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Wednesday, October 28, 2009

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Chair

Mr. Ed Fast

Standing Committee on Justice and Human Rights

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• (1535)

[English]

The Chair (Mr. Ed Fast (Abbotsford, CPC)): I call the meeting to order. This is meeting number 44 of the Standing Committee on Justice and Human Rights. Today is Wednesday, October 28, 2009.

You have before you the agenda for today. We have a number of matters to deal with. First of all, we have further witnesses to hear in our review of Bill C-36, an act to amend the Criminal Code, in dealing with the faint hope clause. After hearing our witnesses on Bill C-36, we'll move to a second panel. This panel is made up of witnesses who were unable to appear in Halifax for our ongoing study on organized crime in Canada. This panel you will see by video conference, and it will come in the second half of this meeting.

I believe we are waiting for one witness in our first panel, but we have with us Ms. Thérèse McCuaig. Ms. McCuaig, I think you understand that you have ten minutes to present, and if Mr. Teague shows up, he'll have another ten minutes. Then we will open the floor to questions from our members.

Please proceed.

Mrs. Thérèse McCuaig (As an Individual): I was hoping Mr. Teague would be here first to break the ice for me, but unfortunately he has not arrived.

My name is Theresa McCuaig. I am the grandmother of Sylvain Leduc. I'm sure some of you will remember Sylvain's horrible death that was committed in 1995 by the Ace Crew Gang in Ottawa.

I'll briefly touch on Sylvain's death so you may understand the cruelty and the despicable crimes that are imposed on victims. You can tell me at the end if these guys deserve the right to apply for section 745 next year.

Fourteen years ago this week we buried Sylvain. Sylvain was at home with his little cousins watching a movie. One of the little cousins belonged to a gang. She had moved to Sylvain's home to escape from them because she was tired of being beaten up, dominated, used for sex, the drug trade, etc. She had run away to my daughter's home, Sylvain's home, to hide from them. They found her.

We don't know how Sylvain was involved in all of this. We never did get the truth. When they discovered where she was living and hiding, they came for her. Unfortunately, Sylvain's parents were not at home that night. He was babysitting. He was 17.

Three of them stormed the house. Excuse me, first of all they called the house. Sylvain answered and they asked to speak to the female they were looking for. She took the phone, they made threats,

and she went outside to talk to them. She foolishly left the door open. As I said, we don't know the reason.

The gang barged into the home and took everyone who was there. The four teens were put in the cargo area of a Jimmy van. They were beaten up. They were told they were going to get beaten so badly that people in Ottawa would be afraid to walk the streets. They were beaten over their heads and shoulders with gun butts. Sylvain cried and asked what was going on. They beat him for speaking. He didn't know what was going on, why they were after her, etc., but somehow he got taken along.

They confined them by pulling the cover off the back part of the cargo van and locking them in there. There were no doors, and they could not escape. Somebody cruelly kept loading and unloading a gun over their heads. When they arrived at a high-rise at the end of town, they marched them out one by one with jackets over their head and a gun in their face. They brought them into a third-floor apartment in that high-rise one by one. As they entered, other gang members grabbed them, tied their hands behind their back, tied their feet, tied a wire around their neck, and blindfolded them.

Sylvain was dragged to the master bedroom along with his little cousin, my little niece. My other little niece was placed in a large closet where garbage bags had been taped all over the walls and floors to put their dead bodies in. The other boy—Sylvain's friend—was placed in the bathroom. There were four youths.

Eleven gang members and associates were in that apartment at the time. Many of them systematically beat Sylvain. Sometimes there were two of them and sometimes there were three. While they were doing that, others took a red-hot curling iron, burnt my little niece on the back of her shoulders and the back of her knees, turned her around, stripped her pants off, and raped her with this red-hot curling iron.

Sylvain died hearing her screams, smelling her burnt flesh, and he defecated when they stomped on his chest. That is the way my grandson died.

• (1540)

Once Sylvain died, they said, "Get garbage bags to put their dead bodies into and bring the other guy out". Can you imagine the victims who were still alive hearing this? They dragged Sylvain's friend into the master bedroom and began kicking him in the head, and thank the Lord a neighbour had called the police. The police arrived in time to save the other three children, but Sylvain died at the scene.

This was horrible, cruel, premeditated—first-degree murder, premeditation, the taking of a human life in cold blood. It could not have been any more premeditated. While they were in the car on the way to the apartment with the victims, they called to say, “Put curtains in the windows so people don't see us when we beat them. Put garbage bags in the closets. Turn off the lights in the bedroom so we can really spook them.” That is premeditation of the highest degree, ladies and gentlemen.

The people who committed these crimes had committed crimes before. They had a history of committing violent crimes, one of them way back to age 13. Of these 11 offenders, five were young offenders. They went to court, were found guilty, served their 18, 24, and 30 months.

I'm here to tell you they've all reoffended again, and one of them has even been declared a long-term offender, but that's not what we're discussing today.

The leader that night was John Richardson. He was a 26-year-old smart-aleck punk who liked to beat up on people—extortion, beating up prostitutes, you name it. He never worked, never had a job. He lived off drug money, prostitution money, and extortion money. He was feared. He called himself the devil. That was his street name, and the people he hurt so bad moved out of town because they feared him so much, and they never bothered writing victim impact statements to the court or parole boards.

At age 21, I believe, he had five serious charges against him for beating up on people—violent, violent charges. He made a deal with the crown, of course. He was sentenced to 30 months. The judge said he would have loved to have given him five years, but the deal was made because the victims were too scared to come forward.

He was sent to a medium-security prison. He was unmanageable, disrespectful to the staff, cruel to the other inmates, suspected of trafficking drugs while in jail. He would not take responsibility for his crime. He had applied for parole after serving one-third of his sentence and he was denied parole, because they felt he was too dangerous to be set free. The parole board said if he were released before he finished his entire sentence, they believed he would commit murder.

They sent him from the medium- to the maximum-security jail because he was so unmanageable, and then from there to what they call special confinement—I guess you call that the hole.

Magically, somehow someone paroled him. The Corrections Canada people did not follow the process of what they call “gating”, so the parole board could interview him properly, so he was let go. He was let go on his own words, and sure enough, their prediction came true. Forty days later, he's killing our children.

On the night these crimes were committed, when the police arrived, of course, the entire group ran from the building. John Richardson ran to Winnipeg, and there police arrested him when he was on his way to rob a bank with a bunch of little teenaged gang members. He was trying to become the leader of that gang. No remorse. He told some of them in Winnipeg, “I had to leave Ottawa because I did somebody there”. Yes, he sure did.

●(1545)

Eventually they all went to trial, and the evidence was overwhelming. They did not have enough decency to plead guilty. The taxpayers paid for the legal aid. They took us to a trial that lasted, God, about a year and a half. The three accused were on trial at the same time. A year and a half, we went to court. They knew they would be found guilty.

They laughed their way through the entire court process in our faces and knew damn well that they would be found guilty. It was just to waste their time. It gave them something to do. It kept them in Ottawa, at our expense, of course. They were eventually found guilty and sentenced to life. They appealed. They had the gall to appeal. The court of appeal turned them down. Well, they went to the Supreme Court of Canada and the Supreme Court would not hear their claim.

Can anyone tell me why people like that should have the right to ask for section 745—early parole? How can that be? I do not believe these people can be rehabilitated, okay? A few decades ago we went from hanging killers and then to a life sentence, which meant real life, and then that was dropped down to 25 years. Now we are sitting at 15. How can we possibly justify that to my daughter, my family, and those little girls' family? That little girl was in the hospital for three months getting those burns cured.

Sylvain's friend is mentally unstable. He is so afraid. In their minds, they think these people are gone for 25 years. I don't dare tell them about section 745 yet. They are still scared to walk the streets. When they find out that these guys just might be approved for 745, what do I tell them? They're petrified. The little girls are petrified. One has been under psychiatric care since that day. We're talking 14 years down the road, here.

How is it that these people get a second chance at life? Sylvain does not. Our whole entire family has been traumatized and still lives through this pain, and it will forever go on. Next year, if they are successful, all three of them will apply for 745. If they are successful, our family is determined to go to court and read our victim impact statement and to be there. God help us if they all go on in the same week.

I don't know if you know, but a month ago we went to a parole hearing for that young offender, who has now been declared a long-term offender. That was a very difficult thing for us to do. It screwed me up mentally for two weeks. It took me two weeks to get back, because you relive that crime. It's very difficult. If these people apply for section 745 and are refused, they are now allowed to do this every two years. We're going to go through this living hell every two years until 25 years comes along.

If someone who is doing life escapes from jail, or is released on 745, goes out and commits murder again, they go to trial again—wasting our time and taxpayers' money—are found guilty again, and return to jail. But did you know that that new sentence runs concurrent with the old one and that they will only serve the remaining ten years? So the second victim is a freebie. This is not right, people. This is not right. *Ce n'est pas bon, ça.*

They're saying that the 745 clause was created to give a prisoner hope: you be a good guy for 15 years and there's a faint hope we'll let you go.

● (1550)

Myself, I think the motive for that was to save money: "Let's save ten years of incarceration fees and let's make it sound good". We'll call it the faint hope clause and encourage a prisoner to be good, keep our guards safer—I honestly don't believe that. I think it was a money issue myself, you know, because it absolutely makes no sense.

Did you know that if you kill one, two, three people, it's okay? You can apply under section 745 if you kill them all on the same day, of course. If you're a serial killer and you kill one here, one there, one there, one there, you may not apply.

Very recently, a father, a son, and a common-law wife placed two beautiful little young girls, teenagers, in a car, along with an ex-wife, pushed the car into a canal, and drowned them all. That is first degree murder, premeditated, with malice aforethought. Three lives.

They will be coming up to court soon, and I'm sure they will be found guilty, because the evidence is pretty good. And these people will be allowed, ladies and gentlemen, to apply under section 745 in 15 years. Is that justice for victims? Does that make sense to you? I find it is a cruel thing for families to have to live through.

Our story is pretty horrible, but there are worse. There are worse. I know there are worse. How do you justify it to a family living with this pain for the rest of their life while the killer gets a second chance?

You know, your statistics aren't that good. I was reading them lately. Many of them returned, like about two-thirds. And as I say, whatever crime they committed while they were out runs concurrently, so who cares? They have nothing to lose, right?

If you want to be sympathetic... I'm not a vengeful, mean old lady, but do you know what? If I had the choice, my sympathies would lie with prisoners who are dying in jail, who are very, very ill, who we know are too ill to commit any more crimes. I would give them parole.

There is a process in our justice system that allows people to ask for a pardon, and that's reserved for the odd few prisoners who really sincerely are remorseful and want to change their life around. They may apply for a pardon. I say eliminate section 745 and let everybody follow that route.

I'll leave you with that.

● (1555)

The Chair: Thank you so much, Ms. McCuaig. I thank you for your resolve and your courage in sharing your experience with us.

Because the other witness isn't quite here yet, we'll start some of the questions. I'll move on to Mr. Murphy for seven minutes.

[*Translation*]

Mrs. Thérèse McCuaig: I speak French. I can address the members in French.

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

Thank you, Ms. McCuaig.

I come from Moncton, on the east coast of Canada. I am following the case of the Davis family.

[*English*]

The Davis family, of Moncton, underwent a similar circumstance. Their 17-year-old daughter, 15 years ago or more, was killed on St. George St. in Moncton, not far from where my uncle lived. It was a brutal, premeditated murder. The convicted person has shown no remorse, no tendency toward rehabilitation, and has been putting the family through a recurring nightmare of recounting the incident and giving evidence at successive National Parole Board hearings. It's horrible. The revisiting of the crime for the family is something that is very hard on them, and from your testimony, I know that it is very hard on your family. It's why I have to ask these questions as we go toward this faint hope disappearance act.

Do you think that the sentence given in this case was too light? Do you think that life should mean life imprisonment in this case? With respect to this Mr. Richardson—and I know in the case of the Davis family, Mr. Mailloux—I fear for when these people eventually get out at the end of their sentences. They've shown no motivation toward rehabilitation. They are, the day they get out, a danger to society. Yet our long-term offender and dangerous offender provisions don't kick in automatically. It's almost as if these people have to get out and do something, and then we...

There seems to be a bit of a gap for a number—a small number, I think, but a number—of very serious offenders. I wonder what contribution you can give us, what evidence you might give us, to guide us in some of the other sections of the code to prevent what I think are obvious crimes. There are going to be obvious crimes committed, serious ones, by these very unrehabilitatable offenders. Can you give us any advice in that regard?

Mrs. Thérèse McCuaig: You know, the best thing I can think about now is Mrs. Albina Guarnieri's bill. It's a wonderful bill, I think. It would solve our problem, I think.

It allows a judge, depending on the cruelty of the crime and so on, to say to the prisoner, "I am sentencing you to life in prison, but you may not ask for parole for 30, 35, 40 years." Each case is different, right? Some are more cruel than others. The judge would have the leeway to say, "You've committed unforgiveable crimes. I don't think you can be rehabilitated, and you're not able to ask for parole for 35 years," or 30 years, or whatever. I think that would help.

Mr. Brian Murphy: I want to thank you for your testimony. I know that it must be very difficult.

That's all I have. I don't know if Ms. Jennings wants to take up the rest of my time.

The Chair: Go ahead, Ms. Jennings.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): I would just like to thank you for sharing your experience with us. It's clearly tragic, and I'm sure that the hearts of everyone sitting in this room go out to you and your family members.

I truly hope that the three young victims whose lives were saved by the police have been able to put their lives together and go forward in a positive way. Clearly, their lives will be scarred for life, but I hope they've been able to still move forward in a positive way.

My sympathies and my heart go out to you and your family.

• (1600)

The Chair: Thank you.

Before we go to our next witnesses, I think we'll hear from Mr. Teague.

Mr. Teague, you have ten minutes to present, and then we'll open the floor to questions to both of you.

Please, go ahead.

Mr. Ed Teague (As an Individual): Thank you very much, Mr. Chairman.

Honourable members of this committee, I had a statement prepared, but on Sunday I had a chance to listen to a prisoner that had been rehabilitated, and he was one of the worst of the worst. He had committed murder in prison. He's spent the majority of his life in prison. He had helped rehabilitate a prisoner who is now a member of the Saskatchewan legislature. It's kind of thrown me in a bit of a quandary about what I should be stating to you.

Do I believe that people should pay for their crimes? Most certainly, and I think the more serious the crime, the more serious the time should be, but I believe that we have to temper anything that we do with a certain amount of compassion, not only to the person who's committed the crime, but I think we have to realistically look a little more towards the victims of the crime as well.

When I talk about compassion, I don't believe in the death penalty. I'm against the death penalty because we're now finding out how many times in our justice system we have made mistakes. People have gone to prison for crimes they didn't commit. Can you imagine if somebody had been executed for a crime they didn't commit? So that is off the table as far as I'm concerned.

I believe that if you commit a heinous murder—and to me any murder is heinous—if you take a life deliberately, knowing what you

were doing, I believe that you forfeit your freedom, not just for 25 years and not for 30 years. My feeling is, if you took a life, it's now time for you to forfeit yours in society.

I know that puts an economic burden on our system, but as a victim, having an 18-year-old daughter murdered, what would her life have been like? That young man is only going to be 49 when he sees the street again. There's still time to be productive, if he chooses to be productive. In my case, I don't think he will be, but that's a personal opinion.

If we are going to insist, though, that we release murderers after, say, 25 years, somewhere in the system there has to be a proper rehabilitation program, a rehabilitation program that prepares them for society when they come out. Far too often, people go into prison and are forgotten. They are simply left in there like caged animals.

Yes, they say there are education programs, but how many of them are really guided towards that education program? Better yet, how many of them are guided to the program put on by the guy that's teaching them, first of all, how to break into a house better, how to crack a safe better, how to stage a better bank holdup, how to get away with a murder?

So there are lots of education systems going on in our prisons, and those things we have to address as part of the justice world. It's not just the penalty, but what are we going to do to rehabilitate them once they're in there? There's where the compassion comes in for the criminal.

When I think of the young man who murdered my daughter, I looked into his eyes for hours while we went through the process, and I didn't see a spark of compassion for us or for anything that he'd done. He was just stone cold. I know that we're going to have those people in the system, and those people belong in the system and they need to be kept in the system.

Clifford Olson comes to mind, a prime example of a man whose own lawyer said, "If you let him out, within two hours he will recommit." That's just one member that comes to mind. So we have to be very careful.

• (1605)

We need to have justice and compassion, but we need to keep an eye on these people. We have to know who is in danger of recommitting and who is not.

That's for the more serious crimes, but we have numerous lesser crimes that take place. A man walks into a bank with a gun. He holds up a bank and takes the bank's money. Nobody's injured. He probably gets anywhere from 10 to 15 years in prison. Somebody dressed as well as you gentlemen sits down and creates a little Ponzi scheme, takes millions of dollars from thousands and thousands of people, and we give him four years. Who committed the worst crime?

I'm not an expert, gentlemen. That's for you. My Bible says to pray for those who are in government and those who lead us, so I do. I hope that whatever your beliefs are, you'll look at this bill and realize that serious time has to be paid for serious crime, but by all means with compassion.

Thank you.

The Chair: Thank you.

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

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): This is the most moving testimony we have heard. We have before us two aspects of what it is to be a victim.

Rest assured that I would never be party to the decision to release people who have committed murders in the past, without being reasonably certain—we can never be absolutely certain—that they would not reoffend, for purely economic reasons. I don't think the people had done that before.

I sometimes find it hard to count the zeros, but there are currently 4,000 prisoners serving life sentences in Canada. That represents an expenditure of \$400 million, since it costs \$100,000 per prisoner. That is an average. The cost is probably higher for people who are in prison longer. I don't think that in a country like ours that is a significant expense; we can certainly handle it.

The concerns of the people who made the rules in the sections you mentioned, including section 745.6, were not about saving money. All of them, like us and even people who are non-believers today, shared a personal philosophy inspired by a religion that preaches forgiveness and believes it is possible that a person can change.

However, I absolutely agree with you: the onus must be very heavy in cases where there has been a murder. Your testimony has given me a lot to think about. My first reaction is: I don't see why we would give people who have been convicted of murder a chance, because murder is the worst of all crimes, it is cold-blooded, premeditated killing, it is committed by a person who is not insane, who was not prompted by some mental illness.

Initially, I thought as Mr. Teague does. Because I was against the death penalty for reasons dating from when I was more religious than I am today—that is a philosophy I have retained—and also because of the possibility that mistakes can be made. I am going to think about it again.

Ms. McCuaig, I do not understand how the people who committed that crime could be released on parole, if only because of the nature of their crime and the way they committed it. I see nothing inhumane about keeping those people in a prison for life, even when they are rehabilitated. And if they are truly rehabilitated, let them continue working to rehabilitate other prisoners. If they are rehabilitated after committing such heinous crimes, let them prove their rehabilitation and hope for nothing from the proof of their rehabilitation other than, if they believe, that they will have earned forgiveness in the next life for the heinous crimes they committed.

I do realize, however, that the number of people who have made applications under these clauses is relatively small. I am told there are 4,000 people in prisons at present. Over the years, only 265 people have tried to make an application solely for that pardon. Of them, only 53% have been allowed to make the application.

●(1610)

So 47% never got to that level. Only 127 applications were allowed. We agree, probably unanimously again, that things should be made even more difficult. For example, there was a time when only a majority of the jury had to be in favour. Today, it must be unanimous. Those people must first satisfy a judge that they may make an application. They must then convene a jury, which must be unanimously in favour, and go before the National Parole Board.

I admit that I cannot imagine granting parole in cases like the ones you have described to us. If there truly is forgiveness, they will have to get it in the next life. I think they should spend the rest of their lives in prison, doing something to make reparation for what they did.

In any case! I am still too emotional to say what I will do. Rest assured, however, that I am in fact going to examine the reasons why those who went before us created this. I think there are two types of reasons. First, so that a person does not despair, they have to be given a reason to want to try to rehabilitate themselves, to the point that they want to do something that would repair the harm they have caused.

The Chair: Mr. Ménard

Mr. Serge Ménard: Yes, I will conclude with one last thing.

Second ... That's it. Fine, thank you.

I want you to know that you have my deepest sympathy. Rest assured that I mean “sympathy”, which comes from the Greek for “suffer with”, in the full sense of the word.

[*English*]

The Chair: Thank you.

We'll move on to Mr. Comartin.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Let me echo that last sentiment of expressing our condolences. We do struggle here with these issues. Obviously, Mr. Teague, your most recent experience has put you through a somewhat similar process.

Ms. McCuaig, I want to ask you about the process. You said, “What am I going to tell my family? I haven't told them yet.” One of the things I would like you to tell them, because it's information that's come up before the committee, is that with some exceptions on the U.S. side, we still keep our convicted murderers in custody longer than any other country in the world. The average person who has been sentenced to life without possibility of parole for 25 years—even taking into account those cases in which they can apply after 15 years under the faint hope clause—in fact stays in our prisons for 28 and a half years on average. I would like you to tell that to your grandchildren, because that should give them some solace.

I think the other thing I'd like you to tell them is that it is rare for anybody to get out at the 15-year mark. I think I've only identified a few cases so far. The norm for those who get out are usually at around the 21-year or 22-year period, and only 15% of all of the murder cases—in fact, it's a little bit less than 15%—get out before 25 years. For the rest of them, it's 28 and a half years on average.

I want to assure you as well, speaking for all parties here, the dollar figures.... I guess I want to say to you that you're wrong on that one point. It's not a consideration, not when it comes to murder. It's not a consideration at all. I agree, Mr. Teague, with your point that we actually need to be spending more money on that around rehabilitation.

Let me finish with one question. The system is built on the principle that this won't happen without a jury of 12 people deciding unanimously that somebody will not get out early. They have to make that final decision. It's not a judge. It's a jury who makes that decision. I'm asking both of you whether that gives you any sense of confidence that the system will work, so that somebody like Richardson, if in fact there has been no rehabilitation—and Ms. McCuaig, you have every reason to believe that there hasn't been any, given what you've described—that 12 members of the Canadian public, people like yourselves, would guarantee that that would not happen. Does that give you any sense of confidence?

• (1615)

Mrs. Thérèse McCuaig: It does, but unfortunately the parole board has the last word.

Mr. Joe Comartin: No, you're wrong on that, Ms. McCuaig. It doesn't get to the parole board until they give permission.

Mrs. Thérèse McCuaig: Yes. The jury might say, "Okay,"—

Mr. Joe Comartin: "You can apply for parole".

Mrs. Thérèse McCuaig: "—you can apply in two years if the parole board is in agreement". We have to rely on the same parole board, the same system that had previously released John Richardson. For me, it's very difficult to trust these people.

Mr. Joe Comartin: Are you saying that the jury may pass the buck to the parole board? Is that what you're concerned about?

Mrs. Thérèse McCuaig: That's the way I think it's done. I do believe that's how it's done.

Mr. Joe Comartin: There's no question that the jury has to make the decision first. They have to say yes to this individual.

Mrs. Thérèse McCuaig: "Yes, you may apply to the parole board". The parole board has the last word, you see. I have to trust the same people who let him go before. He committed murder, as they had predicted. It's difficult for me to do that.

You know, I've been told by prison officials, people who work there.... I talk to these people, many kinds of people, about crime issues all the time. I was kind of amused one day when a lady who has great knowledge told me, "Oh, you know, they could be in there for 13 years and then all of a sudden, because section 745 time is coming up, they find God. They become model prisoners in the last two years."

They become model prisoners—new, changed, remorseful, etc., all the right words. They take all the right courses and so on. Then, of course, when it comes to the trial, it looks good on their record, doesn't it? All the last two years, how well they've turned their lives around. Is it really true, or is it a ploy to receive permission to ask the parole board to be released? Then, of course, the parole board has the final word.

• (1620)

Mr. Joe Comartin: Mr. Teague, do you want say anything on this point?

Mr. Ed Teague: If you don't mind, I'll just wait until you finish talking.

Mr. Joe Comartin: Okay, let me just add one more point about this. Again, I want you to be able to pass this information on. The 15% that I used, that's the number of those who apply. So about 85% of them never even apply. Okay?

Whether you will ever have to be put through this.... Again, you have solid reason to believe and fear that you will be put through this, because of the history of what happened with the appeal and the attempt to appeal to the Supreme Court.

Again, I just wanted to pass that additional bit of information on. That's all I have to say.

I don't know if Mr. Teague wants to say anything in response to my question.

Mr. Ed Teague: I understand totally where Thérèse is coming from. We're friends from way back; we share some history.

Twelve people are being asked to state whether somebody should be brought up for parole before the parole board.

If you have a manipulator, which a lot of these incarcerated gentlemen are—they're expert manipulators—they can manipulate 12 people. It's nothing to them. They're already doing it in prison. They have their networks in prison they're manipulating. So if you have 12 people off the street who aren't given all of the facts and the evidence from the case—and I'm not saying this doesn't happen—they can be manipulated to come up and say, "Let's pass this to the parole board".

I don't want to create any bad feelings here, but parole boards are appointed people. They're not necessarily qualified people; they're appointed people.

Mr. Joe Comartin: That's part of the problem with the system.

Mr. Ed Teague: I'm not going to go there, but they are appointed people. How knowledgeable are they?

An hon. member: They're not.

Mr. Ed Teague: Thank you very much. You've answered my question.

The Chair: We'll move on to the next questioner, Mr. Norlock, for seven minutes.

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

We're here discussing an issue about your having to relive what you went through as families, and here we are making you go through it again, and we're talking about having you go through it another time. So I thank you for that. I give you my condolences.

Having been a policeman for 30 years, I can tell you that we never get over how victims feel, because we're intimate with the investigation. Every member of Parliament, I believe—all 308 members of Parliament—would express the same feeling of condolence and remorse to you about your having to go through that, because we share that feeling.

We also have different philosophies on how to deal with the people who commit these crimes. As a member of the public safety and national security committee, and now the justice and human rights committee, I'm going to ask that when you have the time, you go through some of the things we have been doing over the last couple of years and what we're doing now. I say this because in the public safety committee, we're looking at Canada's prison system. We're going to be travelling and looking at that, some of which has to do with this.

What I'm going to say is to take a look at some of the witnesses who are coming here and what they say. Some of the members here will give you statistics. The Department of Justice gave us statistics—and you heard them—that in Canada we keep murderers in jail longer than other places do. I would say that it's probably not as long as some places. The countries studied, of course, are western countries like New Zealand and Australia, the countries that share our same type of society and judicial system. But some of the other countries in the world don't keep their murderers very long, because they kill them.

As a police officer up until a few years ago—around the time I had this job and realized I'd have some tremendous moral obligations I'd have to research and would have to look at my own value systems—I used to believe in the death penalty. But without using certain words and going down another path, I would say that I've changed since then. I used to believe in the death penalty and that anybody who did believe in that had better be ready to pull that lever or push that injector. But now I believe in the sanctity of life from its very beginning to its very end, and therefore I now do not believe in the death penalty.

But what I want to say to you, and I want to do this very tenderly, before I go through some of the other things, is to look at the kinds of witnesses we see before our committee. They outnumber you greatly, and every single one of them believes that we're already too tough on the people we're sending to jail, whether they be from the John Howard Society or the pantheon of criminologists and sociologists, the very experts who some people here believe should be on those panels of 12 people deciding the fate of those prisoners. I guarantee that if they're on those panels, the applicants, the very people you feared, will get out sooner. I would much rather be judged—and that's what our system of justice is built on—by my own peers, the mothers, the grandmothers, the grandfathers, the uncles, the aunts, the mothers and fathers who actually live in the society I live in, not by someone who's cloistered. I'm not demeaning the sociologists or criminologists, please understand. I believe they have a place in our system. But when it comes to judging your fellow man, no one is better suited for that task than your equals—not those who are superior in any way, shape, or form.

So when we talk about qualified people, I believe the average person out there, the people like you, are better qualified to decide

that, because they live in the same world you live in. They'll go through the same things you do, day in and day out.

Madam McCuaig, you asked why people like that ask for early parole. It's because we give them the opportunity to. That's number one.

You say you're still afraid to walk the streets and that you're going through psychiatric care. As a police officer, I will use the example of someone I know of who abused three of his four daughters for years, and I'm ashamed to say he was a police officer. But pedophilia and those types of things cross every line, from the very highest in society to the very lowest. The judicial system gave him six years of jail and six years of probation, and the judge said he was being tough on him. I know what their families are going through. Mothers are afraid. His daughters are afraid to allow their husbands to take their children to bed because they think the same thing is happening to them. So they're going through that psychologically.

• (1625)

He was given six years. Somebody said that in the United States they'd give him 60 years. Well, I'm not saying 60 years is right, but I know six years is not right.

You also said these are cruel things to have to live through, and I apologize for that, but we need to hear from you. We need to hear from more people like you to bring our feet to the ground instead of always looking at the numbers and everything else. You are just a statistic if we only use statistics to figure out what to do with our judicial system. That's all you are, and you're the minority—and the people who perpetrated the crime against your nephew, and against your daughter, well, they're the small statistic, and if they're still small, well, we shouldn't count them as much as we should count the majority.

You know, we have white-collar crime. Mr. Teague, you asked who committed the worst crime. That's what we're struggling with in this Parliament, because we are looking at that and deciding as a government what to do. But I'd say, who committed the biggest crime is the person who's carrying the gun or the knife. Our society says that when you pick up a gun or a knife to make somebody do something they don't otherwise want to do or should do, that's more serious than just cheating them. The cheat should go to jail, but the guy with the gun or knife goes to jail for a longer time, because the consequences of not handing over the money might be your life, and that's a terrible thing to do.

I think, Mrs. McCuaig, you said, in terms of conviction for more murders, it was a “freebie”. Today our justice minister announced some more legislation. He doesn't call it a freebie, but he refers to it as a “volume discount”. These words are unfortunate when we deal with people who have gone through some of the things you've gone through, but you know, it's all about grabbing that headline in the press.

Mrs. McCuaig, I did follow the trial evolving, as closely as I could, and I would just like you to comment on some of the things I've said.

• (1630)

The Chair: Mr. Norlock, unfortunately we won't have time for comments. You're well over your time already.

We're going to do another round.

Monsieur Lemay, one short question.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Obviously I have listened very carefully to what you said. This is probably the only time I will agree with Mr. Norlock—we have to keep our feet on the ground.

When we meet with witnesses like you, it makes us think. If we do oppose this bill, it is because we believe that a person is entitled to have one last chance. I told the minister that when he appeared before this committee.

I was a criminal lawyer for 30 years, so I have in fact defended people who are in prison today, who committed crimes. And I agree with you completely, Ms. McCuaig: some people should never get out of prison. They are my former clients. I know some. But I also know some who are entitled to a chance. We have to give a person a chance to rehabilitate themselves, even if they have committed a heinous crime.

When I listened to you, it reminded me of the case of two individuals who brutally killed two young Indian girls in my region. Even when they came before the National Parole Board, 20 years later, it was felt that they were not ready to be released.

We think that everyone must be given a chance. I have expressed my disagreement to the minister, and on this I agree with you, about making victims' families and spouses relive the facts every five years. In my opinion, parole must be earned and prepared for.

I somewhat agree with Mr. Teague on this subject as well. If someone wants to try to pull a fast one on us, if you will forgive me for putting it that way, wants to try to hide things from us, there is an important role... Generally, these individuals deal with lawyers for their appearance before the National Parole Board. We have a role to play. The law societies must inform their members that they have an important role to play in this regard. And it is not just a question of money; it is not to free up space in the prisons.

In the Bloc Québécois, we think that there is still room for rehabilitation. I could give you examples. Of the 127 people who have been released on parole, in 2009 that is, 13 have been returned to prison, and not because they committed other murders, because, in this case, we are not talking about murders.

I do not want to go on at further length on this subject. But I do want you to know that I would like to hear testimony like yours more often, because it makes us think and it urges us to be more careful. But I am still very reluctant, and I say this sincerely, because I think it sincerely, to close the last door, because it is the last chance. I am also reluctant to allow individuals to keep coming back to request parole. On that, I agree with you. For first-degree murder, an individual should have only one chance before 25 years, between 15 and 25 years, to make an application. If they lose the case, it's over. They will have to serve the 25 years of their sentence. So they will have to prepare properly and not try to tell lies or talk about this or that thing.

I do not want to go on at further length on this subject, but rest assured that we have heard your message clearly and that it fell on sympathetic ears.

Thank you very much for travelling to be here today.

• (1635)

In closing, Mr. Teague, I want you to know that I have also met someone in the past who was a lawyer, and who killed his colleague so he could collect on his insurance policy. He had never admitted at the time that he had intentionally killed his colleague on a hunting trip. It took him 22 years to admit it. Today, he is on parole and he tours detention centres to talk to inmates, exactly as you heard last weekend.

[*English*]

The Chair: Thank you.

We'll have one last question.

Mr. Moore, you have five minutes.

Mr. Rob Moore (Fundy Royal, CPC): Thank you, Mr. Chair.

Thank you both for being here today. We've had a lot of discussion around the table, but not too much that is specific to the bill itself, as far as questioning goes. I really do appreciate the testimony both of you have brought on this bill. I'll echo what Mr. Norlock said. It's so important to hear from the actual victims or the actual families of victims when we're making these deliberations.

You raised a couple of times, Ms. McCuaig, individuals serving their sentences concurrently and how that's unfair and gives someone a freebie, I think you said. This is timely, because today the Minister of Justice has introduced legislation that would allow judges to impose consecutive parole ineligibility periods on individuals who are convicted of more than one first- or second-degree murder. What that would mean is that if someone were convicted of two first-degree murders, they could have 25 years and then another 25 years of parole ineligibility, not concurrently but consecutively.

In Canada there are 457 individuals who are multiple murderers. They've been convicted of multiple murders, and 26% of them, or one in four, have been granted parole. These are individuals who have been convicted either of first- or second-degree murder, of multiple murders against fellow Canadians.

It's timely that you're here. Can I get your comments on that initiative?

Mrs. Thérèse McCuaig: Would they have been paroled after serving 25 years?

Mr. Rob Moore: Twenty-six percent of them have been granted parole, either through the faint hope clause or after having served their 25 years. This new initiative would mean that after serving one parole ineligibility period there would be one that follows it as well.

Mrs. Thérèse McCuaig: I sometimes go to colleges and speak to students who are learning law, criminology, and stuff like this, and you know, they often come up to me and say, "Life is 15 years, eh?" They really believe, these educated children, that life is 15 years. What kind of message are we sending out there?

When I was a little girl—I remember that I was about ten years old—my mother was reading the newspaper, and she said that Mr. so-and-so was being hanged tomorrow. We were 12 children at home. We all gathered around the kitchen table and said, “Oh my God, do they really hang people?” She said, “Yes, they do.”

That scared us so badly, and we were eight, nine, seven. You know, we always thought that if we ever committed any serious crimes, we'd be hanged too. It stayed right there. But today the kids say, “Oh, it's 15 years, eh?” What kind of message are we sending out there?

• (1640)

Mr. Rob Moore: Thank you.

Do I still have some time, Mr. Chair?

The Chair: You have just under two minutes.

Mr. Rob Moore: I've noticed that as you get older you realize how short 15 years is as a portion of your life compared to someone whose life has been taken and who has received that life sentence.

Mr. Murphy mentioned a family in an area that borders both our ridings. Their daughter was murdered. They travelled to Quebec for the parole hearing for the offender, and he cancelled it either the day or two days before, after they had already travelled. I can only imagine what it's like, even if it is in your hometown, to have to attend these and relive the situations you've gone through. In this case, there was the inconvenience of having to travel and prepare yourself for a parole hearing only to have it yanked out from under you.

We also have legislation our government has introduced that would say that if people cancel the parole hearing within 14 days, the hearing goes ahead without them. I'd like your comment on that, and also on the move from two years to five years as the length of time before someone can reapply.

We certainly hear what you're saying, and in my mind, two years rolls around like that. You would just perhaps recover from the last one and then have to revisit it again. Can you comment on both those things?

Mrs. Thérèse McCuaig: I was at the parole hearing for Clifford Olson. For 25 years he was applying for parole. As you say, two years went by so quickly, and it was time again to go back. I remember saying to Sharon Rosenfeldt, “My God! Is it two years already? You're going to go through this hell all over again tomorrow.” It's so hard on victims; it's not fair.

Five years, I think, would be reasonable. As the gentleman here said, if they're turned down once, too bad. Don't ask again until you're fully rehabilitated.

The Chair: Thank you.

Unfortunately, we're out of time, because we have another panel coming.

I want to thank both of you for attending. If there is further information that you want to share with the committee, you can do so in writing. You would just get that material to our clerk; she will distribute it. She will also translate it for you, if it's necessary.

Mrs. Thérèse McCuaig: I would like to thank all of you who voted for that jail thing last week. I'm not saying this very well, but anyway.... Before, you allowed two days...?

The Chair: It was two days for one.

Mrs. Thérèse McCuaig: And now it has been reduced to one, or in special instances one and half. I congratulate you for that.

The Chair: Thank you.

Mrs. Thérèse McCuaig: I think you will see the court system moving very quickly. I think you will see more people pleading guilty, and that will free up our jails. Trust me; I'm at court all the time, so I know what goes on.

Thank you.

The Chair: Thank you.

We'll suspend for five minutes, or perhaps even less.

• _____ (Pause) _____

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• (1645)

The Chair: I call the meeting to order; we'll reconvene.

We're now moving to our ongoing study on organized crime in Canada. We are pleased to have with us a number of witnesses from the Halifax area. We're sorry we missed you all last week, but it's nice that we were able to connect after all.

We have with us an organization called In My Own Voice. Their program director is Sobaz Benjamin, and he's joined by Rebecca Moore, Glynn Johnston, Marshall Williams, Kenny Loy, Lameia Riddick, and Kevin Brooks. Welcome to all of you.

I think you understand that you have ten minutes to present, and then we'll have a number of questions for you from our members.

Please proceed.

Mr. Sobaz Benjamin (Program Director, In My Own Voice): One thing I think I need to begin by saying is that I need to speak from where I am positioned in this issue. I have never been a gang member. I shared with the young people, before we went live, that I was fortunate enough that my mother left London, England, with me at a time when the possibility of crossing lines of legality were right in front of me, at 15 years of age. My mother decided that she wanted to move back to the Caribbean, so we left London, England.

My friends were doing things that, if I had stayed in London I would have probably been engaged in also: things like robbing stores and...crossing lines of legality. I was fortunate enough to escape that. In the work I'm doing currently, working with young people, youth at risk, young offenders, I've learned from observation, and from what young people have shared with me about why they crossed lines of legality.

One major thing is the issue of poverty. The issues of race seem to be fading somewhat. The reasons young people feel the need to cross lines of legality have a lot to do with the need for money. A lot of young people are providing for their families at a very young age. This is something that, when the other young people share with you, you'll probably hear again.

For me, it's very difficult to.... I try not to judge, because the young people are in a situation that I think a lot of young people are not in. They are dealing with issues and are growing up very quickly and having to be sole providers in their homes at 15 and 16, and that type of pressure at 15 and 16 is, to me anyway.... Nobody at that age should have to be dealing with those types of issues.

Do you guys want to share?

Go ahead.

Mr. Marshall Williams (Member, In My Own Voice): I think when we're talking about gangs and organized crime, what we have to do is deconstruct what is a gang. If you look at what a gang is, basically a gang is a social network. It's providing a social opportunity and providing an economic opportunity like any other business, the major difference being that there's a large percentage of illegal activity within that.

If we can ensure that social relationships that these youth have are positive, and that systems are in place so that when they're having difficult family situations and difficult social situations they can be handled, and that there are also economic opportunities within the community, the need for gangs is eliminated. There's no particular extra allure for gang life that comes from anything, such as when it comes to being a movie star or a rock star. The same thing—the money, the fame, and all that—is what comes with gang life, but there's less selectivity. You don't need any particular talent to join a gang. All you need is to be you and be in a situation where you need money and can't get it from your immediate surroundings, and have social pressures as well that require you to do that. That's the opportunity and that's where it constructs. So you have to look at that aspect of it.

That's my point of view.

• (1650)

Mr. Kevin Brooks (Member, In My Own Voice): I only wanted to say that in this region of Canada, we don't necessarily have gangs, but we do have crime, and I would say it would be organized crime, and a lot of youth are engaged in that. The reason why I wouldn't necessarily say they are gangs is because we don't have the numbers that a major metropolitan area such as Vancouver or Toronto or Montreal would have. So the organized crime activity down here would simply be more of a demographic, what part of town you live in. Most areas that experience sub-par living conditions or high poverty rates are the areas that experience frequent crime and organized crime.

Basically, when I say organized crime, it's not really mafia or anything like that. By organized, I mean it's organized as in the people are aware of each other. There is a code of conduct and there are ethics. There are morals and rules, so to speak, but like in every other aspect of life, these codes of conduct and rules are broken. That's why when I refer to organized crime I'm not really talking mafia. I'm only throwing out that there is a code or ethics that exist, a set of rules that are followed, and that's why I would say organized. It's not chaos.

Down here, right now, if you want to operate in that illegal enterprise, you have to be organized. So they organize themselves in such a manner, but it's not really the crime family mafia-type

organization. It's something different where there's more independence.

Mr. Kenny Loy (Member, In My Own Voice): To me, organized crime would be something planned. There's what we would call a squad down here, as it pertains to a gang, and that would have about four to six people who would plan a crime consistently. One day they might hit one store and they might hit a person, but it's all planned. So that is organized crime in Halifax, to me. But I really don't see a problem with gangs down here, because they aren't really gangs. It's more youth who are looking to fit into a situation, looking to fit into a family. Maybe someone needs protection. I've been in about four what you guys call “gangs”, but I wouldn't classify them as gangs. We were a group of youth that had a name, a title, that we proclaimed as a gang or a squad, simply to fit in really and run around doing crimes that weren't really organized. In my opinion, we need more family-based activities and options, alternatives for us to do instead of doing crimes for money.

Mr. Sobaz Benjamin: Becky, did you want to say something in the time we have?

Ms. Rebecca Moore (Member, In My Own Voice): Yes. Halifax is not a very big city, right? So when something goes on in this city, say a shooting, for example, everyone hears about it. In Halifax, everybody knows everybody, so if there's a shooting, if I don't know who did it, I guarantee I know somebody who knows who did it.

So there is a network and what not. The gangs are not exactly like the mafia, as we say, but they are all connected and they all do have a code of ethics. You can't rat, you can't snitch, blah, blah, blah. They have certain things. But as for criminal activity, that code of conduct is pretty much like common sense. So I think the size of the city is a factor, and the networking where everybody does know everybody, and when something goes down, everybody knows about it, everybody hears about it. It's spread out.

Mr. Kenny Loy: I'd like to say something else.

Today there's really no such thing as fighting any more; it's all stabbing and shooting. As Becky was saying, it's all connected, so if someone stabs someone else, everyone knows about it and everyone knows who did it. So if someone then has a problem with that person who stabbed the other person, they're not going to try to fight them, but to stab them because they're known for stabbing. Or if someone shoots someone, they're known for shooting, so no one is going to try to fight that person or stab them, but they're going to shoot them.

So we really need an alternative to fighting.

•(1655)

Mr. Sobaz Benjamin: That's why the group In My Own Voice has come about. It operates as a family. It operates to create economic opportunities, as well as creating options other than the more negative choices. Basically, In My Own Voice is a group where the young people use their stories to educate others, as well as to empower themselves. They become the media, so to speak. We use radio, we use video and television, and we use theatre to share the stories the young people in the group have experienced—what has brought them to where they are, why they have made the choices they have made, and what are they doing to make more positive choices?

Rather than having a third party tell their story, they tell the stories. They craft the story and I and a couple of other staff people help the young people do that.

The Chair: Thank you.

We'll open the floor for questions from our members.

Anyone on the Liberal side? No?

Is there anyone from the Bloc wanting to ask a question?

Monsieur Ménard, for five minutes.

[*Translation*]

Mr. Serge Ménard: I imagine the translation is working in Halifax.

[*English*]

Mr. Sobaz Benjamin: Yes, it is.

[*Translation*]

Mr. Serge Ménard: I understand that some of you have belonged to small criminal groups. Am I wrong on that?

[*English*]

Mr. Sobaz Benjamin: Yes, some people in the room have engaged in criminal activity before.

[*Translation*]

Mr. Serge Ménard: So what did you think about the possibility of being imprisoned? Did it deter you from joining the group or did you simply not think about it?

[*English*]

Mr. Kevin Brooks: No.

Prison is the thing I would say a lot of government has a misconception about. Prison doesn't really affect our decisions, because it's the situation that we're in presently that makes us consider or engage in such criminal activities. So if I'm hungry or there's not a lot of money and/or food in my household and if I go and get a job and work 40 hours a week for minimum wage and when I get paid, there's still no money or food in my household, I'm not really concerned that if I engage in criminal activity there's a possibility I might go to prison. That doesn't really do anything for me, because at the end of the day I've got to put food on my table and provide for my family. So, no, prison is not really a deterrent to people engaging in criminal activities.

Mr. Sobaz Benjamin: And if I could add to that, I think you've got to look at it in terms of competition. You know, you have a

hungry stomach or you have the possibility of going to prison. At some point, prison is down the road. It's a possibility: you might get caught or you might not get caught. But that hungry stomach is something immediate that needs attention, that needs focus, right now. So ultimately, just to reiterate, it's an issue of competition in those terms—and obviously something is going to win out.

Mr. Marshall Williams: I just want to build on that point as well.

I don't know if I'm speaking for anybody in this room in particular, but some people's circumstances are bad enough that prison is an improvement over their circumstances, because if you know that every day you're struggling and you're not eating, and you know that if you go to prison you get three square meals a day, you get a gym pass, you get cable TV, and you've got a roof over your head.... You know you're going to receive all of that. So if some people's circumstances are that bad and there are no options for them in the community, as I said earlier, for economic growth or to build wealth and support themselves, to them prison is an improvement anyway. So at that point, it doesn't become a deterrent, because you lose your freedom but you gain everything else you were missing when you had your freedom.

The Chair: Thank you.

Mr. Comartin.

•(1700)

Mr. Joe Comartin: When we were there on Friday, the chief was in front of the committee describing some of the work the police service in Halifax has done in the region in terms of moving police officers—in I guess some significant numbers and in a number of areas—right into the community. I was wondering if any of you could comment on whether you've had interaction with them and/or whether you see this as an effective way of providing security by the police forces.

Mr. Kenny Loy: I don't. It just means that we have to hide what we're doing a little bit better. Instead of doing it on the street, now we have to do it inside of a house, in an alleyway, somewhere where the police aren't.

Mr. Kevin Brooks: Once again, I just want to echo the sentiment. It does curb and make the community feel more secure. It does, yes. But certainly, in terms of illegal activity, as my colleague Kenny said, it doesn't really deter or prevent it. It just makes those who engage in that criminal activity think harder about ways they can carry out their task or carry out what it is that they do, whatever they do, in order not to get caught.

In terms of security, yes, but it's not really a security issue. People aren't breaking into the homes in the community. It's not really that type of environment. The criminal activity in this part of the region is more the trafficking of drugs and the sex industry. The cops will make you feel more secure, but there are still going to be people who are in need of drugs and who are still going to want their drugs. So the drug dealers are just going to come up with a more creative way to deliver the product to whoever is looking for it.

It's the same thing as far as prostitution or massage parlours, or what not. These things typically don't take place in the community anyway, so having more cops in the community doesn't really help that at all.

Mr. Joe Comartin: What about the distribution of the drugs in those communities where the police are? Is it having any impact on the street distribution of drugs?

Mr. Kevin Brooks: No. I'd say no. There are still people trafficking narcotics on these streets. There are still people looking on these streets for narcotics. So like I said, it's just.... You see the police there, so you're just more conscious or more cognizant of what's going on around you. But you're still going to make that delivery to that person, or that person is still going to go find what they want to find. It might take a little longer, but they're still going to find it, and it's most likely going to be from the same person every time. The location might change or how it's done might change, but for the most part, it's not really having a major effect on the street-level distribution of narcotics.

The Chair: Thank you.

Anyone from the government side? Nobody?

Mr. Murphy, you had a question.

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

I'm from Moncton, not far from where you people are. There's a bit of a nexus between the Moncton region and Halifax in terms of organized crime activities.

I have a couple of questions. They follow on what Mr. Ménard was asking. It goes to motivation, I suppose, what you might tell us from your experiences observing and experiencing the gangs or observing the crime issues in greater Halifax.

There are two questions.

What we have learned in places like Winnipeg and out on the west coast is that there is a very intelligent use of young offenders—or people under the Youth Criminal Justice Act, young offenders, young people—to be pawns or to be players in crime so that if they were to be caught, it would be in a much less punitive or penalty-ridden regime. That's the way, the modus operandi of gangs in places like Winnipeg and out west in Vancouver.

I want to ask you, first, if you see that happening and what your thoughts on it are. There's a movement probably up here in Ottawa. The government seems to be moving toward a climate that would suggest that if a young offender, a youth criminal justice person, knows the meaning of his actions, he may in the future be tried or dealt with in a more adult court fashion. That's my first question.

The second question deals with guns and whether you think there's an increase in the use of handguns and an increased sophistication of those to move the criminal agenda forward in Halifax—whether it's growing quickly, not quickly; whether there's something that law enforcement or border security could do more to prevent that, if that were the case—and just generally, what you're experiencing in your community with respect to gun violence. It's something we've been looking at across the country.

● (1705)

Mr. Marshall Williams: I think when we're talking about the issue of young offenders being used, we do see that in some cases. I don't think it's so widespread. Like we say, there are small pockets of organized crime activity where that does take place.

In a way, it kind of comes back to the issue of ensuring that these youth who are being used have positive people and positive resources around them, so that their role models aren't the gang members who are recruiting them. Their role models need to be positive people, and if there is a breakdown in their social circumstance—whether it be a family breakdown or some sort of personal issue—the resources need to be there to handle that so that the gang is not playing the role of the parents and being the role models for these youth. They're not necessarily recruited; sometimes they're doing work for their older friends, maybe, who are involved in criminal activity. Because they're having family problems or they're having personal issues, or whatever the situation may be, these older friends become their role models.

I think we need to improve the circumstances of these youth, because yes, the youth may know that what they're doing is wrong and they'll get slapped on the wrist, and yes, the adult they're working for, so to speak, knows that as well. I think there's a need to improve the circumstances of these youth, and also to improve the circumstances overall, so that the activity doesn't necessarily need to take place. As I said, if these youth have the positive role models to follow and the support systems in place, that would help eliminate that problem.

With regard to changing the Youth Criminal Justice Act, I do think that in a way the Youth Criminal Justice Act isn't really designed for these circumstances. It's designed for youth who are involved in mischievous things more than in organized crime activity. So I do think there needs to be some discussion surrounding that. I don't really know whether I want to say yes, we have to change the law so that these youth are treated as adults, but I do think there needs to be discussion, because I don't think it was designed for these circumstances that exist currently.

That's simply to answer that part of your question. I don't know if anybody else wants to field the second part.

Mr. Kevin Brooks: I want to piggy-back on what Marshall said about the recruitment of youth in criminal activity down here. There could be a few steps made by government that would counteract this right away: first of all, if labour laws were changed so that people could obtain employment at a younger age; second, if the minimum wage were increased.

For kids who seem to be allured to engage in criminal activity, eight times out of ten it's solely for financial reasons. A 14-year-old and 15-year-old, a 13-year-old or 12-year-old has a need for money in the home, has a need for money for themselves, possibly. Maybe they want to play a sport or something like that, want to pay a registration fee, even go to a day camp or something, and the parents don't have the money for that. They're not of age to go out and get a job. If they do go out and get a job, in order to make enough money to pay for whatever they want to pay for, they're going to have to quit school and work 40-plus hours a week, or they can go to, like Marshall said, their older role model, who has money readily available to them. They say, "If I can make twenty bucks to be a runner, and I get paid twenty bucks a drop, as opposed to \$8.60 an hour, what would you choose?"

A lot of these young kids are choosing the thing that will help rectify the situation most quickly, whether it be illegal or not. It's not so much that they have an allure or that they want to engage in activities, but that's the only way they can obtain the resources they're looking for at that time.

• (1710)

Ms. Rebecca Moore: That is true. I do know youth who only engage in criminal activities because they aren't old enough....

They're pretty mature for 13 or 14, but they can't go get a job yet. They have the willingness to work. If they could work, they would go get a job. They would work and they would make their own money, and buy their own clothing instead of going out and shoplifting it. Or they wouldn't sell drugs so that they could buy food or clothing. That happens a lot, often.

The Chair: Thank you to all of you.

We've actually run out of time here, because we have another in camera meeting right after this.

I want to thank all of you for making the extra effort to actually appear on teleconference today. Your testimony is useful and will form part of the public record. We'll consider it as we prepare a report on organized crime in Canada. So again, thanks to all of you.

Mr. Sobaz Benjamin: Thank you again for having us.

The Chair: You're very welcome.

We're just going to suspend for a moment while we go in camera.

[Proceedings continue in camera]

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