that would have been counted as six crimes, it's now reported as one incident. Perhaps Dr. Waller or Chief McFee could tell me whether my understanding is correct.

Chief Dale McFee: I think you're talking about reports versus incidents. It's pretty hard to put six different victims on one incident. So it would still be counted as six victims, if that's what you're looking for. There have been some changes, though. There has been a different weighting, in relation to the violence, giving a greater weighting to violent crimes.

You talk about the statistics. I honestly think there are some real contributors, and it's diverse across our country, as much as our country is diverse. A lot of this ties to age demographics. If you go to Saskatchewan and you look where I police, the majority of our population is under 24. There's high marginalization in northern Saskatchewan that predicts that in eight to 10 years, 50% of the population will be under 15. Tie that in to some of the northern regions, and then if you go into some of the bigger centres where it's an aging population of baby boomers, there's a play in relation to that as well.

I think what you've seen is the complexity of the crime and the severity and how we deal with it. There's a real good report, the Plecas report, that came out a few years back. There's a lot more time spent on crime and how we deal with it. What used to be easily reported has become complicated, but there have been so many processes added to it, and there's a lot of time spent in relation to that. So there has been some tweaking in how it's reported. I think it's highly affected by the demographic and it's different across the country, so to use one brush to paint across the country isn't right.

The other thing I would say is that in relation to the Scotland model, we took a team to Scotland to study it and we're doing some of that in Prince Albert.

Mr. Brent Rathgeber: Thank you.

The Chair: Thank you.

Mr. Stewart.

Mr. Kennedy Stewart (Burnaby—Douglas, NDP): Thank you, Mr. Chair, and my thanks to the panel for your presentations.

My first question is for Mr. Waller. Obviously, you have studied this bill in great detail and have extensive experience and expertise in this area. Considering the bill in its entirety—all nine bills that have been rolled into the omnibus bill—I'm wondering if you can estimate how many more people you think will go to jail as a result of this bill. A proportion or percentage would be fine.

Dr. Irvin Waller: I don't think that is easy to determine, because we've had a number of bills, like the dangerous offender legislation, like the two for one legislation, that are going to have a downstream effect. What we can say is it is going to take some time, if this legislation were passed tomorrow, before there would be any significant increase in people in prison in this country. Initially most of that is going to be happening in provincial institutions, which are already overloaded with far too many people on pre-trial detention. This is why I think it is crucial at this time that this country invest seriously in things that will reduce crime within a reasonable timeframe, and that, frankly, is through prevention. That is what all the evidence shows. It shows it on gangs. It shows it on sexual assault. It shows it on car theft. It shows it on all the sorts of crimes that are covered in the victimization survey.

If you look at why we are at 31%, this is a shocking statistic internationally. You'd typically see that 40% to 45% of victims report in the U.S. or the U.K. Canada is somehow at 31%. Why? That is because we're a long way behind where we should be in terms of services and rights for victims. Quebec, which has a government-run victim service and gives amounts of money in compensation similar to England, has a 40% reporting rate. Ontario has 30%.

We need to do something across this country to bring ourselves up to the standards in western Europe and the standards that exist in many U.S. states and that the current Vice-President has approved in the United States—the Justice for All Act, the Violence Against Women Act. You do not see action any longer where you just focus on being tough on criminals. You have to be tough on causes, because that's the best way of focusing on preventing the harm. This harm of \$83 billion is an enormous sum, and people like me have known for some years that the harm is significant and that we need to address that. A significant part of addressing that is investing seriously in using the things that we know work from Canada. And where we can adapt them from Scotland or California or Vermont, we need to adapt them here.

● (0940)

Mr. Kennedy Stewart: Just to bring you back to the question, you are here speaking about this bill, and you have endorsed this bill as a good step forward. I am just wondering if you think there will be no extra people put in jail with this bill. Perhaps you could give us a ballpark figure of how many extra, even a proportion of increase in the jail populations.

Dr. Irvin Waller: You've had many people, way more expert than I, who have been looking at what is likely to happen in terms of incarceration levels.

My focus is very much that there is a key element missing from a bill that is about safe communities, that is about reducing harm to victims, and that is about prevention. We see jurisdictions doing this, like Saskatchewan, like Alberta, but we need a much higher level of leadership in the federal government to make this happen, and if we do that we will not be talking about overuse of incarceration five to ten years from now.

Mr. Kennedy Stewart: Right.

Perhaps I can turn to Mr. McFee or Mr. Westwick. Within your jurisdictions, have you any estimate at all? Again, you've endorsed this bill and you've looked through it and you have spoken well about it. I can understand that you've looked at it in great detail.

What increases in the prison population would you expect in your jurisdictions?

Mr. Vince Westwick: I certainly couldn't propose a percentage. The thought that strikes me is that it would be more child sexual predators and more drug offenders who are linked to organized crime and serious drug offences who would be in jail, and that kind of skews our view of it to the positive.

Chief Dale McFee: The way I look at it has a little bit of a different twist. If these people aren't in jail and are committing these kinds of crimes, they probably should be in jail. This is serious stuff. These are not people just adding to the jail population. I see it that these are serious offences. The whole bill surrounds the serious component of it, and the reality is if they are doing the crimes that are spoken to in this particular bill, I honestly think those are the people who need to be in jail.

The Chair: Mrs. Smith.

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Thank you, Mr. MacKenzie, and thank you to everybody who came to committee today.

My question will be for Mr. Kennedy.

Mr. Kennedy, obviously you are one of Canada's heroes for the great sacrifice you made in coming forward and telling your story, because no one knows better than the victim of such a crime. You broke a lot of ground. I've worked with a lot of victims over a lot of years, and they always say, if Mr. Kennedy could do it, I can do it. I don't think you hear that often enough.

Having said that, I've heard a lot today about crime prevention and about making sure our streets are safe in terms of programs for victims. I know, Mr. Kennedy, that the anti-drug strategy we put \$89 million into is something that would be in that category of crime prevention. Also I know that the first child advocacy centre in

Vancouver, which was put in place for the victims of crime, is something that probably you would have wanted years ago when it wasn't there. Also, the \$26 million to continue the federal victims strategy is something that I think is of paramount importance in our country and something that wasn't there for you when you went through all of this.

And of course my bill, Bill C-268, concerning mandatory minimums for traffickers of children eighteen years and under, basically fits into the same category, as does Graham James. This guy got three and a half years, and he has basically written off the record.

As you've said in your testimony, you don't think any child molester should have a pardon. Obviously it is something that has made the world aware of all these things, that you came out, you spoke, and in your unfortunate and very devastating experience all these things culminated in your becoming Canada's hero by rising up against it.

So how did you feel, Mr. Kennedy, when Mr. James actually got off almost, I would say, scot-free?

● (0945)

Mr. Sheldon Kennedy: Well, thank you for the comments.

I have been on the other side as well, and I know how hard it is to change. No change happens when it's voluntary. It needs to be mandatory and be part of sentencing programs and of having individuals be accountable to work through and to change.

The way I felt was shocked. We do a lot of work with youth organizations across this country. We work with hundreds of youth organizations, and they take for granted a police background check as being security, that it's going to catch everybody. It's a deterrent, but it's not the end-all and be-all. So individuals such as Graham James and others are able to be teachers, are able to be coaches, are able to be in every youth organization across this country.

Knowing how many repeat offenders we have when it comes to pedophilia, I think we need to protect those organizations from these individuals. I looked at it as telling me we need to change this, and this is a platform to make change happen. I think we saw the outrage not only from me, but from Canadians: Canada wants change around this as well.

Mrs. Joy Smith: Thank you.

The Chair: I think we have to end it there.

Mrs. Joy Smith: I'm sorry.

The Chair: We've run out of our time for the panel.

I would like to thank the panel on behalf of the members here. An hour goes by very quickly, as we all know, and certainly there's a lot more to be heard from the panel here and from the other panel.

We'll take two minutes to switch panels and we'll be right back.

- _____ (Pause) _____
-
- (0950)

The Chair: Time is a bit of the essence. I see that the panel is prepared, and we have a quorum of members, so I'd like to get started.

Welcome to the panel. I know the clerk has made it clear that there's an opportunity for a maximum of five minutes of introductory comments. The clerk has suggested that I indicate to you when you have one minute left, so that it's not a sudden stop.

We are prepared, so if the panel members wish to make their five-minute address, we can start with Mr. MacPherson.

Mr. Donald MacPherson (Director, Canadian Drug Policy Coalition): Thank you very much.

It's a pleasure to be here, and I'd like to thank the committee for inviting me to speak today. It's an honour to appear before you.

My name is Donald MacPherson. I am the director of a new and emerging national organization, the Canadian Drug Policy Coalition. I will keep my comments to those sections of Bill C-10 that are directly or indirectly related to drug policy issues.

The coalition is made up of civil society organizations from across the country that work to reduce harms from substance use and the drug trade in Canada. It includes representatives from the research community, front-line service providers, groups representing people who use drugs, parents, youth, academics, law enforcement, public health professionals, and others.

Our vision is to achieve a Canada that is safe, healthy, and just, in which drug policy and legislation as well as related institutional practice are based on evidence, human rights, social inclusion, and public health.

We applaud the government for making the health and safety of communities a high priority. We are concerned, however, that the government has it quite wrong in thinking that the proposed legislation will achieve these health and safety goals for Canadians.

We feel that this legislation will have no impact on community safety. In fact, it is more likely to create a decrease in community safety as: one, more individuals are incarcerated for longer periods of time and then return to the community with skills and social networks acquired in prison; two, organized crime adapts to the provisions in the legislation by protecting those at the top and sacrificing those lower down the ladder, as they have the resources to do; three, in the case of cannabis growers and dealers, the smaller, local suppliers will be more vulnerable to this legislation, and this in turn will deliver increased market share to the professional organized criminal gangs, increasing their profits and capacity to diversify and elude law enforcement—anyone who has spent time in the interior of

British Columbia can tell you this; and four, increased law enforcement against drug markets leads to increased violence and a reduction of safety for Canadian communities.

To provide some context, the recent Health Canada survey in Canada found that 344,000 people in B.C. admitted to smoking cannabis in the past year. Considering an average expenditure of \$1,125 per year by this group, this means that \$390 million a year is going into the coffers of organized criminals and unregulated dealers from domestic demand in B.C. alone.

I'm going to read a couple of excerpts from an RCMP briefing note, which I have attached to the package I handed the clerk.

The overwhelming majority of crime groups in British Columbia are involved in some aspect of the drug trade, principally trafficking and distribution and activities related to drug trafficking including acts of violence, extortion, and intimidation. In some cases, the profits generated have enabled some criminal organizations to engage in other criminal activities, and [this] has allowed several of them to expand into other criminal enterprises that may have previously been well beyond their reach.

Concerning the outlook for violence:

There are signs of continued levels of influence, inter-connectivity and/or linkages between all the organized crime groups identified in British Columbia and with the criminal groups in other provinces and countries.

The expansion of organized crime groups/gangs to more rural areas of the province is expected to continue, because drug turf takeovers have been, on the whole, remarkably successful and there appear to have been only several rather short-lived clashes with the resident groups.

An overall decreased availability and increased price of cocaine, as well as internal and external disputes, retaliation for drug rips and debts, and competition for drug supply and turf, have been contributing factors to the spate of gang-related violence witnessed in metro Vancouver in recent years. On the whole, these incidents have been committed by, within and/or against the lower level associate ranks and there has been little effect on the criminal operations of upper echelon and higher-ranking organized crime groups.

The officer concludes with this statement:

Ironically, the criminal operations of the upper echelon players have not been... affected by the number of incidents of gang violence. On the whole, rivalry between upper echelon criminal organizations has not materialized and they continue to co-exist, overall, rather peaceably.

I'll conclude my statement by just saying that in the coming years the Canadian Drug Policy Coalition will be moving beyond the prohibition on discussing alternatives to our failed drug policies.

•(0955)

It is clear that we, as a society, are mixed up and do not have a clear understanding of the difference between harms that accrue from drugs and harms that arise from the policies we put in place to try to manage or control these substances.

Convening dialogue and discussion on alternatives to long-held beliefs and practices takes leadership and courage. In the best of all possible worlds, that leadership would also come from our elected leaders. It is the responsibility of parliamentarians—

The Chair: Thank you, Mr. MacPherson. We're a bit over.

I would also indicate that you said you had a document. We can't circulate it to the committee because it's not in both official languages.

And your time is up, sorry.

Mr. Donald MacPherson: Okay, thank you.

The Chair: Mr. Chaffe.

Mr. Jamie Chaffe (President, Canadian Association of Crown Counsel): The Canadian Association is comprised of those organizations of crown prosecutors and civil lawyers and notaries employed by the crown in the federal government and each of the provinces across the country. These member organizations represent the front-line prosecutors and civil government lawyers in each province and within the Federal Prosecution Service in the Department of Justice. The CACC represents the interests of these prosecutors to their respective ministries of justice and the justice system nationally.

We're delighted to have been invited to speak to this committee.

When the CACC comments on a proposed piece of legislation, it does so from an apolitical, non-partisan perspective. As befits the quasi-judicial role of crown attorneys in the criminal justice system, we do not comment on whether a particular proposed change of the law reflects good or bad policy, but we strive to provide input with respect to the likely systemic impact of the legislation on the ground from the perspective of a front-line prosecutor. We're strongly of the view that this perspective is critical to your work in making effective criminal law.

In preparation for these submissions, each provincial and federal crown attorneys' association was canvassed regarding their views regarding the systemic impact of Bill C-10. Due to time constraints, we've chosen only to comment on the legislation that most directly impacts on front-line prosecutors, the Criminal Code of Canada, the CDSA, and the Youth Court Justice Act.

Let me begin by discussing very briefly the context in the criminal justice system for these amendments.

Currently across the country, the criminal justice infrastructure particularly, but not limited to its most populous communities in the Canadian north, is critically overburdened. Indeed, it's a common necessity in these jurisdictions to prioritize cases for the limited capacity of the justice system and to triage the rest out of the court system by way of diversion programs, plea bargaining, and withdrawal of charges. As it is currently resourced, the criminal

justice system cannot fully and consistently carry into effect many of our criminal laws. That's the context for these amendments.

Regarding the amendments to the Criminal Code, as you know, when implemented, Bill C-10 will make the following changes to the Criminal Code: there'll be an increase to the existing mandatory and minimum sentences; there'll be new mandatory minimum sentences for certain charges; new offences will be created; there'll be an expansion of certain prohibition orders; and there'll be a restriction with respect to the availability of conditional sentence for many charges.

We expect that the systemic impact on the ground with respect to these changes will be an increase of overall workload, substantially because the trial rate will increase. In the absence of significant tangible new resources to support this new workload, these changes will exacerbate what is already a dangerous situation of work overload.

Regarding the proposed changes to the Youth Court Justice Act, the youth courts created by the YCJA have traditionally had a lower trial rate than adult courts, generally speaking. The proposed changes to the YCJA will have a significant impact on that trial rate and the workload of these courts.

As you know, these amendments include altering the pretrial detention provisions, the youth sentencing provisions, implementing a procedure for lifting restrictions of publication of young offenders' identities, and altering the adult sentencing regime. Overall, we're of the view that the amendments to the YCJA proposed....

One minute. Wow, time flies.

Overall there will be more bail hearings; there will be more trials and a higher level of workload.

With respect to the proposed changes to the CDSA, this legislation will also increase the number of bail hearings with respect to the charges that are impacted by the reverse onus provisions. The mandatory minimum sentences will increase the trial rate as well. There'll be fewer guilty pleas, more trials. Additionally, we anticipate there'll be more work for appeal counsel, as all of these provisions will likely be challenged constitutionally.

The lion's share of the new workload that will be created by the amendments of Bill C-10 to the Criminal Code and the YCJA is going to be borne by the provincial criminal justice system.

•(1000)

We have heard no commitment by these provinces regarding tangible support for this new legislation or the previously enacted mandatory minimum sentences legislation by the federal government.

Thank you.

The Chair: The light flashing is not an alarm system. It's calling the House to order. It doesn't mean we have to leave.

Ms. Harvey.

Ms. Yvonne Harvey (Chair, Canadian Parents of Murdered Children and Survivors of Homicide Victims Inc.): Good morning, Mr. Chairman and distinguished guests.

Thank you for giving me the opportunity to address the committee this morning. My name is Yvonne Harvey and I am the chair and the co-founder of the Canadian Parents of Murdered Children and Survivors of Homicide Victims, which is a national charitable organization first formed in 2009 to provide ongoing emotional support and assistance to survivors of homicide victims, while promoting public awareness and education.

I am here today in support of Bill C-10 in its entirety. However, my comments will touch only on the components with which I am most familiar.

As a survivor of a homicide victim, I have had to learn, much to my chagrin, how much Canada's laws need to be strengthened to protect its citizens and to instill a renewed sense of confidence in public safety.

Regarding the portion of Bill C-10 that deals with the former Bill C-39, the Ending Early Release for Criminals and Increasing Offender Accountability Act, the amendment to the Corrections and Conditional Release Act to enshrine victim participation in conditional release board hearings and keep victims better informed about the behaviour and the handling of offenders, I view these measures as effective steps forward.

The establishment and the enforcement of offender accountability identifies and recognizes the needs of victims by adding a requirement in law to complete a correctional plan for each offender that clearly identifies behavioural expectations, objectives for a rehabilitation program, and completion of obligations as ordered by the court for victim restitution.

Just as offenders require rehabilitation to re-enter society, the victims of crime need rehabilitation to continue with their lives in a productive manner with a sense of hope and safety. These enforceable measures will provide a better experience for both the offender and the victim.

In conclusion, I would be remiss if I did not comment on the extensive negative opinions that we have been hearing and reading in the media by those who oppose Bill C-10 because of the increased costs that will be associated with greater prison capacity to accommodate this new legislation.

There is generally an important piece of the equation missing in these opinions, and that piece deals not only with the tangible costs shouldered by victims of crime, but also with the intangible costs.

Victims of crime bear a huge financial burden, both as taxpayers and as victims. For the sake of fairness, let us set aside the intangible costs for now and just focus on the actual dollar costs borne by victims on a personal level and as Canadian taxpayers.

For the purpose of examining a case, I will take the liberty of using my own experience as a victim of crime. In January 2007, my only child, Chrissy Nadine Predham, was viciously attacked in her home and brutally murdered in St. John's, Newfoundland. She was 28 years old and had a 15-month-old baby girl.

Since that event, my husband Gary and I have incurred travel expenses, funeral expenses, estate expenses, loss-of-income expenses, and legal expenses that have climbed to well over \$75,000. Newfoundland does not provide any victim services for me as a resident of Ontario and does not have a criminal injuries compensation board. Therefore, we have had to pay all our expenses out of our own resources.

The trial is to start within the next few months, which will be a full five years since the date of Chrissy's murder. It is estimated to run for 16 weeks. This will result in more travel and lodging expenses, loss of income for me, and other miscellaneous expenses.

Yes, this new legislation will have a price tag, but so does the cost of crime. The cost of crime, ladies and gentlemen, not only consists of taxpayer dollars, but also the loss of human life, which is immeasurable. Equally immeasurable is the loss of family, the loss of law and order, and the loss of faith in the criminal justice system and in our government's ability to protect society.

For those who disagree with Bill C-10 as it relates to the cost of expansion of prison capacity, I would suggest that you factor all costs into the equation. The real cost of crime in Canada far outweighs the cost of new prisons. We all want safe streets and communities in which to raise our families. The benefit of that is immeasurable.

Finally, this bill has been referred to as not pertaining to victims' issues. I beg to differ. For every offender there is a victim or victims. In my opinion, historically, we as victims of crime have been nothing more than collateral damage in the eyes of the Canadian criminal justice system and corrections system. This is no longer acceptable.

•(1005)

Thank you.

The Chair: Thank you.

Now it's a total of five minutes. Go ahead.

Mr. Gilles Ouimet (Former President, Barreau du Québec): I'll be addressing the committee in French.

• (1010)

[*Translation*]

On behalf of the Barreau du Québec, I would like to thank you for welcoming us. Joining me are Mr. Battista, president of our committee on criminal law, and Dominique Trahan, president of the committee on youth law. For your information, it is important to know that these two committees of the Barreau, which were involved in drafting our brief, are made up of both prosecutors and defence lawyers. The committee members represent the state, the victims and the accused alike.

I would like to remind the public that the primary mission of the Barreau du Québec is to protect the public under the law. So the Barreau does not take the side of any particular party in the criminal justice system. As part of its mission of protecting the public, the Barreau is sharing its unbiased view on the bills currently being studied in Parliament.

The Québec Bar regrets the government's choice to have an omnibus bill and, moreover, to insist on making those amendments within 100 days. Unfortunately, this decision will muddle the issues and undermine our ability to determine the real needs of Canadians. Our natural tendency to contrast diverse opinions on complex topics, such as the fair and equitable treatment of victims and offenders, only leads to oversimplifying those opinions.

In passing legislation, we should not be constantly weighing the rights of victims against the rights of the accused. Canadians expect legislators and all players in the justice system, including victims groups, to work together on passing the best possible legislation that meets the real needs of our society. In light of that, the number and length of the consultations preceding the passing of a bill should not be considered or denounced as inconveniences.

The increased use and number of mandatory minimum penalties are the figurehead of Bill C-10. The bill specifically proposes the increase in certain mandatory minimum penalties that had been passed in 2005, although the true effect of those penalties is not actually known yet. At the Québec Bar we definitely believe that mandatory minimum penalties make our criminal justice system more complex and less effective, while raising the possibility of miscarriages of justice.

One of the fundamental principles of our criminal justice system is that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender. Only judicial discretion can adequately balance the various principles of sentencing and the circumstances of an offence, and can, as a result, impose a just sentence.

On the issue of minimum penalties and their effect, the Supreme Court of Canada has unanimously acknowledged the following:

Even if it can be argued that harsh, unfit sentences may prove to be a powerful deterrent, and therefore still serve a valid purpose, it seems to me that sentences that are unjustly severe are more likely to inspire contempt and resentment than to foster compliance with the law.

Of all the pernicious effects of mandatory minimum penalties, the most negative and harmful aspect for our society is definitely the message that is being sent to the public about their justice system and the judges.

If Parliament considers that it is necessary to restrict courts from imposing a just sentence to such an extent, the inevitable conclusion is that we cannot trust judges to get the job done. Is it really necessary to show the devastating effect of this powerful message in a free and democratic society like ours, founded on the rule of law?

In short, it is unfortunate to see how isolated anecdotes continue to be used to justify mandatory minimum penalties. This was clearly seen in the comments made at the committee's last meeting, on October 18. The case that was discussed had to do with a judge who handed down a sentence of only 23 months to someone who had sexually assaulted a child, saying that he had spared the child's virginity. The problem is that the decision was overturned by the Court of Appeal, which passed a sentence of nearly four years. But no one mentioned that. That is exactly what appeal courts are supposed to do in our justice system.

As for the amendments proposed to the youth criminal justice system, the Barreau reiterates its concerns about Bill C-4, which makes up much of Bill C-10. In the letter of September 30, 2011, that Jean-Marc Fournier, Quebec's Minister of Justice and Attorney General, sent to Minister Nicholson regarding this bill, he criticizes the fact that the fundamental principles regarding youth rehabilitation and social reintegration are pushed aside. Those are preferred principles in the Quebec model because they ensure the lasting protection of society. The Barreau shares Minister Fournier's opinion; he concluded the letter by asking that the bill not be passed without considering the needs of Quebec society.

The Barreau once again stresses the importance of maintaining the specific nature of youth criminal justice, by focusing on rehabilitation as a solution to protect the public in the long term.

• (1015)

[*English*]

The Chair: Sorry, I have to—

Mr. Gilles Ouimet: We'll be happy to answer all your questions.

The Chair: Thank you.

Just so everybody knows, we do have to end five minutes before the scheduled end of this for some short committee business.

Mr. Harris.

Mr. Jack Harris: Thank you, Chair.

I want to thank all the presenters for coming here today. It's difficult to be cut off in mid-sentence, and I don't know what we can do about it, other than have longer hearings with fewer witnesses. But thank you for coming.

Ms. Harvey, I am the member of Parliament for St. John's East. I'm very aware of your daughter's murder and I want to express my deepest condolences to you. I know you've had a very, very difficult time, not only with that, but also with ensuring that your granddaughter is well looked after.

I do want to say that the Criminal Injuries Compensation Board was developed in the nineties with support and encouragement from the Government of Canada. Unfortunately, that support from the Government of Canada has disappeared. As a result, provinces have reacted differently to that. In the case of Newfoundland, in fact, getting rid of the Criminal Injuries Compensation Board altogether I think is a bad situation. I would hope the federal government would want to do something about that. They long expressed their concerns about victims of crime, but this is an area where, as in your case and in many, many others, societal assistance to victims of crime in a monetary measure obviously cannot make up for the crimes themselves or for the loss, but they can certainly make it more likely and more possible for you to deal with your circumstances.

So you do have my very strong condolences on that. And thank you for coming and expressing your views.

I have a question for Mr. Chaffe. I know you didn't get to say everything you wanted to, but I'm looking here at the Canadian Bar Association's brief, which they presented to the committee on Tuesday. Perhaps you could elaborate on some of your concerns about more trials or more resources being required. They expressed an analysis of the changes in the sentencing for growing marijuana. It seems to me extremely complex, and they say that it's arbitrary and complex and it would lead to necessities of proving all sorts of *mens rea* for each aspect of the crimes proposed.

Have you got a handle on how complex that will be from a prosecutorial point of view? What would be the consequences of that? The minimum sentences are doubled when you go from 200 plants to 201. They criticize that. And some of the arbitrary nature of it...by talking about being a certain distance from places where children under 18 may frequent. What does all of that do for you and your members as prosecutors? What will that lead to? What do you think about that?

Mr. Jamie Chaffe: Let me say at the outset that you're probably not going to be satisfied with my answer. The CACC, unlike the CBA, doesn't make comment with respect to good or bad parts of the bill. As a front-line prosecutor myself, obviously, I don't prosecute those types of cases. I'm a provincial prosecutor. Federal prosecutors will have to learn the law and apply it.

The CACC's perspective with respect to new criminal legislation is that it's Parliament's prerogative and duty to make law. The front-line prosecutor's job is to carry it into effect. That's our job as front-line prosecutors. Our perspective with respect to all new criminal legislation is that it has to be operationalized. It has to be supported by criminal justice infrastructure. Our perspective with respect to this new legislation is not that it's good or bad. We're not opposing it. Our concern is that it's not supported by the criminal justice infrastructure and it can't be carried into effect with the resources that are in place on the ground today.

Mr. Jack Harris: That was what I was interested in. It's going to cost more to do this. Because of the complications and the more trials that you talked about, that will be the result.

Mr. Jamie Chaffe: If those resources aren't added, you get some really aberrant results out of the criminal justice system, as crown prosecutors have to exercise their discretion to prioritize cases so that with the limited court space that's available, they are actually heard.

• (1020)

Mr. Jack Harris: Thank you.

Perhaps the Barreau du Québec representatives could comment on that.

The Chair: Just a short comment, please.

Mr. Giuseppe Battista (Lawyer and President, Committee on Criminal Law, Barreau du Québec): I can only agree with what our colleague has said. In Quebec those prosecutions are handled by provincial crown attorneys, so they are the ones who carry the bulk of the workload. And obviously anything that complicates matters will complicate their task and burden the system more.

The Chair: Thank you.

Mr. Goguen.

Mr. Robert Goguen: Thank you, Mr. Chair.

First, for the witnesses' benefit, addressing what Mr. Harris was saying, the format of this whole meeting—the five-minute length of the speeches—was agreed upon in pre-meetings. So you're not being penalized with this. This is the same format for everyone, agreed upon by all the parties, and it's regrettable there isn't more time, perhaps, but this is the format that was unanimously agreed upon.

My question is to Mr. Chaffe. Certainly I understand you're looking at this likely from a systemic impact. We had Vince Westwick, who is the counsel for the Ottawa Police, and Chief Dale McFee, who is the president of the Canadian Association of Chiefs of Police, testify earlier. In essence what they were saying...in the field the same offenders keep going through the system. In a sense what they're saying is that this act isn't going to magically create more criminals in Canada, but the same offenders keep going through the system, with perhaps less plea bargaining, as you've indicated.

I trust you agree that if the same offenders are going through the system, placing them in jail—although you bear the burden of getting them there—makes the streets and communities much safer.

Of course, we've had the mandate from the Canadian public to make the streets more safe. If given the proper resources, you don't find anything in this Bill C-10 objectionable, and you're going to do your job as a good crown.

Mr. Jamie Chaffe: As a good crown I'm going to carry into effect whatever law Parliament sends me.

Do I agree, on a principle basis, that if an offender repeats criminal conduct and he's convicted, he ought to attract a higher sentence? Absolutely.

The critical problem we have, though, is that—and I'll give Ontario as an example—we have a criminal justice infrastructure that can support a trial rate of about 7% or 8%, and that's just a number. If the other 90%, or 92%, or 93% of the cases that come into the court system aren't diverted from trials by way of plea bargaining or withdrawals or guilty pleas, then we get into problems with paragraph 11(b) and those charges are stayed because we can't get them on within a reasonable time, pursuant to the Charter.

So this is a very critical issue with respect to Bill C-10 and all other legislation that toughens sentencing, because it impacts on the trial rate. If fewer accused people are interested in pleading guilty, there are more trials. We don't have the infrastructure to support more trials.

Often what is heard when we make those comments is criticism of legislation. We're not in that business. We're just telling you that systemically this system can't support any more workload.

Mr. Robert Goguen: You're obviously a very skilled crown. You're in essence plea bargaining here this morning. You're willing to do your job. You just want us to give the resources to carry out the strong mandate we've been given.

I get it. Thank you.

I'd like to share my time with Mr. Jean.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Thank you very much.

And thank you, witnesses, for attending today.

I do want to let you know, Mr. Chaffe, that I have in my seven years here advocated for more money for crown prosecutors, notwithstanding I was a defence attorney for many years, for 11 years in Fort McMurray, actually.

I do also want to make mention of something that disturbed me greatly, as a person who has lived in Fort McMurray my entire life, almost, as a defence attorney and with family members who have gone through serious drug problems and rehabilitation as well as jail. And I think treatment is very important, as is prevention, of course, as is holding those people accountable.

On Monday, CBC aired a report—and I've been waiting to see if Mr. Milewski would show up today—and, in my opinion and that of anybody who watched and understands Bill C-10, they erred because they neglected to mention that Bill C-10 contains an exemption for the use of drug treatment courts. It was very, very disturbing indeed that they would neglect to mention that, especially because I think a lot of Canadians watch CBC. I myself am disturbed enough that I think I'm going to be changing the channel from now on, because they have an obligation to report the truth, especially in this particular case.

I noticed that you, from the Quebec bar, nodded your head in assent with that. I would like your comments in relation not to the misleading report on Monday—and I think it is not funny, to be honest, notwithstanding that I'm laughing as well—but in relation to the exemption in Bill C-10, because obviously that's very, very important to Canadians.

•(1025)

Mr. Giuseppe Battista: Yes. I have to say that is something we do support, and I think it's something that should be looked at and encouraged.

All procedures that would favour the individuals who are involved in substance abuse moving away from that, and the criminal justice system being able to adapt to those realities, will certainly contribute to a reduction in crime. We believe in that. That is something that is very important.

As Mr. Ouimet mentioned, on our committee we have crown attorneys, defence attorneys, and people who work with all levels of government. These concerns are very real, and anything in the system that allows for that, we support.

What we are a little—

Mr. Brian Jean: If you could simply—

The Chair: Sorry, time is up.

Mr. Brian Jean: Could the witness simply confirm that it includes an exemption, Mr. Chair?

The Chair: Time is up, I'm sorry.

Mr. Cotler.

Hon. Irwin Cotler: Thank you, Mr. Chairman.

[*Translation*]

I would like to extend a warm welcome to everyone, and more specifically to my colleagues from Quebec.

I have read the brief from the Barreau du Québec, a well-written brief founded on the core principles of criminal justice. I have also read the letter to the Minister of Justice, which you have cited.

So I will continue from where you left off. Could you comment on the youth justice system, on the importance of the specific nature, as you said, of youth criminal justice, an area in which Quebec has a great deal of expertise and experience?

Mr. Dominique Trahan (Lawyer and President, Committee on Youth Law, Barreau du Québec): We could sum this up by saying that youth justice, whether in child welfare, youth protection or delinquency under the Youth Criminal Justice Act, should allow us to work on a case-by-case basis. When I say “case by case”, I don't mean removing the penalties currently available under the law so that more young people are put in detention centres. I am talking about giving us the leeway we need to handle each case and try to rehabilitate the offenders. All resources have to be available so that we can choose the appropriate one for the court case at bar and for the offender.

Hon. Irwin Cotler: Okay.

There are also other observations in the brief. If time permits, could you comment on the other amendments proposed under Bill C-10?

Mr. Giuseppe Battista: As Mr. Trahan was saying in terms of the importance of treating delinquents on an individual basis, we have some serious concerns with this bill. The number of people in prison is expected to go up. I have heard it said that people coming back through the system will eventually end up in prison. Those people go to prison now. The people who constantly come back through the system go to prison. The more they go through the system, the more that is true.

But this bill—and this is what worries us—is sure to send to prison people who should not be sent there, people who would not be sent to prison by a judge. People for whom a prosecutor would not ask for a prison sentence because those people can be rehabilitated and the circumstances of the offence are such that a prison sentence is not warranted. That is what is unfair and that is what should be corrected.

In our brief, we also pointed out that legislative proposals had been submitted under other bills. In addition, studies done by Commonwealth countries have set out situations where judges do not have to apply minimum penalties. Imposing minimum sentences is a choice legislators make. At the Bar, we don't feel it is a solution. We are opposed to minimum sentences. It is the legislator's choice, but we think that, if the legislator wants this option and the choice is made, people should remember that some individuals who appear in court do not deserve the punishment they will surely get.

When you impose a punishment on people who do not deserve it, you are likely to break their spirit. That is what we are afraid of. Instead of rehabilitating them and making their reintegration into society easier, you are likely to exclude them. We urge the members of the committee to think about that. In some cases, the people have to go to prison and the judges will give them a prison sentence. As Mr. Ouimet pointed out, if a prosecutor—in this instance, the one responsible for protecting the interests of society—thinks a sentence is not just, an appeal process ensues. Even the Supreme Court agrees to hear references on sentences. Of course, there are a lot of cases. Reoffenders are not the only ones who appear in court. Many people

•(1030)

[English]

The Chair: I'm sorry, you are out of time.

Mr. Giuseppe Battista: I'm sorry.

The Chair: Mr. Woodworth.

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

And my thanks to all of the witnesses who have come here today, particularly Mrs. Harvey, who has experienced a dreadful loss, a nightmare. I'm sorry to be part of your nightmare by having you with us today, but I do appreciate your willingness to do that.

I have a question for you, but before I get to it, I can't contain myself from commenting on Monsieur Battista's evidence a moment ago.

I am very glad that Monsieur Battista has looked at some of the statutes around the world that do give exemptions from mandatory

minimum penalties. I strongly urge him to read Bill C-10 also because he will find a very similar provision in it.

To help him along, I want to refer him specifically to Bill C-10, proposed subsection 10(5), under subclause 43(2), which adds a paragraph to the Controlled Drugs and Substances Act, which reads as follows: "If the offender successfully completes a program under subsection (4)"—that is, a drug treatment court program—"the court is not required to impose the minimum punishment for the offence for which the person was convicted."

I know when you read that, sir, you will find it meets the requirements of what you were just saying.

Mr. Chair, I just have to emphasize to all of those people who are watching today and considering this matter, it is a very beneficial thing to read the bill and look at some of the things we have in it.

Mrs. Harvey, I have expressed to you my understanding of what you have gone through, and I do want to repeat my condolences.

I want to ask you a little bit about the intangible measures or damages or losses that you have experienced, but before I do, if you'll permit me, I'd like to inquire a little bit about the more mundane questions of expenses. I know that in a case such as yours there are travel expenses and funeral expenses and other expenses.

Have you ever bothered to come to a conclusion about how much money you have lost? I know that's an awful question in relation to your daughter's death, but for people out there who want something concrete to fasten onto, have you reached a conclusion about that?

Ms. Yvonne Harvey: Intangible losses?

Mr. Stephen Woodworth: Tangible losses.

Ms. Yvonne Harvey: We encountered...actually it's almost up to \$60,000 now for the legal bill to ensure the safety of my granddaughter. She is residing with my brother and his wife. They had temporary custody after my daughter's body was found; the father was not deemed suitable, nor were his parents.

In the midst of that we had a judge in the family court decide that he was going to take a group of files pertaining to children who were "in the system", as they call it, and get them into permanent residences or permanent accommodations. For whatever reason, he took my granddaughter's file, a child who was in the middle of a murder investigation, and this resulted, as I said, in over \$60,000 in legal expenses. The result was the same; it was our family.

In addition to that, we've incurred legal expenses. When I arrived in St. John's I was not able to take possession of my daughter's body because she was 10 days away from her divorce; therefore she was not legally divorced and the accused had the right to take possession of her body. Before I could do anything, I had to pay \$3,000 to file an affidavit in the Supreme Court of Newfoundland to object to that.

It went on and on from there. In fact, one of the things that I think is deplorable is that my daughter's family lawyer was in receipt of a document that my daughter had given her three days before her murder outlining what might happen to her. This family lawyer decided she needed to give that document to the authorities. In order to do that, she consulted with a criminal lawyer, and he billed her. The Newfoundland law association would not reimburse her for that charge, so she decided she would pass that bill on to the victim's mother, and naively, I paid it.

There were travel expenses and lodging expenses, and I contribute to my granddaughter's well-being, which is \$600 a month. Her education will be something that I will have to undertake. There's a lot of miscellaneous expenses—

●(1035)

The Chair: I'm sorry, but we've used up our time.

Ms. Boivin.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Thank you, Mr. Chair.

Ms. Harvey, you have no idea how I feel after hearing your testimony. It is hard to remain indifferent when we hear things like that. That's obvious. Unfortunately, there are a number of examples like that. But one is too many.

As the opposition critic for the status of women, I have been in contact with a broad range of women's groups, representing aboriginal women who are victims of violence or murdered women. It is not easy.

I am a new member; I have been here since May 2. We are studying Bill C-10, which is very broad and includes many pieces of legislation. It must be clear—and I agree with you—that the goal of the committee members is not to come up with a dollar sign. We are trying to find the right balance. As always, the ultimate goal is to find the best system in order to have as few victims as possible, to make sure that the victims are treated appropriately and that the offenders are dealt with. To the greatest extent possible, offenders must receive just sentences to match their offences. Otherwise, we would build prisons and put them all inside, one by one. We would then throw the key in the Ottawa River, hoping they would never get out. But that's not the case. So we must also look at rehabilitation to make sure that those people will be able to become good citizens when they return to society, as we all hope they do.

Various experts have told us that 96% of people who are released after serving a prison sentence become good citizens. So we are trying to reach a small percentage and to find the best solutions.

I am sorry we have to talk numbers. No price can be set. Mr. Woodworth asked you the question, you listed your expenses, but that will never add up to what you have experienced. There is no price for that. It cannot be quantified.

That said, my colleagues from the Québec Bar are not the first to tell us about minimum sentences. Could you tell us more about minimum penalties? I have discussed this with a number of my Conservative colleagues in order to find out why they were so keen on having those minimum penalties. What came out of those discussions is a general lack of trust in members of the judiciary.

That's all. After the discussion, it became clear that we had reached the conclusion, whether right or wrong, that judges were not passing the right sentences.

I am afraid that, by imposing minimum penalties, we would be transferring the responsibility of judges to crown prosecutors. Am I right? Crown prosecutors will have to deal with some of the cases Mr. Battista talked about. Crown prosecutors and defence lawyers will continue to talk to each other prior to going before the judge. That is how the system works; there are pre-hearing conferences, and so on. Those people are going to talk among themselves. Charges are going to be laid. Is there no danger of changing the charge in order to find one that corresponds to the penalty we think is appropriate under the circumstances? Do we not run the risk of doing this exercise for nothing? There is no point in talking about costs. That is what we are saying. We are not weighing the costs to the victims against the costs to the system.

●(1040)

[*English*]

The Chair: Just before you begin, the bells are ringing for a vote, so I will need unanimous consent to go to 10:45, according to the rules of the House.

Okay.

We're down to about 40 seconds.

[*Translation*]

Mr. Giuseppe Battista: Prosecutors are actually under a lot of pressure to find alternatives when they are faced with impossible situations, which does happen. With the increase in minimum penalties, this bill is going to make the situation more and more difficult. Under this system, we will be less and less or not at all able to avoid what we used to be able to avoid in the past.

[*English*]

I'd like to make a comment also about the question that Mr. Woodworth asked me.

I did respond to Mr. Jean that in fact the bar supported that provision in the law. However, that provision does not go far enough. That provision applies to people who successfully complete a program for detoxification. There are people who don't have a drug problem who shouldn't be sent to jail as well. And that provision does not apply to the other minimum sentences that are provided for in Bill C-10.

The Chair: We're way past our time here.

I would like to thank the panel. I know the time is short and it never is long enough. We do have votes, and in addition to that we have another committee coming in.

So on behalf of this whole committee, thank you very much for your time.

That portion is adjourned.

Members, don't run away. We need a very short meeting here.

As you know, Mr. Comartin has left the committee; he was the vice-chair. We now need to elect a new vice-chair from the opposition side. I believe Ms. Boivin has a nomination.

Ms. Françoise Boivin: I would like to propose Mr. Jack Harris.

Mr. Brent Rathgeber: I have a question for Ms. Boivin. No doubt you will recall yesterday that Mr. Harris and I, and Ms. Boivin and others, appeared before an ad hoc committee regarding Supreme Court appointments. She strongly felt that one of the nominees, because of his lack of bilingualism, was disentitled to be on the Supreme Court of Canada. I'm curious as to why she thinks Mr. Harris is qualified to be the vice-chair of this committee.

The Chair: I don't think we need to have that answered.

Ms. Françoise Boivin: No, but I love it. You equate a vice-chair of a committee to a Supreme Court justice. Excellent. We'll have a debate one day.

The Chair: All in favour of the nominee?

Some hon. members: Agreed.

Ms. Françoise Boivin: That's a good one.

I am bilingual. Are you?

The Chair: Congratulations, Mr. Harris

Ms. Françoise Boivin: Jack, we're your friends. I give you five months.

Mr. Brent Rathgeber: Where is the consistency?

● (1045)

The Chair: The committee is adjourned.

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