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Chair

Mr. Ed Fast

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•(0840)

[English]

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

This is meeting 17 of the Standing Committee on Justice and Human Rights. Today is Thursday, April 30, 2009. Welcome to the members of the public and to the media present today.

As most of you know, some time ago the Standing Committee on Justice and Human Rights agreed to conduct a comprehensive review of organized crime. Initially, we had looked at doing this in four meetings, and of course we very quickly realized it was going to go well beyond that. We are prepared to spend the time to do it properly.

We have asked witnesses from across Canada to appear before us to help us provide some direction to government in terms of fighting organized crime and to perhaps also identify some of the underlying circumstances that lead people to become engaged in organized crime.

We have with us today quite a number of witnesses who certainly represent a broad range of views on the issues.

First of all, I want to recognize Dr. Neil Boyd, criminologist, and Dr. Robert Gordon, also a criminologist. We have Wai Young. We have Evelyn Humphreys, representing S.U.C.C.E.S.S. We have Michelle Miller, representing Resist Exploitation, Embrace Dignity. We also have two individuals representing the Unincorporated Deuteronomical Society, Mr. Robin Wroe and Chief Justice Bud the Oracle.

Because there has been such a demand on our time—the demand to appear as witnesses was oversubscribed, in a sense—and due to our limitations in terms of time, we are limiting your presentations today to five minutes per organization. I'm going to make one exception, and that is for Dr. Boyd, because he is also going to be asked to appear on Bill C-15.

Dr. Boyd, if you're able to, you can also address the issues arising out of Bill C-15 so that we have that for the record and can use it in our deliberations as we continue our review of that bill.

Each of you has five minutes to present, and that's per organization. There's going to be lots of time for you to get in additional information as you are asked questions by the members of this committee.

Again, thank you for appearing.

We will start with Dr. Boyd. You have 10 minutes.

Professor Neil Boyd (Professor of Criminology, Simon Fraser University, As an Individual): Good morning.

Let me begin by saying that gangs and organized crime have been with us for at least 150 years—alienated and disfranchised young men finding a common bond of lawlessness, using crime as a lever for the creation of material wealth. Recall Daniel Day-Lewis in *Gangs of New York*, a reasonably accurate depiction of gang violence in New York City in the late 1860s, and then fast-forward to the streets of Vancouver, where, some 140 years later, there was almost a shooting a day until about three weeks ago.

The late 1960s and early 1970s provided new opportunities for those involved in gangs and organized criminal activity. The drugs of the third world arrived on the doorstep of the first world. The new availability of global travel had brought North Americans into contact with cannabis and hashish in such places as India, Lebanon, and Thailand, cocaine in Colombia and Bolivia, and opium and heroin in Southeast Asia. Some intrepid travellers and entrepreneurs brought these third world drugs into North America and western Europe. Although marijuana, cocaine, and heroin have been illegal since the earlier 20th century, there was little traffic in Canada or the United States until the late 1960s and early 1970s—in fact, about 1,000 convictions per year annually from the 1920s until 1967 for all illegal drugs combined. By 1976 we had 40,000 criminal convictions annually, and these were just for simple possession of cannabis. Something quite dramatic occurred.

For the last 40 years, we have continued to use criminal prohibition as our primary response to distribution and possession of these drugs. Unfortunately, prohibition hands the responsibility for product quality and price over to organized crime, providing these people with lucrative and guaranteed profitability. It is entirely fair to say, given this backdrop, that our policies served to line the pockets of often thuggish drug dealers. It must also be said, however, that each legal or illegal drug is different, carrying its own risks and potential harms. The greatest irony of our current reality is that individuals are now being shot to death over the trade in cannabis but that it is almost impossible to die from consumption of the drug itself.

Ironically, we attach moral condemnation to the consumption and distribution of cannabis, but not to tobacco, a drug with a greater addictive potential, more negative health consequences, and unparalleled morbidity. There is a very real sense, then, in which we go through our lives with cultural blinders, unable to see the arguably bizarre social construction that previous generations have created for us. A good part of a more effective response to organized criminals would be to remove financially rewarding forms of commerce from their control, and cannabis would be a good place to begin if there were any political will to do so. I also recognize that this is a global problem that can really only be solved in a global context.

I might add that the fight against organized crime cannot simply be won by changing our approach to drugs that are currently illegal. There are some drugs—crack and crystal meth—that are difficult to see as commodities that are capable of any form of sensible regulation. And there remain many other potentially viable means of commerce for gangs and organized crime. Identity theft, fraud, human trafficking, and cyber crime are some of the more contemporary prominent possibilities. But definitely, we have to recognize that while the regulation of some currently illegal drugs might put a huge dent into the businesses that organized criminals conduct, that alone cannot solve the problems we face.

Now, this takes us to the present and the federal government's response to the violence of organized criminals, particularly the recent spate of killings in the city of Vancouver, most notably a new category of first degree murder for any killing by a gang member. But put yourself in the position of a gang member on the streets of Vancouver. He's already carrying a handgun and willing to use it on his adversaries. He's already willing to kill and to risk being killed. He's not at all involved in any consideration of the severe penalties for his crime already set out in the Criminal Code.

• (0845)

Bill C-14 will also provide much grist for lawyers and the legal profession. When is an individual properly classified in law as committing a killing in pursuit of a criminal association? What kind of foresight is required for conviction for such a first degree murder charge? These questions will almost certainly occupy the time of crown counsel, defence counsel, and the judiciary, and there is no evidence that this diminution of the role of criminal intent will provide us with greater social safety. This should be, after all, the goal of any action we take.

In this regard, I would urge not a focus on penalties but more efforts with long-term prevention, targeted resources for police involved in the investigation and disruption of organized crime, and as my colleague Robert Gordon will likely suggest, an integrated Lower Mainland police organization.

As the chair noted, what I'd really like to focus on this morning is not Bill C-14, but Bill C-15, an act to amend the Controlled Drugs and Substances Act.

I'll begin by making the observation that most individuals arrested and convicted of trafficking offences are not individuals who control the supply of these drugs. In fact, they are, for the most part, low-level user-dealers selling enough to maintain their own habits.

As I'm sure you are aware, two of your own Department of Justice studies take issue with mandatory minimum terms for drug crimes. The commentary prepared for this bill notes this from a 2005 study: "There is some indication that minimum sentences are not an effective sentencing tool: that is, they constrain judicial discretion without offering any increased crime prevention benefits."

The other study, from 2002, noted that the lack of deterrent effect flows from the barring of judicial discretion. Prosecutors and police are then forced to exercise this discretion, often choosing not to charge people with offences that would lead automatically to a prison term. Additionally, juries may choose to acquit individuals who face an automatic prison term when it seems excessive and unjust.

So what is the case to be made for the mandatory minimum? As the legislative summary prepared for Bill C-15 notes, it is one of denouncing certain egregious kinds of conduct and holding people responsible for such conduct, irrespective of the effectiveness of such legislation. We do that for homicide offences, and it's an entirely appropriate action that we take in doing so. But what of an individual who grows a single marijuana plant or two and shares the efforts of his gardening with his adult friends and neighbours? Do we need to denounce his conduct by placing him in jail for a minimum term of six months? This is what is mandated by Bill C-15 under clause 3 and its revisions to subsection 7(2) of the Controlled Drugs and Substances Act.

Put simply, the bill does not make a distinction between the cultivation of marijuana and some of the egregious kinds of conduct that some marijuana growers engage in. The bill speaks to these egregious kinds of conduct: the creation of a public safety hazard, the theft of electricity, the exposure of children to toxic residues, the presence of firearms in a grow operation, and the setting of potentially lethal traps in and around the grow operation. While it does make sense to denounce these kinds of conduct, it is grossly disproportionate to denounce all forms of marijuana cultivation with minimum terms of imprisonment. The same points can of course be made with respect to the distribution of cannabis.

I'd also like to comment on Justice Minister Nicholson's recent statement regarding cannabis: "Marijuana is the currency that is used to bring other more serious drugs into the country." Agreed, we should be concerned about those Canadians who export marijuana to the United States in exchange for cocaine, heroin, or handguns, but what of the tens of thousands of Canadians who grow the drug for themselves or other Canadians? Are they deserving of mandatory imprisonment for six months, particularly when their drug of choice has relatively insignificant health consequences in contrast to the much more lethal and actively promoted legal drugs, alcohol and tobacco?

Finally, let's consider the cost of mandatory minimum terms of imprisonment under Bill C-15. I will focus on marijuana cultivation, thus addressing only a small portion of the taxpayer dollars that will be required to fund passage of this new law, but we have very good data on this point.

● (0850)

An RCMP study in 2005 canvassed all found cases of marijuana cultivation in British Columbia from 1997 to 2003 and noted that there were 14,483 such cases in the province in that seven-year period, with a little over 500 individuals going to jail for an average of five months. The new legislation would urge at least six months in jail for an additional 14,000 British Columbians or, put differently, a further 2,000 British Columbians annually. The cost of this imprisonment would be approximately \$57,000 per year for each provincial prisoner, a total of \$114 million annually for marijuana cultivators in British Columbia alone.

In sum, Bill C-15 is poorly conceived legislation that is likely to cost a province like B.C. hundreds of millions of dollars annually in new jail cells. I'm not even actually calculating the cost of capital construction, but these jails will be built simply to house marijuana growers, among many others.

I can only hope that the Liberals, the NDP, and the Bloc Québécois will stand up and, if not willing to simply defeat the bill, at least pursue amendments that might stand the test of common sense.

Thank you.

The Chair: Thank you so much, and thanks for staying within your time.

Dr. Gordon, I'm going to exercise a little bit of flexibility as well, because your assistance would be helpful on Bill C-15 as well.

Professor Robert Gordon (Professor and Director, School of Criminology, Simon Fraser University, As an Individual): I'm happy to do so.

Good morning, everybody. Thank you for the invitation. I've just cut my address back by two-thirds, so bear with me.

I'll focus on five points.

First, in the summer of 2006 I completed a report for the BC Progress Board on crime and criminal justice in British Columbia. The BC Progress Board is, of course, the premier's think tank on a variety of primarily economic issues.

Among other things, my co-author and I were asked to determine the primary causes of crime and criminality in the province and to suggest solutions, all within 40 pages. The view of those with whom we consulted for this project, mostly senior government, police, academics, and industry representatives, is that the most significant causes of crime and criminality in B.C. are drugs and alcohol.

There is no evidence to suggest that the situation has changed since 2006. In particular, the problems associated with drugs don't appear to have changed. In fact, given the outbursts of violence in Metro Vancouver and the Fraser Valley areas in the fall of 2007 and again just a couple of months ago, everything points to a burgeoning problem. Both the supply side and the consumption side of the

industry were seen in 2006, and continue to be seen now, as responsible for a vast amount of crime, and the supply side quite clearly is dominated by organized crime groups.

There is little doubt that the province is playing host to an extremely well-entrenched and highly profitable illegal drug trade. It has been growing steadily for many years and without significant interruption. There's evidence to suggest that B.C. is a major exporter of a particularly potent form of marijuana that's marketed as B.C. Bud, and that the primary trade route is north-south, into the United States. Coming north, of course, are cocaine, guns, and American dollars.

We identified three approaches to this problem, three possible ways of addressing it.

The first was decriminalizing marijuana in particular, but regulating and taxing the industry, with obvious savings—in fact, gains—to government in a number of areas, coupled with a health-based, rather than criminal justice-based, approach to drug use and abuse.

The second possibility is an all-out planned and fully resourced assault on organized crime groups involved in the illegal drug industry in the province, preferably taking a regional approach, and in particular focusing on the Pacific Northwest region as a whole, because this trade transcends political boundaries.

The third possible approach was a combination of these two things, starting with an assault on organized crime. That is, of course, what we are proposing, a war on organized crime, not a war on drugs. It would be coupled with a health-based approach to drug use and abuse and a gradual decriminalization and regulation of the marijuana industry in particular.

● (0855)

The Chair: I'm going to ask you to stop for a moment. We have a bit of a problem with interpretation services.

Prof. Robert Gordon: Okay. Please don't ask me to repeat it all. I could try Spanish, if that's any good.

The Chair: Actually, Monsieur Ménard is bilingual. He speaks English very well.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): There still is an interference.

[*English*]

Would you like to try again? But don't speak again on the government, or I will be very sad.

Some hon. members: Oh, oh!

● (0900)

Prof. Robert Gordon: Okay.

So there were three possibilities. The third was the combination of decriminalizing and regulating the marijuana industry in particular, coupled with an assault on organized crime.

In our report these three options were merely stated, without recommendations being offered. But it's clear that if an approach has been embraced by government, it's option B, an all-out assault on organized crime groups. And there are reasons why that's predictable.

The next point is that the extent to which an assault on organized crime groups can succeed will depend very much on the extent to which it's properly funded, adequately organized, and fully and strategically planned. Unfortunately, there's every indication that these elements have yet to be put into place, the consequence being simply more of the same. It's basically the same strategy we've been attempting to use over the last 10 years.

Periodic forays that target particular groups—often resulting in successful but temporary disruptions to the industry—make for good media events. They cause temporary increases in the retail price of drugs on the streets, with increased profits to suppliers, and ironically, they can lead to increased property crime, as addicted consumers try to acquire more resources to satisfy their wants. They also create new opportunities for new and existing organized crime groups to grab a market share. And I think we've seen some of this happening over the last couple of months. But the problem is that the underlying industry continues to thrive, in part, because of the significant consumer demand for its product.

So the answer is to move toward a better organized approach to organized crime. In this province, I think it's a chronic and critical issue. One of the problems is that we do not have a single organization in place that will operate on a region-wide basis to address organized crime issues.

We had such an organization. It was known as CLEU, but it was disbanded as a result of a report in 1998 of a committee chaired by Stephen Owen, a very distinguished British Columbian. That report recommended the creation of an alternative way of addressing organized crime in the province. From that came the Organized Crime Agency of British Columbia, which got off to a flying start—seemingly, and predictably, well resourced and well organized, and with a clear strategy, led by Bev Busson, who subsequently went on to be the Commissioner of the RCMP. So at first blush, it was a very useful looking organization.

That organization disappeared in 2004, for reasons I've yet to establish. It's quite mysterious why it was disbanded. In its place came the Combined Forces Special Enforcement Unit and a whole host of other police organizations and agencies, which I really think represent a classic example of siloism. I don't see the kind of organization of policing services around the organized crime issue that really should be in place, particularly in British Columbia.

And with that, I'll stop my remarks.

The Chair: Thank you so much.

We'll move on to Ms. Young. You have five minutes to present.

Ms. Wai Young (Coordinator, Vancouver Citizens Against Crime): Hello. Thank you so much for hearing me today.

I'm here today as the coordinator of the Vancouver Citizens Against Crime. It is a new community-based organization that is non-profit and non-partisan, because Vancouver citizens are very

concerned about the daily shootings, as already referenced, and they want to have a voice to Ottawa.

One of our primary mandates as a group is to provide and facilitate that voice. We are currently developing a brief and collecting input, comments, and suggestions from members of the public, which we will be tabling to this committee by the end of May. I'm currently here as a backup person to somebody who couldn't be here, so my presentation is not as complete as I would have liked had I had a bit more notice. I apologize for that.

I just want to say that, personally and professionally, I have grown up in Vancouver, worked in the downtown east side, and volunteered in the downtown east side for over 25 years. In that span of time, I have lost many youths as well as adult friends and relatives to organized crime. That is my passion and my concern in being here today. I want to say that in cutting my teeth and working in the downtown east side, I've worked for neighbourhood houses services, the Chinese Cultural Centre, the Strathcona Community Centre Association, S.U.C.C.E.S.S., and as a child care worker by walking the streets of the downtown east side with the Ministry of Social Services.

● (0905)

During that time, I have also fostered seven children in my home, one of whom died of a drug overdose on the downtown east side at the age of 21. Attending his funeral was one of the worst experiences I have personally gone through.

I also wanted to share with this group that some 26 years ago, as the president of the Strathcona Community Centre Association, I founded and formed the Vancouver anti-gang and youth at risk task force. As a task force, we worked quite a bit to lobby local, provincial, and federal governments for funding for youth at risk. I'm happy to say that at that time we were very successful and did receive funding. This was the basis for many of the programs that we see today both provincially and federally.

However, I'm so concerned that 26 years later many of these programs seem to continue to be ad hoc and, as Dr. Gordon said, working in silos. That is primarily what I wanted to share with you today. I believe the community can be more effectively engaged and supported to achieve better outcomes by also establishing a community-integrated task force. Dr. Boyd talked earlier about a region-wide community policing integrated task force. I believe the community has a role to play in keeping our neighbourhoods safe.

If we had these kinds of initiatives in communities across Canada—working with the law enforcement agencies, of course—I believe we could strengthen and make our communities and our neighbourhoods more integrated and safer places to be. The police cannot be everywhere. I think we have had a tendency in the last 10 or 15 years to professionalize crime in the sense that it is the police's responsibility to look after this. Average citizens do not feel they know where to report things or, if they report things, whether they're safe. These are all valid concerns.

Secondly, I wanted to share a point regarding current and future requirements for justice resources. I believe that a re-prioritization maybe needs to happen with this, because as we know, Canada's demographics are changing. New immigrants are coming here who do not know what their rights and responsibilities are, who do not know about the justice system, the police systems, etc. Again, the public education regarding this area—the translations and availability of translated materials—are very ad hoc.

It happens occasionally here and there, but there's no consistent, forward-looking view to let us reach out to these people. Maybe we need to incorporate a justice module into the Citizenship Act, so that when people go for their citizenship they can learn about what their rights and responsibilities are as citizens regarding justice. There's a number of those kinds of things that could be looked at.

I also want to say that—

The Chair: Ms. Young, you're at the end of your time. Can you quickly wind up, please?

Ms. Wai Young: Sure.

In conclusion, I've been told by many community members and service agencies that the Young Offenders Act, as it stands right now, needs to be amended to be a bit stronger. We have zero tolerance for bullying in our schools, but we don't have zero tolerance for possession or for any of the more criminal acts. I think these are general areas we could be looking at to improve and strengthen community partnership with law enforcement in our communities.

Thank you.

●(0910)

The Chair: Thank you very much.

Ms. Humphreys, you have five minutes.

Ms. Evelyn Humphreys (Project Manager, A Chance to Choose, S.U.C.C.E.S.S.): Thank you.

My name is Evelyn Humphreys, and I work with S.U.C.C.E.S.S., one of the largest not-for-profit organizations in British Columbia.

About four years ago, I had the opportunity to create a program called A Chance to Choose, targeted mainly at youth who had not completed high school. We monitor the barriers that youth have to employment. It's funded by Service Canada, and its goal is employment. However, we are finding that a lot of the youth have been involved in youth justice and adult justice, and that's one of the barriers we look at.

On average, the youth have five barriers to employment. That would include homelessness. That would include justice. That would include not completing high school, having learning disabilities.

We have a success rate for completion that's well over 80%, and 75% of the youth are working or back in school. Our success rate is really high.

I did some numbers on our last class, because I think numbers are important. Out of the 36 students involved in the triticities, 16 were involved in justice, nine in youth justice and seven in adult justice. If you look at the cost, according to the provincial director involved in custody, youth justice is \$300 a day. Adult justice is anywhere

between \$100 and \$170. If you calculate that out, nine young people at \$109,000 is \$981,000. The seven youth at \$36,500 works out to be \$255,000. Add them together and the cost is well over \$1 million. A Chance to Choose costs \$500,000 to run, and that includes paying the youth.

One of the things we do extremely well as one of the elements is community-based learning. We take youth out of their environment and put them into a community environment. We take them out and introduce them.

The reason we came up with this is that I had the opportunity to work with adults. One of the gentlemen who came to my house told me that he had never been to a social function where there were not drugs involved. He was 54. That led me to believe that if you're in a world that does drugs, drugs are a part of your life. So we take the youth out of the environment to introduce them to a new environment. It has been extremely successful.

Another thing we do is listen to the youth. We have a Toastmasters, which we call Speechcraft, so that young people have an opportunity to share and talk about their stories.

If we're talking about prevention, I can tell you about a young man who came in and shared his story. At Christmas he was in a shelter, and he said he'd never been so alone in all his life. He had no Christmas tree, no family, no nothing. He sat there and told us that it was the most depressing day of his life. January 1, he met his new best friend, a drug dealer, and soon started dealing drugs. He needed the money. This young man—luckily—was arrested. He ended up in jail, which was worse than the shelter, and he ended up coming to us. He's now working and doing very well.

What these young people need is connection, or reconnection, to their community.

As well, I've done a lot of research on transition, and what has been really successful is the transition between adolescence to adulthood. If we can intervene in that area...but a lot of times we don't look at that area. When they're in transition from adolescence to adult justice, youth have a tendency to look back on their lives and say, "I don't want to be here. I want to move forward."

We've had gang members and we've had violent offenders. It has been really successful in the whole concept of A Chance to Choose, because it's choices and consequences. We're very strict on the consequences. We have a no drugs policy and we have a no weapons policy. We're very tough on the youth, probably tougher than the justice system.

They come to us because we create an environment that's safe, that's inclusive, and that's fun for them to be in. I would really encourage this committee to look at this group of young people, look at the community base and at some of the things we've created in A Chance to Choose, because it's working, and it's working well.

We had the opportunity to open in the downtown east side last year. Unfortunately, our funds were cut, so we pulled out of the downtown east side. I'm really angry about that, because it had worked really well.

We run based on Service Canada funding, and we run on annual funding. In four years, I think we've had one large gap in service. Our contract was negotiated for 2009 to 2010, and we signed it on March 27 to start on March 30. In two weeks we had to have a full class. We had over 49 applicants. We stopped taking applications because we couldn't handle them in the two weeks. So there's a huge demand for this type of programing.

● (0915)

We have also experienced young people who have offended again. Last week this young man got out of jail, and he was a violent offender, and his first stop was to A Chance to Choose. We had sent him his portfolio in jail to show him his positive things. We also create strengths, and we sent him his positive things. His first stop out of jail was to A Chance to Choose to say thank you.

The Chair: Thank you so much.

Ms. Miller, you also have five minutes.

Mrs. Michelle Miller (Executive Director, Resist Exploitation, Embrace Dignity (REED)): Good morning. My name is Michelle Miller and I have the privilege of being the executive director of Resist Exploitation, Embrace Dignity, or REED, a self-funded organization that works for long-term change for women who have been sexually exploited.

For the last 10 years I've been fighting to end sexual slavery of women and children, both in Vancouver's downtown east side and in the slums of Manila. I also live on the east side in solidarity with marginalized women.

Not once have I met a woman who is prostituting by choice. Prostitution is one of the simplest activities motivating organized crime, and it's one of the simplest to stop by ending the demand for sexual access to the bodies of women and children. Placing full responsibility on the johns, users, buyers, and consumers of women and children can and will stop the demand.

With the Olympics coming, we decided to study events in other countries to see how they would affect prostituted women. What we have seen is a spectacular rise in the demand for sexual access to women and children's bodies during large sporting events. In crass economic terms, this turns Metro Vancouver and Whistler into a market for which a product must be supplied. The market is the sex industry and the product is marginalized women and children, who are already vulnerable to sexual exploitation.

We already know that Vancouver has a gnawing problem with sex trafficking that reflects the larger global reality. It is estimated that 27 million people are living in slavery worldwide, largely in sexual exploitation, which makes about \$32 billion for organized crime.

Human trafficking is the fastest growing industry worldwide and ranks only second to the drug trade in profit. Prostitution is one of the simplest activities motivating and supporting organized crime, and one of the simplest to stop through ending the demand. Women and children are recruited, deceived, coerced, and exploited, then controlled through rapes, beatings, addiction, and psychological torture to keep them from running away.

The average age of recruitment into prostitution is 14. A lot of this may sound shocking. It's an everyday reality in Metro Vancouver.

We see gangs routinely coercing girls into the sex industry through posing as boyfriends. Women are brought by force or deception from other countries and forced into sexual slavery, and aboriginal women and girls are so-called "recruited" off reserves in extreme poverty and prostituted on the streets.

Of course, you know about prostituted women. They have been studied pretty much ad nauseam. But how often do you hear about the buyers, the ones who are driving the market? It was 8 a.m. on a rainy Vancouver morning, and I'm walking on the downtown east side to a friend's house for breakfast. Pulling down the alley, shrouded in secrecy, is a lone male in a maroon minivan, complete with a car seat in the back, dropping off a destitute young native girl who was paid to give him a blow job on his way to work. This so-called family man has simply put money into the pockets of a pimp.

I think of my friend Courtney, who was prostituted as a little girl in a Vancouver hotel. A gang made hundreds of thousands of dollars selling her to men eager to sexually abuse her. These perpetrators enjoy complete anonymity, all the while ruining the lives of women and children and making piles of money for organized crime.

Whether discussing international or domestic trafficking of women, the consumer driving the market is the same. Be it an immediate side street purchase, an escort, Internet pornography, it's all the same. It fuels trafficking and makes money for organized crime.

Why don't we create dialogue about bringing about solutions that would stop the demand? Why don't we ask, what's wrong with our society that the demand for exploited sex is growing? People are often paying for the women's misery. What's going on, that the demand for exploitive sexual experiences is ten times what it was five years ago? We're not counting the users and buyers of sex. We're not asking them—and believe me, they're visible if you look—why they buy sex. We don't study them to find out if it's poverty, boredom, or alcoholism. We don't seek answers that will tell us why a person would purchase a sex partner if he can beat her, rape her, and even kill her. Human trafficking operates as organized crime. It's silent, hidden, secretive, and controlled by the threat of death and the experiences of murder.

Drawing on the collective public guilt of the missing women of the downtown east side, some are seeking to legalize prostitution. That would be an absolute mistake. We're adamantly opposed to that, so please hear that. They are grossly misled in their logic, tactics, and solutions. So think about it.

First of all, in order to work in a brothel, a woman would have to be clean from drugs. It's not going to happen. Addiction is part and parcel of their situation; it's often how they're kept there.

● (0920)

Second, they would have to register with the government and pay taxes. No one wants a record of this time in their life.

Third, they would have to undergo health checks. Most I know wouldn't pass. And note that the health checks are put in place to protect the health and safety of the johns, not the women.

We've also seen that normalized violence such as prostitution jeopardizes the safety of all women.

So who would benefit? Organized crime. Operating with impunity, they would simply be businessmen—join the local business association, recruit your daughters at local college job fairs. It would also be a gift to johns. Any country that has legalized prostitution has seen a rise in demand, a diversification of the industry, and a proliferation of underground brothels.

Though some link the legalization of drugs with prostitution, it is important to realize that with drugs a person is asserting their agency over an inert substance, but in prostitution you're using an actual person who does not want to be there—forced slavery; it's a person.

I realize that I'm almost out of time.

What we would promote is the Swedish legislation, where they've decriminalized the selling of sex and criminalized the buying of sex. They've seen amazing results. It was recently adopted in Norway and Iceland, and Britain has adopted something similar.

We've changed attitudes around drunk driving, smoking, and domestic violence. We can do it. Prostitution is not the world's oldest profession, it's the world's oldest oppression.

Thank you.

The Chair: Thank you.

Finally, we have the society. Will it be Mr. Wroe or Mr. Oracle presenting?

Mr. Bud the Oracle (As an Individual): Mr. Chairman, I am Bud the Oracle, chief justice from the Unincorporated Deuteronomical Society.

Peace to this hotel and to the House of Commons justice and human rights committee.

In summary, our society's judgment is that prohibition and your Controlled Drugs and Substances Act are failed policies that trespasses upon the peaceful possessory right that ought to be enjoyed by everyone. Your society's policy does not respect this right. You violently oppress otherwise law-abiding members of your own society. Your corporation's own policy is the organized crime.

In respect of drugs, your government's own policy is what enables the black market to flourish. Absent your corporate policy, regulated companies would supply drugs on a demand-oriented basis, similar to any other product. Your policy has alienated and will continue to alienate men and women from your society and its government.

To flesh out our view, I now turn the proceedings over to the registrar, Mr. Robin Wroe.

Mr. Robin Wroe (Registrar, Unincorporated Deuteronomical Society): I am not mister; I'm just Robin.

Thank you, Chief Justice.

Our position in respect of Bill C-15 and drug prohibition in general is quite simple.

Societies such as yours or ours govern their members by the content of those members. Drug crime is not really crime at all in any necessary sense. It is quasi-crime or crime *mala prohibita* on a par with an act forbidding the importation of wool and not at all on a par with, for example, that divine precept forbidding murder. I would also like to add that slavery of persons is another thing that I put in much worse regard than the possession of drugs or what not, to refer to Ms. Miller's comment.

But in any case, the rhetoric about drugs singularly destroying lives is fundamentally offensive. There is a wide variety of non-destructive reasons for drug use. Many human beings use drugs because they improve their happiness or quality of life. Other human beings use drugs for production of heightened spiritual, esthetic, and interpersonal experience.

In a commentary on DOB from the book *PiHKAL* by Dr. Alexander Shulgin, one of the amphetamines to be rescheduled—that's DOB, for example—in a three-milligram dose the experience was described thusly:

“Wunnerful. It's been one heck of a good experiment, and I can't understand why we waited nine years to try this gorgeous stuff. Without going into the cosmic and delicious details, let's just say it's a great material and a good level.”

Why should such a thing be prohibitiorially scheduled at all? Everyone has personal tastes. Some run toward automobiles, and automobile users are taken care of by regulation, and there is no reason your society should not, at worst, apply some sort of graded licensing to drug purchase and dispensation involving training as to the calculated statistical risk involved with drug use. At best, your society would leave each to his own diet and not use blunt corporate policy instruments for dietary control.

Further, repeal of the Controlled Drugs and Substances Act will redirect a revenue stream that currently pumps into organized crime. The stream will be diverted by the CDSA's repeal into legitimate, regulated companies subject to human rights law and all the other furnishings of a modern place of employment. Those legitimate companies will use law courts for dispute resolution, not guns.

Repeal of the Controlled Drugs and Substances Act will remove a key revenue stream from organized crime. Continuation of the act will sustain a key revenue stream for organized crime.

Harmless men and women do not need to submit to being governed by those who seek to harm them by imprisonment. If membership in a society becomes injurious to happiness, men and women may leave that society and they may form their own society capable of its own legislative acts. Of course, they cannot legislate away gravity, nor may they depart from certain customary behaviours. However, these have little to do with possessing or not possessing any specific plants or substances.

Why should any reasonable marijuana smoker consent to being governed by a society that sustains the Controlled Drugs and Substances Act? Why should he not instead consent to government by a society that respects his peaceful transaction with his chosen supplier? If your society fails to take up the duty of regulating demand-oriented drug suppliers, should some society or societies not fill that void?

We will quote from our summary of Bill C-15, in short, just to include one part that we think is rather important. It highlights the lack of care that has gone into the drafting of Bill C-15.

As to the appending of amphetamine and its analogs to schedule 1 of the act, we wonder why you've included the brominated and chlorinated variance of 2,5 dimethoxy-4-chloroamphetamine, yet have excluded the diogenated analog 2,5 dimethoxy-4-iodoamphetamine. This gives us cause to question what principles were involved in the drafting of the proposed appendix to schedule 1.

● (0925)

To conclude our statement, prohibition is a failed corporate policy and it causes harm to members of your Canadian society. The Controlled Drugs and Substances Act is the instrument that carves out the market enjoyed by organized crime in respect of drugs. Repeal of that act would also give the benefit of freeing up your scarce judicial resources. Absent repeal, we declare that men and women may constitute their own governments respectful of their right and good custom and be done with you, and that would be a shame, for Canada is a decent idea. It is not, however, a mandatory idea.

The Chair: Thank you. Your time is up.

We are going to open it up now for questions from our committee members. We will start with a round of seven minutes.

Mr. Dosanjh, you are going first.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Thank you.

First of all, thanks to all of you for being here.

I'm going to ask three questions of three individuals, and I hope you keep yourselves to the time limit. I only have seven minutes.

The first question is for Ms. Miller.

In terms of the prostitution, we have the laws on the books. We have the law of non-solicitation. There is the living off the avails law for pimps. Also, the johns obviously aren't prosecuted for actually purchasing. Can you be creative for me and tell me if, with all the laws in place, we have not been able to deal with this issue...? I can tell you that I used to hear about it when I was the AG for four and a half years here. First, on simply criminalizing the purchase, how is that going to be easily enforced? And how is that going to be effective?

Mrs. Michelle Miller: I think it will be effective partially by just having something on the books; I think that's a strong societal message that this is not okay. I think one step is to stigmatize it. Will it go away tomorrow? No, it won't.

Right now, I think we have a mishmash of laws that are quite unhelpful. We do see that the blame needs to be placed on the buyer. For whatever reason, it has been quite invisible, and we just don't

really talk about it. I think making more visible the harm that prostitution does is important. But as far as the laws are concerned, there have really been dramatic changes in Sweden around criminalizing the buyers, decriminalizing the women, and having exit programs, and then educating people about what those laws are. Part of the reason is that they were bundled together with the rape laws, and prostitution was identified as an act of violence against women.

● (0930)

Hon. Ujjal Dosanjh: Are you suggesting that in law prostitution should be tantamount to rape?

Mrs. Michelle Miller: Yes.

Hon. Ujjal Dosanjh: I see Mr. Boyd jumping up to answer.

My next question is with respect to organized crime. This study is being done in the context of organized crime. What would be your number one priority if we are to make a dent in organized crime? Politicians can't do 200 things at once.

Prof. Neil Boyd: That's a tough question.

On the one hand would be improved resources targeted at organized crime and improved prevention. I think the focus on penalties is misplaced. I don't think it's at all productive, ultimately, as we have very tough penalties in place. That's one side of the continuum.

The other side of the continuum is to look at the way in which we regulate drugs. As I said in my presentation, you can regulate all drugs in different ways and you would still have organized crime, because of many aspects and many other kinds of business that they can become involved in. But I think that something like cannabis is an interesting issue. You have a member of your own party who has proposed a bill to decriminalize cultivation and possession. So on the one hand, it seems that you have to make a distinction between cannabis itself and the illegal trade in cannabis. It was my generation that was the first to come into contact with it. For 40 years, we've been telling young people that this is a criminal offence. I deal a lot with law enforcement and I deal a lot with the police. It's one of the areas they have difficulty with.

I guess what I'm suggesting is that the two sides to solving this problem are, on the one hand, to have much more money for prevention and much more money targeted at enforcement, and on the other, to think about what we can regulate and what message we can send that makes sense and is consistent around legal and illegal drugs.

Hon. Ujjal Dosanjh: Would the top priority be decriminalizing it?

Prof. Neil Boyd: I'd say that these are both priorities. It's not a question of one being more important than the other.

Hon. Ujjal Dosanjh: Mr. Gordon, we've been talking about regionalizing police for some time. I used to vent every now and then when I was the attorney general. I've said publicly that obviously I didn't have the political courage to force municipalities into regional policing, because essentially that's what you have to do in British Columbia. I remember that about two months ago, when I made a comment, there was an uproar from the municipalities and furor over imposition.

It is important to have regional policing. I agree with you. But how do we get there? You've been in British Columbia for a long time. You know the politics of the Lower Mainland and Greater Vancouver. That's what we're dealing with. How do we begin to actually get there? No beginning has been made.

Prof. Robert Gordon: Right, and the status quo prevails, and we are rapidly approaching 2012, when the RCMP contract will be renewed, unless we can negotiate an alternative.

It's a great question. There are two issues.

First of all, we're talking primarily about amalgamating police services in the two large metropolitan areas: Victoria and in particular Vancouver. That's creating a single metropolitan force for those two separate city areas. That is the issue that causes the greatest resistance on the part of the municipal mayors, with some exceptions.

The answer to that, quite frankly, is for the province to seize the bull by the horns and go ahead and do it and, unfortunately, reap some of the consequences. But if it's done in the first year, as you well know, immediately following an election, by the time you get out of the green zone and into the yellow zone, you're at about year three, and most of the pain is over and done with, and people begin to see the benefits of it. My advice to politicians on this issue is to start figuring out how you're going to do it in the year immediately following election and then just brace yourself. In the end, what will happen is that the electorate will realize that this is actually the best way to go.

That is creation of amalgamated police services in the metropolitan areas. Over top of that, you have a second tier of policing. That is the tier two or level two policing. Level two policing involves policing across the region. There's often a confusion in the use of these terms.

When talking about creating regional response to organized crime, I'm talking about a response province-wide, plus across the state of Washington and the American services, plus in Alberta, because the drug trade in this part of the world most certainly is a regional drug trade, and with all due respect to folks who are concerned about human trafficking—I am too—it's the drug trade that is driving the operations at the moment. If we can tackle that on a regional basis—and that will require the kind of organized crime agency that you created in 1999 that is going to operate in an amalgamated, organized, and properly funded way, with some accountability—we will make tremendous headway. But at the moment, we are facing a siloed system, and I don't think it's effective. I think many serving police officers will agree that it's not effective. And you're going to hear people who will defend the status quo.

• (0935)

The Chair: Thank you.

I'll move on to Monsieur Ménard. You have seven minutes.

Mr. Réal Ménard: I'm going to speak in French.

[*Translation*]

I greatly appreciated the presentation of Mr. Boyd.

You told us that after 1967, the number of people charged has been massive. If I understood correctly, you mentioned 40,000 Canadians, while before there had been only 1,000. So I would like you to elaborate on this statistic.

[*English*]

[*Technical difficulty—Editor*]

The Chair: Perhaps we could go to Mr. Comartin first, because the technician has a problem with the French-to-English feed.

[*Translation*]

Mr. Réal Ménard: Are you going to get back to me?

[*English*]

Can I leave my line? I am a human being too.

Some hon. members: Oh, oh!

The Chair: The problem is that they're going to now switch it around, but while they're doing it there will be no feed to Ottawa and there will be no digital or analog record of this particular part of our testimony.

Let me canvass the members. Are you okay...[*Technical Difficulty—Editor*]...officially recorded? It has to be by consensus.

• (0940)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): This is a committee of the House of Commons. It has to be official. If it isn't official and regular, it's an insult to the people who have come here and to the members of the committee.

The Chair: We're going to suspend for five minutes.

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_____ (Pause) _____

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• (0950)

The Chair: We're going to reconvene the meeting.

Monsieur Ménard, I believe all the technology works now. We'll just start from the beginning again, so you have seven minutes.

[*Translation*]

Mr. Réal Ménard: I greatly appreciated your presentation Mr. Boyd, although I would like to have an exchange with you about three subjects. You know that our Committee has undertaken a study on organized crime. When we talk about organized crime, we are never far removed from the issue of drugs.

Could you repeat the statistics? You seemed to say that there has been a kind of cut-off between the period before 1967 and the period after 1967. If I understood correctly, you said that 1,000 people were charged before 1967 and 10,000 thereafter. I would like you to elaborate on how the prohibition strategy has been a failure and how we are going in a very questionable direction with Bill C-15. All sorts of scenarios have been put forward in our Committee.

I am going to ask you my three questions all at once so I will not need to talk any more. I would like to know your opinion and that of your colleagues on the following idea. Our Committee could recommend establishing a list of criminal organizations, but this would be circumscribed within a framework. For example, you know that despite the fact that three courts of law have declared the Hells Angels to be a criminal organization under sections 467.11, 467.12 and 467.13 of the Criminal Code, every time members of the Hells Angels are brought to trial, the Crown must start all over again and prove that this is a criminal organization.

So we are playing around with the idea of having a list that would say, after a court adjudication, that this organization has the status of a criminal organization. Do you believe something like that could be useful in combatting organized crime?

If I have some time left, I would like to get back to the infiltration by organized crime of the legal economy, because I believe it will be the challenge of the next five years. So I would like to hear your opinion on these matters.

• (0955)

[English]

Prof. Neil Boyd: Thank you.

The point about prohibition is that until 1967 we only had 1,000 convictions per year for possession, distribution, and cultivation of all illegal drugs combined. So one has to ask, why was it so different? Why, by 1976, did we have 40,000 convictions for marijuana possession alone?

The way to understand that is to understand global travel. Only the wealthy could travel globally until the mid- to late 1960s. People went to countries like Thailand and Colombia and they brought back the drugs of the third world.

We've always had our first world drugs, alcohol and tobacco. In fact, when we criminalized smoking opium in 1908, it was not because we had any informed debate about the harm. The law itself was introduced by the Minister of Labour and he said in the House of Commons, "We will get some good out of this riot yet." There was a very virulent anti-Asiatic riot in the fall of 1907 that led to the criminalization of smoking opium.

Smoking opium had been a part of British Columbia for 40 years, sold in Vancouver, Victoria, and New Westminster. And in fact, in 1885 a Supreme Court inquiry into local business concluded that it was much less harmful than alcohol. The inquiry found that the Woman's Christian Temperance Union, which was formed to combat beatings by drunken husbands, was on the right track to focus on alcohol as a more serious problem in British Columbia than smoking opium.

So this is my point about how we've come to make certain drugs legal and certain drugs illegal. It's not because of informed public debate about health consequences but because of history, politics, culture, and economics. It's about good first world drugs. There used to be a doctor clad in a lab coat and stethoscope: "More Doctors Smoke Camels Than Any Other Cigarette" was an ad in *Life* magazine. And a life expectancy table appeared on the side, demonstrating that since the twenties and the advent of the modern cigarette, life expectancy had improved. You couldn't put that

forward today as credible. So we've used a regulatory model towards tobacco—aggressive public health education, non-smokers rights and issues—and we've accomplished a great deal.

My point, then, about prohibition is this. The biggest issue there is really cannabis. It's 10 to 20 times the market of all the other illegal drugs combined. The market for heroin use and cocaine use.... Many of the countries that have innovative approaches in western Europe are finding that heroin use, with prescription and supervised consumption and so forth, is declining among young people. It's not a glamour drug any more.

So I think we have to make distinctions around drugs and have to think carefully. We've done that around alcohol and tobacco. We still have a lot of work to do around alcohol. You look at ads.... Anyway, I'm rambling.

Mr. Réal Ménard: Excuse me, I would like to know what you think about the Hells Angels.

[Translation]

That is the second question. I would also like to know the opinion of the other guests. What do you think of having a list of criminal organizations that the Crown could use?

[English]

Prof. Neil Boyd: I'll be quick on that point. If you get Supreme Court decisions that document that certain groups are organized crime groups, that may settle the matter. On the other hand, as you know, you can get into a situation where groups change over time and what was once an organized crime group may not be an organized crime group at a future date. So it's tricky.

There are many who are highly critical of the Hells Angels, who suggest that the best way to approach them is individually and not as an organized crime group. But that's a long debate for another day.

[Translation]

Mr. Réal Ménard: Mr. Gordon, what do you think?

[English]

Prof. Robert Gordon: It would indeed be a problem. The major problem, of course, is staying on top of the list of organizations. At first blush, it sounds like a very useful way of proceeding. But I think that groups will simply either change their names or drop their names altogether.

What you have to understand, too, about the drug trade in British Columbia—and this is obviously my primary focus—is that it's actually not operated by a single organization, or even by a couple of organizations, but it's operated by a lot of dispersed groups. That's why it's actually inaccurate to be referring to them as gangs. They're not actually gangs in the traditional sense. You have clusters of criminals, of organized crime groups, engaged in different aspects of the industry. Some are concerned with financing and real estate acquisition, some are concerned with cultivation and production of drugs generally, and some are concerned with distribution. They break down across ethnic and cultural lines. There is no way of actually identifying any of these groups. They don't have names.

If you noticed, the recent arrests in Vancouver involved individuals who were referred to as groups. They didn't have any specific name. One group was referred to as the Sanghera group. There's a very good reason for that, and that is that they simply don't allow themselves to be identified in that way.

So what seems to be useful may in fact turn out to be less useful than you think.

• (1000)

The Chair: Thank you.

We're going to go on to Mr. Comartin, for seven minutes.

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

And thank you for being here, witnesses.

Professor Gordon, as part of our briefing in advance of this, we were given documentation from the Province of British Columbia. In terms of task forces and an integrated fight against organized crime, or the gangs, I think you're left with the impression from these documents that with the uniform gang task force—and they make reference to another one—in fact, we don't have the silo effect here in B.C. I have to say that when I came here, I had the opposite impression, and when I got this material, I was a bit taken aback.

How accurate is this reflection that the province is moving away from silos and in fact having some kind of organized, integrated response to organized crime?

Prof. Robert Gordon: I think your original impression is the accurate one. Unfortunately, I don't see any destruction of silos; in fact, I see a burgeoning of them.

Let me give you a quick example. There is the Combined Forces Special Enforcement Unit, which is designated to deal with organized crime matters in the province. That operates at one level. You also have the integrated or uniform gang task force, which was originally set up to deal with youth gangs. That's operating at another level. You have the integrated homicide investigation team, which, among other things, investigates gang-related homicides. That's operating at another level, without, by the way, membership from three key municipal police forces: West Vancouver; Vancouver, which is the largest in the region; and Delta. And I could go on and on. Even within the RCMP itself, you will find there are different groups or teams tackling different aspects of what constitutes organized crime.

So I refute the claim that there is the level of organization that we need to effectively tackle organized crime. We need a single organization, under provincial control, that operates on a regional basis. And I will fight for that to the end.

Mr. Joe Comartin: In terms of what British Columbia is doing, can you give us some sense of what either the other provinces or the major municipalities in the other parts of the country are doing by comparison?

Prof. Robert Gordon: Let's switch to Ontario or Quebec, and there you will see higher levels of integration of services. There's a recognition that the RCMP plays a key role in providing primarily federal levels of policing, and that includes dealing with organized crime on an international basis. Then you have provincial police

services operating across the particular province with regional services such as the regional service in Montreal. That is a far more effective way of organizing a response to organized crime.

• (1005)

Mr. Joe Comartin: I have a technical point, Professor Gordon. I had the sense that you had much more extensive notes. Have you prepared those in the form of a brief that you could pass on to the committee?

Prof. Robert Gordon: I'd be happy to do that, yes.

Mr. Joe Comartin: Thank you.

Professor Boyd, on the idea of decriminalizing or even legalizing and regulating marijuana, cannabis, is there any reasonable expectation we can do that in Canada, if the United States—

Prof. Neil Boyd: You certainly can't legalize. I think that's why it's fair to say it's a problem that requires a global solution. On the other hand, we can look around the world and see many countries that have decriminalized.

There is a private member's bill. Keith Martin's bill is not very different from Bill C-17 of the previous Liberal government, which would have decriminalized the cultivation and possession of small amounts of marijuana. The idea behind that, particularly the cultivation part of it, is that you basically gave out the message that we don't want an ugly organized criminal activity in marijuana distribution; we are prepared, on the other hand, to make a distinction between marijuana use by consenting adults and the growing of marijuana for personal purposes.

So you could go down that road. I'm sure you know that in the Netherlands you have much lower rates of use among youth, and among all segments of the population, with de facto decriminalization.

Mr. Joe Comartin: Let me interrupt you. The point I'm trying to get at is that the market here in Canada is basically 80% of the cultivation, production, targeted to the United States. So even if we do the Keith Martin bill or the previous Liberal bill, we are still left with that market, and we're still going to be faced with organized crime being involved in that market.

Prof. Neil Boyd: I think that's right. I don't think there's any way around that.

I would make two points. One is that the Senate, with Pierre Claude Nolin and the report that came forward, made the point that you could have—and they did urge—very strong penalties around distribution to the United States. The point was to be practical about this. At the same time, you have to recognize that only 3% of the cannabis consumed in the United States comes from British Columbia or comes from Canada more generally. So we're not the major suppliers. The major suppliers in the United States are growers in the United States.

Having said that, yes, the solution is global. President Obama has recently called off the raids on medical marijuana facilities. I understand, in terms of what's going on now in places like San Francisco, that you've got a kind of de facto decriminalization in effect.

I wouldn't recommend to any justice minister that he or she proceed with legalization. I think that would be inappropriate. But I do think that decriminalization of small amounts for cultivation and personal possession gets the point across, whereas Bill C-15 doesn't make that distinction. I think it could. I think it could be amended to make the kinds of distinctions we would like to see, that most Canadians would like to see.

The Chair: Thank you.

We'll move on now to Mr. Rathgeber. You've got seven minutes.

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

Thank you to all the witnesses for your attendance here this morning.

Dr. Boyd, I agree with your position that importation and exportation of drugs is a global problem. Maybe you know or maybe you've read—I understand Holland, the Netherlands, is actually going in the reverse direction; they're attempting through legislative means to once again make marijuana and hashish less available. That's my question.

Prof. Neil Boyd: They are attempting to limit the amount that people can buy, and they have been doing that for about 10 to 15 years, largely because of concerns expressed by France and other European countries. But as you look around you, you see such a patchwork quilt of different approaches. In certain parts of Germany, for example, there is effectively decriminalization—you're allowed to possess, without penalty, up to a certain number of grams of the product—whereas in Bavaria, in another part of Germany, it's more of a criminal law prohibition approach. Portugal has recently moved to decriminalize. Italy has moved to decriminalize. So we see a patchwork quilt.

What I think we really need, ultimately, is to get organized crime out of the business, and I don't think we in Canada can go it alone. It's a global problem with a global solution. But certainly, the move away had more to do with resistance from some neighbours, and also with concerns that you want to have some control so that the coffee shops don't just become fronts for more and more distribution networks.

• (1010)

Mr. Brent Rathgeber: I listened to your opening remarks quite carefully and your answers to the questions from my friends on the other side. I'm curious as to your opposition to Bill C-15, and I understand a big part of it has to do with the imposition of mandatory minimum sentences. Is that correct?

Prof. Neil Boyd: That's correct.

Mr. Brent Rathgeber: So with recidivism being what it is—we see people coming before the drug court in Edmonton with 15, 20, sometimes 30 previous convictions—how do you deal with recidivism in the absence of mandatory minimum sentences?

Prof. Neil Boyd: I think what's fundamental here is deciding whether drug use represents a criminal law problem of morality or a public health issue. If we think it's a public health issue...and here's where I come back to saying let's put all the legal and illegal drugs on the same page. We have 35,000 deaths a year from tobacco. It's the most addictive drug known. There are two drugs that I would

suggest people never put in their systems—heroin and tobacco. We have to start comparing legal to illegal drugs. We have to put them on the same page. It makes no sense to do otherwise.

So I just don't believe in a criminal law enforcement model as the most productive way to go. Having said that, there are exceptions to it. I'm a bit of a cautious person. I look at examples from around the world, and I see that decriminalization of cannabis can work and not give us any increase in difficulty. I see that with heroin you can use prescriptions and other mechanisms to deal with that form of addiction. I have yet to see any effective way of dealing with crack and crystal meth outside of prohibition, so I remain committed to prohibition on those substances.

Mr. Brent Rathgeber: Okay, so let's deal with those. You and I might argue whether or not this is a health issue or a morality issue, so let's deal with the drugs that we can agree ought to be subject to prohibition. With respect to those substances, the heroin, the crystal meth, which you just identified, do you not support mandatory minimum sentences for those who traffic—

Prof. Neil Boyd: Well, again, I'm not opposed to tough penalties on crystal meth distribution, in terms of the toxic residue left behind. In fact, if you look at the courts, the courts have been making very clear distinctions between the people who are involved in the production of crystal meth and the people who are involved in the production of cannabis.

With heroin, again, I think there are better ways to resolve or to solve the problem than to use a criminal law model. These are people who are injecting the most potent painkiller on earth. For any of us who have ever had something like heroin or morphine... I broke my leg about 10 years ago and had morphine, and I couldn't wait to get off it. Anybody who would want to repeat that experience on a regular basis has my sympathy, not my contempt, and I would want to urge some form of assistance to that person rather than to label that person as a criminal.

Mr. Brent Rathgeber: Thank you.

I have only about one minute left and I want to ask a question of Ms. Miller.

I was a member of the Alberta legislature when we started seizing the vehicles of johns who were soliciting prostitutes. I'm sure you're familiar with that Alberta initiative. Has B.C. or any other jurisdiction considered going down that route?

Mrs. Michelle Miller: Not that I know of. The way they handle it right now is that we have a pre-court diversion program for men who are caught buying sex—it's largely men—where they can go through a john school. They pay \$500. They're not charged. They don't go before a judge. There's no judging by their peers. However, in Alberta, I know that it's a post-court diversion program. So until we start thinking that way and get tougher on the johns, I wouldn't even consider that.

Mr. Brent Rathgeber: Are you in favour of seizing property, specifically motor vehicles?

Mrs. Michelle Miller: Oh sure, yes.

Mr. Brent Rathgeber: It's working well in Alberta.

Mrs. Michelle Miller: I don't know if they are doing that in Alberta, but they're doing a post-court diversion program. They charge them, so there's some sort of social consequence—they're not locking them up and throwing away the key—whereas here it's a pre-court diversion program. That's the penalty that's in place right now.

Do you understand?

Mr. Brent Rathgeber: I do.

I was a member of the Alberta legislature, and I understand that the only way you can avoid having your vehicle seized is if you go through that diversion program. Is that correct?

Mrs. Michelle Miller: I'm just not familiar with that.

•(1015)

Mr. Brent Rathgeber: Okay. I'll go back to Dr. Boyd for my last 45 seconds.

We talk about deterrents. I've heard many times from many witnesses that mandatory minimum sentences allegedly do not provide deterrents. Why do criminologists define deterrents as general deterrents as opposed to the other part, which is specific deterrents?

Prof. Neil Boyd: We look at both specific and general deterrents. I think the reason we might focus on general deterrents from the point of the public or from the point of society more generally is that it's going to tell us going forward what to expect. What we're finding is that we can do this, we can spend a lot of money locking people up, and we're still going to get just as many.

Mr. Brent Rathgeber: Certainly you agree with me that mandatory minimum sentences promote specific deterrents.

Prof. Neil Boyd: Yes. Sure.

Mr. Brent Rathgeber: Thank you.

The Chair: Thank you.

We'll move on to Mr. Murphy. You have five minutes.

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

Thank you, witnesses.

This has all been very interesting. My colleague Dominic and I are from the east coast. We have a different set of problems there. We're very cognizant that on the west coast, particularly here in the Lower Mainland, you have some deepening issues.

I just want to get an understanding, perhaps from the local flavour, of how pervasive organized crime is in this area. On the beach this year, I read this book about organized crime. The story is that in B.C. you can find a home on a river, get your lawn landscaped, go to an Italian restaurant, call your date on a cell phone, and book tickets, all through businesses run by the Hells Angels, an organized crime group particularly predominant in the east end of Vancouver, according to this book. It is just a book, and I'm just a politician, but if it's that prevalent...

Recently the police were asking to have tools, through the Attorney General, to fight organized crime. We spend a lot of time talking about drugs. I know they're the currency of organized crime.

I realize that, but I don't think we've spent enough time getting the flavour of organized crime here and figuring out what can be done about it.

You mentioned CLEU. Is it time to reinstitute an investigation unit like that?

Give us some hard deliverables that we can take back to the Minister of Public Safety and the Minister of Justice and Attorney General of Canada and say what we can do nationally to get on this problem.

Professor Gordon, maybe you could start on that.

Prof. Robert Gordon: There are a number of national entities that are obviously very useful. In terms of the problem of British Columbia, you're right about the scope of it and the extent to which it has permeated most aspects of individuals' lives, because the money that is made from organized crime has to be processed in certain ways.

The Government of British Columbia has done a number of things that are useful, such as introducing civil forfeiture legislation. Even though that may be controversial, that has been a very useful tool. Still, we face this problem of a lack of organization at the law enforcement level. "Concentration" is probably a better way of describing it.

I'm a great believer that while harsher sentences are quite useful in dealing with organized crime groups, what really counts is increasing the likelihood of being caught. If you don't increase the likelihood of being caught and being successfully prosecuted, that is not what happens at the other end. It is not that process. It doesn't matter how long a person is in—

Mr. Brian Murphy: I don't mean to interrupt you, but on the time end of it and the hard deliverables, we could say "resources", and that's not a finite enough message. You have to talk about the tools, tweaking the rules on disclosure, giving the police more specific resources for drug detection programs, the radiation aspects, and so on.

What are the specific deliverables? I have only about one minute left here.

Prof. Robert Gordon: I would just advocate for a single organized crime agency that's run by the province and that cooperates with other organized crime agencies in related regions in the United States and the prairie provinces. We should focus all of our resources and activity in creating that and making sure that over the long term it's going to be able to do its job.

It requires more than four years of resourcing. It requires several years of planned operations. Organized crime has taken hold in this province in a very spectacular way. It has taken 10 or 15 years, virtually without interruption, and it's going to take as much time to break it apart.

Mr. Brian Murphy: Exactly like CLEU or better?

Prof. Robert Gordon: Not exactly like CLEU, better. CLEU had problems, one of which was infiltration. And that continues to be an issue for any organized crime agency. There's also a lot of denial around that, around the corruption dimension, but there is a significant problem with that in almost any organization of that kind.

●(1020)

Mr. Brian Murphy: Thank you.

The Chair: We'll move on to Monsieur Ménard. And I'm going to use my discretion to extend this session by five minutes so that each party still gets one more question.

Monsieur Ménard.

[*Translation*]

Mr. Réal Ménard: Thank you.

I would like to return to the list of criminal organizations. Next, I would like to talk about prostitution.

In my view, there would have to be a process. For example, if you have a judicial finding, if parliamentarians are associated with the setting up of the list... Obviously, we cannot use the Order in Council route where a minister would wake up one morning and decide that 15 groups are criminal organizations without any further validation.

I do not believe the Hells Angels will change their name. In order to be effective, they need to use a strategy of intimidation, and intimidation is part of their trademark. If ever they changed their name, then the Crown attorney would have to prosecute them anew.

These are my views. My colleagues know it, I will push hard to have this recommendation included in our report.

I would like to go back for a moment to the issue of prostitution. I sat, with Libby Davies of the NDP and Ms. Fry of the Liberal Party, on the parliamentary committee that studied this matter. I am quite in favour of a model that criminalizes johns. However, this model also has some negative aspects. We are told that even in Sweden it is extremely difficult to control johns and that this model caused people to migrate.

When the Fraser report was made public, the idea was raised to provide... There are two main types of prostitution: addiction prostitution and subsistence prostitution. In my neighbourhood, in the eastern part of Montreal, girls prostitute themselves to make a living. In an ideal world, I wish this would not exist. If we allowed prostitution out of one's home, in a controlled environment like the Fraser report recommended, would this not be better for society?

I make this recommendation realizing that we must stop prostitution by addicts that is controlled by pimps and marked by violence. Should we not be more nuanced when we talk about prostitution?

[*English*]

Mrs. Michelle Miller: Yes, I understand what you're saying about being nuanced. The bottom line is that prostitution is always violent, and there's almost always a pimp involved, at least in the beginning, who's making some of money.

I might not have gotten this across at the beginning. We're not saying we need to have absolute prohibition and that's our only goal. We also think there need to be support systems in place for women—raising minimum wage, which I realize is provincial, and increasing core funding to women's organizations. And also, addressing the demand is a huge piece.

I realize that in Sweden it didn't work perfectly. If there was a silver bullet, believe me, I would deliver it to you today, and it would be over. But we did see a dramatic decrease there, and it's still happening in organized crime and street prostitution. So in some ways, there are two kinds. One is called survival prostitution and the other is more pimp controlled. But they're both fed by the buyer. They're both fed by the same system. And both of them exploit vulnerable women. That's really the bottom line.

Other places have tried to do a kinder, gentler model, like they're doing in New Zealand and Australia, and it's just not working. In Amsterdam they're rapidly closing down their red light district. They're now down to having closed two thirds of their red light district because of the organized crime and the trafficking.

One of my colleagues there says that about 85% of the women there are not Dutch-born. Many of them are brought from poorer countries, places like Nigeria. And the women are also quite racialized in their sexuality.

[*Translation*]

Mr. Réal Ménard: Could I hear the views of Mr. Boyd on the prostitution question? You know that reporters are listening and you are part of the local elite, but I do not want to intimidate you.

[*English*]

Prof. Neil Boyd: I think it's right what Michelle said about the Netherlands, in that it was active promotion of the sex trade. On the other hand, I don't favour legalization, and I don't think most of the opponents favour legalization. I favour decriminalization. I think it's the more nuanced approach that you're describing. That's particularly true in terms of women on the downtown east side. Mr. Comartin's colleague Libby Davies has been quite instrumental in advocating decriminalization as an appropriate response in terms of saving the lives of these women.

I agree with many of the comments made, but I don't agree with the solution. I don't think that zero tolerance is going to save the lives of vulnerable women. I agree that demand is a major issue, and I also agree that it doesn't have to be something that's just going to continue forever, in perpetuity. Having said that, I don't think that a criminal law framework is productive in terms of dealing with the problems we're presented with.

●(1025)

The Chair: Thank you.

We'll move on to Mr. Weston.

Mr. Weston, you have five minutes.

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): First, I thank you, colleagues, for coming to Vancouver. If I could move a motion in the House of Commons, I would move that most of our committee hearings should be in Vancouver.

Second, to our witnesses, I salute all of you. You have a common goal of reducing gang violence and helping victims. Particularly, Ms. Young, Ms. Humphreys, and Ms. Miller, you live it, you breathed it. I salute you. You have many stories to tell that we haven't heard today.

I have three questions. I want to focus on some of the laws before the House because my time is so limited.

Ms. Miller, I'm going to come to you with a very specific, a less specific, and a more general question: one, a date rape drug that will be more serious in sentencing; two, generally the question of organized crime and how that affects the victims of human trafficking; and three, the Olympics and what that's going to mean.

The first question is on one aspect of Bill C-15 that we haven't heard much about, which is the movement of a drug called GHB from schedule 3 to schedule 1. That's the date rape drug and many drugs like it. The effect will make it a more serious penalty for people using these drugs. The primary use of it is not for an individual looking for a high, but generally to aid an attacker who can somehow subdue a victim, and it's usually a male subduing a female in that way. My question is whether that is going to help in your campaign.

Second, on organized crime, this movement to target gang violence and other serious crime, if we succeed in disrupting organized crime, will that help victims of human trafficking?

Third, you mentioned the Olympics. How is the Lower Mainland going to be more susceptible to gang violence and human trafficking in the context of the Olympics?

Mrs. Michelle Miller: First, on Rohypnol, I absolutely support that as being part of the bill. I think that will help women, because some women, girls, and boys will be less likely to be drugged and raped.

I'm sorry, what was the second question?

Mr. John Weston: On the general trend in these bills to target gang violence, if we're successful in disrupting gangs with this trend, how does that translate to helping the victims of human trafficking?

Mrs. Michelle Miller: It translates to helping the victims because there would be fewer people recruiting them and making money off their bodies. I realize we're talking a lot about drugs today, but I'm telling you that organized crime groups are moving gangs all across this province and across our borders internationally every day. They are. It's happening. And they're making tonnes of money, because you can sell a woman over and over again. You do a line of cocaine and it's gone, but a woman you can sell over and over again until she's too sick, she's too old to be sold again, or she's dead. I think that definitely interrupting this money-maker for them would be important for women and for many of my friends who have been pimped by gangs. I would love for that person not to have had any access to her and any access to networks that could move her and sell her across provinces.

Finally, with the Olympics, we've seen in other countries a rise in demand. We saw that with the World Cup in Germany and we saw that in Athens. For whatever reason, when men are away from their social networks and they're travelling anonymously and also around large sporting events, they're more likely to buy sex. We see that with the Super Bowl games in the United States as well. REED is starting a grassroots campaign called "buying sex is not a sport", where we're just raising the issue about that demand link in the trafficking chain.

[*Translation*]

Mr. John Weston: Do I have some time left, Mr. Chairman?

• (1030)

The Chair: You have one minute left.

[*English*]

Mr. John Weston: Ms. Young, you talked about citizenship, and that was a very interesting thing you brought up. I wonder if you might elaborate on that a little bit. How could we build, as part of our citizenship process—and this is something Jason Kenney has been talking a lot about in and outside the House—things that would inoculate people against being tempted into gangs?

Ms. Wai Young: I think the people who come to Canada choose to come to Canada and love it and want to be here. However, having been raised in Canada for the last 40 years and knowing the language, etc., I do not have a thorough understanding of the justice and police system myself. It has been a huge learning curve for me in the last couple of years. I've been involved in a seniors abuse case quite intimately, which I've been working on, and I've learned all kinds of very interesting and disturbing things.

So I wonder, for the 250,000 immigrants who come every year, where they will gain this knowledge, how they'll gain this access, how they'll become contributing members to our society to keep our neighbourhoods safe. That's why I was saying that many of the programs and services are not integrated; they're a patchwork, and they're not sustained in terms of core funding and everything. I would like to see a focus on that to help our newcomers gain a greater insight as to how they can know their rights and responsibilities.

Mr. John Weston: Thanks, Ms. Young, and thanks, Ms. Miller.

Mr. Robin Wroe: I just had a comment in respect of GHB.

The Chair: Hold on. We're trying to get enough questions in here, because we lost some time in the middle there.

Mr. Robin Wroe: It's apropos.

The Chair: What we're going to do is go to a two-minute question and answer from each of the parties, so there are four more. Please keep it to that two minutes, including the answer.

Mr. LeBlanc.

Hon. Dominic LeBlanc (Beauséjour, Lib.): Thanks to all of you for your presentations.

The chair has asked that we be very precise and brief. I have one question for Ms. Humphreys.

I have heard about and know a little bit about S.U.C.C.E.S.S., the organization you represent, and some of the great work they've done. I share your view that by investing in programs like yours, in terms of effectiveness both for the taxpayer and for reducing crime and some of the after effects of a criminal past, we get a lot of value.

You referred to your relationship with Service Canada. You went quickly over some numbers, which I think make a very cost-effective argument. You also said you were angry that funding was cut off or was reduced or threatened. Can you explain again your relationship with Service Canada? Is it a relationship that's productive for S.U.C. C.E.S.S., or are there things that need to be changed in terms of what the Government of Canada can do to support your organization?

Ms. Evelyn Humphreys: I just mentioned that we ran a program in Vancouver, called A Chance to Choose, in the downtown east side, and it was cut after one year. It was very successful. We did an amazing job of working with young people and working with the community in developing it. It was cut because the funding was cut in the downtown east side. I really believe that's where the funding should be, that's where the youth are who need it. We were part of the community and we worked very hard with all of the other community members to develop a program in one year. You cannot establish something in a year; however, we had the same success rate as we did in Port Moody after four years. We really showed that the young people moved forward in their lives, and that's going back to school or working.

Hon. Dominic LeBlanc: I don't want to interrupt you, but what reason was given for the cut to the funding?

Ms. Evelyn Humphreys: That there were no youth in the downtown east side who needed help. It was more in rural B.C.

The Chair: The next question is for Monsieur Ménard, for two minutes.

[Translation]

Mr. Réal Ménard: I would like to follow up on the question asked by Mr. LeBlanc. What department are we talking about, Service Canada or Health Canada? How come you have been unable to offer your services? When did that happen? Please explain the background. I want to know more because this seems rather incredible.

[English]

Ms. Evelyn Humphreys: It does seem incredible. I've been on a mission for about three months, and I've gone to every level of government and I've written letters to the minister saying we really need this in the downtown east side. We've got tremendous results. Within 15 weeks we had young people who were homeless go to work, and if you look at the cost for homelessness to work in 15 weeks, it's phenomenal.

[Translation]

Mr. Réal Ménard: Was it the federal or the provincial government that cut funding?

• (1035)

[English]

Ms. Evelyn Humphreys: It was the federal government, Service Canada.

[Translation]

Mr. Réal Ménard: Was the funding cut by the federal government or by the province?

[English]

Ms. Evelyn Humphreys: It was Service Canada.

[Translation]

Mr. Réal Ménard: So it is Service Canada and not Health Canada.

What did they tell you, in real terms, when they cut your funding? In what riding do you offer your services?

[English]

Ms. Evelyn Humphreys: We go across ridings, so it was Service Canada, the youth strategy. They cut funding. There was only a limited amount of funding, and we were one of the cuts. We were the only program running for youth under Skills Link in the downtown east side. In case you've never been to the downtown east side, I can tell you that the downtown east side severely needs this program.

[Translation]

Mr. Réal Ménard: I might bring forward a motion later asking the Committee to write a letter supporting the services you have described to us. I will not do it today because this is not what we are here for but we will follow up on this. You could leave your business card with us and we will keep in touch.

[English]

Ms. Evelyn Humphreys: I will do it. Thank you.

The Chair: All right. We're going to go to Mr. Comartin. Then we'll do two quick questions on—

Mr. Joe Comartin: Ms. Miller, I think it was in February of this year that the UN put out a major study and report on prostitution, specifically on human trafficking. One of the findings I found almost shocking was that across the globe, more than 50% of the criminal charges relating to human trafficking were actually against women, not men. Have you seen that report? Do you have any understanding of why we'd end up with that phenomenon?

I suppose the reason I'm raising it is that when I see that kind of result, I begin to think that your idea of getting tough on the johns doesn't appear to be working in the rest of the globe.

Mrs. Michelle Miller: I'm actually not familiar with the piece of the report you're speaking of, but I could make a very educated guess. Often it's one way that women are allowed to exit. If I've been recruited in when I'm 14, I've serviced thousands and thousands of men. My pimp has threatened to kill me and says, "You know what? One way you can get out of this and stop having to do this is that you can become a trafficker. You recruit me two girls, and you're out. You become an enforcer." For women, often the only route they're given out is to become a trafficker, so it's what I would attribute it to.

Mr. Joe Comartin: Okay. You may want to take a look at that study.

Ms. Humphreys, with reference to the funding from the federal government, Public Safety Canada has been spending less than it was allotted in our last budget. They have spent only about 60% of it. One of the concerns I have is the mandate they have. The agencies have to show that they will be able to prove that they have reduced crime. Is there any comment?

I'm cross-examining you here and giving you a leading question, but my sense, my observation, is that a social service agency is incapable of doing that. Do you have any comment?

Ms. Evelyn Humphreys: I think we can prove that we've reduced crime.

Mr. Joe Comartin: No, but you have to do it in advance.

Ms. Evelyn Humphreys: Oh, it has to be in advance.

We can't do it in advance, but we can look at our stats. We have four years of statistics that can prove we can, so we can now go back. We have a history and we can actually prove we can. If we were going to propose in the future, we can look at our past and we can project.

The Chair: Thank you.

We'll go to Mr. Saxton.

Mr. Andrew Saxton (North Vancouver, CPC): My question is for Mr. Boyd.

Mr. Boyd, you have indicated that you are against, or you're not in favour of, mandatory minimum sentences. Is that correct?

Prof. Neil Boyd: It's correct in the realm of drugs; it's not correct with homicide. I'm in favour of the mandatory minimums that exist with respect to first degree and second degree murder.

Mr. Andrew Saxton: Okay. Is it correct that you're not in favour of it with respect to drugs because you do not feel it is an effective deterrent?

Prof. Neil Boyd: That's only part of the picture. I'm also not in favour of treating the drug problem as a criminal law problem of morality. It's appropriate to treat drunk driving, homicide, assault, sexual assault, or any number of offences as criminal offences deserving of prohibition and deserving of penalty. If I put smoking marijuana, drinking alcohol, and smoking tobacco alongside each other, I'd say the one that's most likely to kill you, the one that's going to be the most damaging, is probably tobacco. You wouldn't want to have official powers to encourage any of those activities, but we're using a sledgehammer, the criminal law, to control a problem that might be best dealt with through other means.

Mr. Andrew Saxton: Okay. Well, neither of us is a doctor, so we don't have the expertise.

Prof. Neil Boyd: You don't turn to doctors to solve this problem; you turn to the best available evidence. You can read the best available evidence as much as I can, and you can determine what the relative odds are. If we do turn to doctors, if we do turn to the Canadian Medical Association, they'll tell you again and again that in terms of any list of dangerous drugs, cannabis ranks somewhere around caffeine. Right at the top are alcohol, cocaine, and heroin.

What I'm saying is that what we're doing isn't really rational. We shouldn't try to pretend that the drugs that are illegal are somehow morally tainted and more deserving of censure than drugs like alcohol and tobacco. I just can't support that claim. It doesn't make any sense.

•(1040)

Mr. Andrew Saxton: You do not agree that marijuana is a currency for...?

Prof. Neil Boyd: It is in some circumstances, and I agree with the minister that where it is, the law should respond accordingly. If adults are growing marijuana for their own use or using small amounts of marijuana, that ought not to be subject to criminal penalty.

Mr. Andrew Saxton: Okay, but you're making a distinction between personal use and trafficking.

Prof. Neil Boyd: Yes. As I've said earlier, globally we're not in a position to have a regulation of cannabis. It's just not a realistic possibility. I wouldn't suggest to any justice minister that legalization or any form of even regulation in the same way that we regulate alcohol be considered until there's a global kind of resolution.

There are other things we can do to respond more effectively, and some of what your government has put forward in this bill makes some sense around specific issues of harm—the booby traps, children in the house, the residue, those kinds of concerns. But the cultivation or the use of marijuana itself by adults I don't think is an appropriate framework or context in which to use the criminal law.

The Chair: Thank you.

We have one more question from the government side. Let me just follow up, if I may.

One thing that hasn't been discussed here is public safety, protecting the public in the case of drugs. Let's exclude cannabis for a moment and talk about some of the more serious drugs—heroin, crystal meth, etc. Many of the people who are selling drugs are repeat offenders. They do this time and time again. It doesn't matter that you arrest them and put them in jail; they keep on committing these crimes. It seems illogical to argue against the reality that if you take these repeat offenders out of society for longer periods of time, at least during the time of their incarceration, whether that's two years or three or five or ten years, they will not be committing those offences. The longer the period of incarceration, the more time they have to get some help for their problem.

Or am I off base?

Prof. Neil Boyd: I think so. I mean, you're not off base; I understand that this is a suggestion people often make. But I don't think it's very productive. I think it's a very expensive suggestion, and we could deal with the problem in other ways.

If you're a heroin addict and you're stealing... Look at the NAOMI project that Martin Schechter and his colleagues at UBC conducted for three years. They found significant improvement in the psychological and economic functioning of the participants when they were prescribed heroin. These weren't people who were just randomly given heroin; these were intractable addicts who had failed at methadone, who had failed at virtually every conceivable possibility. In fact, there were so many restrictions in the program that it was difficult to get people involved, but what the program revealed was that there is a different and a better way of responding to heroin addiction than using the criminal law.

The Chair: Thank you so much to all of you for appearing. Your testimony has been very helpful.

To those of you who have written submissions, please deliver them to the clerk. We'll make sure they are distributed to our members.

Again, thank you. We will suspend for five minutes.

- _____ (Pause) _____
-
- (1050)

The Chair: I'm going to start the meeting right now.

Gary Shinkaruk, are you ready to present, or will it be Al Macintyre?

Assistant Commissioner Al Macintyre (Criminal Operations Officer, Province of British Columbia, Royal Canadian Mounted Police): Good day. *Bonjour*. My name is Alistair Macintyre. I'm the officer responsible for oversight of all RCMP criminal operations in British Columbia.

Violence characterizes the nature of organized crime in British Columbia. In 2008, 40%—or 55—of the province's 138 murders were organized crime and gang related. The costs are staggering.

The prevalence of violent crime, up to and including murder, occurring as a consequence of organized criminal activity is a major public concern. The people are scared. While British Columbia homicide rates are stable, the proportion of those attributed to organized crime is increasing. There's also evidence suggesting that the number of non-fatal shootings has increased, perhaps because of the increased gangster use of body and vehicle armour.

It is estimated that there are approximately 133 organized crime groups in British Columbia. While the estimated number of groups seems to have remained stable over the past four years, the exact number of individuals involved is yet unknown and difficult to accurately predict.

Organized crime and gangs have multi-jurisdictional connections. In addition to their drug trafficking practices, which are national and international, they hire shooters from other jurisdictions, which thwarts homicide investigations.

While organized crime groups and gangs were at one time characterized by their ethnic origin, there are growing trends towards emerging polyethnic groups organized around a criminal market. Their structures are flexible, their skills diverse and sophisticated, while their knowledge about how to defeat the criminal laws is escalating. Emerging groups are also less inclined than their predecessors to blatantly display the trappings or signs of their branding, as more traditional gangs like the Hells Angels would, such as using a name, tattoos, clothing, and jewellery as identifiers. This makes prosecution under organized crime laws more difficult.

The examples of Project EPARAGON typify the gangster groups, those who import and export multi-kilograms of cocaine and other drugs and launder millions of dollars of their proceeds of crime, often at casinos. These groups import precursors, manufacture illicit drugs, then export the products to a different country. They also import cocaine from Los Angeles, then export the same drugs to Australia to maximize profit.

Organized crime is becoming more sophisticated, as seen in their use of technology, and there has been a noted trend for them to relocate production facilities to rural areas to avoid detection by law enforcement. Gangs and organized crime are showing a strong

presence in Prince George and Kelowna, as evidenced by the Hells Angels' establishing chapters in these two major centres, as well as by Red Scorpions' and Independent Soldiers' presence in Kelowna, as confirmed by a recent shooting.

Other outlying areas in British Columbia, such as Fort St. John, have also reported increases in gang-related violence, frequency, and intensity. The Lower Mainland of British Columbia has recently experienced an increase in gang violence that has previously been described as a "spike in violence", a "crisis", and a "public security threat". It has attracted considerable media attention, and there is increased public concern over the violence and the fact that the recent high-profile incidents have occurred in public places, particularly shopping mall parking lots.

The violence is not restricted to a particular community within the Lower Mainland, but has been witnessed in both Vancouver and the suburban cities. The jurisdictions in which this violence has occurred are policed by either RCMP contract detachments or stand-alone municipal departments. The overall police response is managed via the integrated gang task force or IGTF, the integrated homicide investigation team or IHIT, and the Vancouver homicide squad. Many other agencies routinely assist. The two integrated units are composed of police officers from many jurisdictions, but are led by the RCMP.

Organized crime in the Lower Mainland can best be described as a pyramid, with the street gangs at the low end and sophisticated international, multi-commodity Asian organized crime and outlaw motorcycle gangs at the apex. Typically, street gang enforcement is handled at the local level, and high-end organized crime is investigated by the Combined Forces Special Enforcement Unit, which you will hear from shortly.

The crime that has been of the greatest concern in recent days is that of the mid-band. The mid-band of organized crime is primarily focused on the drug offences and is very territorial. Gangs argue over territory, alliances are much less permanent today, and there's a fundamental lack of respect amongst these gangsters, both within their respective gangs and towards other gangs. This results from increased police enforcement and the issues of supply and demand.

There are also strong standing personal rivalries and jealousies amongst the gangsters. In recent months the Bacon brothers' gang has obtained wide news coverage. The Bacons have a family residence in Abbotsford and an apartment in Port Moody—I should say "had". Those cities, with their own police departments, have become focal points for much media attention and the public advisories to avoid the Bacons and their associates. The Bacon brothers are associated with the Red Scorpions, who are in conflict with the United Nations Gang.

•(1055)

Although mid-level gang activity used to be ethnically based, it is now multi-ethnic, with family and school ties being secondary. The number of gangs in the mid-band has increased rapidly over the past few years due to the lucrative drug trade. It has become more violent due to the easy access to new and modified firearms from Asia and the United States.

A spate of recent murders and shootings in the Lower Mainland, i. e. 10 in 10 days, really raised public concern. Many of the shootings have occurred near a freeway, allowing for easy access and egress.

The gang task force and other units generally know the players in the gangs, yet procuring the necessary evidence in determining who in the gang was the shooter tends to be very difficult. Various legislative and legal obstacles make the investigation of these crimes more difficult and onerous. Search warrant and electronic eavesdropping requirements and pretrial disclosure tactics are prominent among these. I know you've heard much about that already.

The prevalence of modified armoured vehicles and gangsters wearing bulletproof vests increases the risk to police officers. Police concern has also been raised by homicides involving innocent victims: two within the Surrey six massacre of 2007, one in Richmond, and one in Burnaby.

The integrated homicide team had its busiest year last year, recording 57 homicides in its jurisdiction. This does not include the cities of Vancouver, West Vancouver, and Delta. The next highest year was 2005, when there were 48 homicides. The homicide rate in Greater Vancouver exceeds that of Toronto and other major urban cities.

Approximately 40% of IHIT's—that's the homicide team—homicide investigation relate to organized crime. Some are high-profile gangsters in the mid-band, but many are functionaries in the drug gangs, such as crack shack reloaders and dial-a-dope runners.

In an effort to stem the growth of gang violence, the Province of British Columbia announced a host of initiatives. The initiatives include the assignment of PORF—that is, the police officers recruitment funding—obtained from the federal government to fight against organized crime; taking provincial action through increased organized crime prosecutors; and civil forfeiture and seeking action from the federal government in terms of amendments to the Criminal Code respecting gun violence, crime paraphernalia, evidentiary obstacles to prosecution, and sentencing.

The gang task force and the integrated homicide investigation team and numerous other RCMP and municipal units are working very hard to stem the violence on the streets. Many initiatives have borne fruit over the past year, including a uniformed gang squad for the Lower Mainland and increased resources. The current level of killings is unprecedented, however, and is taxing the skilled resources required to conduct these investigations.

The trend in spiking gang violence continues today. The first three months of 2009 continues to show an increase in gang violence. Homicides in the region are forecast to exceed last year's record numbers if continued at the current pace. When they are forecast, we can multiply by four to get approximately the annual projection of 52

gang murders this year in the metro area, within the 136 of the total for the province.

In the 2009 provincial statistics to the first three months of this year, 13 homicide victims were from organized crime activity; 8 were without organized crime activity; and for 13, we're still trying to figure where they fit.

Through an intelligence-gathering process, police have identified and are now targeting the groups seen as being involved in the highest level of gang violence in the region. Some successes have been seen, and more will follow.

Most of the gang violence seen today in the Lower Mainland is directly linked to the control of drug lines. Some of the examples and patterns seen are retaliation for taking over a territory or street-level drug lines in the region; continual hunting behaviour of key gang members by rival gang members. This hunting is done with well-armed and experienced gang members, some of whom travel from other areas of the country. Other factors are internal conflict arising from the lack of profit being generated through the respective lines, the inability to pay debts, or the increased tax placed on individuals controlling drug lines for the various gangs by the upper-level gang members. This tax can come from the drug supply organized crime group as well.

There are also some ethnic-driven rivalries between gangs in some pockets of the region, and marijuana grow rips or other drug rips. Some known targets have made this behaviour their only source of income. They routinely carry rip kits made up of such things as firearms; body armour; balaclavas and bear spray; knives; conducted-energy weapon devices, or tasers; duct tape; and zap straps to conduct their activity.

Another aspect is lists of named individuals—contracted violence against those who gang members identify as interfering with their criminal activities, who may be killed in the near future.

The challenge that police face is often the sheer volume of gang activity that occurs in the region at any given point in time. There have been an estimated 600 confirmed incidents of shots fired in the Lower Mainland area of British Columbia since January 1, 2006. Each of these shots-fired complaints reflect a conflict that is the cause of the incident.

•(1100)

The police have been successful in investigating some gang activity. However, success has come at the cost of a significant drain in resources and time. All the while, other gang members flourish due to their rivals being targeted by the police.

Since 1995, well over 150 investigations have been identified that have involved a wide range of offences committed by organized criminal entities and/or gang members. These investigations have targeted, arrested, and charged members and associates of the Hells Angels, the United Nations Gang, the Red Scorpions, and the Independent Soldiers, as well as Asian, Indo-Canadian, Middle Eastern, Eastern European, Hispanic, and independent organized crime groups. Many have resulted in significant seizures of illegal commodities, specifically marijuana, cocaine, illicit synthetic drugs and the chemical precursors used to manufacture them, heroin, and firearms. In addition, several investigations have resulted in the seizure and restraint of cash and other monetary instruments, real property, or other articles deemed to have been derived from the proceeds of crime.

A comprehensive review of over 50 of those investigations resulted in identification of 153 persons who have successfully been prosecuted and convicted in British Columbia. An additional 120 persons are awaiting an upcoming trial, or indicted, convicted in foreign jurisdictions, primarily the U.S.A.

The integrated gang task force, the Combined Forces Special Enforcement Unit, the integrated homicide investigation team, and other numerous RCMP and municipal police units continue to work hard to stem the violence in the street. This collaborative and inclusive partnership will continue to result in investigative successes. Police anticipate a decrease in the levels of violence only after sustained pressure by law enforcement, prosecutor services, the judicial system, and community support. A failure of any one component will result in a collapse of the entire effort.

Thank you.

•(1105)

The Chair: Thank you.

Before we continue, could I ask which of you is actually presenting? Is each one of you presenting?

All right. Just remember, we have five minutes apiece. If we go over that, there'll be no time for questions. I'll think you'll find that the truly rewarding aspect of this is when we have a dialogue back and forth.

So please try to keep within the five minutes. If you can, focus in on what you're suggesting are some of the strategies that we, the federal government, could employ to actually address some of these challenges that we face.

Mr. Kiloh.

Superintendent Doug Kiloh (Chief Officer, Combined Forces Special Enforcement Unit, Royal Canadian Mounted Police): Thank you, Mr. Chair and everyone here, and a special thanks to Dona. We have a long and very important history that brings us here today.

My name is Doug Kiloh. I have over 30 years of experience in policing, and I'm presently in charge of the Combined Forces Special Enforcement Unit for British Columbia. There are some reinforcing themes here, but I'll try to pick up speed on them, Mr. Chair.

Law enforcement in British Columbia has responded to the increased violence exhibited by street and mid-level gangs, as well as continuing to investigate more complex organized crime targets in the province of British Columbia. As was said, we have over 130 criminal groups in various stages of development and activity. Over the last few years, the adaptation by and violence of some of those groups has required equally adaptive law and policing tactics.

For public safety, our adaptations have included the development of a uniform gang task force, which is right in their face, on the street, finding them where they're at, as well as focusing the larger investigative teams on the worst public safety threat we see. For example, I'm sure you'll hear of the following investigations from the panel in Vancouver: Projects Rebellion, EPARAGON, EPESETA, and EPACEMAN. They are some of the large investigations that have had a significant impact on gangs and organized crime.

Intelligence gathering and enforcement actions continue to target several high-ranking Middle Eastern, independent, outlaw motorcycle gang, and Asian organized crime groups and their associates. They're obviously involved in a myriad of offences—murder and numerous acts of violence—largely committed by lower-level associates and drawn in by the higher level, embroiled in retaliation for drug rips, as has been stated. But there are also relationship issues within these organizations that cause this violence and them to fall apart.

All have access to firearms and routinely utilize body armour or armoured vehicles and may have access to, or are involved in the trafficking of, weapons. Many of the shootings, assaults, kidnappings, and extortions are carried out overtly without regard to public safety, which has probably driven us here today.

Fraud, international smuggling of monetary instruments, and money laundering is well in excess of \$100 million out of this province. Importation, exportation, production, manufacturing, and distribution of synthetic and other drugs fuel this activity... [Inaudible—Editor]...to make it viable. They are also involved in international smuggling of people, and I believe you heard from some of the panellists earlier that the production of extremely non-genuine supporting documents is also prevalent.

Structurally in British Columbia, we're linking municipal, provincial, and federal resources through the integrated teams. For example, the Combined Forces Special Enforcement Unit, the integrated gang task force, the outlaw motorcycle gang unit, and a new firearms unit being developed out of the core funding that was spoken of earlier are all coming together and having closer ties, so we can have specific, pointed investigations where we can get the best bang for our dollar.

CFSEU will have all the police agencies in British Columbia involved in its governance, direction, and actions to combat the spectrum of organized criminal activity. These units have a footprint across the province. I'll mention again that we'll be opening two CFSEU offices, one in Kelowna and one in Prince George, because of the issues in the northern and central parts of the province. We already have one in Victoria. This won't take away from other local, provincial, or federal responsibilities, but will ensure that the complete spectrum of criminal activity is subject to a coordinated enforcement body focused on the specific threats. And I think that's a key component. We can't leave one area and focus on another. In other words, we can't focus on just one specific area; we have to focus on the complete spectrum.

We have clear designs on continuing our enforcement focus in that way to increase public safety by targeting the violent groups at the earliest opportunity through predictive intelligence models and utilizing both covert and overt tactics. We must continue to support local, provincial, and national direction to disrupt and dismantle the organizations, from the street level to high-end sophisticated groups. Again, to reinforce this point, if we stop enforcing laws on one part of the spectrum, it allows the activity to flourish.

We're continuing the local, provincial, federal, and international law enforcement efforts through our intelligence and our intelligence sharing. It's better than it has ever been. Is it perfect? No. Do we have a long way to go? Yes. We have to increase the analysis both at the local police department or detachment level as well as throughout all of the specialty units and develop better protocols and quicker sharing in that regard so that the intelligence can be utilized.

•(1110)

We have to develop anti-gang initiatives to prevent youth from joining, and provide options to those who want to leave the gang lifestyle. I think there's a real shortfall in Canada at this point, for us to do that—certainly in our area.

We have to continue to educate not only law enforcement and the young law enforcement officers coming in, but the public and you as politicians, about the insidious nature of organized crime and how much of a grip it really does have on our society and the violence that spins out of that. We have to have more empirical research—and it's very limited here—in the areas of organized crime and gang activity. We have to continue to support the modernization of the Criminal Code, lawful access changes, and change in evidentiary rules to allow us to do that. There are huge bureaucratic slowdowns for us to actually do our job.

Thank you.

The Chair: Thank you so much. Who will be next?

Mr. Shinkaruk, please.

Inspector Gary Shinkaruk (Officer in Charge, Outlaw Motorcycle Gang Enforcement, Royal Canadian Mounted Police): Thank you. My name is Gary Shinkaruk. I'm an inspector with the RCMP. I'm in charge of the provincial Outlaw Motorcycle Gang Enforcement Unit.

The OMGs have been present here in British Columbia for about 30 years. There are eight different outlaw motorcycle gangs, but without doubt the Hells Angels is the number one gang in this

province. They're recognized internationally and nationally as the flagship way to run a criminal organization. They have worked hard and been very successful in the last few decades at being accepted by society. In many instances, they are revered and even romanticized. There seems to be an underlying theme that they're not that bad guys and that if you don't get in their way then you won't have any problems.

The reality is that they're an extremely sophisticated modern criminal organization that is extremely violent. They will partake in any criminal activity they can profit from, but without doubt, the bread and butter of the outlaw motorcycle gangs is the drug trade and the international drug trade. The death head patch provides them a criminal gold card anywhere in the world that they can take advantage of as individuals—they're recognized by any crime group as having credibility.

They're very alive to police techniques. They spend a lot of time keeping up on our techniques, and they're very successful at keeping ahead of the curve, causing us a lot of problems in our investigations that try to combat their new ways of doing business. They've copyrighted their death head patch and protect the death head patch with absolute vigour, both legally and illegally. They don't profit from the patch like any normal company would, but they profit by it through the credibility it gives to criminal abilities in the international community.

They work with all other crime groups—locally, nationally, and internationally—in order to achieve their goals. In today's world, you have to do that. You can't be exclusive to just your crime group. They're instantly recognized everywhere by their patch, and that provides a great ability for them to prevent witnesses and victims from coming forward and testifying, which again is a big obstacle. They have extremely well-run rules. In order to become a member, it takes roughly seven years of very tough scrutiny. Most organizations would be very proud of the way they run their business. They have weekly, monthly, and yearly national and international meetings, and they ensure that every one runs smoothly.

In the criminal world, violence is an absolute must. If you don't have the ability to be violent or be seen as violent, you are not going to survive. What we see in British Columbia with the spikes in violence is the result of a lot of these groups trying to gain some ground in the criminal world. That's the way they're going to do it. They're going to use violence. The Hells Angels aren't seen as part of this, often because they don't need to resort to it. By just showing up with a death head patch, people know they mean business criminally. They're very effective at staying out of the public limelight right now, but they're certainly enjoying the fact that the police have to put so many resources on these other public safety issues.

An investigation we did into the Hells Angels through the court process started in 2003. We ran it operationally for about two years. It cost us over \$10 million a year to run the operation. Since the takedown, which was in 2005, it still costs us several million dollars a year. We are in court literally every day, and I imagine we will continue to be in court daily for the next two years. From start to finish, that will be about an eight-year operation.

• (1115)

As to where we need to go and things we've done—I think that was the question you said you'd like us to focus on—some good things have come forward. Certainly, subsection 25(1) of the Criminal Code—our ability by police to use exemptions—has been very good for us and very successful. We used it in our investigation very well. We used it 72 times. I know that's something that gets reviewed and has close scrutiny put on it, and rightfully so. I would encourage people to continue allowing the police to use that and keep the due diligence over it.

Mr. Joe Comartin: I'm sorry, but perhaps you could tell us what section 25 is, because most of the committee—

Insp Gary Shinkaruk: I'm sorry about that.

What that allows the police to do is to be exempt from prosecution in certain instances. So if we wish to partake in infiltrating a criminal gang and we have to, say, for instance, break into a car to place a bug or a device in it, it gives us the ability to do that without being prosecuted. There's a stringent way of doing it. For other things, if we're going for high-level drug dealers, there's an ability for us to perhaps middle drugs in order to get the evidence we require to bring down high-level drug dealers.

It's very closely guarded by all police forces, and certainly by the RCMP, through Ottawa. You have to justify everything you do. We had it 72 times. There were probably as many times that we weren't allowed to do it, and I think that's very good.

As big as the challenge is of catching organized crime groups for the police—and I don't envisage that ever changing in the future—equal or probably greater is pushing it through the court system. A two-year investigation will probably end up being five years to seven years in court, and that is in court every day.

The Chair: Inspector Shinkaruk, you're at the end of the time. Could you wrap up?

Insp Gary Shinkaruk: Sure. I was only going to say two other things.

I think that part 6 of the legislation, which is on the wiretap, has to be looked at. There are some very easy things I think we can do that would make that a lot better process.

On section 467, which is on criminal organization, I think that has to be revisited to be modernized a little bit more.

Thank you very much for your time.

• (1120)

The Chair: Thank you.

We'll move on to Superintendent Fraser MacRae.

Chief Superintendent Fraser MacRae (Officer in Charge, Surrey Detachment, Royal Canadian Mounted Police): Thank you, Mr. Chairman.

My name is Fraser MacRae. I'm a police officer and a member of the Royal Canadian Mounted Police for over 32 years. Currently I'm the officer in charge at the Surrey RCMP detachment.

I acknowledge and recognize two MPs here from the city of Surrey, Ms. Grewal and Ms. Cadman.

I will be brief. As a chief of police for a city of half a million people, I'd like to talk about some of the downstream impacts of organized crime in our community.

While organized crime groups are becoming more diversified in their criminal activities, it is clear that their primary source of income and power comes from trafficking in illicit drugs. In British Columbia, cannabis has been the currency of organized crime. The production and cultivation of cannabis is occurring throughout the province in small and large communities and in urban and rural areas. This cannabis is primarily cultivated for export into the United States, where it is converted into cash, firearms, and/or cocaine, and imported back to Canada and the province.

Once the cocaine and firearms arrive in the country, it sets up the dynamic and atmosphere of violence and misery. The street drug of choice is crack cocaine. This cocaine is accessed primarily in three ways. There is the hand-to-hand drug transaction on the street, or the street buy. There is the dial-a-dope operation, where addicts access dealers—known and unknown to them—through cellphones, and the dealers attend with the product. Then there are the crack shack operations, where addicts attend to the latest location where crack cocaine is being held and sold.

There is a significant amount of money that can be made at this level of organization through these operations. For example, some dial-a-dope operations can realize \$5,000 a day. These large profits and potential incomes result in significant competition for these drug lines, whether they be for the reloads for the crack shacks or the dial-a-dope line or the turf itself.

We have seen over the past several months that this competition is aggressive, often supported by firearms. Some statistics from 2008 will help to illustrate this situation.

In 2008, 33 people were shot in the city of Surrey, ten of them fatally. Surrey RCMP responded to 98 incidents of confirmed shots fired. This represents a 20% increase in shots-fired incidents over 2007.

In 2008, Surrey RCMP seized 222 shotguns and rifles, and another 120 handguns, for a total of 324 firearms that were seized by police.

I previously referenced the dynamics of violence and misery. The statistical information I've provided regarding firearms speaks to the violence. The misery resides with those who are addicted to the cocaine, many of them street-level addicts. They can be seen in any city in Canada.

Most of these addicts will do anything to get their drug, whether it be begging, prostitution, thefts, break and enters, robbery, and sometimes murder. Most are in constant crime mode, moving from one crime to another to get enough money for their next drug purchase. It is these persons who most impact on society's feelings of safety and are responsible for the vast majority of property crime that occurs.

As the committee well knows, this is a very complex subject, one without an easy answer, quick fix, or a single-facet solution. I offer the following as suggestion for attention. This is a dynamic that goes beyond those involved in high-level international organized crime and, in my view, requires strategies in the following areas.

Certainly there is a need to address issues that present impediments to police as they investigate sophisticated organized crime groups. Disclosure and lawful access are two examples of this. Not only will this provide police with opportunities to successfully impact these organizations, but there will be a net effect in the freeing up of police resources that can be otherwise applied.

For all those who are involved in enterprise crime, or crime for profit, especially when that criminal endeavour is premised upon drug trafficking, there needs to be significant custodial consequence upon conviction. Not only will this more appropriately balance the risk versus reward equation, it has potential to interrupt the continuing involvement of lower levels of criminal organizations.

It is commonplace for those who are involved as either shooters and/or victims in these firearms incidents to have had considerable police and criminal justice history. If these criminals are removed from the scene earlier and for non-violent offences, then this inevitable path of violence and competition is interrupted.

In my opinion, there needs to be significant consequence for someone who is in possession of firearms. There should be a reverse onus on those charged with simple possession of a firearm that they are not involved in criminal activity.

- (1125)

There's a requirement for the criminal justice system to better respond to the issues surrounding those who commit crimes because of addiction, especially for those offenders who are prolific and who have a long history of criminal conviction. This would require the cooperation of provincial and municipal governments. It would include a mandated program of detoxification, rehabilitation, and forward planning for the subject. For those who have demonstrated an unwillingness, through action and record, to avail themselves of these opportunities, there needs to be a consequence of substantial custodial sentence that will both provide opportunity for rehabilitation and training and protect the Canadian public from these individuals' criminal activity.

Finally, there's a need to develop education and prevention strategies that are directed at youth, both in the area of drug use and in gang awareness and avoidance. Without this piece of the strategy, there will continue to be persons destined for the type of overpowering addiction that drives the majority of crime, and there will continue to be the market that is in place for those who would prey upon the addicted.

I would like to thank the committee for inviting me here today.

Thank you.

The Chair: Thank you.

Inspector Stewart.

Inspector Bob Stewart (Inspector in Charge, Criminal Intelligence Section, Vancouver Police Department): Thank you.

I'm Bob Stewart. I've been with the Vancouver Police Department for the last 32 years. I'm presently in charge of our criminal intelligence section.

The VPD, through its own efforts and those of the provincial criminal intelligence network, has identified a number of organized gangs and crime groups operating within the region, including the city of Vancouver. Many of these groups have recently become high profile in the media and, due to the level of violence they are currently demonstrating on our streets, present a threat to the safety of our communities.

The financial rewards associated with the prolific illegal drug trade are currently the catalyst for the formation of these organized crime groups. The subsequent violence is typically the result of drug turf wars, drug rip-offs, and unpaid drug debts. However, many of these individuals are involved in other aspects of criminal activity. These activities include, but are not limited to, gun smuggling, extortion, robbery, credit card fraud, identity theft, mortgage fraud, money laundering, counterfeit goods, and vehicle crimes such as VIN-swapping.

Some groups have demonstrated a high level of sophistication with the use of encrypted communication technology to develop and maintain their criminal networks and to transmit information nationally and internationally. As this activity continues to proceed unchecked, the groups become more organized and entrenched, presenting an even bigger challenge to law enforcement.

In support of enforcement efforts to dismantle, disarm, and deter these groups from their criminal and violent activity, the VPD has seconded officers to many of the integrated police units you've heard about today.

In fulfilling our local mandate to provide safety for the citizens of Vancouver, being funded mainly at the municipal level, the VPD focuses its organized crime enforcement efforts on those individuals or groups that have demonstrated the highest propensity for violence and pose a serious drain on our local policing resources due to their violent street-level activity.

The VPD is committed to investigating all aspects of group criminality. To this end, we endeavour to use creative enforcement techniques and all the tools provided by the Criminal Code and other statutes to sustain enforcement actions on key members of organizations to stem the wave of violence and create instability within the groups.

As a result of a recent project that targeted one of the most violent crime groups operating in Vancouver, the VPD has laid more than 175 charges against 25 people. In addition to offences related to drug enforcement, the charges resulted from incidents ranging from causing a disturbance to violence, assaults, and murder. Of the charges, 75% were directly related to weapons offences and resulted in the seizure of 25 to 30 firearms. A direct positive impact on public safety as a result of this project is the significant decline in shootings over the last six months in the southeast area of Vancouver, where the group carried out its criminal enterprise.

A practice that has proven to work well with criminal gang prosecutions is access to the regional gang prosecutor. Although the potential of this highly effective close working relationship with crown counsel has yet to be fully appreciated in relation to gang crime, the investigative and prosecutorial efficiencies realized by the assignment of a dedicated prosecutor cannot be overstated. Investigations tend to remain focused, while appropriate charges are laid and warrants are executed in a timely manner.

Police and crown counsel, both federal and provincial, need to be encouraged to continue to develop strategies to increase their joint effectiveness. Furthermore, federal and provincial prosecutors need to continue to develop working relationships that aim to address jurisdictional issues and consolidate prosecutions so that judges at trial can fully appreciate an offender's scope of criminality and the subsequent negative effect of that activity on the overall community.

In addition, employing a dedicated prosecutor who is completely familiar with a particular file facilitates an appropriate and compelling disclosure of information at bail hearings. This should be considered as a best practice, so that violent individual offenders of a crime group may be arrested and charged in a timely fashion and held in custody at bail without potentially revealing information that may jeopardize an ongoing larger investigation.

Persons who are in a heightened state of violent criminal activity need to be arrested, charged, incarcerated, and then held in custody in order to provide a sense of relief to the community and increase public safety. An example of this successful model as it relates to property crime is the Vancouver Police Department's chronic offender program and the identity theft task force. Dedicated provincial crown prosecutors come on board early in the investigative stage and help set an efficient agenda and direction to bring the file to an early conclusion. In the course of the charge approval process, the same prosecutor consolidates charges on the accused from throughout the region and then presents at the bail hearing and sentencing. We have realized detention orders and guilty pleas in over 90% of the cases as a result, and the community gets a break from the negative impact of a prolific property offender.

● (1130)

I have one last point. There's another area of the criminal justice system that I believe requires some further review, and that's parole. One could argue that the public would agree in many cases that sentences handed down by the courts are deemed appropriate. But what is often of greater concern is the application of the parole process. Offenders may serve only one sixth to one third of their sentence time in an institution, while the remainder of their sentence is served in the community.

This may not be the right forum to discuss parole. I appreciate that the issue is very complex. However, one could argue that as a result of the parole policy, there is not significant enough deterrence to the commission of crime.

Thank you.

The Chair: Thank you.

Inspector Desmarais, please.

Inspector Brad Desmarais (Inspector in Charge, Gangs and Drugs Section, Vancouver Police Department): Thank you.

My name is Brad Desmarais. I've been a police officer for over 30 years. I'm currently the inspector in charge of the gangs and drugs unit in the Vancouver Police Department.

I'm going to talk a little bit about the business of organized crime. I'm going to raise the bar a little bit in terms of the more sophisticated levels of organized crime that we're seeing. I'm going to build on the comments of Inspector Shinkaruk in terms of how organized crime deals with issues above street level.

Organized crimes, like most crimes, are commerce-oriented. Except for crimes of passion and a few other categories of offences, most people commit crimes to accrue a benefit. Organizations that commit crimes or have others commit crimes on their behest generally do so to satisfy a profit motive.

Like legitimate business, criminals in criminal organizations, whether they know it or not, conduct a risk-benefit analysis prior to committing an offence. They balance risk against profit. For the most part, this concept is consistent, whether an individual is casing a house to commit break and enter or whether it's the highly organized group considering a complex criminal enterprise. Generally, it's all about the money.

Arguably, the illicit drug trade is a major driving force behind the North American criminal economy. However, significant profit lines exist in other areas of criminal activity as well.

I've been a police officer for over 30 years. I have been investigating organized crime money laundering for the bulk of the last 15 years. During that time, there has been, in my view, a dramatic shift in how sophisticated organized crime groups do business. Like many successful legitimate businesses, those persons managing or advising organized crime groups have learned the value of diversification.

Diversification of criminal business lines is often the key to the longevity and profitability of a criminal organization. Their reliance on outside subject matter experts in the areas of law, accounting, financial planning, and the like also contributes to a healthy and robust criminal organization.

Criminals whose historic area of criminal expertise is drug trafficking are now exploring and engaging in other areas of criminal enterprise as a means of spreading risk and exploiting profitability. Fraud, extortion, counterfeiting, pimping, human trafficking, theft, and dozens of other offences comprise a plethora of opportunities to turn a criminal profit. Even a relatively crude fraud can reap massive rewards. In my experience, these crimes are often being run simultaneously with drug trafficking enterprises rather than being excluded.

The fallacy that drugs are the sole drivers of organized crime and, as some would have you believe, that the removal of drugs from the criminal economy would bring an end to organized crime and all that goes with it is naive in the extreme. Organized and individual criminal activity committed for profit will remain.

As I mentioned earlier, the primary motivator for committing most criminal offences is to create a benefit, pure and simple. The thugs and traffickers of today are not simply going to go away if one or another criminal business line is removed.

Similarly, violence will always be a fixture in the business of organized crime, regardless of crime type. The courts and other means of legitimately settling disputes are not typically available to criminals. Mediation does occur between groups, but when that fails, violence is often used to settle disputes, decrease liability, or eliminate competition. In most cases, the application of violence against competitors or persons who hold some liability to the organization is done discreetly and away from the public eye. Often the target of the violence simply disappears.

Violence is a way of life in much of the criminal world. There is no argument, however, that the most egregious violence is attributed to street and mid-level traffickers who are defending their drug lines from competition or takeovers. Crime is a source of untaxed, easy money, and not something that criminals will voluntarily walk away from.

In short, we need ways to address root causes and substantially improve the ability of the state to attack the profit motive through criminal asset removal.

The courts also need the ability to impose significant penalties resulting from provable offences against persons who provide services that enable criminal acts. In the Lower Mainland, we are reacting to what has accurately been described by our chief constable as a brutal gang war. We are directing a massive amount of resources toward dealing with this immediate threat to public safety. I think we're winning.

There's no question that the deployment of these resources is appropriate. It is what the public expects of us. Nothing less will do. What we can't be blind to, however, is the absolute certainty that organized crime and the human misery that accompanies it will remain long after the current regional gang violence abates. We need

to look to the future and try to get ahead of the curve in countering criminal threats before they become egregious public safety issues.

● (1135)

We need to have better tools to undertake complex criminal investigations. Enhanced or new legislation in a variety of areas is an important part of the solution. No doubt you have heard of police frustrations in dealing with lawful access to information disclosure and the like. There are other areas of the law that should also undergo significant revision. The Canada Evidence Act, for instance, has not undergone a substantial major revision since 1923, despite changes in information technology, banking and business practices, international conventions, mutual legal assistance treaties, and so on. That is just one example; there are numerous other examples.

We were relieved to see that civil forfeiture legislation survived a constitutional challenge in the Supreme Court of Canada a few weeks ago. Quite frankly, utilizing the civil process to remove criminal assets has been a wild success, at least in British Columbia. Exploring other forms of civil law is something that should be considered as a means of disrupting organized crime.

We also need to work on improving the viability of proceeds of crime law. These are complex investigations that are typically onerous and lengthy to undertake, and they then take years to wind their way through the court.

Finally, the most important part of countering present and future threats from organized crime is to continue support of law enforcement by government at all levels, even when the current spate of violence is over. Sophisticated organized crime groups will continue to operate. The damage they wreak is not measured in body counts; it's far more subtle.

Thank you.

The Chair: Thank you.

We'll move on to Sergeant Wallis.

Sergeant Roland Wallis (Court Certified Drug Expert and Clandestine Lab Instructor, General Duty Police Officer and Senior Patrol Non-Commissioned Officer, Royal Canadian Mounted Police): My name is Roland Wallis. I'm with the RCMP and presently stationed in the Surrey detachment. Fraser is my boss. I have to be careful what I say—not really.

I have approximately 20 years of experience as a police officer. Prior to that, I had my own plumbing and heating business and I received a plumbing gas certificate for British Columbia as well as a plumbing ticket. The reason I say that is because it has helped me in my career as a police officer to provide expert evidence in court on marijuana growers as well as tented meth labs.

I spent some time in the GI section, the plain clothes section. I went over to the drug section for approximately a year and a half in Mission. In 1996 I was exposed to one of Canada's largest mobile meth labs, with my partner. We were out in the bush at the far end of Mission and we didn't quite know what we had at the time and what we were even exposed to. It was all new to us. I think this was the start of these meth labs coming to our area.

As a result of that, and having our police officers not knowing what went on, I took it upon myself to go and get as much education, as a general duty police officer, on marijuana labs and meth labs as I could. I have taken quite a few courses all through North America, while working as a street police officer, to learn about these types of meth labs and their dangers.

I have attended approximately 35 meth labs in my career and well over 300 marijuana labs. In some cases the people are not aware of the dangers that even a marijuana lab can have. The reason I say that is, as a gas fitter, I've attended a marijuana lab where rubber hoses were used to connect to a gas line in the house to run a CO₂ generator, which provides CO₂ to the marijuana plants. There's a chemical in the gas that eats rubber and it could dissolve over a period of time, and that's where we get our explosions from.

So this is just a marijuana lab.

As police officers we get exposed to the pesticides and the herbicides in these marijuana grow ops. I attended one where this person tied into the main gas line on the street and had 40 pounds of gas blowing 500 feet away from the road into a huge generator. It was like a 747 jet going on. That's a lot of gas to be exposed to.

I have attended, as I've stated, several meth labs and MDMA labs. All these types of chemicals that are used there—the solvents, ether, that type of chemical, sulphuric acid—are extremely explosive. An example of that is in the paper. A house or apartment in east Vancouver was blown out, and this is the cause of some of these labs that I have attended.

These people have absolutely no regard for any safety when they conduct their business with manufacturing or producing these drugs. It's all about money and who's going to be on the top. We try as best we can as police officers. We do have some other agencies that do help us. Sometimes I think it would be nice to have Revenue Canada sitting right next door to us in some of these places to knock on the door right after we're done and really take a close look at where all this money is coming from from these people.

It's all related to gangs as well. They all want to be on the top and have their turf and their areas and produce the most money. I think these drug labs are one of the areas where most of the money for even our motorcycle gangs and our other street gangs is coming from.

I'd like to see a change in our judicial system with search warrants. If they could make it so that we could make it an exigent circumstance to enter any one of these meth labs and marijuana labs...because public safety is a first concern for us as well as our members. We need to take these labs down. In a lot of cases, I know our members know where some of these places are, but we don't have quite enough evidence to go and take some of these down. We could, based on our expertise and some of the information that we do have, under an exigent circumstance, enter into any one of these labs and at least take them down and deal with the aftermath later.

• (1140)

It's also expensive for these chemicals to be destroyed. It costs thousands and thousands of dollars. This truck in Mission at the time cost \$32,000 to be destroyed, and that's quite a bit of money.

Just to sum up, once again our public safety is the major concern. A prime example is what happened last night in east Vancouver. Thank you.

The Chair: Thank you, Sergeant.

Finally, we have Dr. Matt Logan.

Dr. Matt Logan (Retired Royal Canadian Mounted Police Operational Psychologist, Behavioural Science Group in Major Crime, As an Individual): Thank you.

Matt Logan. I've been a member of the RCMP for twenty-eight and a half years, and I'm happily retired. For the last six years, I've been the operational psychologist in major crime.

I just want to say, to wrap this up, that my take on it is certainly in keeping with everything you've heard, but I want to go one step further and talk a little bit about the makeup of the individuals in the gangs.

First of all, what we have in gang membership is a combination of anti-social personality disorders and psychopathy. Now, psychopathy is a much more constricted group, probably 15% to 20% of offender population, whereas anti-social personality is about 85% of offender population.

What we're saying here is that the psychopaths have no conscience. They could care less who is hurt by any action they take. Their entire life is need gratification. I believe that the courts should actually look at these people at sentencing, with that psychological perspective, understanding that rehabilitation is probably not likely to happen with that particular group. Also, with the anti-social personality disorder, not as a means of...this is an excuse for what this person is doing, but to say that this person is not likely to be rehabilitated, and the sentencing should follow.

The most important thing I want to say today is in keeping with my belief about fishing upstream. We have an opportunity and a mandate to protect society and certainly to protect our children. One of the things that I think we really need to be aware of is that we're pouring a lot of money into the salmon that's belly-up in the federal system.

We need to start early. We could start at age four. The diagnosis of conduct disorder and oppositional defiance disorder can be made at four. Certainly by the third grade of elementary school, there is an opportunity to really take a look at which of our children are going to be life-course persistent offenders and which are going to be merely adolescent-limited offenders.

Probably one of the largest bodies of research on the child studies that have gone on over 40 years, longitudinal studies...the main two areas being Pittsburgh and Dunedin. This vast amount of research is telling us that about 5% to 6% of our criminals have been that way since childhood. We have another approximately 43% of criminals who are adolescent-limited. They are pulled over to the anti-social side between the ages of 12 and 21.

Now, one thing the research doesn't talk a lot about—and I think we really need to stress the importance of it—is that the 5% to 6% of life-course, persistent offenders—people who will continue right through their lifetime—are also influencers over a very susceptible group of adolescent-limited offenders. By paying more attention to the 5% to 6%, we not only look at those who are committing over 50% of violent crimes, but we also look at the influence they have over our pro-social children during certain ages.

Another thing we have to be aware of is that the influence process is most apparent in the early ages. So by grades seven and eight, these children need to have better role models. Now, some of the role models they're getting, unfortunately, are the people my colleagues are talking about.

What we have to do, even to the media, is call these people what they are, not have them referred to as heroes, people who should be emulated. As we move together in a multi-agency approach, with the police being involved with other agencies, we need to really focus on what we can do to build on the needs and strengths of our children and to fish upstream to prevent a catastrophe from happening.

Thank you.

• (1145)

The Chair: Thank you so much.

Well, we've heard a lot from you, so we're going to open up the floor to questions. Could I suggest that we go with five-minute questions so more of us have a chance to ask questions?

Mr. Dosanjh, you have five minutes.

Hon. Ujjal Dosanjh: Thank you.

We have covered a whole host of issues, obviously, from rehabilitative approaches to easier access to labs, as well as sentencing, evidentiary roles, lawful access, disclosure, and parole, to name a few. I've also heard the words "teams", "task forces", and "regional problem".

It's obviously not something that you can do, but here's a question. You're the experts, and the question is about regional policing. I know you're not to give political answers or deal with political issues, but it is a policing issue. I would ask all of you to tell me whether or not you agree that a regional police force, at least in the Greater Vancouver area—or GVRD, or metro, or whatever name you currently use—is an appropriate instrument, in addition to all the other things you're seeking.

You have the IHIT, you have the firearms unit, you have the integrated gang task force, and you have the combined forces special enforcement unit. Then you have the outlaw motorcycle gang unit and the regional gang prosecutor. You already have the infra-

structure, yet you don't have the overall umbrella that deals with all of these issues in an integrated fashion.

I'd like to ask you to express your opinions, if you can do so, today.

Thank you.

• (1150)

A/Commr Al MacIntyre: With the exception of IHIT, which has a separate funding model and was created for a different reason, all the units you just spoke of, which include some 350 organized crime investigators, are in fact under one manager, together with a board of governance reflecting all police departments. This will be in effect very quickly here, on June 1. That is the model for organized crime.

Things like emergency response teams are already integrated and serving a very wide area across the metro area, so in fact we have a regional policing model.

We've heard from the communities we police—from the mayors of Burnaby, Langley, and Surrey, to name just a few—that the model of policing locally but doing the expensive and complicated stuff on a regional basis is the model for them, so we've tailored our service in that way.

The Chair: Go ahead, Inspector Stewart.

Insp Bob Stewart: That's a very delicate subject in the policing world. Notwithstanding the officers here today, my personal opinion and the opinion of my department is that we support a regional police force, but it's not because of a lack of effort, a lack of desire, or a lack of professionalism among the officers throughout the region. It's more from a perspective that.... I suppose the best way to sum it up is to say that if you were to fly in tomorrow and had to create a police force for this region, how would it look? You'd have to define some boundaries, of course, for the region, but it would look like one force under one police board. It would be locally managed and locally directed, and resources could be shared in a timely fashion across the region.

To debate that subject would probably take many hours and many opinions, because there are a lot of pros and cons to it, but in a simple sense, I support it personally and our department supports it. I think it makes for a better policing model for sharing information and for deploying resources rapidly and flexibly throughout the region when issues come up. From that perspective, I'd certainly support it.

The Chair: Go ahead, Superintendent MacRae.

C/Supt Fraser MacRae: As my colleague from Vancouver has indicated, it's a very delicate subject, and one for which I don't think there's a right or wrong answer. There are pros for it and cons for it, and I know that there is, outside of Vancouver itself, considerable political support for the status quo.

I would point out, sir, that as you well know, there will never, ever be one, because different layers of policing—national and provincial policing—also have to feed into the strategies to address organized crime, for example, or other cross-mandate issues. I would just offer that.

The Chair: Thank you.

We'll move on to Monsieur Ménard.

[*Translation*]

Mr. Réal Ménard: I will be speaking French. I am not going to get involved in the local organization of the police. Being a Montrealer, I obviously know nothing about your internal debates.

I have three questions to which I would appreciate short responses. Mr. Shinkaruk, you talked about the need to amend section 467. In Quebec there have been decisions to the effect that section 467, in its definition, includes street gangs. This happened in Quebec and involved the Pelletier gang, and this decision came down two years ago.

What amendments would you like to see made to section 467, with regard to criminal organizations?

[*English*]

Insp Gary Shinkaruk: I believe I got most of the question. I think it's about section 467 and the successes that have happened in Quebec. Did I capture the spirit?

Supt Doug Kiloh: It's also the changes to section 467, the definition, and if you have any thoughts for changes.

• (1155)

Insp Gary Shinkaruk: Sure. There are a couple of things.

As a police officer, I look at what's happening in Quebec with a lot of admiration. I just got back from Quebec, where they successfully arrested 155 members of the Hells Angels on one indictment. We would be hard pressed here in British Columbia to have an indictment with more than about five or six people. There are totally different rules within the court, and that issue needs to be addressed provincially at this level, without a doubt.

There have been several positive rulings on section 467, both in Quebec and in Ontario. In Ontario, on three occasions they successfully had the Hells Angels recognized at a Supreme Court level as a criminal organization in Canada.

What we need to do with section 467 is expand it. What is there is a good start, but we really have to look at getting down and putting it—

[*Translation*]

Mr. Réal Ménard: What does that mean?

[*English*]

What do you mean when you say that? What kind of amendment would you like to see?

Insp Gary Shinkaruk: Within section 467 there are wiretap provisions. That also falls under part 6. When we go for an extensive wiretap and there's a simple change in it—let's say, for instance, we have five people named, and a sixth person comes into the offence—currently in Canada we have to rewrite the wiretap. It is extremely

labour-intensive. We have to update the judge on everything that has happened since he last issued it. Often the whole spirit of the wiretap has not changed, but it can take literally months to do. It becomes extremely ineffective.

I've just talked to the people in Quebec. What they tried to do a couple of years ago, although it hasn't been tested at the Supreme Court level, was simply an amendment. They said they were bringing this other person in for these reasons; it was a two- or three-page amendment, and then they just said that the spirit of everything in the wiretap the judge had agreed to remained the same. They were able to do that very effectively.

That was on Project Colisée a couple of years ago, when they tackled organized crime. When they were able to do that, it kept the momentum and flow of the investigation focused. If you do it other ways, it just really stalls the investigation, and what would take four months literally ends up taking eight or nine months.

Other things we would look at doing include some sort of registration or acceptance if you're named a criminal organization by a number of supreme courts. In this case, the Hells Angels is a criminal organization. Accept the fact that they're a criminal—

Mr. Réal Ménard: That's what I was suggesting.

Insp Gary Shinkaruk: I agree wholeheartedly that they're a criminal organization in Canada. There's nothing that prevents you from being a member of a criminal organization in Canada, and that's counterproductive. That's where we need to go.

[*Translation*]

Mr. Réal Ménard: Very good.

Do I have time for another question?

You can count on us to try as much as possible to have a list. Obviously, there must be guideposts, but we have very precise ideas in that area.

In Quebec, 156 people were arrested. Of that number, 111 were Hells Angels. Obviously, the investigation lasted two and a half years. When I try to understand the difference between your situation here and what we have in Quebec, the impression I get is that street gangs appear to be more important than criminal biker gangs in the overall picture of organized crime. Am I mistaken? What prevents you from making this type of arrest within street gangs? Mr. MacIntyre stated in his presentation that the groups no longer identify themselves, that they no longer have tattoos. It is perhaps more difficult, but what is preventing you from putting street gang members behind bars?

[*English*]

Supt Doug Kiloh: Thank you.

In part you talked about a two-and-a-half-year investigation and 156 people being arrested as a result. You asked what is preventing British Columbia from doing that, and whether our focus is more on the street gangs.

No. I think we have to continue to go after the whole spectrum. Our difficulty here, as Inspector Shinkaruk identified, is that we will not get acceptance for prosecution in a mega-trial of over five or six accused on one specific indictment. The bureaucracy tied to the courts in British Columbia is incredible. We cannot move that ahead.

He spoke of our warrants. Quebec did an amendment, a simple amendment; we have to produce thousands of pages to get that in, and it is a task. It is one law in this country, but it's not applied as one law in this country.

• (1200)

[Translation]

Mr. Réal Ménard: Does that mean that they cannot hold mega-trials?

I understand.

[English]

Supt Doug Kiloh: Mega-trials are extremely expensive and extremely difficult for the level of prosecution support we have here and in the way the British Columbia courts have dealt with them. It is very difficult for us at this particular time.

The Chair: Thank you.

Go ahead, Mr. Comartin, for about five minutes.

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

Thank you, gentlemen, for being here.

I'm going to be a devil's advocate at this point and raise three points with you. I'd ask any one of you to respond. I'll call them accusations against the criminal justice system in this province.

The first comes, I think, directly from the professional police association. It is that you are understaffed in terms of the number of police officers you have in ratio to the population.

The second comes back to the point that has already been raised. It is that your rate of integrative approach at the command level is the most backward in the country.

The third just broke this week. It is about your technology, your computers. Superintendent MacRae, I imagine you'll probably respond to this. You have two systems, and then you have the municipal systems that aren't interactive, so your technology lags behind most of the rest of the country.

Finally, the point has just been raised that at both your prosecutorial level and your judicial level, you seem to be applying federal evidentiary standards and the Criminal Code in a way that is significantly different from what occurs elsewhere in the country, and negatively so in terms of the protection of the public.

You only have about three and a half minutes to respond to that.

C/Supt Fraser MacRae: If I might, sir, I'll speak to the easiest one first, the computer systems or information systems. I'm a little confused there, because actually I think we're the only province in the country that has a common reference management system through PRIME and Versadex. I can talk in my police car and access records of the Vancouver Police Department in real time. So I'm not sure exactly what—

Mr. Joe Comartin: There was a story out this week with an accusation from, I think, one of the former RCMP police officers that in fact you have two systems and they aren't interactive.

A/Commr Al MacIntyre: Can I comment?

In fact, they are interactive, through LEIP, the law enforcement information portal. British Columbia is the only province in Canada, and in fact the only state in North America, that has all police agencies on one records management system. That came about as a result of actions after 9/11.

I think the issue was that in the RCMP force itself we have two RMSs, PRIME in British Columbia and PROS in the rest of Canada. The fact of the matter is that PRIME and PROS are interoperable. Unfortunately, it's through a portal. In an ideal world, all of Canada should be on one records management system for all police and all law enforcement. That's a perfect world, but it's a very expensive world.

In British Columbia, having all police departments and all law enforcement services on one records management system is the envy of a lot of states and provinces, and we have a lot of visitors come to see it. Perhaps it was the way it was reported, but we don't see it as a bad news story here in British Columbia; PRIME is a best practice.

Insp Brad Desmarais: I would like to support what the commissioner said. PRIME is actually a very robust records management system. One of its key features is the ability to analyze the information in the system in a manner that allows us, as police managers, to deploy it immediately into the field and to deploy police resources into areas where they're required.

Second, as the assistant commissioner mentioned, it is absolutely invaluable for me to be able to sit at my desk or in my police car and run a piece of property or a criminal event that is unfolding before me and see what criminal events are unfolding elsewhere in the immediate area. That is absolutely critical. I don't believe that exists anywhere else in the country.

Mr. Joe Comartin: What about the number of police officers per population base?

Insp Bob Stewart: From the Vancouver perspective, we always put it out there that we're understaffed. I think that's maybe from a per capita perspective, but it's also from the fact that we're the hub of the Lower Mainland and the entertainment district. That's where the people from all the outside areas come to play. We're definitely understaffed for policing resources in that sense—

Mr. Joe Comartin: Have you done a comparison with other major municipalities in the country?

• (1205)

Insp Bob Stewart: I don't have those numbers in front of me, but maybe someone else here would know about the number of officers per capita in—

Mr. Joe Comartin: It's among the lowest in the country.

Insp Bob Stewart: I wouldn't be surprised, but I know our caseload in Vancouver is one of the highest in the country, and that's for sure.

Supt Doug Kiloh: I have one comment with respect to resources. I don't think there's a police officer, a regulatory body, or a law enforcement body anywhere that wouldn't want more people. Having said that, I think that if we modernize the Criminal Code and the disclosure laws, we could probably put 30% more police officers on the street as a result.

Mr. Joe Comartin: You're not going to get any argument from me. I've been telling the government since I've been the critic about the need for reform in the Criminal Code and the Canada Evidence Act, and how outdated they are. We've got that code sitting there, and if you did the reform, you could cut that book in half and still get the same result. That's no problem, but—

The Chair: Thank you. You're out of time. I'm sorry about that.

We'll move on to Ms. Grewal. You have five minutes.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you very much, Mr. Chair.

I would like to thank all of you for taking the time to come in. Thank you so much for your presentations.

My question goes to Chief Superintendent Fraser MacRae.

Mr. MacRae, since coming to office, our government has pushed forward with a number of crime bills. We are successfully changing the law, looking to limit house arrest, increase punishment for gun crimes, and raise the age of consent, among other things. We have now introduced further legislation dealing with organized crime, auto theft, two-for-one sentencing, identity theft, and drug crimes. In addition, we have put more women into law enforcement in allowing for 1,000 new RCMP officers. While there is much more to be done, we are taking one step at a time and we will do more in the future.

My question to you is this: do you believe that the changes that have been implemented will assist law enforcement agencies and help to keep criminals off our streets? Could you please elaborate a bit, with specific reference to the situation in Surrey?

C/Supt Fraser MacRae: Assistant Commissioner Macintyre made reference to the additional resources through the PORF funding. I think that is a tremendous good news story for policing. The funds allow for the enhancement of resources, not only in the Greater Vancouver area but around the province, so that's all good news for us.

The other parts of your question, if I understand correctly, were related to the recent announcements regarding the proposed legislation. As I indicated in my remarks, I feel that for certain types and profiles of criminals, there needs to be more significant custodial consequence as a result upon conviction. I would say that.

In relation to the situation in Surrey, as you well know, Surrey is a very dynamic community that is very quickly growing, with over 1,000 new residents moving there per month. It has the highest percentage of youth in its population in the province. It has the largest school district in the province.

I think one of the things we're most excited about recently in Surrey goes to my fourth point in terms of education and prevention. It's the new initiative we've adopted with the integrated gang task force and the Surrey school district. It's called the Surrey wrap program. I'm sure you're aware of it.

We put students from the school district between the ages of 12 and 17 through a risk assessment tool that has been developed and is defensible. We take the top 60 who go through that threat assessment protocol and pair them up with a school counsellor and a police officer. These people are on the cusp of gang activity or already in its grasp, and they are individually case-managed with a view of taking them forward in a positive fashion and giving them the kind of substantial foundation they need to be productive members of society.

Mrs. Nina Grewal: And I believe that our benign view of smoking pot is another major contributor to the violence. If people are buying B.C. pot, they may as well be pulling the trigger, because without exception, the gang wars are a direct result of the lucrative drug trade in B.C.

Could you please tell us more about the drug trade and the involvement of organized crime here?

• (1210)

C/Supt Fraser MacRae: Well, as I stated—and I think it's been reflected in the other comments—in my view, cannabis is the currency of organized crime. I think we are, in some ways, seeing the evolution of the proliferation of marijuana grow operations, which started off primarily in British Columbia. We've seen them migrate east and then become problems in other parts of the country. But we were ahead of the curve. And I know that later on today you'll be hearing from other delegations, more specifically Chief Len Garis from the Surrey Fire Department, who will provide information regarding administrative processes to interrupt marijuana grow operations.

In the city of Surrey in 2006, combined between the police efforts of enforcement and the administrative process, which is supported by the police, I think we interrupted 500 marijuana grow operations. So there is absolutely no doubt that while we can debate the harm of individual use—I have my own opinions on that—what can't be debated is that cannabis is a currency for organized crime.

The Chair: Thank you.

Next we'll move to Mr. Murphy. You've got five minutes.

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

Witnesses, it's very interesting to have you here today, and there's so little time. I want to go through some of the comments made, just to let you know we're listening and we understand the subject.

Inspector Shinkaruk—I only know Irish and French names where I come from, sorry about that—know that we understand there has to be some tinkering, some work done on the definition of criminal organization; know that we understand that.

Inspector Stewart, I want to let you know that this afternoon there'll be a witness who, in Ottawa a couple of weeks ago, said there's nothing wrong with the parole system—we should learn from it—but that the sentencing done by judges is inappropriate, which is the exact opposite of what you said. I'll be putting your comments to him this afternoon. I don't know where it will lie, but we're getting some conflicting evidence.

Inspector Desmarais, know that we understand that the Canada Evidence Act and the code need to be looked at and revamped, as Mr. Comartin said. The exigent circumstances aspects of search warrants—that's a great idea.

I have just two questions. One is for the assistant commissioner.

Whether it's accurate or not, there's some literature that suggests that here in British Columbia, Unit E, with respect to bike units, was disbanded many years ago and the follow-up was something called CLEU. There has been some evidence this morning that it was also disbanded and it left a gap. There were allegations, I suppose, of infiltration and ineffectiveness. I guess what I'm hearing today, with all the suits here, is that you've filled the gap left by CLEU and Unit E and everything is effective and working appropriately and efficiently.

Would you care to comment on that?

A/Commr Al MacIntyre: Yes, certainly.

It was special E-squad, and that dates right back to when I was a young city police officer here. In the seventies special E-squad was around. And you're right that there's always been an involvement by police in outlaw motorcycle gang enforcement. It's changed names, as many sections do.

But after CLEU, the Coordinated Law Enforcement Unit, was created, it ultimately changed names and became OCA, Organized Crime Agency of British Columbia, and that has changed names to the Combined Forces Special Enforcement Unit of British Columbia. Functionally, the work remains the same, but the names have changed. From change of government to change of mandate to change of focus, things change and evolve over time, because you are taking us back well over 30 years of time in terms of organized crime enforcement.

I'm happy with the current model today. And I'm going to be a lot happier in about a month from now when they all come under one roof, one organizational structure, which will be referred to as the British Columbia Combined Forces Special Enforcement Unit. That'll have a total of about 350 organized crime investigators, analysts, and support staff working under one roof, under one brain, with one focus: on organized crime in British Columbia.

Mr. Brian Murphy: How much time is left?

The Chair: Go ahead; you have a couple of minutes.

Mr. Brian Murphy: I also know that the Attorney General for British Columbia came forward to Ottawa in a meeting and made it very clear that there are some other reforms we're going to be

pushing the government on, with respect to wiretap evidence and with respect to disclosure and Stinchcombe. That can be dealt with in the Criminal Code. Just because it is a law case—and I am a lawyer and I don't apologize for that at all—it doesn't mean you can't change it by legislation. That's what we are here for.

I have a final question. I will call it the profiling, Mr. Logan. You're retired and I'll call you Mr. Logan.

I'm really interested in what you're talking about. I probably don't have a lot of time to go into it. I have kids in school. What do you do with the 5% and 6% of the kids who you can sort of figure out are going to be disposed to criminal activity?

You sort of said we know that, but what do you do with them? They are in grade three.

•(1215)

Dr. Matt Logan: Yes, early intervention. First of all, teachers in some countries are trained to look for earmarks of violent or disruptive behaviour. Then the second step is with mothers. The third step is actually an in-home observation process. So there is a three-part sequence people move through in order to basically earmark the person for treatment, for early intervention, for all kinds of different things that bring out the strengths of the child and move them in a direction that is away from the antisocial path.

Mr. Brian Murphy: Do you certainly feel there should be a lot more resources toward that?

Dr. Matt Logan: Absolutely.

The Chair: Thank you.

Moving on to Monsieur Ménard.

[*Translation*]

Mr. Réal Ménard: Thank you, Mr. Chairman.

I would have two short questions to put to our witnesses. If I remember correctly, during the 39th parliament, we had begun our work studying section 25. I had missed that, but I did not believe that it was that difficult to obtain... In the end, it is a form of immunity and it helps you infiltrate, when you are forced to do certain things that would be considered to be illegal, and you appear... I will not use your name, just your first name. Gary, you seem to be saying that there is a difficulty here. I would like you to explain this to us again.

I would then like to come back to the issue of psychopaths. I will mention no names, but I would ask for explanations from you.

[*English*]

Insp Gary Shinkaruk: Subsection 25(1) started out as Bill C-24 and it was passed several years ago. I believe in our investigation we were the first ones to use it nationally. It gave us the ability to do things we needed to do that, quite frankly, we had been doing anyway for years. The example I used was about breaking into somebody's car to put a lawful, authorized by a court, device into it. By the letter of the law, we may have been breaking the law in certain instances. So that just gave us the ability to be exempt from prosecution in those instances.

Under the CDSA, we also have the ability to partake in aspects of drug investigations where we would traffic drugs for the greater good, and again, it would allow us to be exempt from prosecution. It does not give us immunity. It is just that we're exempt from prosecution in those instances.

It is very stringent in our organization. You have to go on a course. You have to get prior approval from our Ottawa headquarters to do it, and we have to report on it immediately. I believe every two years Parliament reviews to say this is a good police technique.

I am not sure if that answers your question.

[Translation]

Mr. Réal Ménard: That is very good.

Before moving on to the matter of psychopaths and antisocial people, I would like to come back to the following matter. If I understood correctly, the reason why, as a police force, you are having difficulty holding mega-trials is not so much federal legislation, but rather inadequate funding for the offices of your attorneys general. Would it be correct to say that, from a government perspective, this is not something that can be resolved?

I will refrain from asking you if you believe that Gordon Campbell will be reelected. I am from elsewhere, and I therefore will not put that question to you.

I do not believe that we would be able to intervene under a federal government perspective. Would I be correct in saying that the first obstacle is a lack of resources?

[English]

Insp Gary Shinkaruk: Perhaps I'll start.

As far as the mega-trials nationally are concerned, both Superintendent Kiloh and I have in the past attended national forums led by prosecution services throughout each province. In about three weeks, I believe, we're going to the next one, which is being held in Manitoba. The previous one was held in Montreal, Quebec, last year.

The heads of each provincial prosecution unit attend, as well as police officers like Superintendent Kiloh and me, and the general frustration throughout the entire room is national. There's a national need. The idea of having this workforce and this committee is to change a lot of the legislation, to figure out how to do it.

I do believe that there are national things that need to be done, not on the mega-trials, but, as an example, on the precursors. We get tonnes of precursors in this country, legally allowed, and these precursors are absolute gold in the States. For a \$25,000 barrel of ephedrine, you can get \$250,000. That's a huge profit. Precursors are legally in this area by the tonne, and they get across to the States.

Getting back to the mega-trial issue, certainly in B.C. we struggle more than any other province, I think, but I know that a couple of years ago the Manitoba justice department did a comprehensive Canada-wide study on trying to get suggestions. I took our head of federal prosecution out to Quebec to meet the head of the prosecution doing the case of the 155 Hells Angels that we're talking about, just to try to discuss how that can happen in one area and not in another area. The rules each court was following were a little bit different, significantly enough that it would just not allow us

that in this province, but certainly they have issues they have to address.

As I've mentioned about the two-page amendment to a wiretap, that has not been approved. It was something that Quebec went out on the plank for and that their prosecutors believed was the right thing to do, but it hasn't been tested in the Supreme Court, so certainly that is something that could be done.

Again, locally here in B.C., police don't have charge approval. I know that in Ontario there are many instances where the police will charge 100 or 130 street-level gangs, but when you actually follow it through to the end of the prosecution stage, you find that the number quickly dwindles down to a much lower number.

To answer your question, yes, we do have to address it in this province, but it certainly is a national priority.

• (1220)

The Chair: Thank you.

We'll move on to Mr. Weston.

Mr. John Weston: Thanks to all of you for coming here today.

In my little riding of West Vancouver—Sunshine Coast—Sea to Sky Country, there was a recent incident in which someone went in and shot bullets in a seniors' home in the Gibsons area. Mounties went in and subdued the shooter in a very professional manner, and there were no casualties. That wasn't reported, but it is one of thousands of incidents that happen every day. We may be clueless, but we're not without great law enforcement officers. Thank you for what you do and for being here today.

I guess the closest I came to hearing something about bills that are before the House was from you, Inspector Stewart. I tried to catch all of your words when you were saying that people who are in a heightened state of criminal violence need to be arrested, held, and charged—and I think you said detained—in order to deter them.

I would appreciate it if you could comment on these bills we have before the House, Bills C-14 and C-15, which both depend on mandatory minimum sentences. We heard earlier today from a criminologist who felt that drug-related offences weren't best responded to by mandatory minimums, that they were more a health issue. Other speakers said that what you do with drugs should be your own personal problem. Can you comment on the public safety benefits that we might attain through bringing in mandatory minimum sentences to deal with the drive-by reckless shootings and drug-related activity?

Insp Bob Stewart: First of all, when we're talking about an individual who's in a heightened state of violent criminal activity, I'm referring to that stage where they've been arrested and are at the bail hearing. The issue there is having a dedicated prosecutor who is intimately familiar with the case to present the facts, who understands the big picture, as it were, and who can draw the picture for the judge so the judge can make the right decision to hold that person in custody, and hold them in custody on remand.

Your question is ultimately about sentencing. Again, mandatory sentencing is probably a good idea, I think; it gives the judges some guidelines. Ultimately, it's a statement by the public of what they think of that offence and also a statement that the person needs to be put away in jail. But once they're in jail, when do they get out again? That's the issue. Mandatory sentencing, unless it is a mandatory period that must be spent in jail, really isn't as meaningful. That was my point.

• (1225)

Mr. John Weston: The bills would provide mandatory minimum sentences so that there would be no discretion. For instance, I'm just reading about how for the drive-by reckless shootings, there would be a mandatory minimum sentence of four years in prison with a maximum of 14 years, and then the minimum sentence would increase to five years if it was committed for a criminal organization. So some of these bills are aimed directly at criminal organizations.

Inspector MacRae, would you like to comment on the effect of these mandatory minimums?

C/Supt Fraser MacRae: I'm always reluctant to take away the discretion of the judge, because each circumstance is different, and each person or offender who comes before the court has their own story to tell and circumstances that have combined to get them to that point.

But I think the point we're at now, especially in relation to firearms—and this is my own personal view—is that no longer can we leave it to the discretion of the court. In relation to firearms offences, society generally, and the Canadian public, and certainly police officers are calling out for some very emphatic statement from the criminal justice system that the use of firearms, the proliferation of firearms, and, as I said in my comments, the simple possession of a firearm, should be viewed as such serious offences that they result in significant custodial time. And if that means mandatory minimum sentences, then I would be for that.

Mr. John Weston: Another portion of Bill C-14 would create new offences of aggravated assault of a peace officer and assault with a weapon of a peace officer. These would be punishable by maximum penalties of 14 and 10 years, respectively.

Would any of you care to comment on those?

Dr. Matt Logan: Yes, I'd like to comment. I really am in support of the organized crime Bill C-14. I understand it just went through third reading. The penalties for assault causing bodily harm of 10 years and for aggravated assault of 14 years are a way of protecting our criminal justice family.

I think we have to really recognize the number of assaults that are being mounted against our criminal justice partners—or justice system participants, as the bill says—and journalists are part of that

as well. I think raising those sentences, as well as requiring recognizance for two years for any intimidation of criminal justice partners or participants, is very positive. Certainly the three new offences with firearms, with the automatic degree that comes with Bill C-14, are all very important for protecting people in the criminal justice system.

The Chair: Thank you.

We'll move on to Monsieur LeBlanc.

Hon. Dominic LeBlanc: Thank you, Mr. Chair.

Thank you, gentlemen, for your presentations, and in particular, for your candid responses to questions from our colleagues today.

I'd like to adjust the focus a little bit. We've talked a lot about sentencing and mandatory minimums, which I certainly acknowledge have a role to play, more on the deterrence and denunciation side. Two of you, Assistant Commissioner Macintyre and Chief Superintendent MacRae, raised sort of tangential issues.

Assistant Commissioner, in your opening comments, I thought you were referring to lawful access legislation. You talked about, for example, electronic surveillance. I think you talked about certain legislative and judicial obstacles that make it difficult, or more difficult than perhaps it needs to be, for you to conduct investigations and then undertake successful prosecutions.

There's been some discussion about various investments in technologies—hyperspectral imaging sensors, for example—that have been used, for which funding was then, I think, cut off or not made available. I'm wondering if you can give us some suggestions regarding lawful access legislation and electronic surveillance, which I certainly think needs to be modernized and updated to give you the tools you need to conduct investigations against increasingly sophisticated criminal enterprises.

In the disclosure piece, you referred to obstacles, or the burden that disclosure represents, I think, particularly regarding relevance. I don't think anybody is suggesting we take away the right of an accused person to know the case against him or her, but it perhaps has become an unreasonable burden now, or it is done in a way that takes valuable resources away from policing and diverts them to photocopying and so on. I'm wondering if you could touch on that.

And then, if we have time, I want Chief Superintendent MacRae to tell us more about some of the prevention and youth at risk initiatives in your community. I found those very interesting.

• (1230)

A/Commr Al Macintyre: I'll defer on the lawful access and some of those issues, because we do know that you've received presentations from Cabana and others like that.

For example, we'll take a \$2 million helicopter and put a FLIR unit on the bottom of it to search for missing persons and track suspects, but it'll also detect if there's a marijuana grow-op. Is that a reasonable expectation of privacy? What happens around all of that?

We're just overwhelmed with process related to that, those sorts of issues such as a hand-held device as you drive down the road to scan a basement to watch for heat leaking between the top and bottom of a residence, or a police dog being used to search while walking past baggage at a bus stop or a school. It just seems that for everything we try to train up for in terms of expectations from the public, we receive process, either through the courts or through directives, that basically slow us down. There's a lot of frustration—there are no two ways about it—within law enforcement. I don't mean just in our force, I mean right across the board.

As far as the other issues go, I'll perhaps defer to Doug, if he doesn't mind, to talk about those processes. It is a big deal for us. Certainly we all belong to subcommittees on organized crime of the Canadian Association of Chiefs of Police. It absolutely consumes our time.

On the issue of disclosure, we had a major homicide case, and for three years we had 18 people working on nothing but disclosure on the case. Can you imagine if we were able to take those resources and reduce them? We accept that disclosure is required, but to the extent that disclosure was called for on that particular case, the tentacles went so far that it was an exercise. I'm sure nobody looked at what we were disclosing.

I think he could also speak on that large outlaw motorcycle gang until the cows come home, but I don't think you have the time for that. I'll defer on the others.

Supt Doug Kiloh: Specifically with part 6 of the Criminal Code and the use of wiretap legislation, it's overly bureaucratic, as Inspector Shinkaruk mentioned earlier. We will conduct a 1,000-page affidavit to get authorization to listen to someone, to go into their house and cars to place bugs. It's all well documented and supported. In a civil case, for example, the balance of probability is that they're guilty. It doesn't meet a criminal test.

If we get into that same house and find something, we will have to reproduce all of the warrant, all of the information, and all of our investigation to get a secondary warrant to find out where that bank account is. We'll get the bank account number in that warrant, but we have to base it on the first one, and so it's fruit of the poisoned tree. Why can't we get a simple amendment based on our first warrant, which was lawful and which the court accepted at the highest level? We're allowed to go into someone's home and put audio devices in there. Why can't we get, with a sequential warrant, one, two, or ten pages and do it?

To give an example, EPARAGON was mentioned earlier. We had an investigation in Canada where we did over 220 warrant applications, judicial applications, and part 6 applications. They were each massive documents on their own. We were referring to hundreds of thousands of intercepts, activities, and surveillance reports with thousands of man-hours.

The United States ran a parallel investigation, as did Australia. In Australia they are serving time. In the United States they are serving

time. They both operated with judicial authority. They went to the courts 12 times to our 220. There's a prime example of the modernization and the bureaucratic difficulties. Also, to do that, it has to be letter-perfect to the relevance, to the courts. We have to have it letter-perfect, so it takes us hundreds and hundreds of hours to develop those and ensure that they're correct before we go into court. We still make mistakes.

• (1235)

The Chair: Thank you.

I will move on to Mr. Saxton.

Mr. Andrew Saxton: Thank you, Mr. Chair.

I thank all of you for coming here today.

I can tell you that as a member of Parliament, it's extremely valuable for us to hear from you what you think we should be doing. As a member of Parliament from North Vancouver in the Lower Mainland, I can tell you that I am very concerned about the increase in gang crime in the Lower Mainland. Many of my constituents are as well. I have many young families, as well as seniors, in my riding who are concerned. I can tell you that North Vancouver is not immune to gang crime. We've had targeted hits in North Vancouver in the last 12 months.

Tackling crime is and has been a major priority for our federal government. Do you agree with these significant actions that we have been taking in this regard over the last few years?

Perhaps Mr. MacRae could start.

C/Supt Fraser MacRae: Without trying to dodge the question, could I ask if you could be more specific on which areas you'd like me to comment upon?

Mr. Andrew Saxton: For example, recently we announced the elimination of the credit for time served.

C/Supt Fraser MacRae: Concerning the two-for-one, I was at that announcement, by the way. It was at Surrey.

And I should mention as well that I spent seven years as a police officer in North Vancouver, and the streets were really safe when I was there.

Some hon. members: Oh, oh!

Hon. Dominic LeBlanc: You should go back.

C/Supt Fraser MacRae: I haven't been there since 2001.

I think the best thing about the two-for-one issue and changing it to one-to-one and the 1.1 is that I think it will provide greater clarity for the general public regarding what the sentence actually is for the person who ends up being convicted. And if there is greater clarity for the Canadian public, I think there is resulting increased confidence in the criminal justice system. So if that's the net impact of that, I think that's great.

Mr. Andrew Saxton: Anybody else? Mr. Logan, do you have a comment?

Dr. Matt Logan: I took two years out of my career and went to jail as a psychologist for CSC, and I'll tell you that the two-for-one is a scam. The people who are pulling the two-for-ones are clogging the court system and just backing it up even further. So I was extremely gratified to see the two-for-one disappear.

Mr. Andrew Saxton: Thank you.

Somebody had mentioned that diversification is key to the longevity of a criminal organization. Obviously we've spoken today about drugs as being a big part of a criminal organization, along with prostitution and property crime. What is next?

Insp Brad Desmarais: Gary Shinkaruk and I had a conversation about this yesterday, as a matter of fact. One of the things we're facing in today's complex criminal world is that these individuals are very, very ably advised by professionals and people who have subject matter knowledge in various criminal enterprises or various enterprises. We talked about risk assessment, and they're doing that all the time. Whether you're a money launderer and deciding whether you're going to open a bank account in jurisdiction A using a corporation from jurisdiction B because there are various levels of secrecy, or whether you have identified a weakness in a particular province's laws with respect to how mortgages are granted, or whatever the case may be, this is always ongoing.

There is a general awareness that when they see an opportunity to make a lot of money, they sit back and say, "Well, how likely am I to go to jail?" and if the chances are they're not—which regrettably is quite frequent—then they'll exploit that opportunity.

So where it is coming next? Financial crime is always a big issue. I think it's dramatically understated in this country. I think we need to do a lot more. I touched on some of the issues we deal with, but I don't think financial crime is adequately reported in this country. And if we truly understood the damage to our economy that this type of criminal activity is wreaking, I think we would probably be as upset about that as we are about a number of other criminal enterprises.

Mr. Andrew Saxton: Yes, Mr. Kiloh.

Supt Doug Kiloh: Just to add to Brad's comments, what we're finding more and more, because there are huge profits generated from proceeds of crime—and Brad, you may agree—is that in all these files we're finding a common thread. There's an accountant, there's a lawyer, and there's a criminal group with massive amounts of money. They're being told how to hide their money, how to move their money, and how to make more money with it. It is undermining all of society in the country.

And Brad, you're absolutely right that it can't be overstated how dangerous that is.

• (1240)

Insp Brad Desmarais: We've talked a lot about marijuana, and that is an issue. I can tell you that in my time as a money laundering investigator, we were watching money from the proceeds of marijuana grows travel the world through a variety of countries that allow a level of secrecy attached.

The difficulty we had was that it's not only the accounts that are secret, but it's also who owns the accounts that is secret, and the corporations and who is behind the corporations. We actually don't even know, in many cases, who is the beneficiary, because we're just seeing the money moving through these various accounts throughout the world. At the end of the day, we're not sure if the person or the corporation that holds account A in some offshore jurisdiction, or account B or account C, is the actual recipient, or if it's working its way up the chain. It's very challenging.

The Chair: Thank you.

Mrs. Wong has made a request to ask a question. Do we have consensus here? Thank you.

Mrs. Wong, you have five minutes.

Mrs. Alice Wong (Richmond, CPC): Thank you very much, officers, for coming over.

I represent a region, Richmond, in which we have a lot of ethnic groups. Luckily, in the past we were not on the radar. It wasn't until lately. I was able to get Minister Van Loan to meet groups of school trustees, because that's where prevention is. There are many groups representing different ethnic groups, and there is the RCMP of course, and then there are the other people concerned. All those questions and challenges are further confirmed by your report.

When I meet ordinary citizens, there are quite a few things that are not 100% about drugs, because they're not concerned, and drugs don't hit the streets in some parts of my riding. However, there are two things that I think the government has recently started to look at.

One is identity theft, which is financial. It's exactly what you said. We have only seen the tip of the iceberg. We have just put in bills to really make sure that identity theft is cracked down on and that it can be dealt with.

The other is about the proceeds of crime. It has become a big business. There are businesses that thrive by buying goods procured by criminal activities. Again, we have recently put in bills to look after that.

Do you think this move would be a positive one, looking at what you have just reported?

Insp Brad Desmarais: I think any move towards limiting the ability of people who are profiting from crime—including the person who actually commits the crime, but also those who are profiting from ancillary profits—is very positive.

I remember speaking with someone many years ago who was a house builder. He told me that as far as he was concerned, money was the same colour whether it came from a drug trafficker or some hard-working Canadians. Any legislation directed towards educating through deterrence that you can't do that, that you can't engage in that kind of business....

It has a devastating effect. Imagine if you had a hardware store, for instance, and the guy down the street opened a hardware store, but he opened it with criminal funds. You will have many more financial pressures to deal with—for purchase of stock, probably for financing, and all the rest of it. The guy down the street won't. So it has an insidious effect across the board and—I sound like a broken record—I think it's something we ought to pay a little more attention to.

Mrs. Alice Wong: In other words, the bills sitting in the House right now that look at these issues other than drugs would be very useful for the protection of the public?

Insp Brad Desmarais: Without knowing the details, generally speaking, I would say yes.

Mrs. Alice Wong: I had another question about prevention, because I came from the education sector, and I could definitely see the trends of young people being lured into gangs. There are two things, first of all, about membership.

Right now there is no regulation saying that being a member of a gang is violating the law. Am I right to say that?

Insp Gary Shinkaruk: Yes.

Mrs. Alice Wong: Then preventing young people from getting into the gangs is another big issue.

Can you shed more light on those two items, Mr. Logan?

• (1245)

Dr. Matt Logan: Sure. I'd like to say that the age of gang membership is 12 and 13, so I think a lot of the things that we have seen put in place over the last number of years have been too little too late. I'd like to see earlier intervention.

I listened to you talk about immigration. We have 50,000 to 60,000 children a year coming into Canada who are under the age of 15. In a six-year period in the 1990s, we had 75,000 refugee children. There have to be things in place for them as well, because they've come from places where they've seen a lot of things that our children may not have. They may be more susceptible because of a poverty level that is obvious, particularly given their refugee status coming to Canada.

Fishing upstream, starting early, and getting the multiple agencies together to work on some of the things that I talked about earlier, I think, are very important.

Mrs. Alice Wong: Have I used up my time?

The Chair: You have half a minute. You can have a quick question.

Mrs. Alice Wong: I just want to thank you again for coming.

If you have identified anything specifically for Richmond and you're concerned about Richmond, let me know, because I'm meeting with the supervisor very soon. I've met with some of the officers already, but we have a new supervisor, so if there are any concerns related to other areas that you think I, as the member for Richmond, should know about, please let me know.

Thank you.

The Chair: Thank you.

Some of you provided us with written copies of your presentations. Those of you who read from them but didn't submit them, would you provide those to the clerk with any additional information you'd like to get to the committee? We'd like to have a full record of what we can base a report on, so could you do that for us?

You've given us a wealth of information. I have a list of 10, 15, or 20 items you raised: parole reform, disclosure, lawful access, evidentiary obstacles, CRA getting involved, mega-trials, dealing with precursor drugs, dedicated prosecutors. It just goes on and on, and we're going to review all of it as we go forward.

Just before I let you go, we had one witness in the previous session who raised the issue of prostitution. We've spent most of our time talking about drugs. She suggested decriminalization of prostitution and criminalization of the purchase of those services by johns. Do any of you have a comment on that?

Superintendent.

C/Supt Fraser MacRae: As a large urban centre, Surrey has its share of street-level prostitution, and in fact, I think we have identified 160 young women who are working in street-level prostitution in the city of Surrey, most of them in terrible circumstances and only there because of their substance abuse issues. But the criminality associated with the behaviour, both for the person who is part of the communication process....

It is absolutely essential, I think, for us to have a lever to try to transition these young women—and sometimes not-so-young women—into a better station in life, and that's how we approach it as police officers. It is a lever. It provides us with a certain authority under the Criminal Code that gives us an in with that young sex trade worker, so we can work with other community partners. In Surrey, for example, the Servants Anonymous Society, SAS, provides us with an opportunity to move those people into different circumstances.

And the more difficult you can make it for them to continue that type of lifestyle, I think the more motivation there is for them to move to a different place in life.

The Chair: Thank you so much.

The committee is adjourned.

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