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Thursday, October 22, 2009

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Chair

Mr. Ed Fast

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•(0835)

[English]

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

This is the 40th meeting of the Standing Committee on Justice and Human Rights. Today is Thursday, October 22, 2009. Pursuant to Standing Order 108(2), we are continuing our study on the state of organized crime in Canada.

We're pleased to have a number of witnesses with us. First, we have Julian Sher, investigative journalist. We have Michel Auger, who is also an investigative journalist. We have Jean-Pierre Lévesque, who is with the Royal Canadian Mounted Police. And we have André Noël, journalist.

Gentlemen, thank you for appearing today. We look forward to hearing what you have to say to us.

Each of you has ten minutes to present. If you require less time, that's fine; that will give us more opportunity to ask questions of you.

Mr. Sher, perhaps you could start.

[Translation]

Mr. Julian Sher (Investigative Journalist, As an Individual): Thank you very much. I'm going to speak in English, but I can answer questions in both languages.

[English]

I should say right at the start that except for Jean-Pierre, the rest of us are just ink-stained journalists. I don't have a badge. I don't have a law degree. All I do is I ask questions. But we do have a passport that gives us I think a unique perspective, myself and my other journalistic colleagues. We have had the opportunity to not only of course speak to police officers, but because we don't carry a badge, police officers will often tell us things that they won't tell you or won't tell their own bosses. Because I don't belong to a particular organization, RCMP people will tell me things, Vancouver police will tell me things, Montreal police will tell me things. In other words, they'll be more frank with us than they will often be among themselves. Plus of course I've had the opportunity to interview Hells Angels' members, leaders, informants, people under witness protection, victims. The advantage we have is our passport gives us an ability to go places you can't go, and even the police can't go. I hope maybe we can contribute to some of your understanding.

What I actually wanted to focus on, and I'll leave some of the specifics of organized crime to some of my colleagues, is the whole importance of image and perception. It may sound like a strange

focus, but while the human cost of crime is very real if you look at the bodies we had here in Montreal, the continuing gang violence in Vancouver, the attacks in Winnipeg, much of the fight against organized crime I think is about image and perception. Organized crime is strong because of its ability to strike terror, and the response has to be strong in the same way, by striking back an image of resilience.

Let me deal with three quick issues about that.

First of all, there's our image abroad. Canada has a very strong image as a kind of a peaceful, law and order country, except when it comes to organized crime. In the last few weeks I've been interviewed by BBC, Australian TV, American papers; they're catching on to the fact that Canada is in many ways, even though our homicide or murder rate is quite low, often seen internationally as a big centre of organized crime, notably because of the Hells Angels, but because of other gangs as well.

Then look at the public's mind. What's the public's perception of organized crime? I think one of the problems, and to some degree the media is responsible for this, is that usually organized crime is ignored in the headlines. What concerns the public quite rightly is when a girl gets kidnapped or when there's a bank robbery. In other words, you don't see headlines in the paper that say a thousand kilos of coke arrived safely today in the ports of Montreal, which goes on every day. Organized crime, because it is under the radar, most of the time—except right now in Montreal's election—doesn't make it into the newspapers, so the public is not largely concerned about organized crime. They don't see the connection between organized crime and the daily attacks, the drug dealers, the B and Es, the break-and-enters. That's a problem, the public's perception of organized crime.

Finally, I want to briefly mention, on this issue of the importance of image, how the bad guys look at it. I have talked to enough Hells Angels leaders and other criminals, and obviously for them money and the terror they strike is important, but you'd be surprised how important the question of power and image also is. It is crucial. The "death head" patch the Hells Angels wear was recognized in Canada's courts of law in the first successful anti-gang prosecution we had in Ontario. It has been recognized as a weapon. The patch itself, the symbol, the image, was seen as enough of a weapon so that when two Hells Angels, with a third person, went to try to extort a man, they were convicted on Canada's anti-gang legislation with Madam Michelle Fuerst. She described the jacket they were wearing as the weapon of intimidation, because they didn't have anything. They didn't have a gun. It was the image of the Hells Angels that was the weapon. That's what's so important to understand about organized crime: it's the ability to strike terror just because of an image.

The second point, then, is based on that to some degree: how do we fight organized crime? One of the things I want to address is the importance of understanding the adjective, that it's "organized". Everybody understands that it's crime, but it's important to understand that it's "organized crime". Police too frequently are not. I was talking to Joe Comartin just before, and I'm sure you are aware of some of the sad costs of some of the police infighting across the country. We have stories—Michel and others can tell you stories—of huge fighting between the SQ, the Montreal police, and the RCMP. In Vancouver many cases were completely lost because of struggles and competition between the police.

• (0840)

After several years of covering this, I've come to the conclusion that there are not a thousand and one ways to take on organized crime, there's only one. There's only one way, and that's infiltration and intelligence. Occasionally you'll get a Hells Angels guy who forgets his gun in his carry-on briefcase in Vancouver, but short of that, the only successful prosecutions we've had were because of infiltration and intelligence. Infiltration can be agents, spies, wiretaps....

You have to gather the intelligence, and you can't do that unless you have organized strike forces, unless you have police who are specially trained. It can't just be homicide cops. They don't send homicide cops to deal with domestic abuse, you don't send rape counselling police to deal with bank robberies, and you can't send regular cops to deal with organized crime. You need specialized squads.

Where we have specialized squads, as we have here in Montreal, or units like the BEU—the biker enforcement unit in Ontario—or some of the groups that they had in Vancouver, we have successes, but when they dismantle those groups or when they don't bring everybody together, we don't get successful prosecutions.

You absolutely need specialized strike forces, police that are trained, but you also need specialized prosecutors. Quebec led the example, and they sent their prosecutors across the country, because what was happening in the rest of the country was that although they had finally set up specialized squads that were doing good investigations, they were doing things like dumping 80 boxes of

their investigation onto some hapless prosecutor who had no training in organized crime, as one of the stories in *The Globe and Mail* pointed out. Only when they set up specialized bureaus of prosecutors who understood organized crime could they take it on. You need specialized strike squads of police and of prosecutors.

The last thing I want to talk about is the long but sometimes weak arm of the law. First, let's look at the organized crime law, what we call the gang law. There have been quite a few defeats recently in court, as I'm sure you're aware, especially in British Columbia. Operation Pandora, which was a very good investigation, so far has not scored major successes in courts.

It's clear that the anti-gang law is complicated and cumbersome. I don't want to go into details about some possible reforms. We could talk about that later, although one of the things the police are looking at is the whole idea of simpler targets. In other words, we'll see what happens with Quebec. As you know, they've charged over 100 Hells Angels. That might be a little unmanageable. Is there a way to go after simpler targets?

The point I want to raise briefly here about the gang law goes back to my point about image. Sure, it's important to convict these guys and send them to jail if they're guilty, but the very act of prosecuting them and forcing them to go trial, even if the trials don't often work, goes to their image. It's the image that's important.

First of all, it disrupts them terribly. In the two or three years that the Hells Angels were recently facing immense prosecution in Vancouver, their activity declined. Unfortunately it led to a rise in street gangs, but the Hells Angels were paralyzed by that. In Quebec we're seeing the same thing.

The point I'm trying to make is, sure, you want trials to be successful, but the very act of prosecuting them and going after them is important. It goes back to the image. It's telling organized crime, "You are not impregnable. We can take you down." It's very important to keep that point about image. The one thing the Hells Angels in particular hate more than anything else is being prosecuted under Canada's anti-gang law.

Second, let's be creative and think outside the box. We all know about the anti-gang trials, but you've got to look at some creative ways some jurisdictions are going. Saskatchewan has an anti-patch law, and so do many other jurisdictions. In other words, you can't wear your gang colours in a restaurant. It's actually being appealed by the gangs, but it's a great way of using municipal or provincial laws to try to curb the activities of gangs.

Manitoba and other jurisdictions have anti-bunker laws, preventing you from turning your clubhouse into a fortress. Vancouver has a great program going on. There's a private trespass law in Canada, so the bar owners and restaurants sign up ahead of time with police, saying they agree they don't want known members of organized crime in their restaurants, and sometimes they list the names of the gangs or the names of individuals. Then if the police walk in and see a known Hells Angels member or other gang member, they can say "You have to leave", and the guy has to leave because it's a private restaurant and there's a private trespass law.

In fact one Quebec gang member was arrested because he was sitting there at the bar, as he does in Montreal. The cop came over and said "You have to leave", and he said, "What are you talking about?" He said "We have a private trespass law". The Hells Angels guy did not believe him because it doesn't exist in Montreal, and he was arrested.

It does exist in Vancouver, so the HA can't party in downtown Vancouver. It's a simple law, not changing anything that exists, and it's working well. So think outside the box.

• (0845)

Finally, rely on the courage of ordinary people. I've had the honour to meet some pretty brave people.

We all know of Danny Desrochers, the 11-year-old boy who was killed. His mom, who sadly passed away, contributed to the passing of the anti-gang laws by being so active and outspoken. I met a Quebec City bus driver who literally had the neighbours from hell. He woke up one day and found a Hells Angels bunker had been set up right next to him in Saint-Nicolas, across the street from Quebec City. He organized a circle of neighbours and protested against the bunker, and they eventually got it closed down.

Those are my basic conclusions. Fighting organized crime is like fighting bad weeds: they're going to keep coming back. You don't pave over the garden; you simply keep weeding and weeding the garden. It's important to send a message to communities that we don't want them in our neighbourhoods, and here are different ways we can fight.

Thank you.

The Chair: Thank you.

We move on to Monsieur Auger. You have ten minutes to present.

Mr. Michel Auger (Investigative Journalist (Retired), As an Individual): Thank you.

I'll make my presentation in French, because my English is pretty bad. I learned it in Shawinigan.

[Translation]

I began my career as a journalist in Shawinigan in 1964. So I've been a journalist for 45 years. I've worked at *La Presse*, *Le Journal de Montréal* and on the program *The Fifth Estate* for five years. Somewhat as Julian was saying earlier, my experience as a journalist has led me to associate with a lot of police officers and criminals.

I'm speaking to you this morning as a victim of organized crime. On September 13, 2000, nine years ago, I was attacked by a member of the Hells Angels organization. He put six bullets in my back. Fortunately, the doctors saved my life and I was able to go back to work. That experience enabled me to meet a lot of victims of organized crime and people who helped those victims.

I've observed that citizens in general have a simplistic idea of organized crime. They think that, through the law, we'll easily resolve all that and that it will be done quickly. Today, the Government of Quebec is announcing the creation of a special construction industry corruption squad, and people imagine that that will solve all the problems quickly.

As regards criminal bikers, Julian earlier referred to the 11-year-old boy who was killed in 1995. Quebec's minister of public security at the time, Mr. Ménard, ordered the establishment of the Carcajou squad. It combined the Sûreté du Québec, the Montreal Police Department and the RCMP to combat the criminals. That squad was soon able to make a major effort because there were a lot of informers and police officers had a lot of information. Rather than continue individually, they joined forces. In 2001, part of the problem was solved with the arrest of between 200 and 300 persons in Quebec, including about 20 dues-paying members of the Hells Angels.

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): It was 321 persons.

Mr. Michel Auger: It was 320 including about 15 Hells Angels. That took 15 years. In the spring, they continued the police investigations and charged all the members of the Hells Angels in Quebec, except two. Those two weren't charged because, at the time of the biker war, they were among those that the Hells Angels' enemies wanted to kill. So they were eventual victims. When the biker war was over in 2000, previous enemies became members of the Hells Angels. That's how the war ended.

Today, if we want to put more people in prison, we're realizing that more contracts could well be awarded to the mafia. We've recently seen, in all the debates in Quebec, that considerable collusion and corruption have been involved in the granting of public contracts. That world is hard to hit because it consists of a small group of individuals who work among themselves and engage in conspiracies. There aren't really a lot of them, and few police officers know the situation. By wanting to build new prisons and put more people in them, there is a risk we will help organized crime make even more profits rather than hurt it.

Operation Colisée clearly illustrates the problem involved in conducting effective police investigations. That investigation into the Montreal mafia was conducted by the RCMP over a number of years. Approximately \$55 million was invested in the main investigation and preliminary investigations. A lot of individuals were charged under the antigang measures of the Criminal Code, but the head of the mafia was released from prison two days after being convicted. He was supposed to be at death's door, but he left prison at a jog. All the others were given relatively minor sentences. A little money was seized. The antigang provisions of the Criminal Code were used by criminal lawyers to negotiate sentences and, in particular, to avoid the seizure of buildings and residences. Ultimately, the overall impact that that \$55 million investigation had on organized crime was very minor.

It was said—that was in 2003, I believe—that the mafia had been decapitated by the RCMP. However, drug trafficking didn't decline. Last spring, the Hells Angels were put in prison, but 24 of them are still at large. Drug prices haven't risen in Montreal, in Quebec in general or within Canada. The criminals will be released from prison after serving one-sixth of their sentence. It's thought that this isn't a serious crime. The corrections people allow a criminal convicted of drug trafficking to be released after serving one-sixth of his sentence. In short, there's no criminal deterrent aspect.

In the United States, the trials are much quicker, the sentences much more effective, and, the moment a group is concerned by an investigation and the police make arrests, criminals rush to become informants so they can settle their sentences as soon as possible. That happened in the case of our well-known Toronto publisher, Conrad Black. The case was solved thanks to an informant, an associate of Black's who came to the table. That's how the Americans operate and they put a lot of effort into it. As regards American structures, the RICO Act has been in effect since 1968 and works regularly. The trials are much shorter.

In Canada, ordinary citizens unfortunately don't often have an opportunity to go through the courts because it costs a fortune. Criminals have lawyers that they pay well, in cash.

Operation Colisée, for example, lasted five or six years, including the preparations. Since the police structure of the RCMP is centralized, there were five or six commanders. These are Ottawa bureaucrats who decide how things will operate. The decisions are not always bad, but these people are very far from the street and from the investigations. In addition, as a result of the police structure of the RCMP, a police officer has to be a generalist, that is to say good in all fields, in order to move up through the ranks.

• (0850)

However, in the fight against organized crime, it is a long-term effort that makes it possible to understand the operation of structures involving, for example, criminals of Sicilian origin who lived in farming communities, in villages, and who were able to import that type of structure to Montreal. Some get very effectively involved in drug trafficking, others in the upper levels of the construction industry, still others in political party financing.

Ultimately, we have an organized crime structure that is highly integrated and highly efficient. In addition, unfortunately, we're attacking situations that are likely to please the public, without however necessarily attacking organized crime effectively.

I'll answer questions later. I'll add others shortly.

• (0855)

[English]

The Chair: Thank you very much.

We'll move on to Jean-Pierre Lévesque for ten minutes.

[Translation]

Mr. Jean-Pierre Lévesque (Royal Canadian Mounted Police (Retired), As an Individual): Good morning. This will be in French as well.

Thank you for your invitation.

I am an RCMP officer and have been retired since 2006. In the last 15 years that I spent with the RCMP, I was assigned to the Criminal Intelligence Service Canada as coordinator of issues related to criminal biker gangs. Today, you could use the term “to the Hells Angels gang” since they've eliminated all the competition. My purpose was to facilitate and promote the exchange of intelligence between national and international law enforcement agencies. Here I'm not talking just about police departments, but also about correctional services, immigration services, customs services at the time and so on.

In the early 1990s, we witnessed the transformation of a small criminal enterprise into a multinational organized criminal organization that, like the mafia today, took control of certain construction sectors using the same methods as for their drug trafficking: intimidation and violence—I think André Noël will be talking about that. At the time, cooperation and coordination were minimal between police departments. At the start of the biker war, a national strategy was put in place, and the Carcajou squad was created at that time. That national strategy is still around and working well.

Let's look at a few details on how it works. It now provides access to data bases to squads specialized in the fight against biker gangs; it permits tactical and strategic exchanges on an ongoing basis among the various stakeholders; it permits ongoing awareness and training for members of law enforcement agencies on the importance of combining our efforts through documents, pamphlets, videos and so on; it permits the training of expert witnesses.

In 1992, the Immigration Act was amended. It was decided that, in future, any member of an organized criminal gang from outside the country would not have access to the country. At the time, we made a presentation and asked why the Hells Angels were not on that list. We ultimately convinced the authorities that they should be on it. To date, no foreign member of the Hells Angels, or even the Bandidos or Outlaws, can enter Canada with or without a criminal record. They are banned.

There's also the LAW Group, the Legal Advisor War Group, which the prosecutors from across the country responsible for Hells Angels cases joined. France Charbonneau was one of its leaders at the time. The members exchanged advice, as prosecutors were really reluctant to handle Hells Angels cases as a result of intimidation and so on.

So I think that this area of police work is doing well at this time.

My other point concerns the nonsensical fact that members of a criminal organization are allowed to walk the streets of Canada with their business cards displayed on their backs. This has three benefits for them. It helps, first, maintain the intimidation level, second, maintain the terror level and, third, even more important, secure the absolute trust of other criminals—100%—which facilitates their criminal activities, as is currently the case in the construction industry. In Hamburg, Germany, it has been prohibited to display the logo or name of the Hells Angels in public, under threat of imprisonment, since 1986.

We know that the government could, by simply issuing a government order, decide that a group is a terrorist organization and seize all their property. Why then aren't we doing it with the Hells Angels? It seems so complicated! Some hide behind the Canadian Charter of Rights and Freedoms, as in 1995, when the first antigang law was passed, waving the spectre of the unconstitutional nature of that act. And yet, that act is doing very well.

I think that, over the long term, the Hells Angels are a greater threat to Canadian citizens than Al-Qaeda or the Tamil Tigers, with their 200 deaths, their 20 innocent people killed, their prison guards killed and their massive involvement in drug trafficking, whether it be through secret labs, hydroponic grow-ops or cocaine imports.

Another option would be to make a judicial declaration proving that the organization is essentially dedicated to crime. Since 2005 in Ontario, police officers have provided this evidence in court on four or five occasions, and it was allowed every time. In 2005, when this kind of situation arose for the first time and Judge Fuerst decided that the Hells Angels represented a criminal organization, they appealed to the Court of Appeal.

• (0900)

Last June, the Court of Appeal held that Judge Fuerst's decision was impeccable. The Hells Angels decided to appeal to the Supreme Court. If they lose in the Supreme Court, will we finally ban them, or will we still allow them to walk around with their business cards?

Two things make it possible to control organized crime more effectively. First, when someone is convicted of gangsterism, why have him serve only 50% of his sentence? Why have the slightest scruple? Why release him after he has served two-thirds of his sentence? Is that for the purpose of reintegration? That's unrealistic.

There's no such thing in that world. Based on my 15 years' experience and my knowledge of the Hells Angels, I cannot remember the name of a single Hells Angel who became an honest citizen after serving time in prison.

When you talk about inflicting a heavy blow, the second most important thing is obviously money. It's true that some laws have never been tested in court and have always produced mixed results. I believe Michel talked about that. Mafia members leave prison with a lot of money in their pockets, which enables them to finance those lower down. If their pockets were empty, they would be much more vulnerable and would have trouble regaining their place in that environment.

Currently, an investigation makes it possible to establish profits and allows tax authorities to issue notices of assessment to those criminals. Deals are always struck and criminals constantly pay without any problem and at a discount, with an envelope full of cash or by personal cheque.

We're talking about gangsterism, and here's my suggestion. Why not require these individuals to hand over to the state all their profits, which can then be assessed, for example, at \$10 million over the four years of an investigation? If they refuse to do so, they stay in prison until the fine has been paid, and they can't declare bankruptcy. If their term is served, but they still owe money, they would stay in prison.

We say we want to have an impact on the next generation and to discourage it; I think that's the most important thing to do. Both street gangs and other groups wait until they know their sentence and the number of assets seized before determining whether it's worth the trouble for them to get involved.

I think the key to success is in your hands. You can advise the politicians and the people at Justice Canada, who will decide how to change the laws. That's the most important thing to do.

[English]

The Chair: Thank you very much.

We'll move on to Monsieur Noël, for ten minutes.

[Translation]

Mr. André Noël (Journalist, As an Individual): Good morning. I'm going to speak to you in French as well.

I would like to tell you some brief stories and name some names, but I want to ensure there is immunity here and that I won't be sued for what I'm going to tell you because I'm already involved in a number of proceedings. I've been a journalist with *La Presse* for 25 years.

[English]

The Chair: I just wanted to assure you that you do have immunity when you are testifying before committee.

[Translation]

Mr. André Noël: Saputo has filed a \$24 million suit against me, another—

Mr. Serge Ménard: Mr. Chairman, pardon me for interrupting you, but I'm not sure you're thinking of the same kind of proceedings as Mr. Noël. He is not concerned at all about being prosecuted for breaking the law in one way or another. So he obviously has immunity from prosecution. He wouldn't need it because he wouldn't be breaking the law. But I think what concerns Mr. Noël is that he might be sued for naming names.

Do I understand you correctly?

Mr. André Noel: Yes.

Mr. Serge Ménard: Can he give us those names in camera? His testimony could be heard in camera. There aren't a lot of people here to report his remarks, but some people listening to us could—

• (0905)

[*English*]

The Chair: Madam Jennings.

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): I think Mr. Noël's concerns are absolutely justified. Parliamentary immunity wouldn't apply, if he gave names of people in the context of a public meeting. I agree with my colleague Mr. Ménard. We should have an in camera meeting for Mr. Noël's testimony. In that way, the disclosure of names would be done in camera and no one has access to the transcript. All members, all staff and all persons here present are required to respect the confidentiality of everything said during an in camera meeting. Anyone violating that confidentiality would be guilty of contempt of Parliament and liable to criminal prosecution.

[*English*]

The Chair: That's a good suggestion.

Is it the will of the committee to go in camera for this witness?

Some hon. members: Agreed.

[*Proceedings continue in camera*]

• _____ (Pause) _____
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[*Public proceedings resume*]

• (0950)

The Chair: We'll start another round of questions. Let's limit it to five minutes for the question and answer.

Ms. Jennings.

Hon. Marlene Jennings: Thank you.

[*Translation*]

I'd like to go back to a subject that you all addressed. That's the fact that, contrary to what is perhaps happening in other countries, members of organized crime like the Hells Angels, for example, can walk the streets, in public, with impunity in most places in Canada. It's not illegal for them to display their symbols, which are symbols of intimidation.

You mentioned, I believe it was Mr. Sher who did so—examples of certain cities, in Saskatchewan, Vancouver, where municipal

authorities have adopted by-laws enabling police officers to expel Hells Angels members, for example. If they resist, then there are reasonable grounds to proceed with an arrest for obstructing a police officer. Do you think that practice should be spread?

Then someone talked about a federal government order. I would like to hear a little more on that subject.

I'm not just speaking to Mr. Sher. If the other witnesses want to add something, I invite them to do so.

[*English*]

Mr. Julian Sher: I think you have to make a distinction between banning or making a group illegal and finding different ways to curtail their public activities. As far as I know, there have been attempts to do that, as reported in today's newspapers. In Australia they're still debating criminalizing bikie gangs, as they call them, but they're having some constitutional issues. I believe it was tried in a couple of European countries without much success.

Hon. Marlene Jennings: I think I must have misspoken. I'm not talking about banning the organization itself; I'm talking about this symbol of intimidation.

Mr. Julian Sher: Canada has been leading the pack in the public display of gang issues. In that sense, quite a few provinces and municipalities have what are called anti-patch laws. Right now the Saskatchewan one is going before a court of appeal, precisely because the Hells Angels argue that it is unconstitutional. So we'll see how those laws go. I think overall they'll be supported and sustained, because municipalities, provinces, and other jurisdictions have a right.

It goes back to what I was saying about thinking outside the box. Those kinds of laws can be very effective. For one thing—excuse my language—they piss off the bikers immensely, but they actually have a very strong effect.

Unlike some of my colleagues, I don't think banning is very effective, and I can explain why later if you like. But when most gang members are arrested and charged, even if they haven't yet been convicted, the stipulations stop them from associating. It's called non-association. That's also very effective, because when you arrest a hundred Hells Angels members and suddenly they can't talk to each other or anybody connected with them, you effectively paralyze the gang, at least for the period of the trial. So there are creative ways like that in which Canada has led the way, and perhaps the federal government could coordinate it in a stronger fashion.

• (0955)

The Chair: Monsieur Auger.

[*Translation*]

Mr. Michel Auger: This, ultimately, is a virtually pointless debate because it would be easy to ban the Hells Angels from wearing their badges in public. However, if they remove their badges, you still have to prove that they're members of a criminal organization in any case. The mafia doesn't have a uniform, and its members are very effective, even more than the Hells Angels in many cases.

Ultimately it's a waste of time to want to do that, or else do it, but let's also think of other ways to be more effective, because, if the Hells Angels can no longer wear their colours, they'll continue their criminal activities in any case. And that's the problem; it's not the public display.

Hon. Marlene Jennings: I don't want my suggestions to be considered a magic solution. This is a complex problem and I think we need complex solutions that would eliminate the problem forever: that's clear. Some measures can have a positive impact without being the magic solution.

Next I wanted to ask you—

[*English*]

The Chair: Ms. Jennings—

Hon. Marlene Jennings: My time is up?

The Chair: Yes.

So it's just that one question. Would you like a quick response?

Hon. Marlene Jennings: No. My question's too long. I'll wait.

The Chair: All right. Thank you.

Monsieur Ménard.

[*Translation*]

Mr. Serge Ménard: Thank you.

I won't make you repeat yourself, Mr. Auger; I was going to ask you the question.

There's a difference between the mafia and the Hells Angels. The Hells Angels act in public, whereas the mafia, as far as I know, has never wanted to display itself. It's an insult to say that someone is a member of the mafia, but the movement is nevertheless terribly effective.

There is another more delicate subject on which I would like your opinion. I'm not mistaken in thinking that the main source of the criminal organizations' money is drug trafficking, and I'm told that the principal sources of income from drug trafficking are marijuana and hashish.

Do you think—some have already suggested it—that if marijuana use were legalized, that would take away a significant portion of the revenue of criminal organizations, or would that be replaced by something else that is equally effective? Would that have an effect?

Mr. Michel Auger: Yes, criminal revenue comes in large part from drug trafficking, but it's not just marijuana. Local marijuana use in Canada is one of the problems, and marijuana exports as well. Canada has become a marijuana exporter country, but it is a major importer of heroin, cocaine and other chemicals.

Personally, I've always thought that legislation would have little impact on the crime world. The only effect would be to prevent a group of minor users from having a criminal record, which would be a good thing. As for the impact on organized crime, I don't think it would be major. The problem of drug trafficking is that they have a lot of cash—which I briefly talked about earlier—and they reinvest it partly in loan sharking, in illegal or legal businesses with nominee

owners, and so on. It's this entire financial system that is the problem.

Mr. Serge Ménard: Others among you also referred to police infighting. I understand this is a problem elsewhere in Canada, but is it still a problem in Quebec, where police officers are really used to working in what they now call "mixed squads" and have seen for themselves how effective it is to share their criminal intelligence databases? Are we still seeing a lot of police infighting, quarrels between police departments, in Quebec?

Mr. Jean-Pierre Lévesque: From my experience I can tell you that, at first, there was a lot. When I reached retirement, in 2006, I think Quebec police officers led by example, and those from Ontario quickly followed. Now, with regard to all the major organized crime files, regardless of what they are, the Hells Angels, the West End Gang, the Italians, there's a round table and operation leaders meet at specific times. The cases are totally covered, with all available information, for everyone: there's a complete exchange. Across the country, it's obviously not yet perfect, but the best example is that of Quebec. With Ontario, those two provinces are currently the leaders in this area. Even though there are still some hitches in other provinces, the idea has been implanted. Police officers obviously know that the best results are obtained when they work together.

• (1000)

Mr. Serge Ménard: You've all told us that amending the laws can play a very small role in the organization of police work. I would like to know what remains to be amended in the legislation that represents a barrier to effective work against organized crime. I believe you've all observed the situation. A Crown prosecutor said, following a case that he had won, that the fight against organized crime is like housework: you always have to start over again. So there will still be more to do.

But are there still any needless legislative obstacles that we should correct in order to facilitate the work, while obviously respecting the fact that we are living in a society where there is the rule of law, with the Charter of Human Rights and Freedoms? We aren't about to change that.

[*English*]

The Chair: That's a very broad question. I think we may not have time to answer all of those. What we will do is start with Mr. Sher, very briefly, on the key legislative reforms he would suggest. Then I'll move to Mr. Comartin, because he did reserve his questions for the open panel.

Mr. Julian Sher: I would favour going back to what I said about creative thinking outside the box, and not relying unnecessarily on some federal legislation, although I think there have been some serious ideas about updating wiretap legislation, because in the era of BlackBerrys, pagers, and Internet communications we're still living in the legislation that deals with black telephones.

Proceeds of crime have to be looked at much more seriously. A police officer once told me that he had arrested a biker over and over again and the biker didn't mind, but the day they came and took away his Lamborghini the guy was crying. In other words, the idea is that you go after organized crime where it hurts, which is in their pocketbooks. So are there ways to tighten up and improve proceeds of crime?

Again, I would really encourage thinking outside the box. One example of a failed prosecution is when Revenue Canada, as it was called at the time, decided to go after the Hells Angels in Vancouver. Revenue Canada is allowed to go after any group it wants, whether it's fishermen or farmers, not in an indiscriminate way, but to say let's look at them. What they would do is look at this person's job, how much money they had made, and what they had declared. They took on the Hells Angels for a variety of reasons. I can go into details later if you like. The prosecution didn't necessarily work, but again it disrupted and really angered the Hells Angels. That's a creative way. That's how they got Al Capone.

The Chair: Thank you.

Mr. Comartin, five minutes.

Mr. Joe Comartin: That's how the Italians shut them down in Italy, by using that kind of manoeuvre.

I'd like to go back to the issue of the relationship between the old crime gangs that are still here, the Hells Angels, and the street gangs. We're picking some of this up in Ontario, where the street gangs are in many respects being manipulated by the biker gangs—less so by the old organized crime rings. Could I get your comments on what the situation is in Quebec?

[*Translation*]

Not only here, in Montreal, but in Quebec, more generally.

Mr. Michel Auger: One of the problems I see is that you want to put names and photos to organizations. However, whether it's the mafia, the Hells Angels or street gangs, they're all doing the same thing. Criminals have different friends, different associates and different associations, but, in fact, they are doing exactly the same thing. The Hells Angels and the mafia have agreed to share territories at certain times. The street gangs do the dirty work for the mafia. Murders take place in Montreal. A black man who was a member of a street gang was hired to carry out a contract. The person targeted was a big mafia member. These groups have frequent connections.

Putting them in boxes, names... When the Italian police says that the mafia has been dismantled, it's speaking the truth. They have dismantled an organization called the mafia, but the individuals who haven't been arrested have re-established another organization. They carry different names, in various regions of Sicily, but the result is exactly the same.

• (1005)

[*English*]

Mr. Julian Sher: It's complicated, but think of it from the point of view of a hierarchy, of competing jurisdictions, and also the whole question of three generations. In other words, the lowest level of organized crime is breaking legs; the thugs, killers, street gangs. The second level is when you are the king of the castle of organized criminals. Think of Mom Boucher. You're well known, you're known as a thug and a criminal. The top level is when you are now clean. You've taken your profits and now you're in organized, clean business.

If you look at that hierarchy, there are shifts. There are members of the Hells Angels who started off as street thugs to break legs for the Mafia. They then moved up. Walter Stadnick is an example of that in

Hamilton. He then becomes a top organized crime leader. But eventually the Hells Angels became powerful enough.... Originally they were the gofer boys for the Mafia when the Mafia brought in the drugs and they would just do the distribution. They literally became powerful enough, especially in Quebec, as we documented in one of our books, to sit at the same table to negotiate the price of cocaine. Then at one point the Hells Angels felt strong enough to go directly to Latin America to import and go around the Mafia. So they begin to move up.

Members of the Hells Angels in B.C. are clean enough now that they've invested in the stock market and become legitimate businessmen. They own cellphone stores and clothing stores. So they've moved up to that level. What you're now seeing in British Columbia is that the Hells Angels can now use the street gangs, which are still at the bottom level, for some of their dirty work. But when the Hells Angels are in trouble, some of the more powerful street gangs—like the United Nations or the Independent Soldiers—begin to move up to that second level.

It constantly shifts. So look at it from that perspective.

[*Translation*]

Mr. Jean-Pierre Lévesque: Today they're highly opportunistic. They're taking advantage of the void created by the big arrests among the Italians and the Hells Angels. They're elbowing their way in to determine who's going to do what. It's disorganized right now, but, as Julian was saying, the Hells Angels have in a way moved from thug status to the status of band council members. In the major import operations, there can be a member from the Hells Angels, one from the West End Gang and one of the Italians around the table. Each one puts up a certain amount. That happens constantly. It's about those who have contacts. We saw that even when the RCMP opened its exchange counter. That operation was aimed at the Italians, but all the Montreal riffraff ultimately went to launder their money there.

Of course, I agree that we should ban the Hells Angels. It's also a matter of image. You have to restore public trust, but that's definitely not the ultimate solution. I know these people will come back, will become criminals again. However, they'll be less organized; they won't be able to count. Within the structure and in the context of criminal acts, the guy from Quebec won't be as close to the one from Ontario or British Columbia.

As for changes to the act, I wonder why offenders should serve 50% of sentences for gangsterism and not 100%. There's no justification for that. We've determined how much profit they've made, so why don't we tell them they'll stay in prison until they pay that money back? That seems tough, but why take baby steps? Let's bring the hammer down. After all, we're talking about gangsterism.

[*English*]

The Chair: Thank you.

We're going to move to Mr. Norlock, for five minutes.

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

Thank you, gentlemen, for your appearance here today. It's very enlightening. The good part about it is that you're investigative journalists. In other words, you don't just write the splash story. You dig into it and you find out exactly where the roots of the problems are.

And of course there's my friend Mr. Lévesque, who's a brother police officer.

I'd like to start off with a couple of observations, and I'm going to ask you for some shorter answers. If I happen to make a statement and I'm at least 50% there, let me know, because there's no 100% answer.

These are some of the things that Mr. Auger and Mr. Lévesque said. Mr. Auger at one point said that if they get out of jail after serving only one-sixth of the sentence, people don't see that as a deterrent. Mr. Lévesque said that when found guilty, some of them serve about one half of their sentence.

We know that the sentencing regimes of this country, at least those who have been paying attention.... At the federal level we've been addressing some of those items with Bill C-15, serious drug crimes—we're sort of upping the ante for those—and of course Bill C-25, truth in sentencing, which I believe is going to get royal assent soon.

I'm going to ask this to all three witnesses. Do you believe that stricter sentences for those committing serious violent crimes and serious drug crimes are part of the solution?

We'll start with Mr. Sher.

• (1010)

Mr. Julian Sher: Strangely enough, despite the books I've written, I'm actually not a tough law and order type, in the sense that I'm not convinced that more prison time or sentences necessarily work. But they can be important, and I think what we're forgetting is that they're important not just to get the bad guy or the top bad guy. Where they're really effective, and the way they work in the States, is by pressuring the middle guy or the small guy to flip. In other words, it's called squeal and deal. That's the problem.

When the police arrest a mid-level biker or criminal and want them to go up to the top—that's what we're talking about, getting organized crime—if the guy's looking at two years and he knows he's going to be out in a few months, he has no incentive to flip against his boss. It's when you're facing 10 or 15 years on a drug charge; that's how the Americans get this top crime leader. That's why it's important.

[Translation]

Mr. Michel Auger: Like my colleague, I think sentences will help the minor criminals a little, but they won't have a major impact on society.

Mr. Jean-Pierre Lévesque: I think the question isn't so much the number of years in the sentence as the amount of time the individual will have to spend on the inside. Earlier I was talking about a minimum percentage of 50% and, why not, 75%? As I was saying, there's no reintegration into society for these people. I agree that informers are the key to the success of any major police investigation

and that these people too, like the big bosses, must receive harsh sentences.

[English]

Mr. Rick Norlock: Monsieur Noël.

[Translation]

Mr. André Noël: No.

[English]

Mr. Rick Norlock: One of the things that I look at as a law and order type of guy or a public safety person is this. If someone is arrested for a drug offence, what I call a serious drug offence—in other words, it's not just one or two joints, there's a significant amount of drugs available—that means that person's fingers or that person's activity in that is more substantial than just recreational use.

We've seen instances where, through our sentencing regime and the way our prisons work, in order not to have these people spend a long time in prison, because it costs a lot of money to keep people in jail, some of them only serve one-sixth of their sentence.

So going along with what you are saying, and to allow the police to use the tool and the crown prosecutors to use the tool of using the lower end of the echelon to get to the top guys, should we as a government and as a country and should Parliament be looking at doing away with some of these serving only one-sixth? Because if you were sentenced to six years because you had x number of ounces of cocaine, crack cocaine, or ecstasy, whatever the case may be, you could go to jail. If it's your first offence, you're only going to probably spend one-sixth of your sentence. So if you got six years—the judge is really tough on you and sent you to jail for six years—you're out in a year, or at least two and a half years.

If we did away with that, but somehow allowed the judicial system and the prosecution and the investigators to do what you want to do, do you think that would be a good idea?

• (1015)

Mr. Julian Sher: I think the law's a blunt instrument, and the problem with minimum mandatory or sweeping, tough drug laws.... If you look at what's happened in the States, the prisons are filled with people who got caught up, for whatever reason, but who may not be the top organized crime, the people you want to go after. I think what could be more interesting in some of the things even the federal government has already done is to look at things like gang enhancement laws.

It's the same thing with hate laws. It's bad when you beat up somebody, but if you beat up somebody because they're black or gay, there should be more punishment. So you shouldn't shoot people, but if you're driving by a neighbourhood and the only reason you're shooting, or part of it is because of the gang—you shouldn't sell drugs, but if you're doing it as part of a gang, there should be stiffer sentences. That is much more interesting because it then makes that distinction between victims and the perpetrators.

[Translation]

Mr. Michel Auger: Earlier Mr. Petit talked about revolving doors, but individuals who have committed their first offence and have committed a non-violent crime should still be able to serve one-sixth of their sentence. However, that shouldn't apply to individuals linked to a criminal organization. The sentence should be harsher. Mr. Lévesque was talking about the full sentence, not even two-thirds. What is certain is that you should at least increase the sentence, not reduce it.

Mr. Jean-Pierre Lévesque: I agree with Mr. Auger 100%. The one-sixth rule should apply to people for whom social reintegration is possible. When you talk about gangsterism and organized crime, history proves it: it doesn't work. Let's not waste our time with that. In the case of these people, we should never allow them to serve only one-sixth of their sentence, regardless of the crime they commit.

[English]

The Chair: Just a question. A number of you have to leave at 10:30—is that correct?

Mr. Julian Sher: I have a plane at noon, so I could probably leave at around a quarter to.

The Chair: All right. It looks like one of our witnesses for the next session.... There are only two groups represented, and one is going to be pushed off to the afternoon. What I would like to suggest is that we add another hour here.

You don't all have to stay for the full period of time, but it gives an opportunity, because a lot of this testimony we have not heard before in Vancouver or in Ottawa, especially on the mafia, as well as the Hells Angels. Most of the information we've received so far is on street gangs, what we're experiencing on the west coast. So this is very helpful.

Are we okay extending this particular panel for an extra hour? Does that work?

All right, we'll proceed on that basis.

Mr. Michel Auger: I can stay until a quarter to eleven.

The Chair: That's great. You can leave when you have to and we'll continue on with the other two witnesses.

Mr. Sher.

Mr. Julian Sher: If you have any specific....

[Translation]

You have to leave at 10:45.

[English]

So the two of us have to leave at 10:45—

The Chair: Understood.

Mr. Julian Sher: —if you have any specific questions for us.

The Chair: All right.

Who's next? Mr. Woodworth.

[Translation]

Mr. Stephen Woodworth (Kitchener Centre, CPC): I would like to thank you.

[English]

The Chair: One moment. I want to make sure we get the order right.

It's actually Ms. Jennings. Ms. Jennings, please.

Hon. Marlene Jennings: Thank you.

How much time do I have?

The Chair: You have five minutes.

[Translation]

Hon. Marlene Jennings: Once again you talked about thinking outside the box, saying that certain legislative measures can be taken to facilitate the work of our police departments, such as modernizing the Criminal Code provisions on electronic surveillance.

I'm pleased that the government has finally introduced its bill to do that job. I had tabled a private member's bill in the House on that subject, but I was so far down the list that we would have had to wait three years to start debating it and vote on it.

[English]

There are two pieces of legislation before the House of Commons already. One is the modernization of investigative techniques act, which I read, and it's exactly the same, although I think the government has used a different title—it just shifted clauses from one section to another—and there's another piece of legislation. So that's good news.

• (1020)

[Translation]

Do the special squads include people from the Canada Revenue Agency or from the provincial department of revenue from start to finish, in Quebec or across Canada?

Mr. Michel Auger: I was aware of a number of investigations where there was an enormous amount of cooperation among the various departments—Immigration, Border Services Agency, etc. Today, there's a lot of cooperation, and that's what has vastly improved the investigations and produced better results. Police officers have cooperated with the various groups. Organized crime investigations are very costly, and police officers don't have enough energy or money. The Montreal Police Department is virtually bankrupt, and the RCMP is focusing on Vancouver and on the next summit. They don't have money for ongoing investigations; that's very expensive.

Hon. Marlene Jennings: One of the assistance measures that the federal government could offer would be to create a special fund or to invest in police departments so that these special squads have access to funds.

One of the best ways to deter criminals is for them to know that they run a high risk of being captured. Once captured, the justice process will take place quite quickly, and if they are found guilty, they will have to serve a prison term.

Apart from investing in specialized training for prosecutors and police officers, what can we change in the Criminal Code provisions to ensure that, once criminal charges are laid, the justice process is accelerated and really has a deterrent effect?

Mr. Michel Auger: The system in the United States has a major deterrent effect. A biker named Rick Vallée was arrested in Canada for a murder committed in the United States. He was convicted and, if I remember correctly, sentenced to 25 years in prison and to a compensatory fine for the family of the victim of \$1 million. He can't be released until the compensation has been paid to the victim's family. That's really a deterrent effect. We would do well to gather ideas from the United States.

[English]

Mr. Julian Sher: I have two quick points.

Speed of prosecution is extremely important. There are gang trials that are dragging on in British Columbia. This also causes the problem that police officers can't be going out and investigating because they're constantly being dragged back into court.

An important point for you all to investigate is the Revenue Canada connection. You should check what happened in the B.C. example, because there are tricky areas where Revenue Canada can't be seen as being used by the police, so the barriers have to be set up. If it can be done effectively, it can be very powerful.

The Chair: Thank you.

Perhaps I could touch on one thing.

You mentioned the long trials. Our committee is actually undertaking a study of designated organized crime organizations, and we've pretty well completed the work on that. But it's my understanding that one of the reasons they drag on is exactly that: it takes so long to determine whether the individual's part of an organized crime organization.

Mr. Julian Sher: In most of the major what we call the anti-gang trials, proving the predicate act, whether it's a drug deal or what not, is relatively simple. It's proving the gang connections that can be hard.

The Chair: Yes.

Mr. Woodworth, five minutes.

[Translation]

Mr. Stephen Woodworth: I would like to thank you once again for being here today. You're making me take a different look at journalists.

I have a question for Mr. Sher, but I'm going to continue in English.

[English]

Although I haven't read it, I know, Mr. Sher, that you've written a book entitled *One Child at a Time: The Global Fight to Rescue Children from Online Predators*. You touched very briefly at the beginning of your remarks about similar issues, the kidnapping of a young girl getting headlines. I have a quote that came to my attention from *Beyond Borders* regarding this issue. It says:

In terms of sentencing in Canada for crimes against children in general, they are very, very, very lenient. Traffickers of human beings, especially children, are not individuals that should get a slap on the wrist. A message should be sent from the courtroom—and that's what Joy Smith is trying to do—that there's no tolerance for this type of behaviour.

Your comment about headlines occurring when a girl gets kidnapped is an area I'd like to explore, because it struck me that perhaps you were drawing a link between that kind of activity and organized crime. So I wonder if you can tell me anything about what degree of human trafficking might exist in Montreal, and to what degree organized crime may be involved in it, and in what degree there is profit—those kinds of questions.

Merci.

• (1025)

Mr. Julian Sher: I have to put on my other hat. I wasn't thinking of talking about child predators.

Let me say briefly that most of the Internet traffic, child pornography and those kinds of crimes, is organized through networks, but not necessarily through traditional organized crime networks. That being said, in my book and in other investigations, there is a fair amount of evidence showing involvement by eastern European and Russian organized crime.

J.P. Lévesque and other members of the RCMP at the time also documented examples where the Hells Angels were involved in the trafficking of young women coming into Canada to work in strip bars. And some of the money being made on the Internet on trafficking will be used by organized crime. There actually was a Hells Angels member who not only was a member of the Hells Angels in the United States, but was a member of the Hells Angels who ran a brothel and was also arrested on child porn. So you do see that nexus.

Let me say that an interesting example of creative use of organized crime law, is that one of the things they've done in the States, which we should try to do here, is the FBI started a prosecution where they got three or four people involved in Internet pornography, child pornography issues, but laid gangsterism, RICO charges, by showing that basically they were an organized crime network. So we can broaden out our definition about organized crime.

One of the biggest busts we had in Canada, which had reverberations around the world, was a major, major project. They busted men and they were able to prove that they were all part of a network. That's organized crime, and it's affecting our children.

Mr. Stephen Woodworth: I want to narrow my question and move a little away from the online issues to the actual human trafficking that is associated with that.

I'd like to get your idea. I'm not from Quebec and I'm not familiar with the scenario in Quebec. Is human trafficking an issue in Quebec, in Montreal, and is it involved with organized crime?

Mr. Julian Sher: I'm not an expert on the situation here, but yes is the short answer, if you speak to any of the major international groups that are fighting the trafficking of young women.

My next book is on trafficking and child prostitutes. We can talk about human trafficking, but the biggest amount of human trafficking that takes place in our country is domestic. In other words, it's the trafficking of young girls from the east end of Montreal to work in strip joints along the highway. It's the trafficking of girls from Alberta to work in strip bars or as prostitutes in Vancouver. Sure, the foreign element is important, but the absolute vast majority of girls who are trafficked in our country are Canadian girls. It's the same in the United States with American girls. That trafficking is done through organized crime networks.

The Hells Angels are known to control a big part of the prostitution networks in British Columbia. At the time I was investigating the Hells Angels here, most of the strip joints up and down the highway were controlled by organized crime. You can't have that network of prostitution and strip joints without organized crime being involved.

Mr. Stephen Woodworth: Do you have any comment on the recommendation from the international organization Beyond Borders about whether existing Canadian law is adequate to deter and whether there should be more deterrent sentences in relation to this area?

• (1030)

Mr. Julian Sher: Canadian laws in terms of child abuse and trafficking are nothing short of pathetic. I don't want to go into detail, but look at what the U.K. and the Americans do when their citizens are abroad and abuse children, or when their citizens are involved in trafficking, with the number of special police squads that are set up and the extraterritoriality.

As far as I know, Canada has prosecuted only one or two people for international child abuse cases and trafficking. Our laws are in deep need of reform.

Mr. Stephen Woodworth: Am I out of time?

The Chair: Yes. Thank you.

Mr. Rathgeber, please.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Thank you very much, Mr. Chair, and thank you to the witnesses.

Mr. Auger, you talked about conditional sentences somewhat critically.

Mr. Lévesque, if I wrote this down correctly, you said that the gangsters do not get reintegrated into society after two-thirds or one-third of their sentence. That's a premise I would certainly agree with.

There is currently a bill before the House of Commons, Bill C-42. I don't know if either of you are familiar with it. It purports to end conditional sentences for a whole range of criminal activity that is currently eligible for a conditional sentence, colloquially often known as house arrest. Some of those offences are criminal harassment, kidnapping, human trafficking—which we just talked about—abduction, theft over \$5,000, and arson. I'm sure you'll agree that many of those activities are ones that are pursued by organized criminals from time to time.

So I wonder whether either of you have any comment regarding this bill, if you've had a chance to study it; and if not, perhaps you

might have some comment based on its purported purpose as I've just outlined to you.

Mr. Michel Auger: I'm not familiar with the bill, so I cannot comment specifically on it.

Mr. Brent Rathgeber: Do you support the concept of ending conditional sentencing for the types of activities that I just outlined: harassment, kidnapping, abduction, theft over \$5,000, and arson?

[Translation]

Mr. Michel Auger: Pardon me, but I can't answer your question. What is the translation of "conditional sentencing"?

[English]

Mr. Brent Rathgeber: It's house arrest.

[Translation]

Mr. Michel Auger: No, I can't comment.

Mr. Jean-Pierre Lévesque: I don't know the bill in question. I can't comment on that.

[English]

Mr. Brent Rathgeber: Thank you, Mr. Chair. Those are my questions.

The Chair: Do we have anyone else from the government side?

If not, then Ms. Jennings.

[Translation]

Hon. Marlene Jennings: Thank you.

In response to my last question concerning the intervention of representatives from the Canada Revenue Agency and those from the provincial level, you said that there was a lot of cooperation but that we would do well to examine the judgment in the high-profile case in British Columbia because it sets certain limits on the kind of cooperation that there can be.

Most people here have, in a social context or in the neighbourhood, met people who seem to lead a lifestyle that far exceeds their potential incomes. I understand that the agency has the power to examine certain cases, to receive information to the effect that it would do well to take a somewhat closer look at the income tax returns of such and such a person and that, if the information appears to come from a credible source, etc., officials have the power to look a little further.

I'm going to read the judgment, but I wonder why, if the revenue departments receive information concerning individuals who belong to organized crime groups or who belong to a ring, they don't have the power to study that more closely.

•(1035)

Mr. Michel Auger: At the start of his presentation, Julian talked about the importance of public awareness, but also about agencies. The problem I see at the Canada Revenue Agency is that it puts all citizens on an equal footing. No distinction is drawn for organized crime. That's the problem. If more investigations were conducted, I think that would be better. Al Capone was caught out on taxes, and that's the direction we should be taking, because the entire problem of organized crime in Canada is based on clandestine money that isn't touched. There must be a more aggressive position on investigations, customs and everywhere. That's how we'll achieve results, if one day we manage to do so.

Hon. Marlene Jennings: It's also a matter of training because the people hired in the public service are ordinary, honest citizens. They aren't steeped in that environment and perhaps don't automatically question the returns of a very large majority of cases. Those people must also be given certain training so that they can take a different look at things.

Mr. Michel Auger: That's true. They aren't police officers, but there have to be directives providing for a more aggressive approach to investigations. The Canadian Charter of Rights and Freedoms is good for everyone, all Canadians, but it's the criminals who take the most advantage of it because they can afford to go and fight in court, to have lawyers. The Canadian Charter of Rights and Freedoms is great in principle, but, in practice, that's not how it works.

It's the same thing for tax. If you adopt a more aggressive attitude toward organized crime money, you'll have a greater impact on society.

Mr. Jean-Pierre Lévesque: We're talking about working with officials from the Revenue Department, and I remember that, in certain investigations, we had to put on the brakes. Why? Because the legal departments told them to go no further with the investigation for various reasons, perhaps because of a lack of information, I don't know. We never received the answer to that. All we were told was that officials couldn't continue because the legal departments had told them to stop.

Consider the example of the Immigration Act. In 1992, we had to go and make a presentation to legal department representatives, with supporting documents, to inform them about what the Hells Angels really were and about the work they were doing.

As regards what Mr. Sher was saying earlier, in the case of British Columbia, it's a personal initiative that was introduced. It was a Vancouver police officer who formed a team, ambitious as he was, that wanted to attack the Hells Angels and start investigating the entire organization. The Hells Angels' lawyers obviously mounted the barricades, but the police officers were nevertheless able to continue their investigation. Unfortunately, the initiative was not pursued across the country to the same extent. Once again, that bounced back to Ottawa, and the legal departments got cold feet and put on the brakes.

In addition to training, the laws should be more coercive. If an act on gangsterism is established, as soon as you pronounce the word, and pin it to someone, then everything is permitted, obviously within certain parameters, but everything is permitted.

[English]

The Chair: Mr. Noel and then Mr. Sher.

[Translation]

Mr. André Noel: I think the question concerning the Canada Revenue Agency is very interesting. Tax returns are secret, and they're used to conducting their investigations secretly, but at the same time they don't do it. A good example of that occurred last spring. Mr. Blackburn, the Minister of National Revenue, gave a press conference on the searches of Tony Accurso's businesses. He made that affair extremely public. That's an excellent thing because that enormously increases the pressure on the person concerned and informs public opinion.

There is a negative example. Agreements on income were reached between the Canada Revenue Agency and Vito Rizzuto before he was removed to the United States. A large part of that process was done in secret.

I'm a journalist, and I'm speaking in my own interest and that of my colleagues. I think a lot of government agencies would do well to feed journalists information; that has an enormous impact.

•(1040)

[English]

The Chair: Mr. Sher.

Mr. Julian Sher: A senior RCMP person was quoted in one of my earlier books saying that Canada is largely regarded as Maytag of the north. In other words, we are known as a major and very easy place for money laundering. So money is the nexus; that's why the gangsters are involved in crime and that's where you could hurt them.

On the important issue of Revenue Canada, it's my understanding that Revenue Canada cannot be seen as being an arm of the police. They can't be used as fishing expeditions. We don't want our tax people to be used as part of a police state or police activity.

That being said, I was surprised.... When I met with Revenue Canada I didn't know they have investigators not just checking your taxes, but active investigators. They will look through newspapers, and when there's a robbery and a lot of jewels or big art pieces are stolen they think that person seems to have a lot of money. So when something tweaks them they're allowed to investigate. And significantly, they're allowed to target certain groups, like seasonal workers.

So perhaps you could look. Could they not decide to target certain groups because of reasonable suspicions or certain individuals because of flashy, overt lifestyles without being seen as being an arm of the police? It's something worth investigating.

The Chair: Thank you.

We'll move to Madam Thi Lac.

[Translation]

Mrs. Ève-Mary Thāi Thi Lac (Saint-Hyacinthe—Bagot, BQ): Good morning. I'm going to share my time with Mr. Ménard.

First of all, thank you for being here. You're doing essential work, work to increase public awareness.

I have succeeded a member who was enormously involved, Mr. Loubier, and who was a victim of threats by organized crime. The Info-Crime program was reinforced in our region, a program that has enjoyed enormous success. Moreover, Mr. Auger, I met you in the context of that program. If we increase public awareness, the public can be very helpful.

We've talked about nominees and the Canada Revenue Agency, and I want to hear what you have to say on that. As parliamentarians, shouldn't we look further? We currently have the means to seize criminals' property, but shouldn't the government legislate with regard to tax havens in order to deliver a body blow to organized crime? It could pass an act to prevent criminals from hiding and sheltering their money and from giving funds to the organization to enable it to continue operating.

Mr. Michel Auger: I'm going to answer your question briefly and then I'm going to leave.

In theory, you can say that you have to seize the property of criminals, but it's very difficult for police departments to get convictions and effective seizures. The current practice of lawyers is to negotiate criminals' property in exchange for a guilty plea.

Broadly speaking, the problem is that the trials are too long in Canada. In comparison with the United States, sentences in Canada are far too lenient, and it's too complicated to secure seizures. We have to start by seizing property here before thinking about attacking tax havens. That's definitely where you hit organized crime, but there are so many tax evasion methods that it's virtually unthinkable to achieve any major effectiveness here.

The United States had to take a number of approaches to attack Switzerland's bank secrecy which citizens enjoyed, not all of whom were members of organized crime. These citizens had a number of billions of dollars in tax havens. The solution would be to go after the money in the pockets of the criminals, and that's where you have to take innovative steps, as my colleague said earlier.

[English]

The Chair: I'm not going to interrupt you. I'll let you finish your question. But before these two gentlemen leave, in point form, what other thoughts would you leave with this committee as we move forward in preparing a report to Parliament on the whole issue of organized crime?

Perhaps we could start with Monsieur Auger, and then move to Mr. Sher.

[Translation]

Mr. Michel Auger: I didn't understand your question, sir.

[English]

I'm sorry, I didn't understand.

[Translation]

An hon. member: He wants to know if you have any other minor points...

Mr. Michel Auger: No, that's it; I have nothing else to add.

● (1045)

[English]

The Chair: Mr. Sher, do you have any other points you want to leave with the committee?

Mr. Julian Sher: I think Monsieur Ménard had a brief question for Michel.

The Chair: Do you have to leave?

Mr. Julian Sher: Yes. Let me just raise two quick points.

We often call organized crime a cancer. Well, how do you fight cancer? You fight cancer with cancer specialists. You train doctors, you set up special institutions, and then you make sure there's cooperation so there's not just one doctor in one area who discovers something and it's not shared. Those are the basic things we have to do. You need specialized strike forces; you need specialized prosecutors; you need specialized courts if necessary. You maybe then have to bring in other outside experts like we were talking about, Revenue Canada. That's the way you fight cancer. You don't conquer cancer; it's always going to come back. People are still going to get sick, but you dedicate the resources, you stop the unnecessary in-fighting, and you develop the expertise.

The second thing is that it is about education and about public image, the question we were all talking about here. If we had this meeting 10 years ago, 15 years ago, when Mom Boucher and the Hells Angels were treated as rock stars and heroes in Quebec, it would have been quite different. I have travelled around the world; that is still the case. You go to California.... When I go to the United States and Europe, the Hells Angels and other organized crime are often still seen as heroes. It's no longer the case in Canada, in part because of the work we've done as investigative journalists, in part because of laws, and in part because these guys are so stupid and nasty that they've turned public opinion against themselves. But we've made progress in Canada in the sense that at least our bikers are no longer seen as the heroes but are seen as the gangsters they are. That's not the case in other countries, so we have to work on that and make progress.

The Chair: Thank you.

Monsieur Ménard, you still have two and half minutes.

[Translation]

Mr. Serge Ménard: Mr. Auger, are there any cases of trafficking in human beings in Montreal?

Mr. Michel Auger: There have been and there no doubt are still, but I particularly know what goes on around the major rings we talked about earlier, the Hells Angels and the street gangs, which have been implicated in those activities. The street gangs have been very much involved in juvenile prostitution. There are a lot of cases of that kind.

Mr. Serge Ménard: When you talk about trafficking in persons, is that merely the exploitation of a person's work or a much more serious problem?

Mr. Michel Auger: We're really talking about an individual who takes control of another individual for illicit, criminal purposes. It's always for prostitution purposes. This is the sexual exploitation of minors, in the majority of cases, but it can also involve adults or young women wanting to pay for their drug habits who are used for prostitution purposes in bars and other places of that kind. For the rings that I know about, it's always about that.

Mr. Julian Sher: It's a modern form of slavery.

Mr. Serge Ménard: For reference purposes only, I'm going to quote the first sentence of the Global Report on Trafficking in Persons of the UN Office on Drugs and Crime: The term *trafficking in persons* can be misleading: it places emphasis on the transaction aspects of a crime that is more accurately described as enslavement. Exploitation of people, day after day, for years on end.

Are you in complete agreement?

[English]

The Chair: Monsieur Ménard, please speak more slowly.

[Translation]

Mr. Serge Ménard: Now I would like to know what you think of the following definition: (a) cause them to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service;

Don't you think that's a much broader definition?

[English]

Mr. Julian Sher: The issue of human trafficking, which is domestic, is basically modern slavery, in that the organized crime groups, criminal enterprises, usually control every aspect of that young woman's life. They are literally branded the way the slaves once were. I've been focusing a lot in the United States. The FBI has set up a special squad of agents around the country who do nothing but fight pimps and trafficking networks. They have a whole network, and we have not yet caught up at that level. They are using criminal RICO legislation to go after the networks.

[Translation]

Mr. Serge Ménard: Don't you think that the second definition could apply as well to adolescents of 16 or 17 who work in small businesses? They could think that their safety is in danger if they don't do what they're told to do, especially in a family context. I've seen that kind of situation.

• (1050)

Mr. Michel Auger: You're right. The second definition is general, broad.

Mr. Serge Ménard: We can understand that fact, but the definition is much too broad.

Mr. Michel Auger: When we hear about slavery, it's really—

Mr. Serge Ménard: Indeed, while the UN definition focuses more on the situations that you have observed.

Mr. Michel Auger: Pardon me, but I have to leave.

[English]

The Chair: We'll move on to Mr. Comartin.

[Translation]

Mr. Joe Comartin: As for the possibility of banning the Hells Angels, I would like to ask Mr. Lévesque two questions.

As witnesses, we heard from some Quebec police officers, in particular. We asked them whether there was a model. They were unable to provide us with one for Canada or for other countries.

Do you know whether countries that have completely banned a group have a model?

Mr. Jean-Pierre Lévesque: As I mentioned earlier in my presentation, the only city in the world where the Hells Angels are banned is Hamburg, Germany, and they've been banned since 1986. In that city, it is prohibited to wear the name or emblem of the Hells Angels, even in a tattoo. So whoever wears that kind of tattoo on his arm has to wear long sleeves to cover it up or else be liable to imprisonment.

During the well-known Great Nordic Biker War, which involved Denmark, Norway, Sweden and so on, they considered banning those groups, and then the Hells Angels and Bandidos were ultimately quicker than the politicians: they decided to make peace, and social peace was restored. As we heard earlier, Australia has long been juggling with the idea of banning them, but, as you know, every Australian state is different and has its own powers. It's quite complicated over there.

Mr. Joe Comartin: Mr. Noël, your testimony and that of the other witnesses here today suggest that organized crime is more rampant in Quebec than in the other provinces. Is that correct?

Mr. André Noël: I think so.

What happened, historically and from what we understand, is that Montreal was Sin City in the 1930s, before Las Vegas. In fact, it was the Las Vegas of the north. Relations between Montreal and New York were very extensive. With regard to the Sicilian mafia and Montreal, the Rizzuto family has ties with the Bonanno family in the United States. The Bonannos are no longer the leaders, but they're still one of the big five families in New York. From what I've been told and from what I've managed to read, the Cuntrera-Caruanas came and settled here in Montreal in the 1950s after a very difficult period in Italy. Judge Giovanni Falcone, who was assassinated about 10 years ago in Sicily, realized the importance of the Cuntrera-Caruanas by sitting on the commission to examine witnesses in Montreal. That family then settled in Venezuela and forged ties with the Colombian drug cartels. It was roughly around that time that the world was invaded by cocaine from Colombia.

Montreal is really an Italian mafia hub. The fact that Canadian Italian mafia leaders are in Montreal—if you're talking about Nick Rizzuto or Vito Rizzuto—is quite significant. In my opinion, there's something particular about Quebec. That doesn't mean that doesn't exist elsewhere. However, the political or historical reasons why Quebec stands apart from the rest of Canada are probably the same reasons why Sicily stands apart from the rest of Italy, that is to say that Quebec is a special part of Canada.

To answer your question, yes, Quebec is particularly hard-hit by that, in my opinion. Furthermore, what's currently going on in Montreal is extremely important. I showed you the headlines from *Le Devoir*—which isn't my newspaper from this morning—“Break the omerta”, “Mafia at the doors of city hall?”. What's going on in Montreal right now is historic. I'm pleased because, as an investigative journalist, I did my share to make this affair explode. I was one of the first ones to show that there was corruption in Montreal. However, for 20 years now, we, my colleague André Cédilot and I, have been trying to alert public opinion to the extent of the mafia presence in Quebec and Canada. We also know that it has its ramifications at the federal level as well.

In any case, what's going on is a good thing, and it's good that the federal government is also taking an interest in what's going on in Montreal.

•(1055)

[English]

Mr. Joe Comartin: Do I still have time?

The Chair: No. We'll move on to Monsieur Petit.

[Translation]

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Thank you very much.

My question is for you, Mr. Lévesque, and perhaps you'll be able to supplement the answer.

I have a specific interest. I come from Quebec City. You know that we've had major problems with prostitution rings involving important people in Quebec City. You heard about that for a number of years in the Quebec City region. After that, I moved away, and I was interested by the situation in Montreal. Here Mr. Noël partly answered my questions, but I'm putting the question to you.

There's something de peculiar in Montreal, in that we currently sense that something isn't working. I'm talking about street gangs. One of the Bloc Québécois members, Maria Mourani, has published a book in which she describes all street gangs, citing virtually all the names of the members, where they work and so on. So we know that there are street gangs, and we are virtually able to identify their territory and to put names to certain leaders, etc. We know the names of the members of the Hells Angels who are in certain areas of Montreal—I'm coming back to the Hells Angels here—and so on. In the case of the mafia, we seem to have names as well.

So I'm asking myself some questions. We make laws and we know all that. You, who are a former police officer, tell me why it is that we don't act if we know all that. Is it because we lack money, as you said earlier? Is it because we know things and we don't want to get to the bottom of the affair? I'm a bit intrigued. I'm even a bit uncomfortable because we know a lot of things, an enormous number of things, as you said earlier. You've also discovered others, but nothing happens. I'm starting to be afraid. That means that I pay a lot of taxes and that nothing's working. That's also what that means.

So I'm putting the question to you, Mr. Lévesque, who seem to be quite informed about this affair.

Mr. Jean-Pierre Lévesque: When you attack an organized crime group, whether it be the Hells Angels, the mafia or street gangs whose members' names we know, as you said, and we decide to start an investigation, our evidence obviously has to be bullet-proof at all times. That's one of the reasons why now, when a long-term investigation begins, regardless of the organization, a prosecutor is assigned to it from the very start and helps police officers prepare their evidence so that it's solid at the outset. That's a long-term investigation. Obviously, the laws give us certain powers, but they are always limited.

As I've always said, the key to the success of investigation are the informers. Here again, the work with informers is a long-term effort. Thanks to whom have we just arrested some 110 Hells Angels for the first time? To at least one member of the Sherbrooke chapter of the Hells Angels. Whether you like it or not, even if we know it all, there has to be an accumulation of evidence. But that takes time and it's complicated. The more complex the organization is, the more complex the investigation will be as well.

Obviously, it takes money and staff, as we've said. There also have to be laws enabling us to get to the bottom of things. Yes, that is costly. When you stop these people and they're convicted, I think you have to strike two major blows: leave them in prison for a long time and make them pay back the profits they've made, rather than simply use Revenue Quebec to go after a portion of those profits.

•(1100)

Mr. André Noel: I'm concerned about economic and political influence and I'm making a recommendation to you on the question of nominees. I'm not a legal specialist, but we're here, in particular, to see what can be done from a legislative standpoint. It's extremely useful to clarify and reinforce the act to prohibit the use of nominees. It's obvious that welfare recipients use nominees when they wind up at the head of large businesses.

I've worked on certain files of people. We have trouble writing about them because they deny they are nominees, but we know they are. There are already statutory provisions prohibiting the use of nominees, and the police are asking that they be reinforced. That's vital because, once it becomes difficult to use nominees and major penalties are imposed, you've just solved part of the problem of the economic and potentially political influence of organized crime.

Mr. Daniel Petit: Thank you very much.

[English]

The Chair: Thank you.

Monsieur Ménard, do you have a question?

[Translation]

Mr. Serge Ménard: I'd like to go back to a subject I've already discussed. What are the relations between the mafia and the Hells Angels of Montreal like? Are they good? Do they divide up the market? Are there any confrontations?

Mr. Jean-Pierre Lévesque: In operation Spring 2001, a map of the city of Montreal was seized at the home of an influential member of the Nomads, the Hells Angels. On that map, the territories were clearly indicated: Hells Angels South, Hells Angels Nomads, Italians, and so on. The city was divided up and each had its own territory.

Mr. Serge Ménard: If I understand correctly, the Nomads are Hells Angels.

Mr. Jean-Pierre Lévesque: Yes, they're the Hells Angels.

Mr. Serge Ménard: The Nomads are a closed club of Hells Angels.

Mr. Jean-Pierre Lévesque: In fact, the Hells Angels are divided into chapters. Every chapter has a certain amount of independence. A chapter normally covers the place where its members have their activities, such as the Hells Angels Quebec City, the Hells Angels Montreal, the Hells Angels Trois-Rivières. In that case, however, it was the Hells Angels Nomads, who could operate anywhere.

The map of Montreal Island that was found was compartmentalized into a number of groups: the Hells South, Trois-Rivières and Montreal. The Italian mafia had the neighbourhood of Saint-Léonard at the time.

Since then, there's been a rise in street gangs. Unlike the Hells Angels or the Italians, they have no respect. When I say respect, that means respect for the unwritten convention between the various families of organized crime, under which you don't touch a particular territory if it already belongs to someone, unless you pay him a certain amount of money. It's always been the same thing with the street gangs. There are members of street gangs who are what could be called real cowboys, real hot-dogs, people who go anywhere. If they step on someone's toes, they don't care.

Operation Colisée, which attacked Italian crime in Montreal, and the last investigations of Operation SharQc against the Hells Angels of Quebec City created some voids. There's currently nothing solid; It's each man for himself.

• (1105)

Mr. Serge Ménard: How are relations between the mafia and the Hells Angels?

Mr. Jean-Pierre Lévesque: I'm talking about what I know about because I've been retired for three years. I think there are still business relations. Cooperation, as I said earlier, is a matter of opportunity: if someone has a contract for such and such a thing, in such and such an area, and that can help the Italians, or vice versa, it will get done.

Mr. Serge Ménard: I heard at one point—you'll tell me if I'm wrong—that the mafia had much better international relations than the Hells Angels. The mafia in fact acts as a wholesaler, whereas the Hells Angels control the retail market.

Mr. Jean-Pierre Lévesque: The mafia definitely have more experience and more contacts at the international level than the Hells Angels, but that doesn't prevent the Hells Angels from having certain contacts outside the country that enable them to import goods.

Mr. André Noel: As Jean-Pierre Lévesque said, it's an uncertain period right now, but at the height of the war between the Hells Angels and Rock Machine, the two leaders of those groups were respectful of Vito Rizzuto. That gives the impression that things are different now because the situation is very uncertain, but the Italian mafia are at the top, followed by the Hells Angels and the street gangs.

It's true that the street gangs take up a lot of room because the mafia and the Hells Angels have been shaken. For the moment,

there's a management problem within the mafia. Who's taking over from Vito Rizzuto and Nick Rizzuto, if ever there is a need for succession? Vito Rizzuto will be coming back to Canada in 2012. We heard that Agostino Cuntrera, who I talked about earlier, could become the leader. There's also a guy named Montana that the Bonanno family has sent to Montreal. However, neither is managing to establish his leadership.

When Vito was arrested in 2004 to be extradited to the United States, he told police officers who were in the car with him to watch out for the rise of the street gangs. The fact that the mafia was shaken has created a situation where there are fewer umpires than there used to be. And in my opinion, you see that even in the business community.

Within the construction firms—I wrote an article on this subject a month or two ago—a lot of businessmen are currently being beaten up. I'm talking about construction contractors from the Italian community. One of them was seriously beaten up in July by someone belonging to the street gangs, but we don't know where the order came from.

There are a lot. I could talk about other cases; I could name some names.

Mr. Serge Ménard: Do you want to continue in camera?

[English]

The Chair: I'll go back to you, Ms. Jennings, because you weren't here for your turn. You have five minutes.

[Translation]

Hon. Marlene Jennings: I apologize for being absent. I missed a part, and perhaps the questions that I ask you will already have been asked by someone else.

This concerns the street gangs. In the 1980s, more specifically in 1985, 1986 and 1987, I knew a police officer from the Los Angeles Police Department. It was at the time when the Crips and the Bloods were organized. They started to take over the criminal organizations. The City of Los Angeles had set up a special squad to combat the street gangs, and this police officer was one of the directors of that group.

At the time, he said that the work that was being done against the traditional mafia by, for example, the Hells Angels, and so on, would create a certain void. The success of that fight would create a void, and street gangs would become—

• (1110)

[English]

They're embryonic right now, but they will become sophisticated. They will create their networks and they will branch out.

[Translation]

What he predicted has happened, and the street gangs are present here in Canada today.

When investigations are conducted into the mafia and Hells Angels, for example, is there this same coordination within the squads? Do the members of those squads work specifically on street gangs to ensure they don't fill the void when operations like Operation Colisée are started, for example?

Mr. Jean-Pierre Lévesque: There are no doubt specialized sections within the Montreal Police Department. There are experts in the field who are constantly investigating the street gangs and are aware of what's currently going on. These are individuals who could give you an accurate picture of the situation of street gangs in relation to the void created by all the arrests that were made. Yes, monitoring is being done.

However, I was speaking to a former colleague who worked with me for the Canadian Criminal Intelligence Service. His specialty was street gangs and he was in contact with Los Angeles, Montreal and other Canadian cities. I saw him again about two years ago, and he was no longer working as a result of a shortage of funding.

It's always the same recurring problem. Good work is being done in a certain field, success is achieved, and, immediately, other priorities arise, staff is short and money is scarce. There's always a minimum, a skeleton staff that remains available to investigators. However, that's not enough for the work to continue full speed ahead, as it should, unless, once again, there is violence, the public and the newspapers call for it, me and there is some media pressure. In that case, 100% of the resources will be reassigned.

For the moment, I can't tell you where things stand.

Hon. Marlene Jennings: Thank you.

[English]

I still have one minute, but I won't be using it.

The Chair: Mr. Woodworth.

[Translation]

Mr. Stephen Woodworth: Thank you very much, Mr. Chairman.

[English]

I'm sure that as journalists you have some sense for public sentiment in relation to this issue of organized crime and how to deal with it. I'd like to ask you about a suggestion Mr. Sher made earlier today about the benefit of mandatory minimum sentences to enhance penalties in relation to organized crime. I have sometimes heard it said on behalf of the people of Quebec that the people of Quebec don't like mandatory minimum sentences.

I would like to know if those who say that are accurately speaking for Quebecers, or do you think the people of Quebec would accept that there is a benefit to having mandatory minimum penalties as enhancements for crimes relating to gang activities, organized crime, or such horrific offences such as human trafficking, for example? Do you have any sense of that?

[Translation]

Mr. André Noël: You mustn't mix things up. There was indeed a major opposition in Quebec, particularly when the government wanted to increase penalties for young offenders, minor criminals.

Jean-Pierre Lévesque talked about an RCMP operation concerning a foreign exchange office. I don't know whether that rings a bell for you. The RCMP had created, in the years—

Mr. Jean-Pierre Lévesque: It was in 1991.

Mr. André Noël: In 1991, the RCMP created a false foreign exchange office to attract those who were laundering money. The

operation was successful and essentially made it possible to catch mainly members of the Italian mafia, in particular a known lawyer, Joseph Lagana. If I remember correctly, it was at that time that the Liberal government reduced the sentence from one-third to one-sixth. We found that very curious, and a number of journalists saw a connection in it. How was it that the police suddenly caught a lot of people? What is important is that white collar criminals... Money laundering isn't a bloody crime; there's no immediate murder. As money laundering isn't seen as a bloody crime, there's a kind of laxness and sentences are less harsh.

Some thinking should be done on that point.

• (1115)

Mr. Stephen Woodworth: May I interrupt you?

[English]

The question I want to ask you about... I understand very well the concern about an accelerated parole for nonviolent offences, but that's not what my question was about. My question is whether you have a sense for whether or not the people of Quebec would agree with Mr. Sher's comment that mandatory minimum penalties might be appropriate to enhance sentences in relation to criminal organizations, or in other appropriate cases. That really was my question.

Mr. André Noël: I'm sure the answer is yes.

[Translation]

Mr. Stephen Woodworth: Mr. Lévesque, what do you think?

Mr. Jean-Pierre Lévesque: In Quebec, people are opposed to the Young Offenders Act. However, for organized crime or for people like Lacroix, there definitely should be minimum sentences.

In Lacroix' case, we're currently talking about a minimum sentence of two years and \$1 million or more. The people of Quebec think that's an aberration; it makes no sense. The sentence should be much harsher. Things are moving forward by baby steps. Quebecers want maximum sentences imposed on members of organized crime because they have no pity on them.

[English]

Mr. Stephen Woodworth: Just so that I understand, two years for fraud over \$1 million is still inadequate—is that your comment?

Mr. Jean-Pierre Lévesque: Exactly.

[Translation]

You mentioned \$2 million. Lacroix committed a \$150 million fraud. That will also apply to him. I don't think the amount should be set at \$1 million; it should be much harsher. Fraud artists should be treated in the same way as members of organized crime and they should receive much harsher sentences.

Mr. Lacroix, who still owes \$85 million, should be told that he'll have to stay in prison until the money is repaid.

Mr. Stephen Woodworth: Thank you very much.

[English]

The Chair: Do we have any other questions to witnesses?

Mr. Comartin.

[Translation]

Mr. Joe Comartin: Mr. Lévesque, under the Criminal Code, the profits from the activities of organized crime can be seized. In 2007, witnesses told the committee that this power had not been used often, particularly in Quebec.

Mr. Jean-Pierre Lévesque: What power are you talking about?

Mr. Joe Comartin: The power to seize property.

Mr. Jean-Pierre Lévesque: From what I can understand, the new acts put in place have never been tested in court because deals are always reached between defence lawyers and prosecutors.

Mr. Joe Comartin: They make arrangements between them.

Mr. Jean-Pierre Lévesque: Unfortunately.

Mr. Joe Comartin: All right, thank you.

[English]

The Chair: I'll just close off with one question to both of you. My special interest has been the sexual exploitation of children. I was able to introduce a luring law, which doubled the maximum sentence for luring children over the Internet from five to ten years in prison. That bill was passed in the previous Parliament.

My question follows up a little on what Mr. Woodworth was asking, which had to do with mandatory minimum sentences, but specifically goes to human trafficking, and more specifically to trafficking of young children.

Do you sense that there is general support in your province for some type of mandatory minimum sentence for those who traffic children?

Mr. Lévesque.

[Translation]

Mr. Jean-Pierre Lévesque: Yes, without a doubt; that depends on what the minimum sentence will be. However, I think it's important to be uncompromising in imposing that sentence.

• (1120)

[English]

Mr. André Noël: I don't know enough about that topic. I'd prefer not to talk about it.

The Chair: Okay. I'll respect that.

Thank you so much to the—

[Translation]

Mr. Serge Ménard: How old are the children? At 17 and a half, do you think he's a child?

Mr. Jean-Pierre Lévesque: Some are 40, and they're children.

Some hon. members: Oh, oh!

Mr. Jean-Pierre Lévesque: At 17 and a half, is he a child? I think so.

[English]

The Chair: Mr. Lévesque.

Mr. Jean-Pierre Lévesque: Before I leave, let's make sure that the money is always there for special squads on organized crime. If we are really serious about fighting organized crime, let's make sure

that the funds are available to fight it, as you mentioned before, and that it's not a case of saying we're done with this and have made some arrests, and now we're moving to another file. That's a problem; there is a lack of personal understanding of other priorities that we should maintain, such as money for dealing with the mafia, the Hells Angels, the street gangs. We also need to make sure that there are always prosecutors attached to those cases.

That's why we have had so much success over the years: when we decided to attach prosecutors to those special squads, there were many fewer cases lost. We almost won.... We were talking about the springtime of 2001. Of the 158 people arrested—or maybe, you were mentioning, 300—at one time, I think 99.9% were convicted.

Finally, again as I said, bring in some laws so that we can solve the problem.

[Translation]

Let's be uncompromising in sentencing; that's what's important.

[English]

The Chair: Thank you.

Mr. Noël, do you have any final thoughts?

Mr. André Noël: No, I do not have any.

The Chair: Thank you to both of you.

We'll suspend.

- _____ (Pause) _____
-
- (1130)

The Chair: All right, we'll reconvene the meeting.

We have Margaret Shaw with us, who is representing the International Centre for the Prevention of Crime.

You have the meeting to yourself, which is nice. Typically we give an opportunity to make a presentation, so you have ten minutes. If you need more time, certainly we have the time, and then we'll open the floor to questions. I'm sure our other members will return very shortly.

Please, go ahead.

Dr. Margaret Shaw (Sociology and Criminology, International Centre for the Prevention of Crime): Thank you very much. I would say that a collection of well-known journalists and police are more of a draw than sociologists or criminologists.

On behalf of the centre, I would like to first of all thank you very much for this invitation.

I will explain a bit about what we are. If you go to the window there, you will see our offices in the old Canadian Pacific building on the eighth floor. We are an international NGO, non-governmental organization, that was founded 15 years ago by the governments of Canada, Quebec, and France. Over the years we have accumulated eleven member governments, and they include Australia, South Africa, the State of Querétaro in Mexico, El Salvador, and we're negotiating with Brazil right now. We have a range of governments around the world.

We also have a network of organizations that form our board. These organizations are specifically interested in issues of community safety and crime, and public security around the world. It includes associations of cities: in Canada the Federation of Canadian Municipalities, in the U.S. the Commission of Mayors. It includes associations and organizations that work specifically on prevention issues on the ground: the National Council for the Prevention of Crime, in Washington, Crime Concern in Britain, and these kinds of organizations.

We have quite an extensive network in many regions, in Latin America and the Caribbean, in North America, Europe, Australia, and a large number of places in Africa. We are a little less networked in the Far East and in Arab-speaking countries, and these are some of the challenges we are hoping to meet.

The role of ICPC is to promote the notion of prevention as something that is just as important as good policing and legislation in any society. It has been based, in a sense, on looking at the success in France of the role of mayors in dealing with issues of riots and unrest in cities. Gil Bonnemaïson was the head of a committee of mayors in the 1980s that was extremely successful in responding to the problems of hot summers in French cities, which are not the same for young people as they are for older ones who can sit in cafés.

That approach is about working across the board—"joined-up government", as it's called in Britain—with everybody in the sector, not just the police, but environment sectors, housing, health, education, youth, and social services. I think the success of the model developed in France has inspired a number of countries, from New Zealand to South Africa, and many others.

Over the period since the 1980s, a real understanding has developed at the international level of the importance of working across the board, transversely rather than in individual silos, in terms of policing and security. This is called social development over there.

The mission of ICPC is to try to get a balance between the way we spend our money, the way we understand problems, and the way we work on the ground. I can come back to this later, but the way we understand what is happening around the world—and we're basing our knowledge on information drawn from many, many countries over a period of 15 years for our organization, but maybe 20 or 25 years of research on crime around the world—is that if you work together at the national, state, provincial, and local levels, and you work on building in prevention as well as balancing that with good policing and good legislation, then you have a much better chance of dealing with some of the root causes.

In relation to organized crime, I will say why it's tremendously important to us. And I apologize if you have the expectation that we are experts on organized crime; we are not.

• (1135)

What we are looking at is everyday crime, crime that affects people on the street and that includes the impacts of organized crime, whether it's in Surrey, Montreal, or any other part of Canada. So we're interested in what we can do at the local level, at the city level, to create safer communities and to prevent the problems that arise from youth gangs and street gangs.

The big issue is that there is a tendency to talk about organized crime and all of the specialized forces. Today I heard Julian Sher talking about this as an important approach. It is extremely important in the view of many other people that we have a balanced approach and that we work on all fronts.

Today I would like to give you some examples of projects in other countries. I'm sorry if you have heard of some of these from other witnesses, but I hope that the accumulation of information will result in a familiarity with the subject sufficient to ensure that we are all talking about the same kinds of things.

Organized crime is an extremely difficult thing to define. It's easy enough for us to say who belongs to the Hells Angels, but when it comes to street gangs it is not always easy to distinguish between those that are organized and those that are not.

The trafficking of art and antiquities is an active area at the moment. I was a conference recently on this topic. This is a world that is both legitimate and illegitimate, and it moves in and out in various ways. You cannot say art and antiquities theft is organized crime, because it's often people doing legal things that are a bit shady, some of which they know about, and some of which they don't. Money-laundering and many other things are happening in this field.

Organized crime is very attractive. It's easy to think we can do something strong to prevent it, but it's very difficult to pin it down. In this regard, I was interested in the testimony about the profit futures. It's important for us always to remember how difficult it is to define who we're talking about. If we go in only one direction, we will be pulling in people who shouldn't be involved.

At the international level, we now have norms and standards. There are transnational organized crime protocols and conventions, but there are also guidelines on crime prevention. Two sets of guidelines were adopted by ECOSOC, the most recent in 2002. These guidelines urge national governments, regional governments, and local governments to pay attention to organized crime and the links between it and ordinary street crime. This is where we can begin to make a difference in prevention.

These 2002 standards on crime prevention enjoin governments to work in this area, and they lay out certain things you can do in legislation, regulation, public education, money-laundering, attitudes towards human trafficking, and some of the other issues you have been talking about.

There's a sea change that's been happening at the international level. The UN's World Drug Report, 2009, which was published by UNODC in April of this year, is interesting because it's the first world drug report to urge governments to consider prevention rather than tougher legislation. It's the first report that talks about combining prevention treatment and repression. The good news from the world drug report is that the use of opiates, cocaine, and cannabis are down in the world's major markets, and that there have been many successful seizures of drugs around the world.

•(1140)

So for UNODC and for the world drug report, there was actually some good news coming out of the world of drugs, and attention is now being paid to the importance of looking at demand much more seriously in terms of prevention and treatment.

The other thing that I think is very interesting has been a series of reports produced again by the United Nations Office of Drugs and Crime in Vienna, from the Commission on Crime Prevention and Criminal Justice. These have looked at the links between crime and development, crime and violence, and crime and guns. They've looked at various areas—Africa, the Caribbean, Central America—and I think these reports have been coming out since 2004, 2005, and 2006.

These are very interesting regional reports that look at the links between security and organized crime, international impacts on countries as well as what's happening in countries, and the need for us to pay much more attention to safety and security before we can begin to get any kind of development, whether it's about poverty or whether it's just general economic development in a country.

So again, there is a movement to look at prevention, and in a quite broad way in terms of what that means. It doesn't have to be something that is very soft or very ill-defined, because there are some very clear experiences.

I think you can also see in some of the countries in Central America—El Salvador and Nicaragua, for example—that they have been using *mano dura*, really tough responses to the very serious problems of *pandillas* and *maras* and gang violence and organized crime in those countries, and it has not worked. The governments themselves have recognized this—and it's the general consensus among the World Bank, the Inter-American Development Bank, UNODC, the World Health Organization, and elsewhere—that these approaches have been counterproductive in terms of filling up institutions and prisons with a large number of people who are gang-related, tattooed all over their bodies, and are not really going to be changed by the experience of being imprisoned.

They are beginning to look at the seeds of entry into gangs and how they can begin to prevent children getting into gang-related activities. There are some very interesting reports produced by the Washington Office on Latin America and a number of other organizations, which look at community-based projects that target specifically young men already in gangs, young men at high risk of being involved and drawn further into organized armed violence, and ways in which they can be given alternative lifestyles.

I tend to be an optimistic person, in spite of everything that happens every day. I think there have been a number of shifts in understanding about how we work internationally and in terms of the way we work. The approach of ICPC, and the kinds of crime prevention we are looking at, is very much a methodology rather than telling people what to do. It's about working across the board with people. It's about leadership from mayors, leadership from government, and having a balanced approach that covers a number of areas.

Just to give you some examples of quite spectacular success, since we're talking about organized crime, in 1991 the city of Medellín had

a rate of homicides of 381 for every 100,000 people. It was the highest in the world, and it was largely the result of *pandillas* and guerrillas and armed groups in the city of Medellín. The city had basically lost control of its district. That rate of homicides in 1991—381 per 100,000—was reduced to 29 per 100,000 by 2007. It's a really extraordinary reduction, which has been gradual all the way from 1991 down to 2007.

The city of Bogotá is another extraordinary example, less affected by organized crime and gangs, more affected by the growth of the city, which was uncontrolled, and a lot of poverty. It was also very much ripe for young kids becoming involved in gangs, even if they weren't controlled by organized crime. The city of Bogotá had an annual rate of 80 homicides per 100,000 people in 1993 and reduced it to 19 per 100,000 people by 2007. That's a very low rate.

•(1145)

These are two extraordinary examples. And Cali is another city in Colombia that has done the same.

Although Colombia still has a very high rate, and Medellín's murder rate is ranked very high internationally, what is absolutely clear from these examples in Colombia is that it's been the result of a concerted attempt by these cities, with support from international organizations, obviously, and some funding. In applying this across-the-board approach—and sometimes a public health approach, if you like—they have said that any kind of violence is a public health issue, and that they have to respond to it in all the ways they can. It's a matter of setting up a series of approaches that combine serious attention to the high-risk groups and some really serious work in the targeted areas where the worst problems are and working with the youth on the ground, bringing in the community on the ground, and working with the church leaders and anybody else people still have some respect for, and putting money into those areas by supporting education projects, supporting training for youth, and many of these kinds of things.

It's this combination of approaches that has worked in those cities. If they can do it there, then I think we have an enormous amount to learn from them. If there's one thing that ICPC and the movement that's looking at the importance of prevention have demonstrated, it's that we can learn an enormous amount from cities and countries in the south, which have much more serious problems than we do.

I know I'm almost out of my time, but I will just mention that much closer to us, in the Chicago area, they have used some wonderful guys called violence interrupters—ex-gang members, ex-prisoners—who have been working to interrupt conflict and retaliatory shooting and have reduced the gun- and gang-related homicides in Chicago by quite a substantial amount, something like 25% to 75% in the various areas of Chicago over a period of time. That same approach has been used in Boston and Baltimore, and it's spreading across some 11 cities in the U.S. You may well have heard about this approach. I think David Kennedy might have talked to you in the past about it. I'm not quite sure.

There are many other examples, in Brazil, and in the United Kingdom, in Bradford, where there was an approach to develop a network on the ground with Muslim leaders. That particular approach has been very successful in preventing riots from occurring in the city of Bradford after an event. I think it was after the shootings and killings from the terrorist attacks in London, so this approach has actually prevented other events from happening.

All of these are illustrations, and there are a number of others I can give you, that demonstrate the importance of putting in place a range of approaches targeting the areas and the groups most at risk, and really putting facilities and support into education and recreation and many of the alternatives young people can have to joining a gang.

Thank you.

• (1150)

The Chair: Thank you.

We'll move to Ms. Jennings.

Because we want to get in enough questions, will five minutes be acceptable?

Hon. Marlene Jennings: Certainly.

The Chair: Great, thanks.

Hon. Marlene Jennings: I apologize for not being here for the beginning of your presentation, but I did appreciate what I heard. I have to say that the approach being taken from a public health perspective is one I've seen to a much more limited extent in my own riding than in some of the areas you're talking about, for instance, in Colombia.

There's a section of my riding that historically has been very poor. It's one of the districts the Government of Quebec's education department has designated as a "high poverty area", and it's had significant violent activity. A number of years ago—actually, shortly after I was first elected—I sat down with the local public health officials, the organizations that work with youth, the owners of rental properties, and the municipal agencies. We actually created a round table. From that round table, we actually came up with some strategies involving health officials, the local police, the municipal housing agencies, and the schools in the area and were able to access money from the national crime prevention strategy—which still exists, I believe. As a result of that, significant measures were undertaken that actually helped reduce the amount of crime, some of the dropout rates, the amount of domestic violence, etc., and violent crimes that were happening. And the minor crimes, the precursors to worse crime, like graffiti, mischief, the breaking of windows, etc., were significantly reduced for a significant period of time—almost ten years.

Unfortunately, now the moneys for crime prevention have been reduced and are not available, and we've now seen the appearance of youth gangs in that area.

So I appreciate your message, and I will definitely be bringing it back to my party and to the House of Commons, and hopefully it will be part of a report being made here.

That's all I have to say. I don't have any questions, given that I was not able to hear all of your presentation.

Thank you.

• (1155)

[*Translation*]

The Chair: Mr. Ménard.

Mr. Serge Ménard: I'm definitely going to have questions to ask. I will also certainly ask for studies to be sent to us.

You've observed the arrival of youths attracted by organized crime, in situations much worse than those we have in Canada. You've also known some success stories. Lastly, you said that imprisonment was not the solution. It's needed; that's certain, but it's especially what you call the across the board approach that must be applied.

You talked about a project conducted in France. Is any documentation available on that subject? Could you send us an executive summary?

What's the name of that project?

[*English*]

Dr. Margaret Shaw: Pardon me...?

[*Translation*]

Mr. Serge Ménard: What's the name of that project?

[*English*]

Dr. Margaret Shaw: The Committee of Mayors was the name of the original project under Gilbert Bonnemaïson, a mayor of a suburb of Paris, and it was produced the 1980s. I can certainly give you information on that.

[*Translation*]

Mr. Serge Ménard: The same kind of experiment was conducted in much tougher cities such as Medellín and Bogotá, in Colombia. You said that, in Medellín—correct me if I noted down the wrong figures—the homicide rate was 381 per 100,000 inhabitants in 1991 and 229 per 100,000 inhabitants in 2007. Is that correct? All right. That's still a lot.

What is the homicide rate in Canada?

[*English*]

Dr. Margaret Shaw: I knew you would ask me that question. We have around 360 homicides in Canada a year for a population of 30 million.

[*Translation*]

Mr. Serge Ménard: It's between the two.

[*English*]

Mr. Joe Comartin: The average in Canada per hundred thousand is a little over two.

[*Translation*]

Mr. Serge Ménard: The rate over there is still very high relative to what we have in Canada. From what I've understood, the number was 80 in Bogotá in 1993, but it has fallen to 20. That's correct?

• (1200)

Dr. Margaret Shaw: In fact, it's 19.

Mr. Serge Ménard: Can you give us an idea of the various methods that have been implemented in those cities to achieve those results?

[English]

Dr. Margaret Shaw: As I've said, it's a mixture of approaches targeting the most high-risk offenders, the people the police know about, the ones who they know are dealing, the ones they know are involved in leading the gangs, and using tough sentencing in those cases but also working with the community leaders to change attitudes within those communities about the use of violence.

Some of that can be through the use of public campaigns with posters telling people what the consequences are, saying: do you really want to end up your life in this way? Some of it is through the use of community forums with discussion about what people would prefer to do. A lot of it is in terms of implanting projects in the community using people who are often former gang members themselves, which is a very powerful way of helping to change the attitudes of young people.

[Translation]

Mr. Serge Ménard: Who approaches the community leaders? Is it the police?

Dr. Margaret Shaw: It's a combination of people.

Mr. Serge Ménard: All right.

[English]

Dr. Margaret Shaw: It's the city plus the police, plus the prosecuting service, plus the social services, plus housing environment. It's across the board in that way.

[Translation]

Mr. Serge Ménard: You live in Montreal, if I understand correctly.

Dr. Margaret Shaw: Yes.

Mr. Serge Ménard: So you can observe what's being done, or at least what they're trying to do, in the Saint-Michel neighbourhood. The police and communities are getting involved in the context of that approach.

Dr. Margaret Shaw: Yes.

Mr. Serge Ménard: We're sent thousands of pages to read every day, but I would nevertheless like to ask you to send the committee a summary of what has been done. Is that possible?

Dr. Margaret Shaw: Yes, absolutely.

[English]

The Chair: That will be it.

Mr. Moore.

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

Mr. Joe Comartin: Just so we're clear, Ms. Shaw, could you send that information to the clerk of the committee? Then they'll circulate it to the whole committee, because I would like to see some of those studies as well.

I haven't seen the UN drug report, the one that was released in April, but I think I read some criticism of it as to whether it was

overly optimistic in its assessment of the reduction in the drug trade internationally. Am I right about those criticisms? Are they accurate?

Dr. Margaret Shaw: I can't really comment on that because I haven't followed the response to it, partly because the drug commission is one commission we don't work with closely. We work with the crime commission. I'm sorry, I haven't really followed that.

Mr. Joe Comartin: In terms of *The Godfather* books and listening to the original character that Brando played in the movie, in justifying the role of organized crime in meeting the illegal needs of society in that period of time, I get the sense that in terms of the work you're doing you're trying to eliminate as much as possible that need—drug dependency, prostitution, and I suppose we could go down the list. It seems to me that's the thrust of the various things you've spoken about, and that's what you're really trying to get at. Is that fair?

Dr. Margaret Shaw: That's part of it. I think we're also talking about having a balanced approach. You need policing and you need good legislation, but you also need to be working on the other fronts.

In terms of *The Godfather* and the illegal needs, I think that in a lot of communities there is a real sense that the organized crime supports the community. The community supports the gangs because they provide a philanthropic service. They give them money when they need things. They provide them with some legitimate jobs as well. There's an interesting amount of work that has been done on what they call the organized armed violence, where you have endemic organized gang violence in places like Cape Flats in South Africa, in Northern Ireland, in Guatemala, in Nigeria. These are areas where there are generations of families who have belonged to gangs and been involved in organized violence at the local level.

The gangs in a sense provide the social services, the welfare services, even the security for those areas, because there has been no legitimate policing. I think you're absolutely right that if you can begin to work to provide alternatives for people living in those communities, it means that they don't have to get into the gangs.

● (1205)

Mr. Joe Comartin: I want to play devil's advocate for a minute. I think that makes a lot of sense and is quite supportable by the facts in less-developed countries, but in the western democracies, including Canada, is it really applicable? In terms of organized crime groups, I don't see many organized crime groups in our society as being philanthropic.

Dr. Margaret Shaw: There is a certain amount of money that is given out, which can be useful to people. I agree. I don't think it's applicable in quite the same way, but I think it's at a level of the same kind of approach for those people who are involved in organized crime and who are part of the family—they're supported in some way and protected by it.

The arguments around this are that you can use.... I think South Africa has produced its own version of RICO to deal with organized crime and gangs in places like Cape Flats. Many people within South Africa have argued that this is never going to deal with the roots of these problems because there will be many more young people, young men, growing up to take the place of the ones you imprison, and you'll just have to build more prisons all the time. So you really have to begin to work on those other places too.

I think the same issues apply here. We've had, as we've talked about, some very good successes in Canada. I remember there were a lot of issues with gangs in the 1970s in B.C. This wasn't organized crime so much, but it might have touched it at one end. And very successful initiatives by the B.C. government really reduced those problems by working at the community level providing alternatives for young people, trying to re-educate them, change their attitudes towards high-risk violence.

The Chair: Thank you.

Mr. Moore.

Mr. Rob Moore: Thank you, Chair, and thank you to our witness for joining us today.

I want you to elaborate on a couple of things you mentioned that I certainly agree with.

You had mentioned focusing on the few that are the problem. That was something we heard in testimony on other bills that we've had before the House, from experts, community leaders, and the police, that oftentimes it may be a widespread problem, but those that are committing these crimes are a small group. Even in areas where there's a much higher than average crime rate, it's still being perpetrated by relatively few citizens, and when people have focused on them with appropriate programs, treatment, and in many cases, including taking people off the street, they've seen a marked decrease in the crime in that community. So I'd like you to comment a bit on that, whether our focus has to be those who are most at risk and those who are causing the greatest deal of the problem, with a very sharp focus on those people.

As well, you mentioned the acceptance in some communities of those who are involved in organized crime. I want you to comment on this, if you think it's true. There's the sense that in many of our communities there may be an acceptance, just because it hasn't an impact on a person personally or isn't on their conscience. While police are very aware of the problem in the community, the public is not engaged until there's a sensational case, until there's something that either has an impact on them or on someone they care about, whether they know the person or not. Then there's a public sense of vulnerability or outrage, or a combination of those things, and the public starts to engage on the issue.

How important do you feel it is that we maintain a focus on these groups even when that public outrage perhaps dies down? How important do you think the public engagement is on coming to a solution? It's obviously not something we can just do by ourselves.

Could you comment on those couple of things?

●(1210)

Dr. Margaret Shaw: Yes. I think you're right that, clearly, much of the success in well-developed projects, many of them in the States—such as Boston's Operation Ceasefire, Chicago's CeaseFire project, and others in other U.S. cities—has had this combination of really targeting the worst offenders, telling them there's going to be no letup, telling them you're watching them, really supervising them. It's a quite small core group, and that begins to give them messages. But it is also working with other people at the same time.

When I'm talking about the high-risk focus, it's about areas as well as individuals, because quite often they coincide. They are concentrating their work, living and working within one area. So I think it's very important to try to target the areas where the problems are worse and to try to keep relations with the community going.

You're absolutely right that if something happens, this is sometimes the catalyst. It can be, unfortunately, tremendously beneficial for really catalyzing a community to come together to do something. That's quite clear, and that has happened here in Canada and in many other countries. That should be used as an opportunity to really work with a community.

But I think you can also see projects in high-risk areas where people are maintaining ties. The project I mentioned in Bradford is about working with leaders among the Muslim community, especially the mullahs and others, so that when there are issues of race and terrorism happening in the city of Bradford, they already have a network that is relatively active, is alerted to the need to know how to talk to their communities. So it's maintaining something else, apart from just concentrating on the very high-risk individuals. I think you have to try to do both.

The Chair: Thank you.

We'll move to Ms. Jennings.

Hon. Marlene Jennings: Thank you.

When you talk about a balanced approach and not just targeting high-risk individuals but also high-risk areas, are there studies that permit us to identify the factors that would allow the designation of a high-risk area? I think I know, but it would be helpful for all members if we have it on record.

Dr. Margaret Shaw: I can't recall immediately the kinds of studies, basically, but it's more likely to be in areas of high deprivation, areas where the housing is the poor, the environmental facilities are poor, there is not very good transport, and there are public health issues such as high levels of infant mortality or other kinds of issues. There may be a large number of young teenage mothers. It may be areas where there is a lot of public housing that is turning over very quickly, so there is a lack of any sense of its being a community and of the capital within the community to go and talk to someone about problems. There may be a high number of young people in some areas.

In Britain there is an organization, a government department called the neighbourhood renewal unit, that identified the 88 high-need areas across the country. They put in services and they work to join services up in those 88 communities, quite successfully targeting the reduction of poverty, the increase in employment, improvement in health, reduction of crime, improvement in community safety, and some other indices with a series of approaches.

Yesterday I heard about a similar approach in Sydney, Australia, that targets the worst areas. There are quite a lot of indications of the kinds of areas we are looking at. They will be much worse in some areas and in formal settlements in developing countries, but the kinds of issues will be similar in European and North American cities.

• (1215)

Hon. Marlene Jennings: Thank you very much.

The Chair: Go ahead, Mr. Ménard.

[Translation]

Mr. Serge Ménard: I'm quite familiar with your centre because I believed in it as minister of public security. I subsidized it as much as I could. At one time, we talked about what one dollar invested in prevention was worth. How much was it?

[English]

Dr. Margaret Shaw: You're asking me for the numbers. It's approximately that if you invest a dollar in prevention, you'll save six, seven, ten, or eleven dollars in terms of prevention. There are some very good cost-benefit studies that demonstrate the economic benefits of prevention.

[Translation]

Mr. Serge Ménard: From what I understand, that was measured in a number of ways, in various regions of the world, and we came to a roughly equivalent result.

Is that correct?

[English]

Dr. Margaret Shaw: Yes.

[Translation]

Mr. Serge Ménard: From what we've been told here, once people join a criminal organization, they don't leave it.

Does that correspond to what you've observed?

Dr. Margaret Shaw: No.

[English]

When somebody has entered a criminal organization, they do get out, or they can get out, but they may need to be helped. There are a large number of projects now to help young men get out of gangs, with a lot of them providing tattoo removal—tattoos can obviously be a signifier of gang membership—and also giving them skills other than how to use a gun and case a territory. They would be giving them employment skills, job experience, and an alternative life vision for what they want to do with their lives. There are a lot of these projects around the world.

[Translation]

Mr. Serge Ménard: You also touched on the question of human trafficking.

In the UN report of February 1983, it was noted that the majority of people charged with having taken part in human trafficking in the world were women. In many cases, those women had themselves been victims of trafficking.

Can you explain to us how women manage to switch from victim status to participant status?

[English]

Dr. Margaret Shaw: I think it was a very interesting report on human trafficking that came out earlier, and it does make this point that there were a lot of women involved. The numbers are quite small, and internationally it's extremely difficult to measure human trafficking, the precise numbers, in any country. But there's a lot of work, as you're well aware, in all countries to improve our ability to measure human trafficking.

I think it's clear that women who have themselves been trafficked will know a great deal about how to do it. If they have spent their lives working illegally in prostitution or in work-related trafficking, then it is a way for them to continue to earn money. I think it's a human nature response. I would assume that it is a minority of the women who are trafficked.

• (1220)

[Translation]

Mr. Serge Ménard: In the organizations there are people at the top who take the majority of the profits. Where do women stand? Do they control the organizations or are they generally controlled by men who amass all the profits? Do they play a subordinate role?

[English]

Dr. Margaret Shaw: It's a good question. I'm not sure I'm the right person to answer it, since I haven't spent any time recently looking at research on this. I would imagine that women do not play a very high role. They will be somewhere in the middle.

[Translation]

Mr. Serge Ménard: In fact, all these organizations are based on violence and the threat of violence.

It's also said that some young girls attracted by this environment are under 18 years of age and that eventually, at the age of 19 or 20, they atthouse other young girls who are brought to them.

Is that in fact how things work in the those organizations?

[English]

Dr. Margaret Shaw: I assume so. Again, I've really not spent much time looking at this in detail, at the research on the actual organization of trafficking in humans.

[Translation]

Mr. Serge Ménard: That's the problem we currently have to solve. The goal is to determine whether people who house these persons deserve the same sentence as the individuals who are at the top of the organization.

[English]

The Chair: Thank you.

[Translation]

Mr. Serge Ménard: Thank you.

[English]

The Chair: We're going to go to Mr. Norlock.

Yes?

Mr. Joe Comartin: I need to correct a comment I made earlier about the crime rate in Canada, on the 100,000. The number of 600 plus is in fact accurate. It has been for the last number of years, and going down, but the ratio on the 100,000 is more like 4.5 or 4.8 if you do the math. I think the two-plus figure that I gave was actually for the adult population, per 100,000 of adult population. It's about 2.4 or 2.5.

The Chair: Are you referring to the crime rate or the murder rate?

Mr. Joe Comartin: That's the murder rate.

The Chair: Right. Okay, thank you.

We'll move on to Mr. Norlock.

Mr. Rick Norlock: Thank you very much, Mr. Chair.

Thank you, Dr. Shaw, for your attendance here today.

I notice some of your international experience. You say there need to be targeted initiatives, but it takes all levels of government, including non-government agencies.

My background is in policing. You mentioned how policing needs to be about more than just enforcing the laws; it needs to be integrated into the community. I'm sure you are aware that every Canadian police organization has community-based policing as the methodology of their delivery of policing services.

Near the end of my career my background was in bringing in programs. Some of the programs that policing is actually involved in have an integrated component, like the DARE program that works with the local health units, other organizations, and the Cancer Society to teach youth that you don't need to have drugs and alcohol, including tobacco, in order to have fun. I'm sure you're aware of those programs.

Going back to your international experience, one of the programs I worked on near the end of my career was on restorative justice. It comes from the Maori Indians in New Zealand, and is successful in treating not only young people but also adults. We need to look at other countries, as you mentioned, but we also need to congratulate ourselves and not get too hung up on that. People need to look at the things we do.

Recently in my own community, as a result of the government's drug treatment and crime prevention strategies, not an insignificant amount of money went to our local health unit. That flowed to one of the local youth services groups called Rebound Child & Youth Services. It put the health unit at the disposal of the local high schools and primary schools. If a student—or a parent for that matter—came to them and said they think they have a problem with drugs, or they tried some marijuana and they're not too sure, they've

heard it's not bad for you, and then somebody else would say no, it's not good for you, they could go to health care professionals.

I wonder if you have had any experience in those realms in Canada. We adapted the DARE program, which actually came from the street and gun crimes gangs—the tattooed-type of people you were talking about in California. It grew and is very successful.

● (1225)

Dr. Margaret Shaw: I think you're absolutely right that Canada has some very good programs. I'm not sure where your constituency is, but I know that the Ottawa-Carleton police have done some extraordinarily successful work with young people, working with NGOs and community groups on the ground.

In Montreal there are some good examples too. I think there are some in Edmonton. It's always difficult, because Canada is so much more open to community policing. We have all of these things. We have a good base of organizations on the ground, and NGOs. I think it's a strength that we need to continue to support.

I think it's very important to build the links between the police and the community. NGOs can often be instrumental in helping that, because trust in the police varies enormously, depending on which country or city you live in, and your age, colour, and all those factors. I think it's tremendously important that the police are working with local communities and groups, in whatever ways will help, to create better relations and understanding between the two. In that way you avoid the kinds of things that happened in Montreal North, for example.

Mr. Rick Norlock: I'm glad you mentioned that, because I just happened to be watching the news last night, and when we talk about international and.... We have a United Nations group that met with a local group, I think it was today or yesterday. There appeared to be—and one has to be cautious about news reports—a reluctance by this human rights group from the United Nations to interview the police and to talk to them about what they've done before and after that experience, that community-type base, and what they're doing to alleviate.... Then they interviewed a spokesperson for the police department. And yet the United Nations group didn't talk to them about how they have it written into their policy and are vehemently against racial profiling and all those other things. From watching that news report, I think what that does to the average Canadian—if you have any influence over or any connections with the UN group—it takes any kind of report they bring back to Canada and says they didn't go to all the people to get all the answers. They just got one side of the story.

I wonder if you have any comments about that, the perception there.

Dr. Margaret Shaw: I agree with you. I think it is important in those kinds of investigations to talk to everybody.

I don't know whether you are aware of it, but you might be interested to know that the International Centre for the Prevention of Crime produced a report for the Montreal police in collaboration with the University of Montreal. It looked at urban riots and at the kinds of events that happened in Britain, France, and Australia after the Montreal riot. That report is available in French. I can make sure it's sent to you. It is an analysis of what happened in France after *les émeutes* in 2005 and of what happened in Australia. It tries to analyze the conditions that resulted in the riots that took place.

I hope in some sense it's something that speaks to those issues too.

Mr. Rick Norlock: Okay.

The Chair: Thank you.

We'll go to Mr. Rathgeber.

Mr. Brent Rathgeber: Thank you, Mr. Chair.

Thank you for your presentation.

I have a couple of questions about the International Centre for the Prevention of Crime. I must admit I had not heard of it until this morning. I take it you're a Montreal-based research institute or think tank.

Dr. Margaret Shaw: We are a Montreal-based international non-governmental organization supported by the governments of Canada, Quebec, France, Australia, South Africa...a range of governments. The founding governments were France, Canada, and Quebec.

• (1230)

Mr. Brent Rathgeber: So it's international. Do you have other offices besides Montreal?

Dr. Margaret Shaw: No, just here in Montreal.

Mr. Brent Rathgeber: And all your funding comes from the taxpayers?

Dr. Margaret Shaw: Our funding comes from our member governments.

Mr. Brent Rathgeber: You have no private donors?

Dr. Margaret Shaw: Sometimes we have money from the World Bank or other organizations of that kind. I think we may have got small grants from Montréal International, these kinds of organizations.

Mr. Brent Rathgeber: Approximately how many staff members do you have here in Montreal?

Dr. Margaret Shaw: We have about 15 staff.

Mr. Brent Rathgeber: You're not affiliated with the University of Montreal or any other-....

Dr. Margaret Shaw: We have an agreement with the University of Montreal, with the University of Hurtado in Chile, with other universities. We work with them to do research in their areas. We're certainly affiliated with the University of Montreal to share expertise. People come on a *stage* and work with us. We work with them on projects.

Mr. Brent Rathgeber: Are you or any of your staff members of the faculty of the University of Montreal?

Dr. Margaret Shaw: No. One of them will be in about a month's time, when he leaves our organization and becomes a faculty member.

Mr. Brent Rathgeber: But that's purely coincidental, I take it.

Dr. Margaret Shaw: Yes.

Mr. Brent Rathgeber: Thank you.

Dr. Margaret Shaw: I do have some material on the organization, and we have produced—

Mr. Brent Rathgeber: Do you have a website?

Dr. Margaret Shaw: Yes, we have a website.

And we've produced.... I have a French and an English version. Last year we produced the first *International Report on Crime Prevention and Community Safety*, which is a look, internationally, at good practices and strategies in development in crime prevention around the world. This is a CD-ROM version. I have a French version and some English copies.

We will be producing the second version next year, the 2010 report, which will have a discussion of organized crime and its links with local crime.

Mr. Brent Rathgeber: Thank you.

Those are my questions.

Dr. Margaret Shaw: Thank you.

The Chair: Thank you.

We'll move on to Mr. Woodworth.

Mr. Stephen Woodworth: Thank you very much.

Thank you, Ms. Shaw, for attending with us today.

I want to begin by saying that I was very pleased to hear that the emphasis in your organization is on both community collaboration and prevention. I am pleased with that for two reasons. The first is that I think those are both fundamental principles of our government's policy in this area. And second, they are fundamental to many of the initiatives that have been undertaken in my own hometown of Kitchener, Ontario.

I have had a different experience from what Ms. Jennings has had, however, in that I have seen increasing amounts of money directed towards these efforts over the last few years. I can give you a couple of examples. In particular, in my riding, in Kitchener, in the spring, almost \$700,000 was granted toward the development and implementation of a high school curriculum project called the "High on Life" challenge. It is designed to reduce drug use among young people. I know that our Kitchener people are in fact training teachers and others from all around the province of Ontario in that curriculum.

A couple of months ago the government provided \$3.5 million to the Waterloo Region Crime Prevention Council, about which I'll speak more in a moment, to deal with anti-gang strategies.

We recently provided something in the order of \$7 million toward a project across Canada called Circles of Support and Accountability.

In particular, I'm proud of the Kitchener-Waterloo region, because it has an international reputation in these areas. Mark Yantzi, of Kitchener, has established centres for restorative justice in the Philippines and in other areas around the world.

I would issue a standing invitation to you. If I can ever get you to Kitchener, I'll introduce you around to some of these agencies. I'm very proud of my community and our government's efforts in these areas.

I don't know enough about your organization. I'm assuming that you might be familiar with a lot of the good work being done in Canada. I don't know whether you promote the Canadian models around the world. Are you familiar with these things? Do you promote them around the world? Can you give me some information about that?

Dr. Margaret Shaw: I can indeed, yes.

I am very familiar with Kitchener-Waterloo and Christiane Sadeler and all the wonderful people who have worked there for a long time. Kitchener-Waterloo is actually the model poster child for this approach to crime prevention in Canada. It has consistently worked on this across-the-board approach at the local level for the last 15 years, I would think, since ICPC was founded. I think Kitchener-Waterloo was part of the origins of the organization.

We absolutely promote good practice. We produce a lot of compendiums on good practice and good strategy. We talk about effective practice based on good evidence and highly researched pieces of work. But we also talk about practices that are well planned and well developed and look extremely promising so that you can give people a notion of what it is someone has done in their city or in their province on a particular problem.

When we produced the international report last year, it came with a compendium of 75 practices and strategies gathered internationally, including ones from Canada. We have a website. We have a newsletter. We regularly put out information. We will be holding our 15th anniversary colloquium in December, here in Montreal. That will include, among other things, a meeting of the 14 cities across Canada that have formed a network around crime prevention. They will be meeting during our colloquium, or on the margins of our colloquium.

•(1235)

Mr. Stephen Woodworth: Thank you.

Actually, I was going to mention that, because Kitchener has played a leading role in that initiative. It is a collaborative approach, exactly as you described. I am very glad to hear that your agency is promoting our Canadian models around the world. Sometimes Canadians are a little too shy. The good work we're doing in Canada needs to be broadcast. I'm looking forward to visiting your website and reading your report. I appreciate that.

Again, I'll extend that invitation. If you get down to Kitchener, please look me up.

Thank you.

The Chair: We'll have one last question from Monsieur Petit.

[*Translation*]

Mr. Daniel Petit: Thank you very much.

Thank you for being here, Ms. Shaw. You talked to us about your international centre. I didn't listen to my colleagues' questions, but I heard you give your 10-minute address to present your organization.

Have you always practised in Quebec, or have you previously practised in other provinces?

[*English*]

Dr. Margaret Shaw: In Quebec.

[*Translation*]

Mr. Daniel Petit: Has your international centre always been in Montreal?

Dr. Margaret Shaw: Yes.

Mr. Daniel Petit: I'd like to ask you a general question. You may not be able to answer, but you'll be able to give us some clues.

For at least 40 years in Montreal, as in Quebec, we have engaged in a lot of rehabilitation interventions through sociologists and psychologists. I come from Quebec City, and Laval University trains a lot of sociologists and psychologists. The same is true of the Université de Montréal, McGill University and the state universities such as UQAM and so on.

Across Canada in the 1950s, Montreal was considered an open city, a sin city, as they say. A clean-up was done. Afterwards we had major mob problems and the Cliche Commission. Then we had the Commission of Inquiry on Organized Crime, the CIOC, on tainted meat. Then there were the biker wars. It's always Montreal-Quebec City, Quebec City-Montreal.

The other cities have had problems, but we have a lot. You live in Montreal and you work in a prevention and rehabilitation centre. How is it that there are so many in Montreal now? I'm a Quebecker, and I'm asking you for help. Why has it been so big in Montreal and for such a long time and we can't solve the problem? Can you explain that to me? Is there something in the water we don't know about?

[*English*]

Dr. Margaret Shaw: It's difficult for me. I lived in Montreal for 23 years. I come from Britain, where I was working in the Home Office. I have tried to understand Quebec as an outsider, but I hope now as a Montrealer, and I would hope to see myself as a Quebecker.

Our centre works very closely with the Government of Quebec. We had the honour of having Serge Ménard, when he was minister, as the president of the organization for Quebec. We work with the police. We work a lot with the Montreal police. We work very closely with the Sûreté du Québec. We work with the City of Montreal. Many visitors come to see us; this week we have Belgians and some Guatemalans coming, and someone from Australia, and we take them everywhere to show them the projects and to meet the significant people in Montreal. We work a great deal with the Province of Quebec, which is one of our main supporters.

I think it's always about perceptions. In terms of levels of criminality, in many ways crime levels are much lower in Quebec and Montreal than in the rest of Canada. I had a phone call from the press last year to ask why there was such a low level of homicides in Montreal; it was way down, down to the levels of the 1970s, and in Quebec City last year, there was not one single homicide, so again the journalist was asking why crime levels were so low.

I think there's always a problem of perception about what is going on, and just as a sociologist, there is the issue of the relations between people living within a linguistic and cultural area for a long period of time. You know, there are these discussions, which are kind of fun; they're important and they're interesting. I don't know the reality of the extent to which problems of corruption and all of these things happen elsewhere, but I suspect they do happen.

I can't answer your question, basically, but I think it's an interesting one.

• (1240)

The Chair: Thank you very much, Ms. Shaw, for your testimony.

I'll just make one note, Mr. Comartin. The analysts advise me that the homicide rate in Canada in 2007 was actually 1.8 per 100,000, and we're checking on the 2008 rate, but it's not much different.

Mr. Joe Comartin: It is right around 600. I have the 2007 figures, and there were 605 murders in 2007. In a population of 31 million, it

doesn't work out, so it must be the adult population they're working on in terms of that ratio per 100,000.

The Chair: I'm looking at Statistics Canada figures, and this is on the Statistics Canada website. There were 594 homicides in 2007. That translates to 1.8 per 100,000.

Mr. Joe Comartin: They're wrong.

The Chair: Anyway, thank you, Ms. Shaw, for your testimony.

Dr. Margaret Shaw: I want to offer my apologies for not remembering the figures. Thank you for correcting me.

I would say, in terms of Canada's role in crime prevention, that over the years Canada has been extremely instrumental in promoting crime prevention at the international level. It was through Canada's efforts that the UN guidelines, among other countries, were adopted very enthusiastically by ECOSOC. We have done an enormous amount. It's very nice to know that. We shouldn't feel that we're not known about.

The Chair: I want to thank you for making yourself available on short notice. I think you only had one day. We're very grateful that you did make yourself available. Your testimony was very important and will likely show up as part of our final report.

Thank you.

Dr. Margaret Shaw: Thank you very much.

The Chair: The meeting is adjourned.

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