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Chair

Mr. Ed Fast

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•(1105)

[English]

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

This is meeting 18 of the Standing Committee on Justice and Human Rights. For the record, today is Tuesday, May 25, 2010.

You have before you the agenda for today. Today we're continuing with our review of Bill C-4—Sébastien's Law—an act to amend the Youth Criminal Justice Act and to make consequential and related amendments to other acts.

Members of the committee, let me offer a note about this study. As of the deadline of May 14, a total of 44 witnesses had been submitted by members of the committee. A week later, a week after the deadline, we received another list from the Bloc. There are a number of issues we have to address. One is how we manage the witnesses we have; secondly, what happens with the Bloc's witness list; and thirdly, establishing a date for a steering committee. Those are all issues that are important, because we're trying to manage this and move the bill forward.

Given that we haven't been able to have a steering committee meeting because of conflicts in scheduling, I am proposing that we schedule eight witnesses per meeting—in each two-hour meeting we would have eight witnesses—and try to move them forward quickly. Also, I hope to complete clause-by-clause by June 15. That would give us seven more meetings for some 40 witnesses plus clause-by-clause.

I don't know what the will of the committee is. I want to manage this in a way that is effective, that is efficient, that doesn't shortchange anybody, but that at the same time doesn't drag it out unnecessarily.

What's your feeling?

Monsieur Ménard.

[Translation]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): As I see it, it all depends on the witnesses. Some cannot be fitted into such a tight schedule. If we hear from eight witnesses in a span of two hours, that's 15 minutes per witness. I don't think that we could finish up on the 15th, under the circumstances. In my view, this isn't something we can decide this morning. We have witnesses who are waiting to testify. They are important witnesses and I think this matter should be discussed during a regular meeting of the subcommittee.

[English]

The Chair: Mr. Dechert.

Mr. Bob Dechert (Mississauga—Erindale, CPC): Thank you, Mr. Chair.

I'd like to say that I think we should move forward as quickly as we can. I think we have an obligation to the people we represent to move forward on this bill. We have a deadline of the end of June coming up. The parliamentary session will break for the summer, and we won't be back until late September. Many other committees that I've sat on have sat extra hours if necessary, especially at this time of the year. I'd be prepared to do that, if other people would agree.

We have many witnesses, I think, who are going to say similar things. For example, this Thursday, May 27, we have three organizations, one called Defence for Children International-Canada, another Child Welfare League of Canada, and Justice for Children and Youth. By their very names, Mr. Chair, I would suggest they are probably going to have very similar things to say. That's fine; I think we should hear from them all. But given that they're likely going to say similar things, I assume we could have more per meeting. They'll each have their opportunity to speak, and we can do the people's business as expeditiously as possible.

I would support your proposition for eight witnesses per meeting and trying to move this thing forward before the end of June.

Thank you.

The Chair: Mr. Murphy.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Practically speaking, because we meet from 11 o'clock to 1 o'clock and with all the committee stuff we're not going to find another slot, what about extending, if needed, to 1:30 p.m.? We have that other thing that happens at 2 o'clock most days.

That would give us how many meetings times a half hour...?

The Chair: There are seven meetings between now and June 15.

An hon. member: Is that three half-hours?

Mr. Brian Murphy: I would suggest that you could call around. If you think you need the extra half hour for that panel, fine, because it is a bit of a shortchange to have eight people. Let's assume that everybody has something substantive to say. I agree that if they're all rowing in the same direction, maybe you're right that we can do it two hours.

Add the half hour or have it in your satchel to use as a tool, Mr. Chair.

The Chair: That's a good idea.

Yes, Ms. Mendes.

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Do we know if the 44 witnesses are available to come?

The Chair: No, we don't. We've just started scheduling them right now, but if they are all available....

We haven't even dealt with the Bloc's additional witnesses. That could bring it to more than 50. We're trying to manage them all in a way that's effective.

The other thing I would suggest is that we could provide each witness five minutes to present rather than a normal 10 minutes, but if there is a witness who really needs 10 minutes, or if there's a member of a committee who says, "I'd like to hear for 10 minutes rather than five", we could do that. Again, we would make it more efficient; we'd leave more room for questions from the committee members.

If you want to leave that up to me, I'll certainly use my discretion to act fairly in that respect.

Mr. Dechert.

Mr. Bob Dechert: I just want to add that I'm amenable to Mr. Murphy's suggestion. I think it's a good suggestion to extend for half an hour, as is your suggestion to be flexible as to the time for presentation per witness.

I think by doing all of these things, we can accommodate everybody and move within a reasonable period of time in getting these things accomplished for the people of Canada.

Thanks. I appreciate that suggestion.

The Chair: Okay.

Assuming this works, I'll move forward on that basis, and we can certainly adapt as things go along.

Mr. Woodworth.

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

I would also like to highly recommend that the steering committee get together, take the list of the witnesses submitted by the deadline that we agreed to, and see whether there is any area of overlap and whether the list might be pruned down a bit.

I'd be very reluctant to go and add witnesses beyond those whose names were submitted by the deadline that we agreed to.

Thank you.

The Chair: Agreed, Mr. Woodworth, and I'm going to do my very best to schedule a steering committee for the coming week. We tried it for last week. We tried a number of dates, and none of them suited all of the members of that committee. We'll work on it this coming week.

In any event, we have two witnesses from the Department of Justice back. We again have Catherine Latimer, general counsel and

director general, as well as Paula Kingston, senior counsel with the Department of Justice for youth justice, strategic initiatives, and law reform.

Because you don't have an opening statement, we'll go straight to questions.

Members of the committee, here's what I'm proposing. It's my understanding that there's more interest in having a seven-minute question time for the next witness, so we'll start this round off with five minutes each and go as far as we can. Then we'll move to one seven-minute round when we hear from the next witness, who is the Attorney General for New Brunswick.

Mr. Murphy, are you starting?

• (1110)

Mr. Brian Murphy: I could.

Good morning. I want to ask you about your role in advising or drafting any part of this bill.

Ms. Catherine Latimer (General Counsel and Director General, Youth Justice, Strategic Initiatives and Law Reform, Department of Justice): I think we play the same role as public servants do, which is to offer analysis and advice. Then decisions are made, and we loyally implement the decisions that are taken.

Mr. Brian Murphy: That's a good answer.

Clause 3 of the bill, which also coincidentally deals with section 3 of the YCJA, is pretty important. In my view, if one reads it, it changes the intent of.... Well, I'm putting the question to you: does it change the intention of what the YCJA is all about?

The existing law says that the YCJA is intended to "prevent crime", "rehabilitate young persons", "ensure that a young person" knows the consequences of their actions. The new proposal is that the YCJA "is intended to protect the public by" employing some of these measures. I want to know what was the genesis, the origin, of that thought process, that change.

I'll couple it with the other phrase in section 3 of the act as it exists, which introduces a concept of diminished moral blameworthiness. We on this side, looking at the preamble of the act and looking at the United Nations' youth criminal justice issues, tend to think that this is an act that was put in place, as its predecessors were, to be specific about children. We have introduced in paragraph 3(1)(b) this term that the system "must be separate from that of adults", and that is remaining, but "must be based on the principle of diminished moral blameworthiness".

Where did that come from? What does it mean? How will it be applied?

Ms. Catherine Latimer: The difference between the existing provision and the proposed section 3 is that there is a highlighting of protection of the public, and it is flagged and given prominence in the new definition for section 3, but how protection to the public is delivered remains consistent with the previous objectives. It's done through holding young people accountable for wrongdoing in a proportionate and fair way, supporting the rehabilitation of the young person and trying to prevent crime in the first place.

Your second question deals with the “diminished moral blameworthiness”. The genesis of that is the Supreme Court of Canada’s ruling in *Regina v. D.B.*, in which the Supreme Court determined that there was a principle of fundamental justice that’s applicable to young people, and that is that young people are entitled to the presumption of diminished moral blameworthiness and culpability. What this provision does is simply incorporate stated law that was set by the Supreme Court. That’s now a constitutionally protected principle under section 7 of the charter, so it is simply an articulation of the existing law.

Mr. Brian Murphy: I take you briefly to section 38 of the existing law and clause 7 of this bill. It introduces the concepts of denunciation and deterrence, which previously were in the adult Criminal Code, if you like, under section 718 alone. It was felt necessary to put them in here in subsection 38(2) as proposed in this bill. Where did that idea come from, and how will it make the situation very different from the Criminal Code in terms of sentencing?

•(1115)

Ms. Catherine Latimer: Deterrence and denunciation were also included, as you may recall, in the government’s Bill C-25, which was introduced a session ago. It is part of the notion that it is important that young people be held accountable.

You’re correct, in that deterrence and denunciation have previously been sentencing principles that are found in the Criminal Code, and now they are also going to be in the Youth Criminal Justice Act. The way it is intended to work is that in assessing what a fair and proportionate penalty or sentence is for the young person, based on the seriousness of the offence and the degree of responsibility of the young person, the court is entitled to look at deterrence and denunciation as sentencing principles in that context.

Mr. Brian Murphy: Let’s say deterrence and denunciation are necessary. Are you saying that judges weren’t giving enough weight to what is already in section 38—words such as that the sentence must “promote a sense of responsibility in the young person”? That’s already in the act. The youth court judges I know read these things carefully and put them into effect. They want to make sure the youth has a sense of responsibility for his actions. What will this add to that?

Ms. Catherine Latimer: Perhaps I can clarify a bit my previous answer.

The difference between deterrence and denunciation that was in Bill C-25 and what is in this provision is that the notion of general deterrence is not part of this set of provisions; instead, it is just specific deterrence. The intention is that providing a fair and proportionate penalty for the young person will help the young person understand that they ought not to be committing such offences in the future. So it’s intended to serve as a marker and a specific deterrent for that young person.

The Chair: Thank you.

Monsieur Ménard, you have five minutes.

[*Translation*]

Mr. Serge Ménard: Subsection 38(2)(c) of the act currently reads as follows:

(c) the sentence must be proportionate to the seriousness of the offence and the degree of responsibility of the young person for that offence;

Paragraph 3(1)(a)(i) of the bill proposes the following:

(a) the youth criminal justice system is intended to protect the public by

(i) holding young persons accountable through measures that are proportionate to the seriousness of the offence and the degree of responsibility of the young person...

In your opinion, is there a difference between the existing provision, namely section 38, and the proposed section 3?

[*English*]

Ms. Catherine Latimer: There is a difference, in that the provision in proposed section 3 applies to measures and not just to penalties. This is an attempt to make sure that if the justice system is persuaded that an alternative or extrajudicial measure or sanction is appropriate for the young person, it too would be proportionate to the seriousness of the offence and the degree of responsibility of the offender. It applies not just to sentencing, but to all measures under the criminal law authority that could be imposed on young people through the Youth Criminal Justice Act.

The point is to ensure, to some extent, that young people who are needy and are subjected to an extrajudicial sanction are not getting a measure or a coercive penalty imposed on them that is disproportionate to the seriousness of the offence and the degree of their responsibility, because we don’t want to end up punishing the needy. We want to make sure that the penalty is proportionate to the culpability of the young person.

[*Translation*]

Mr. Serge Ménard: That is a very good answer. In fact, this highlights the difference between a sentence, and a measure. Is it not natural for measures to be proportionate to the person on whom the judge wishes to impose them? A sentence takes into account the seriousness of the offence and the degree of responsibility of the young person. We’d like to take a principle that applies to a sentence and apply it to a measure. As a rule, a measure is based much more on subjective factors such as the prospects for rehabilitation, rehabilitation methods, family environment, level of education and so forth.

•(1120)

[*English*]

Ms. Catherine Latimer: There’s no question that the sentencing provisions of the Youth Criminal Justice Act require that the measure that’s proportionate be the one that’s most likely to support the rehabilitation of the young person. I think the concern is to ensure that the response of the criminal justice system respects that very fundamental rule of being guided by the seriousness of the offence and the degree of responsibility.

We have done a lot of work to see how our systems align with other areas of authority that are more directed towards the well-being and safe development of young people. For example, in the Quebec system there is a merging. The provincial director has a cross-appointment between the director of child welfare and youth justice.

There are many cases in which systems can work collaboratively, but it's important to ensure that the criminal law power being directed towards these objectives is not being used to penalize the needy rather than to help the needy. The idea of making it proportionate is to keep it concentrated on the true criminal law authority here, which is offence-based rather than offender-based.

[*Translation*]

Mr. Serge Ménard: In any event, to impose a criteria that is already in the act, the following principle is being withdrawn with regard to sentencing:

(a) the youth criminal justice system is intended to prevent crime by addressing the circumstances underlying a young person's offending behaviour, rehabilitate young persons who commit offences and reintegrate them into society, and ensure that a young person is subject to meaningful consequences for his or her offence, in order to promote the long-term protection of the public;

In fact, doesn't the amendment dispense with this principle? It may be included in the proposed paragraph 3(1)(a)(ii), but more as an incentive measure, and not as an objective sought by the act.

[*English*]

Ms. Catherine Latimer: In the Youth Criminal Justice Act, this measure refers to referring young people to basically crime prevention or support mechanisms in the community. This isn't necessarily an accountability measure under the act. For example, if there's a perception that there may be some mental health conditions, the young person is referred to a mental health system in the community. There's no club of a criminal justice sanction being held over the young person's head if they are having trouble complying with a mental health regime, and the purpose is to make sure that we're not punishing the needy rather than the culpable.

Let me give you an example. We are very concerned about too many young people with mental health conditions defaulting into the criminal justice system because services may not be there for that. We actually had a recent forum with police officers and mental health officials to try to encourage them to understand and know the mental health resources in their communities so that they could refer these young people to those mental health resources, rather than charging them and bringing them into the justice system.

[*Translation*]

Mr. Serge Ménard: You have strayed a bit from the question that was put to you.

[*English*]

The Chair: Thank you. We're at the end of the question; we're well over the time, two minutes over.

We'll move on to Mr. Comartin, for five minutes.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): That was a great line of questioning, though, Mr. Chairman.

The Chair: You can continue.

Mr. Joe Comartin: I'm going to, but maybe with a bit of a different tack.

First, with page 2, the “diminished moral blameworthiness or culpability”, Ms. Latimer, I must admit, when I read this and read the excerpt from the Supreme Court decision—let me suggest it to you this way—using it in this context is not the same context in which it was used in the Supreme Court of Canada decision. In using it in this

context in this section of the act, is it not an attempt on the part of the government to really reduce the significance of that decision and open the door, maybe by a crack, but open the door to the youth justice system, move it closer to the adult criminal justice system by allowing interpretation of this section to introduce the concept of deterrence, general deterrence as opposed to specific? I see it doing that, at least as a potential interpretation, once this matter is interpreted by the courts.

Is there a risk there, at the very least?

• (1125)

Ms. Catherine Latimer: I agree with your observation that it's hard to know how this particular provision will be applied, because it was determined to be a fundamental principle of justice. It is essentially a game-changer, to some extent, for us. We have been working very hard at trying to figure out what normal cognitive moral development is for young people so that we're in a better position to understand what this diminished moral blameworthiness would mean and how it would be applied throughout the Youth Criminal Justice Act.

We think it actually might have a buttressing effect. If the young person has problems with understanding causality, there may be some questions about whether statements that are made in haste without benefit of counsel should really be included, because of diminished capacity on the part of a young person to understand—

Mr. Joe Comartin: That's already a given, both in everything we know from a psychological or psychiatric standpoint and what our courts have recognized as long as I've practised law, back into the 1970s. If we already have our courts, all the way to the Supreme Court of Canada, recognizing that youth have much greater difficulty understanding causality, are we not at some significant risk of having a contrary interpretation because of putting it in at this part of the act in particular?

If there is that risk—and I suggest to you it is there—what are we hoping to achieve? We understand; both in psychology and in law, we understand. That's long-standing. There's no issue over this, about the causality issue and the understanding of causality by youth. So what are we trying to accomplish with this section?

Ms. Catherine Latimer: First of all, I think this section articulates stated law. Since *Regina v. D.B.*, that is the prevailing principle of fundamental justice that applies to the youth system. Whether it's in there or not, it would be the prevailing framework under which youth justice would be conducted.

We are learning more and more about the cognitive capacities and development of young people and some of the cognitive impairments that affect young people's perception of causality. For example, fetal alcohol spectrum disorder is a major problem in terms of how young people understand the consequences of their actions and it does affect things such as administration of justice breaches. If you impose a lot of conditions on young people who don't understand causality, they're going to breach those conditions and you're going to end up exacerbating the criminal justice response because you didn't understand the limits of their cognitive incapacities.

I think there is a lot of reason for understanding this better, so that the justice system is fairer and more effective.

Mr. Joe Comartin: I have my doubts.

With regard to the “protecting the public” section, I must admit, when I read this, I said, again, “Why is this in here?” The protection of the public section was further down.

Anything I learned in drafting when I went to law school and all the cases I've read since then tell me it doesn't matter whether it's at the start of the paragraph or at the end of the paragraph, the principle is there. By moving it to the top of the paragraph, what does it accomplish—other than politically? But you don't have to answer the political question. I'm just asking, from a draftsman's standpoint, what does this accomplish?

Ms. Catherine Latimer: I think the only clear difference between the previous drafted provision and this one is that it was the longer-term protection that was in the existing provision, and this puts an emphasis on the more immediate protection by dropping the longer-term protection.

The Chair: Thank you.

That brings to an end the time we have with these witnesses.

Thank you for appearing.

• _____ (Pause) _____

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• (1130)

The Chair: I reconvene the meeting. We now have with us for one hour the Honourable Kelly Lamrock, Q.C., Minister of Social Development and Attorney General for the Province of New Brunswick.

Accompanying him is James Burns, senior policy adviser, policy and planning branch, Office of the Attorney General of New Brunswick.

Welcome to both of you. I think you understand you've got ten minutes to present, and then we'll open the floor to questions.

Hon. Kelly Lamrock (Minister of Social Development and Attorney General, Government of New Brunswick): That sounds great, Mr. Chair. Thank you very much.

First of all, thanks for the opportunity to do this. I'm here today in the hope that I can share with you maybe two unique perspectives in one presentation on Bill C-4, as well as share a little bit about the New Brunswick experience.

I come with two perspectives that might be helpful to the committee. One, I believe I'm the only provincial attorney general who also has responsibility for youth at risk with a social ministry. Some of what we are doing with success in fighting poverty, reducing youth crime, and reducing youth recidivism may be helpful to the committee in understanding how we actually can be tough on crime by preventing crime and making sure that young people at risk don't stay at risk.

Second, let me also say clearly that from the perspective of New Brunswick, the current YCJA is working for us. We are seeing youth crime go down. We are seeing reductions in the number of young people who are repeating offences. I'm hoping that we can share with you a bit about why that's happening in New Brunswick and also

talk about some of the ways in which Bill C-4 doesn't just layer on an additional level of ways to deal with young offenders, but instead may prevent us in New Brunswick from doing some of the things that are working. As a province that's had some success, we're hopeful that our success will be respected through this process.

I would start by saying this: it seems absolutely essential that we have a youth justice system that is aimed at the unique needs of young offenders. Justice that is served in a one-size-fits-all approach does not work. We know that with young people, for example, there's more time to reform their behaviour. We know that if they are growing up in poverty or have mental health issues or have issues of abuse or neglect at home, those experiences may be more formative and therefore may affect their behaviour more than they would affect an adult who has had more time and perspective.

Young people are also less aware of, and think less of, long-term consequences. Deterrence doesn't work as well with young people. I think any parent who's ever had the experience of saying to their kid, “But if you don't study for your test, you won't get into university and you won't have a good job”, knows that they say, “Yeah, yeah, yeah, I know that, but that's off in the future. I'm immortal and I'm young.”

The fact is that we in New Brunswick have been tough on crime, but we've done it by taking the approach that being tough on crime doesn't mean what you do after the crime's already been committed; it's what you do to make sure the crime doesn't happen in the first place. For us that means being tough on crime, and we are. For instance, we've adopted statutes that allow for forfeiture if you are an absentee landlord and you're allowing your property to be used for anything from selling drugs to profiteering from child pornography. We now have the power to seize that property and crack down on absentee landlords. We have a tenant protection act that allows the state to evict those who are dragging neighbourhoods down with anti-social behaviour. That's being tough on crime.

We're also tough on the causes of crime with aggressive reform of our social assistance system. We have aggressive interventions, including more mental health resources early on, making sure the courts are trained, and now integrated service delivery that makes sure we have school-based intervention teams that spot kids who are abused or neglected at home to allow them to get services in an integrated way, whether it's mental health, help for their parents at home, or help in the educational system.

If I may, I will quickly raise five concerns with proposed Bill C-4 that may stand in the way of our doing what the evidence shows is working in New Brunswick.

First I would say this: if you look at clause 8 of the bill, this is one of the first times the Parliament of Canada has proposed a bill that criminalizes intervention. I say that because this bill allows judges, when sentencing, to look at past participation in programs for substance abuse or mental health, or even at things as simple as police warnings.

Here's our concern about that: when we have a young person who has committed a non-violent offence and who was not deliberately inflicting harm on another, we want to get that person into our intervention programs as quickly as possible. We don't want them lawyering up. We don't want a long trial process. We want to get them into that intervention. By now saying that those interventions can count against them, you'll take away our ability to do what works.

As long as they accept responsibility and participate in these programs, we can begin to start the process of turning their lives around. By saying that participating—whether in sentencing circles, whether in community service, whether in counselling—now counts against kids later on in sentencing, we're going to have more kids lawyering up, we're going to go to more trials, and we're going to have kids getting help far less quickly. From our perspective, it would be a mistake to criminalize participation in the very programs that the evidence suggests are working in New Brunswick to keep people safer and to make sure that they don't do it again.

● (1135)

The second concern, I would say, is that this bill may actually defeat its own purpose by blurring the distinction between intentionally violent crimes and those that may be simply reckless or risky behaviour. If the definition of participating in risky behaviour were applied to all young people, I'm not so sure it wouldn't take care of most of us in this room at age 16—I'll certainly say that myself.

The fact of the matter is this: there is nothing wrong, when you have a young person who is intentionally, wilfully, and coldly inflicting harm on others, in making sure they're tried as an adult. That's the right thing to do. I'm a dad, I have kids, and I want them protected too. But to mix the criteria where the wilful infliction of harm is now treated the same as simply engaging in behaviour that's reckless or risky, where the line hasn't been crossed into deciding to hurt somebody, not only runs against everything we know, but it may actually undo some of the tough on crime agenda that's actually behind this bill, because instead of being very specific and directive to judges as to when as attorneys general we can have our prosecutors get that young person into the adult system, it now has actually muddied the waters. Now the definition isn't clear for judges. The judges have more discretion to keep dangerous offenders in the youth system, yet the youth system itself has been effectively destroyed.

So I think, frankly, because of some very loose drafting around what constitutes getting somebody into the adult system, as an attorney general I'd be very concerned that it will actually be harder for us to get truly dangerous youth into the adult system if this bill passes.

The third concern is that this probably undoes a large part of the reason to have a youth system. If we take a look, for instance, at clause 7, adding deterrence to the act as a consideration, what we try to do as attorneys general is, very early on, have as many tools as possible that actually meet our needs. We should have an adult system that is tough on crime, that emphasizes responsibility, that cracks down on violent offenders and actually makes sure they stay behind bars where they can't hurt somebody—no question. We also

need a youth system that is based on the unique needs of young offenders, and that means, in fact, we put more of an emphasis on rehabilitation, because frankly, we know that the 16-year-old who steals a car is not going to be locked up for life but is going to be back on the streets.

As an attorney general and, frankly, as a dad, my interest is this: when we turn that person loose at 18, 19, or 22 years of age, what kind of citizen is he? What have we done to change that outcome? Being tough on crime doesn't mean waiting until he's 22 and hurts somebody again and locking him up. Being tough on crime means making sure he doesn't do it in the first place.

By adding deterrence and denunciation and making the youth system more like an adult system, we've destroyed the whole point of having a system that works to prevent young people from reoffending, and at the same time makes it harder for us to get adult offenders into the adult system.

The youth system is there for a reason, and the more you try to make it like the adult system, the more you then blur the distinction; if we can't get people into the right tools for rehabilitation, then you've effectively hurt our ability as attorneys general to deliver justice that works and protects people.

I might make two more general comments that aren't tied to the legislation.

● (1140)

[*Translation*]

I would like to share with you some of the concerns that we have at the provincial level.

The Government of New Brunswick believes that adopting this proposed legislation would only make matters worse for young persons and other residents of the province. Just recently, the federal government did away with the Youth Option Program in New Brunswick. This program offered youths who were at risk in a regular school setting and at home alternative methods of learning so that they did not turn to criminal behaviour.

[*English*]

Requiring provinces that are not rich, such as New Brunswick, to spend money on locking kids up will take away from things we've seen, just like the federal cuts to programs like Youth Options and to intensive programs like Portage, which allow us to intervene with those who have substance abuse problems. If we have to spend money putting people in prison, frankly, in a province like New Brunswick we don't have an extra dollar to spend on things that aren't backed up by evidence. You're going to require us to take away from some of the programs that are working in New Brunswick, programs that intervene on mental health issues and substance abuse.

I would be remiss if I didn't share with you the report of Bernard Richard, our provincial child and youth advocate, around Ashley Smith. Sometimes it's easy to lose this in philosophical arguments, but there are risks with the wrong approach in youth justice.

Ashley was a young teenager who originally was arrested for mischief. She was throwing crab apples at people out of a tree. Because she did not comply very often with the directions given in jail, she wound up in higher and higher levels of custody. What we now know about her case is that by putting her into a system that did not have the staff, training, or resources to recognize mental health issues early, ultimately we didn't rehabilitate that young person and we didn't keep her safe. What happened is that Ashley sadly and tragically committed suicide. That happened because we were too quick to steer her out of a system with the right kinds of supports and into a system that measured only whether or not she complied with the orders given to her, which we now know, with the benefit of hindsight, mental health issues had made almost certain wouldn't happen.

People die if we get it wrong. People die if we get it wrong by being too slow to incarcerate. People also die if we get it wrong by being too quick to incarcerate. From our perspective, perhaps I can offer some alternatives in which the Government of New Brunswick would be interested. Let us have two distinct systems—one focused on rehabilitation, and one in which detention and punishment start to become more important. Give us more discretion, not less, to steer young people into that system and to steer violent offenders into the adult system. And work with us. Help give us the tools. Don't cut the programs that help us intervene in these kids' lives, but help us to have the resources to appropriately detect and intervene, and to train staff on issues as wide-ranging as mental health, abuse at home, and substance abuse that can lead to failure.

I will close with this thought, Mr. Chair. Sometimes when we study these sorts of bills, we tend to look at a bad example of a young person gone wrong and ask what went wrong; if we look at the cases of young people who were rehabilitated and ask what went right, we are probably more likely to do it right in the future. In New Brunswick we are funding some programs that are doing it right, and we don't want to lose the ability to do that.

With that, I thank the committee and stand open to your questions.

• (1145)

The Chair: Thank you very much.

As we agreed, we'll start off with a round of seven minutes. Each party will have one round. Then we'll go to five minutes right to the end of our meeting.

Go ahead, Mr. Murphy, for seven minutes.

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

Thank you, Mr. Attorney General, for a very good presentation.

I would like to clear up a couple of things. You have a federal counterpart, Rob Nicholson, the Attorney General and Minister of Justice. You would expect him to be an advocate for his bill, Bill C-4, and appear before us suggesting that people were asking for this kind of legislation and that in fact attorneys general were asking for this kind of legislation, so I have three little questions for you.

My understanding is that attorneys general across the country wanted something done with some of the very sensible recommendations in the Nunn Commission of Inquiry report, and that some of those items have been dealt with in this act. However, much of this

act is outside the Nunn commission recommendations. It is essentially a program of the government with respect to inculcating adult criminal sanctions into the YCJA, as you mentioned.

My first question is this: do you feel that this law responds adequately to both the Nunn recommendations and to the concerns of attorneys general across the country, and specifically the concerns of New Brunswick?

Second, what level of consultation did you have with the federal Attorney General on this matter?

Third, you mentioned a direct federal cut to a Fredericton program that is very near and dear to you, a very preventive early intervention program. At the same time, we know through Kevin Page's work that the cost of some of the legislation the government is bringing forward in terms of prison costs is extraordinary. Some of these sentences rely on provincial resources, but what we haven't received yet is any indication from any province.

Where does the rubber hit the road for provinces like New Brunswick? What is your estimation of the costs of the Conservative tough-on-crime agenda to the Province of New Brunswick? I left there this morning, and unless you found offshore oil or gas in the meantime, how are you or we going to afford it?

Hon. Kelly Lamrock: Mr. Murphy, I'll start there. The estimates from our department would be that, likely, if you look at the entire range of reforms to the law that would require increased incarceration, a province the size of New Brunswick is looking at about \$10 million to \$15 million annually in increased costs.

As I said, we don't really have a dollar to spend where the evidence doesn't direct us. One thing I like about programs such as Youth Options, for instance, is that we track those kids. If they're reoffending, if they're committing more crimes, if they're not getting their GED, then we don't support funding them. If Youth Options should be held to an evidence-based approach, I think so too should governments.

That \$15 million would, by and large, come out of some of the extras in the school system and in the range of services we have at social services to families and kids at risk. It would mean fewer TAs to help when a child struggles in literacy. It would mean fewer behaviour interventionists in our schools. It would mean fewer programs that train staff in correctional facilities or schools to spot issues of mental health or substance abuse. I would submit that if we are going to hold programs like Youth Options to an evidence-based approach where they have to show it's working, it seems to me that at some point the Government of Canada should also be held to an evidence-based approach where we actually are shown how this approach reduces crime.

Mr. Brian Murphy: You mentioned the Nunn recommendations. Were you crying for this act in New Brunswick?

Hon. Kelly Lamrock: No. Now, I cannot speak for all attorneys general, and in fairness to Minister Nicholson, there have been round tables. I have not seen any summary released of the overall advice.

I would say this: on some of the common-sense Nunn recommendations—for instance, clearing up pretrial detention—that's good. We would support that. On some of those areas, absolutely it matches what attorneys general were unanimously calling for.

On other areas, though, I would certainly say we have been very explicit as a province that what we are not asking for is increasing the number of resources we must have by having a youth system that no longer is based upon what makes young people different. In terms of this one-size-fits-all approach, I'd rather have an adult system that's effective and make it easier to get violent offenders into it, and keep a youth system that deals with young people who haven't committed a violent offence or intentionally hurt somebody. Let's meet the needs they actually have instead of a big-government one-size-fits-all approach.

• (1150)

Mr. Brian Murphy: I have a couple of minutes left.

In your statement, you talked about how it's working in New Brunswick, how you're actually seeing a decrease in youth crime.

We have a federal level of statistics. The argument is that in violent youth crime, the incidents may be down but the magnitude of them are up.

How are you tracking the crime levels of New Brunswick, and what leads you to say what you said, that youth crime is down?

Hon. Kelly Lamrock: What we are looking at is largely recidivism, broadly defined as committing other crimes. Frankly, we have seen a decrease in youth crime across all levels, from property crimes through to violent offences, which is why I say, to us, tough on crime isn't what we do after somebody's life has been shattered and somebody has been hurt. Tough on crime means making sure we don't get to that point.

Mr. Brian Murphy: You mentioned Youth Options. What was the amount of money cut by the federal government, and what was the reason?

Hon. Kelly Lamrock: It was about \$280,000 annually. It allowed us—there are other programs like it in New Brunswick—to identify a young person who was showing the indicators of being at risk, whether it was high amounts of discipline problems in school, abuse or neglect or a complicated file at home, or high absenteeism. Often it was identifying learners who don't do well in the traditional classroom. We know that often young people with a variety of needs are less likely to learn well by being told to sit still and learn in that classroom. This allowed them to get their high school equivalency through work experience, through having an individually designed education program, but also holding them accountable so that, if they don't participate, they're out of the program.

We were simply told that the federal government believes jurisdictionally that's not their problem, it's ours. And you know what? Look, we're looking at how we can fund that. If it's my problem as the minister of social services and Attorney General, okay, we'll find a way to do it. But don't then take the resources I need to run that program and spend them on something if you're not going to show me any evidence that I can keep people safer in New Brunswick by doing it.

The Chair: Thank you.

We'll move on to Monsieur Ménard.

[*Translation*]

Mr. Serge Ménard: Thank you very much for coming here to discuss a subject that clearly is as important to you as it is to me.

I'm from Quebec and we have often had discussions with officials from the Maritime provinces. I recall a time back in 1998 when I met with the attorneys general from the Maritime provinces to outline Quebec's approach in this area.

Would I be wrong to say that since 1985, you have looked to Quebec's system a great deal for inspiration for your own approach?

Hon. Kelly Lamrock: There are indeed many similarities between the two systems, Mr. Ménard. I can't talk about the origins of this program, but we certainly do have a great deal in common.

Mr. Serge Ménard: Are you prepared to concede that some of the bill's provisions will make it more difficult to embrace the approach taken by Quebec and by New Brunswick?

Hon. Kelly Lamrock: Most certainly. If the bill passes, then in some respects, the federal government would be adopting an across-the-board approach. That would mean a province, in this case, New Brunswick, would be required to use its resources as the federal government sees fit, not based on its own experience.

Mr. Serge Ménard: By the way, in Quebec as well, the handling of young offenders is the responsibility of the Department of Health and Social Services.

You say that Mr. Nicholson consulted with you. Were you consulted separately, or did you attend a meeting with the ministers responsible for applying the legislation?

Hon. Kelly Lamrock: A roundtable was held with the attorneys general and justice ministers of each province and territory, and that included Mr. Nicholson. I did not meet with him personally, but as I recall, there were no one-on-one meetings. Perhaps the representatives of the other provinces met with him personally.

• (1155)

Mr. Serge Ménard: How long did this meeting last?

Hon. Kelly Lamrock: If memory serves me well, the roundtable that I attended in New Brunswick—there may have been others—lasted approximately six hours.

Mr. Serge Ménard: One day.

Hon. Kelly Lamrock: Yes, one day.

Mr. Serge Ménard: I know that by applying the provisions of the current act, you have achieved some positive results, specifically, a lower youth crime rate. So then, you are quite comfortable with this act, aside from the fact that perhaps a few amendments are needed, further to Justice Nunn's recommendations.

Hon. Kelly Lamrock: That's correct. The provincial attorneys general are unanimous on some points, for example, on the issue of pre-trial custody. The legal angle is clearer. The act works well with these changes. We are able to assume our provincial responsibilities for social services and youths at risk, and this helps to mitigate the risks for all New Brunswickers.

Mr. Serge Ménard: I want to focus on a technical issue. Currently, subsection 3(1)(a) sets out the general principle of the act. The bill would do away with this provision and substitute in its place a provision that is similar in every respect but one to the existing subsection 38(1)(c) which provides that a sentence must be proportionate to the seriousness of the offence and to the degree of responsibility of the young person for that offence.

Do you not think that placing this provision, which currently applies to the sentencing process, at the beginning of the act puts the whole system at a disadvantage? Wouldn't we be better off applying the best possible measure when the youth is before the justice system?

Hon. Kelly Lamrock: That is one of the problems. For example, it is a problem when an attorney general wants to give clear instructions to crown prosecutors.

The problem lies in the fact that the aim of the proposed legislation is not clear. Consider, for example, the fact that the aim of the act, which is to protect the public, is set out in a section that makes no mention of helping young persons to not become repeat offenders...

There is the famous case in Nova Scotia involving a young person who stole a vehicle, drove it recklessly and killed someone. Certainly he committed a serious offence, but to equate it with an act of premeditated murder, or a violent homicide, well that's a bit of a problem. All of the courts maintain... As you know, the Charter draws a distinction, from a moral standpoint, between someone who commits a pre-meditated offence, and someone who simply makes a serious mistake for which he must be held accountable.

If we truly want to change a young person's life, it's important that we have the ability, at the provincial level, to make that distinction because it dictates how that young person's case will be handled. We could lose that ability if the language used in the act is not clear, or if the distinction is lost, in the youth criminal justice legislation, between offences that are of a very different nature. This becomes an obstacle and makes the provinces' job more difficult.

[English]

The Chair: We'll go on to Mr. Comartin. You have seven minutes.

Mr. Joe Comartin: Thank you, Mr. Lamrock, for being here.

I want to start off by having you take the information back to your province that Mr. Murphy never did take me up on my offer to bet on the Memorial Cup, which, wisely, was probably a good choice at the time.

Mr. Brian Murphy: Betting is illegal.

Mr. Joe Comartin: That's his rationale in circumstances of trying to avoid responsibility.

Seriously, though, I want to deal mostly with the cost side. The \$10 million to \$15 million that you've indicated here is just for this legislation, and not for other bills that are coming.

Hon. Kelly Lamrock: No. To be clear, we based our analysis on the suite of legislation that I will generally call amendments to sentencing and crime. While I think the amounts would be roughly equal for each, I wouldn't want us to put that on the record yet.

• (1200)

Mr. Joe Comartin: Now you've confused me. Are you saying each bill is going to cost \$10 million to \$15 million?

Hon. Kelly Lamrock: No. Together they will.

Mr. Joe Comartin: That's the total. Okay.

In that regard, did you take into account that this bill requires police to keep track of all extrajudicial measures? Have you taken into account the cost to the police forces of that additional recording of data?

Hon. Kelly Lamrock: No. Ours is based simply on detention and incarceration. If it is intended to be an unfunded mandate, that would be extra.

Mr. Joe Comartin: At any time, from any minister at the federal level, have you been offered additional funds to cover these costs?

Hon. Kelly Lamrock: No.

Mr. Joe Comartin: Was Youth Options the name of the program that was cut?

Hon. Kelly Lamrock: Yes.

Mr. Joe Comartin: Was it replaced? Was there any other prevention money that came into the province to replace it?

Hon. Kelly Lamrock: While there was funding in the past for prosecutorial capacity a couple of years ago, the answer is no. Strictly on that side, we have been told that the federal government is leaving that to the provinces. We're making an effort to replace the funding, but there's no federal money.

Mr. Joe Comartin: So their justification for cutting this was jurisdictional rather than, as you said earlier, evidence-based in terms of its effectiveness.

Hon. Kelly Lamrock: I have heard no suggestion, nor do I know of any evidentiary basis, for the federal government to cut the program on the grounds it isn't working. Our numbers show it is.

Mr. Joe Comartin: I want to go to a couple of specific sections. There's a provision in here that would give judges discretion to lift publication bans, which are a general rule against publicizing crime committed by youth. Does your government have a specific position on that provision?

Hon. Kelly Lamrock: We believe that should be done with great care. Obviously, any barriers that would stand in the way of reintegrating a young person, whether it is entering a school system where one is already inclined to give up on them or assist them, or whether it's looking for work, which we know has a tremendous impact on giving young people a sense that it's worth turning their lives around....

It is amazing when I see it. Generally, whether it's good kids at university with academic problems or kids with complex needs, if they believe there is a job they love at the end of the rainbow, they're actually more likely to turn around. The incentive to succeed is actually a more powerful tool with young people than fear of punishment if they have no reason.

In that sense, we would always be very prudent. As an attorney general, even if this were changed, in terms of our instruction to prosecutors, frankly, if we're not moving it into adult court, we likely would instruct our prosecutors not to look at the publication ban. If it's serious enough to lift that, they should be in adult court, which is where we want our violent offenders anyway.

Mr. Joe Comartin: That would be your test.

Hon. Kelly Lamrock: Yes.

Mr. Joe Comartin: Have you looked at any guidelines to give to the judiciary beyond that one?

Hon. Kelly Lamrock: In general, yes. I can tell you we're profoundly concerned that if we lose the financial capability to intervene with young people at risk, to lock more of them up, New Brunswickers won't be any safer.

This isn't some bleeding heart liberal approach. As I've said, in the last session we have laws that allow for the forfeiture of proceeds of crime. We're allowed to move people out of homes or seize homes and cars that are used to sell drugs or put kids at risk. Everything we can do to police or stop crime before it happens, we're willing to spend money on that. But certainly I have asked my staff in the Attorney General's office to look at how much discretion we have. If the feds impose this approach on us without a lot of evidence, how can we possibly make sure that we maintain our ability to look at what our evidence shows is working?

So we will have guidelines to prosecutors, and we'll respect the law, but we will look for any ability to pursue the approach that New Brunswick is using to keep New Brunswickers safer.

The Chair: You have one and a half minutes.

Mr. Joe Comartin: Let me go to this one other area.

You raised on a couple of occasions that if there are any amendments to the act, that they be around the issue of pretrial custody and that phase. Do you see anything in this proposed legislation that advances that issue favourably to your needs?

• (1205)

Hon. Kelly Lamrock: Certainly there is some language around the Nunn report that we would welcome. If I had my team sitting there with their drafting pencils, I would probably make some of the same comments I made around moving things to adult court, that by trying to stuff a lot of things, such as risky behaviour and so on, in this wide range of criteria, they may have actually given judges more discretion to not send violent offenders into the adult system or keep them locked up. I'd almost like to see it tightened up. But I would acknowledge, and I think it is important to acknowledge, that some of the language there around pretrial detention is helpful to us. That was an area of needed clarity.

Mr. Joe Comartin: That's all, Mr. Chair.

Thank you.

The Chair: Thank you very much.

We'll move on to Mr. Dechert, for seven minutes.

Mr. Bob Dechert: Thank you, Mr. Chair.

Minister, thank you for being with us today and sharing your views with us.

Does New Brunswick provide rehabilitation programs in its youth institutions currently for young people who are held in custody?

Hon. Kelly Lamrock: I would simply say that certainly there is an attempt to fund where possible, in dedicated youth facilities, those kinds of programs. I would also say, though, that a number of the programs we have, such as Portage and others, also provide security with targeted programs for everything from drug abuse to mental health. So the answer is yes, but the line is that we don't have one system to lock people up and one to treat them.

Mr. Bob Dechert: Where you have a murderer, an attempted murderer, or a serious sexual offender who is a young person in your provincial detention system, what kind of programs are you offering to rehabilitate that person?

Hon. Kelly Lamrock: Frankly, Mr. Dechert, if we have a murderer or a repeat sexual offender as a young offender, I want to move them into the adult system.

Mr. Bob Dechert: But you might have them now. What do you do?

Hon. Kelly Lamrock: We may indeed. That would be very much tailored to the particular young person. We assess the risk they will pose and how quick is the impending date of release, and as much as possible within the provincial system, we will steer the provincial resources at the program most likely to turn their lives around before we're required to turn them loose on the public.

Mr. Bob Dechert: I understand that.

Given that you have a murderer, an attempted murderer, or a repeat sexual offender in your system now—and you must have some—

Hon. Kelly Lamrock: We do.

Mr. Bob Dechert: —would it be a good idea to keep them in the rehabilitation programs a little longer in order to ensure that they don't reoffend?

Hon. Kelly Lamrock: It would be an excellent idea to target the resources where we are most likely to do it.

Now, murderers and sexual offenders are, as you know, two rather different criminals. If you are putting me in a scenario where I've been unable to prosecute them in the adult system, which is a little higher-risk in this bill, and I'm required to give them services if they've fallen into the system where they don't belong, a sexual offender, for example, is going to have a very different array of programs from somebody who is intentionally taking human life.

I would just like the discretion, frankly. If they need to be locked up, let's get them in the system that's designed to lock people up. Don't get in my way of doing that.

Mr. Bob Dechert: I understand, but if you have them, if they are, perhaps because of their age or their inability to understand causalities, as we discussed earlier, or they have some other issue.... They're in, they have committed that serious offence. Presumably you have programs in place to deal with them, and we want to make sure they have sufficient time in those programs so that if they're released, they hopefully won't reoffend.

What is the current status of the capacity of New Brunswick youth detention facilities?

Hon. Kelly Lamrock: In terms of the Attorney General, we divide that ministry up. I could certainly get you that information.

Mr. Bob Dechert: That would be helpful. Thank you.

Hon. Kelly Lamrock: Sure.

Mr. Bob Dechert: How do you feel about the concept of refocusing the criminal justice system on protection of the public?

Hon. Kelly Lamrock: I think it is absolutely essential to protect the public, which is why in New Brunswick we've taken a bit of a different approach. To me, protecting the public means investing in the things that happen before the crime occurs. I guess that's why I wrestle a little bit with questions that are based on, "Well, if the system absolutely fails and a violent offender is in the youth system, what would you do?" By that point, we've failed.

By the same token, I think not just a penal statute but the system should be based on protecting the public, which to me means, if we have a 12-year-old who's abused at home, who's bounced around to foster homes, who can't read, what are we doing to turn that outcome? I can tell you, I've seen the statistics, and I know where we're going. Protecting the public, to me, means investing in that 12-year-old and keeping the capacity provincially to do that—if we're protecting the public.

•(1210)

Mr. Bob Dechert: I would suggest that no one here is really arguing that we shouldn't have provincial programs. What we're talking about today is how do we deal with the people who are repeat violent offenders, and how do we ensure that they don't cause a greater further threat to the public?

I want to ask you about the budgeting situation, because you've mentioned it a couple of times in terms of the Youth Options program.

My understanding is that under budget 2008, New Brunswick received an increase of 3% in the federal-provincial social transfer payment. Can you tell the committee what that 3% amount is on an annual basis?

Hon. Kelly Lamrock: If memory serves, the federal-provincial payments would be somewhere in the neighbourhood of \$80 million a year over the four-year mandate of our government.

As you can imagine, most of that would simply go into meeting the increased costs of the health system and salaries there. That increase has been about—

Mr. Bob Dechert: That's about—

Hon. Kelly Lamrock: It's been about \$400 million.

Mr. Bob Dechert: Out of a total of 15% over a five-year period.

Hon. Kelly Lamrock: Right, and our health costs have probably added about 22% to the provincial budget, if I recall.

Mr. Bob Dechert: I guess, though, you'd agree with me that the increase in the social transfer more than adequately compensates the \$280,000 change to the funding of the Youth Options program.

Hon. Kelly Lamrock: If the question is designed to elicit an answer instead of being rhetorical, I would say no.

What I would say in responding to that is this: the social transfer was of course designed before any of this was contemplated. The transfer itself was based upon the cost that provinces actually have in meeting their responsibilities to provide health care in a timely fashion and social services.

I know the federal government would know full well, because Mr. Harper has frequently remarked on it, that the cost to the health care system going up at about 8% a year would not only gobble up that increase, but would swallow up an amount beyond that now.

Certainly there has not been a willingness of any federal government, nor should there be, to allow provinces to deviate from the Canada Health Act. So unless that flexibility is there—and I would suggest it isn't—then anybody who could operate an abacus would know that there's no new money attached to this new statute.

Mr. Bob Dechert: No, I understand that, but there certainly has been an increase in federal-provincial transfers. You would agree with that.

Hon. Kelly Lamrock: And you would agree that there has been an increase in provincial costs that exceeds them.

Mr. Bob Dechert: There certainly are increases across the board, and you would agree that both the federal government and the government in New Brunswick are in a deficit situation on this.

Hon. Kelly Lamrock: And I would agree, for all that, that Youth Options is gone.

The Chair: Thank you.

Now we'll start a round of five minutes each.

Go ahead, Monsieur LeBlanc.

Hon. Dominic LeBlanc (Beauséjour, Lib.): Thank you, Mr. Chair.

Thank you, Kelly, for coming this morning. I think your presentation was very compelling, and I appreciate the thought that you put into it.

Mr. Chair, I have a brief question. Perhaps Madam Mendes would have one also, if I have any time left.

Kelly, I thought that in an answer to a previous question, you zeroed in on an interesting point: the instructions or the guidelines you would give to your prosecutors, or the context in which your prosecutors would seek an adult sentence.

There's a lot of confusion, I think. The government talks about repeat violent youth offenders and changing the Youth Criminal Justice Act. They keep repeating that, for obvious reasons, because they're zeroing in on a public anxiety around a very narrow band. Thank God the programs you talked about and other interventions can hopefully reduce the number of young persons who would fall into the repeat violent youth offender category.

In those circumstances, however, your prosecutors retain the discretion to seek an adult sentence, right?

Hon. Kelly Lamrock: They would not only have the discretion; when we're talking about intentional infliction of harm and violence upon others, be it from repeat sexual offenders or by those who are intentionally inflicting violence to take human life, not only do they have the discretion, but our guidelines also say that they should always seek to put them in adult court. If they're not there, we failed.

Hon. Dominic LeBlanc: Okay. I think that's very instructive.

Tell us a bit about the factors that prosecutors look at when seeking an adult sentence. You used intentional infliction of harm as an evident one, but the current legislation gives you that flexibility. Tell me about other circumstances in which you would ask your prosecutors to seek an adult sentence, other than that one example. Are there others, and is there anything in this legislation that either makes that easier for you or that limits that discretion?

What I am trying to get at is that I think a lot of the push for this legislation is fuelled by an attempt to convince the public that the youth system fails and that repeat violent youth offenders are getting probation and going back to school the next day. My sense is that's not the case, because there are tools in the existing legislation that allow you to deal with that narrow band of repeat violent youth offenders—leaving aside the pretrial custody, with which I agree.

• (1215)

Hon. Kelly Lamrock: That is the point. If I can leave the committee with anything, it is that.

You can ask me a hundred questions about what you would do if a violent sexual offender was in the youth system. Well, they shouldn't be there. That's like asking what you would do if a violent sexual offender was enrolled in a grade 2 classroom. Well, I'd get him out. What I wouldn't do is say we should make the grade 2 classroom look more like the penal system where violent offenders should be. I'd say, "No; get him out of the grade 2 classroom."

It isn't to knock down the doors between the prison and the rehabilitation facility, but to make the right call. In general I would say there is nothing in the current statute that stands in our way. There is very little in the amendments that would stand in our way of getting violent offenders into an adult system where they belong, except that in a rush to add... Until now it was at least a very clear category, so we had a very high probability of success in front of a judge. By adding this strange language around engaging in risky behaviour or reckless behaviour, we've now given judges more discretion to keep people in the youth system. If the concern is judges who are soft on crime, I would say that with this new expanded language, I would have less certainty of success in getting a violent offender into the adult system.

I don't want to overportray that and I don't think the risk is hugely changed, but certainly you have given judges more discretion to keep them in the youth system, where they shouldn't be.

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

[Translation]

Mrs. Alexandra Mendes: Thank you very much, Mr. Lamrock. That was an amazing presentation. As a Quebec native, I agree somewhat with my Bloc colleagues that Quebec's system has proven its mettle.

I'd like to come back to a comment you made about the danger of criminalizing intervention. Could you elaborate a bit on the provisions of the bill that could, in your view, increase this risk?

Hon. Kelly Lamrock: Certainly, Madam.

I refer you specifically to section 8 of the act which provides for the administration of cautions instead of the starting of judicial proceedings based in part on the young person's participation in extrajudicial, non-punitive programs. If I can talk briefly about the situation in New Brunswick, in the case of a young person who has not committed a violent offence, if that young person is prepared to take responsibility for his behaviour, then he is very quickly steered toward a program that will help him turn his life around.

If the federal legislation requires us to maintain a list of participants in drug treatment and accountability programs, or simply a list of individuals who have been issued warnings by the police, then our concern is that these lists will be used later to sanction these persons. A lawyer could certainly instruct a young client not to take responsibility for his behaviour, to go to trial and to spend more time in the system. The young persons would then spend less time participating in programs that could help him.

[English]

The Chair: Thank you.

We'll move on to Monsieur Ménard.

[Translation]

Mr. Serge Ménard: When I hear you talk about being tough on crime, I have the feeling that what you're really trying to be is smart on crime. You want to be tough when that course of action is warranted, but you also favour rehabilitation whenever it's possible and justified.

Regarding clause 3 of the bill which sets out general principles, are you worried at all that sentences might be standardized in the future?

• (1220)

[English]

Hon. Kelly Lamrock: Forgive me, I'm going to actually indulge in translation so I can be clear in my answer to you, Mr. Ménard.

I would have some concerns that if you take the same factors that exist in the adult system and simply hand them over, then yes, those precedents begin to become relevant and you can have a one-size-fits-all approach. I go back to my answer that, if the issue is that you think we have violent offenders in the youth system, our task should not be just making the youth system look like the adult one. It should be to get them in the adult system where they belong so we don't have a one-size-fits-all, big-government approach, but that we let provinces solve the problem of the individual in front of us.

[*Translation*]

Mr. Serge Ménard: In your opinion, will the results achieved with the current legislation depend a great deal on the measures that each province is prepared to apply within the framework of the act?

Hon. Kelly Lamrock: I'm always prepared to concede that everyone is capable of making mistakes. However, I believe that the people who are directly involved with these young persons make fewer mistakes than we, the politicians, who propose a one-size-fits-all solution. If we are worried about the statistics, and if we want safe, crime-free communities, I think we need to rely more on the judges, lawyers and professionals who work directly with young persons. I have more confidence in them than I do in the politicians recommending a one-size-fits-all approach to dealing with all young persons.

Mr. Serge Ménard: Nevertheless, you do check from time to time to see whether the measures you are taking to deal with young offenders are effective.

Do you know what the youth crime rate in your province is and how it compares to the Canadian average? Is it higher or lower?

Hon. Kelly Lamrock: It is lower.

Mr. Serge Ménard: So the rate is lower in your province as well.

Hon. Kelly Lamrock: That is correct.

Mr. Serge Ménard: How much lower?

Hon. Kelly Lamrock: It depends on the category. Compared to the national average, it is between 5% and 25% lower in some categories.

Mr. Serge Ménard: It appears that in Quebec, the rate is 57% lower. Perhaps that is because—

Hon. Kelly Lamrock: Correct.

Mr. Serge Ménard: If the same methods were applied—

[*English*]

The Chair: We'll go on to Mr. Petit for five minutes.

[*Translation*]

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

Earlier, Minister, you talked a little about statistics. You're familiar with the Uniform Crime Reporting Program. Crime statistics are reported by every police agency in Canada. You rely on this data and on the data pertaining to young persons as well.

Did you know that the uniform crime reporting initiative does not contain a count of drug-related offences?

Hon. Kelly Lamrock: I am aware of that. In New Brunswick we keep our own statistics on drug-related crimes. That is one of the

reasons why we have given more powers to law enforcement officers, such as the power to seize vehicles and homes used for drug transactions.

Mr. Daniel Petit: Did you also know that the uniform crime reporting surveys do not contain a count of the number of criminal offences involving breaches of the traffic code, such as impaired driving, or of the number of motor vehicle related criminal offences? Did you know that the uniform crime reporting survey does not include these crimes?

• (1225)

Hon. Kelly Lamrock: Yes, I know.

Mr. Daniel Petit: In that case, can you tell me whether these crimes are included in the statistics that you quoted to us in your testimony? Did you take them into account when you said that youth crime rate had decreased? If crimes of this nature, that is crimes that are drug and motor vehicle related, were excluded, how can you say for a fact that the crime rate is lower?

Hon. Kelly Lamrock: In all of the categories for which statistics are compiled in New Brunswick, the rate is lower. I realize that for other categories, we can't be quite as certain. There are certainly many things going on in the world that we are not aware of, but if we ask to see a study that clearly proves incarcerating young persons lowers the crime rate, no one can provide us with one.

All we know is that our approach results in a lower youth crime rate. We can't know everything, and neither can you. If there is nothing to prove that incarceration works, then I submit that the burden of proof rests with the parties who support that approach. Show us a study that proves it works better than our approach. Otherwise, sir, leave us to go about the business of protecting the people of New Brunswick.

Mr. Daniel Petit: Sir, you talked about rehabilitation. I think everyone can agree that it is productive to rehabilitate someone who has committed a crime. However, you didn't mention—or at least I didn't hear you mention—the victims.

What type of victim support programs do you have in place? Protecting the public also means protecting the victims. What kind of programs do you have, aside from incarceration of the offender in a provincial facility or in a penitentiary for two years plus a day? Does New Brunswick have special support programs for victims?

Hon. Kelly Lamrock: It does, Mr. Petit. I'm not here to talk about my personal life, but those who do know me know that I am acquainted with many family members who have been affected by crime. We do indeed have programs to help people get some quality of life back after falling victim to crime.

Like a father that loves his children dearly, the best possible help that we can give crime victims is to take steps to prevent more crime. That's why we are aiming to reduce the number of victims and to ensure that we have measures in place to deal with youth at risk, such as having an emergency centre and giving the police more power and more funding to seize items used in the commission of a crime. The best thing we can do for crime victims is to take steps to prevent another person from being victimized.

Mr. Daniel Petit: Sir, were you aware the number of victims reported by the RCMP, which maintains a victims register, is higher than the number of crimes reported by police in New Brunswick? There are more victims than crime reported by the RCMP. The RCMP is active in law enforcement in your province. However, the number of reported victims is two-thirds higher than the number of reported crimes.

How can you quote statistics to the committee today if there are more victims than crimes committed? I need your help with this. We're examining a bill and you're here to provide testimony.

[English]

The Chair: Please give a short answer.

[Translation]

Hon. Kelly Lamrock: This touches somewhat on the point that I raised. I talked about prevention resources. When I say prevention, I am talking not only about social services, but also about the number of police officers, programs aimed at getting vehicles out of the hands of criminals or programs for owners penalized by the fact that their homes are located in neighbourhoods with high crime levels.

These are things we should avoid. I am absolutely certain that, at the provincial level, we are faced with challenges. We must make sure to respond to each crime-related complaint. If there is no evidence, and we use funds to incarcerate criminals, there will be no funds left for police officers, neighbourhood programs and prevention programs, or for police officers who could respond to victims' complaints. This is what's important. Funds should not be wasted if there is no evidence. In fact, we need more police officers and more means to prevent people from becoming victims of crime.

• (1230)

[English]

The Chair: Thank you, Minister, and also Mr. Burns. We're at the end of our time. Thank you for appearing.

Hon. Kelly Lamrock: Thanks to all of you. It was a good day.

The Chair: We'll give you a couple of minutes to leave, and then we'll have Mr. and Mrs. Lacasse take their places.

We'll suspend for a few minutes.

• _____ (Pause) _____

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• (1235)

The Chair: The meeting is reconvened for our last half hour. We have with us Line and Luc Lacasse.

Welcome to our committee. As you know, the bill is named after your son, and we're looking forward to hearing from you. You have 10 minutes to present, and then we'll open the floor to questions from our members.

Ms. Lacasse, would you like to start?

[Translation]

Mrs. Line Lacasse (As an Individual): Thank you very much.

Good afternoon everyone.

My name is Line Lacasse, and I am accompanied by my husband, Luc Lacasse. We are the parents of Sébastien Lacasse, who was murdered on August 8, 2004, by a group of young offenders in Laval. He was only 19 years old.

Our son was taken from us in a very violent way by a dozen youths without scruples and without respect for life. He was severely beaten, hounded, covered with Cayenne pepper, trampled, without even being given a chance—despite begging his assailants to stop—and finally, stabbed to death.

None of the 10 young people even thought about calling for help. All of them, without exception, left the premises without any empathy for the young man lying in a pool of his own blood and dying.

Life will never be the same for us. Not only we, his immediate family, are affected by his death. His grand-parents, uncles, aunts, cousins, friends and neighbours are affected, as well. Their lives have also been turned upside down. Sébastien was a live wire, always ready to help, likeable, and loved by everyone.

When the doctor told me on August 7 that there was nothing more she could do for Sébastien, it felt like one of my limbs had been severed. I curled up into a fetal position and ended up in another world.

His father, Luc, his sister, Julie, and I came out to the parking lot to wait for our youngest son, Maxime. I will never forget the look on his face when he saw us from afar, after understanding and screaming “no” with painful intensity. As we hugged each other without talking, we knew that the long road ahead of us would be filled with pain, sadness, anger and a lack of understanding, and that there was no avoiding this journey before we could find inner peace.

Feelings we had never felt before surfaced: anger, rage, injustice, grief, vengefulness and fear.

Carrying Sébastien's ashes to their final resting place was unbearably painful. “My little monkey,” as I liked to call him, my first born, was no longer among the living. Reality caught up with us soon enough. Now, we had to learn to live with his absence and his death on a daily basis. The loss of a child cannot be accepted, especially if it comes about so violently. Parents should go before their children and not the other way around.

Adding to our drama, a few days later, certain inconceivable events took place. My two children, Maxime and Julie, received threats of all kinds. In addition, coloured paint balls were fired at our house from a shotgun. The windows of our car were broken, and we received intimidating threats during the trial. In addition, a discriminatory song against our family was composed by friends of the accused. The lyrics scoffed at and disrespected Sébastien's death. The song was made available on the Internet.

What is the value of a life today? All of us around this table can ask ourselves that question.

In addition, my son Maxime lived through two violent and dangerous incidents that put his life in jeopardy. One of them took place in 2007, in a parking lot close to our home. Rubens Alexandre, one of Sébastien's murderers, threatened to beat Maxime. Max's friend, who was a Canadian boxing champion, got involved and told the assailant to leave, since he was not allowed to approach Maxime. The attacker left and came back to the parking lot 10 minutes later in his car. He fired a couple of shots from a shotgun in Maxime's direction. Fortunately, he missed his target.

This same Rubens Alexandre was involved in an incident similar to the one with Sébastien when he stabbed a young man from Brossard while exiting a bar. Fortunately, this victim survived. Rubens Alexandre was accompanied by Maxime Renaud, who was also accused of Sébastien's murder.

Since Sébastien's death, Rubens Alexandre has been arrested several times. Maxime Renaud was arrested for counterfeiting bank cards. Three weeks ago, Rubens Alexandre escaped from the Saint-Jérôme detention centre.

Since these events, the state of our mental and physical health has deteriorated. General symptoms include high blood pressure, anxiety, fatigue, and an impression that we are waging a losing battle. We wonder when it will all end.

• (1240)

You cannot imagine what it feels like to think that another child could have died. Our family is grieving, we are afraid for Maxime, who does not tell us what is going on so as not to worry us, but is experiencing extreme inner anxiety. I became very listless and, for a while, I was unable to support and help my family members.

To add insult to injury, the court proceedings are a real circus. We have spent three years of our lives following this trial, which seems to be never-ending and is very emotionally draining. We have to keep reliving this horrifying night, at each stage of the proceedings, for the various accused in the case of our son's murder. It was very important for us to follow all the stages of the trial in order to try to understand the incomprehensible. We were the body and the voice of Sébastien, who was no longer there to recount the horrors he lived through. Not even animals are able to inflict the kind of violence our son was subjected to. It was important to ensure that the murderers would get a sentence in line with their crime and the seriousness of the inhumane acts they committed on the evening of August 7, 2007. That is to say, they should serve a sentence that is proportional to the seriousness of their crime.

It goes without saying that our mental and physical health has suffered greatly in the process. Maxime left school because he couldn't concentrate and felt too much sorrow. Julie dropped a few courses temporarily for the same reasons.

The assistance afforded to the murderers is unbelievable. They are provided with medical and psychological assistance and are allowed to continue their studies under supervision. All that is paid by our governments. However, the assistance provided to the families of victims is nothing short of pitiful. There is little, if any, support from these same governments. A \$600 payment from the government is not going to help us face the financial problems caused by a situation like ours. We rather feel that there is a lack of respect toward us and

that we are not important to our elected representatives. Finally, the amount is ridiculous and is an insult to a family in distress. We are left to our own devices in dealing with our grief and all the resulting problems and worries.

As for financial issues, we now have less income. I was unable to work owing to health problems. Luc worked less in order to be able to follow the legal proceedings. The lack of money ended up creating additional worries that we really could have done without at the time. Fortunately for us, there is the Association of Families of Persons Assassinated or Disappeared, AFPAD. They helped us out and were there for us during the court proceedings. We are also lucky to have a friend who is a lawyer, and who supported us throughout the proceedings. Of course, we also have our family.

Sébastien's Law, in memory of our son and in honour of our determination, makes our hearts sing a little. It is gratifying and reassuring to see that a government body is looking into this problem. For us, the most important thing is that people have taken the time to listen to our whole story for hours on end, the story that I have summarized here today. I assure you that this is not even a quarter of what we have really lived through.

I know that other governments are focusing a lot on the statistics, but tell yourselves that one life lost is already one too many. I do not wish it upon anyone here to go through such a tragedy. I challenge any mom or dad who has lived through such an ordeal to oppose this bill. I assure you that if it were your son or daughter who was beaten to death and murdered in such a violent way, you would not hesitate to vote in favour of this bill, which, among other things, will make it possible to punish the murderers, and to do so in proportion to the violent nature of the acts they committed.

I received a wonderful education. My parents always told me that in life, we always suffer the consequences of our actions. The system currently in place sends young people the message that there are no serious consequences for murdering or badly injuring someone. Violence is being trivialized, somewhat like it is in video games.

• (1245)

In my view, it is critically important to strengthen the provisions of the Youth Criminal Justice Act, so that it would, among other things, make it possible to remand youths in custody while they await their court proceedings. If this Act had been in effect, we wouldn't have had to go through the horrors of waiting in a hallway with the accused.

Take a moment to imagine yourselves outside the courtroom, waiting in the same line as the people accused of murdering your son. In addition, the accused can enter the room without being searched, while the victim's family and those accompanying them have to undergo a thorough search. To me, that is truly unbelievable. It should be noted that this Act pertains to very serious crimes.

I would like to go back to my son Sébastien, who died following an extremely violent attack. His murderer, Maxime Labonté, who was 17 years and eight months old at that time and who stabbed my son several times, received a life sentence for unpremeditated murder and will be eligible for parole in August 2011. It goes without saying that we will have to challenge the parole application, which is highly probable in his case. So, we will have to face him again and we will have to convince the decision-makers to not release this criminal.

In conclusion, I hope you realize that a family is condemned for life when they lose a loved one in such a cruel and horrible way. Therefore, if we have an opportunity to improve our justice system, let us respect life and protect everyone's safety by voting for this bill to come into force as soon as possible. Clearly, this will not bring my son back, but at least his death and his tragedy will serve some purpose in our society.

Thank you for listening to me.

[*English*]

The Chair: Thank you very much.

First of all, I want to thank you for sharing this with us. I don't think anyone at this committee can understand how difficult it must be for you to relive that nightmare that you've gone through. Thank you for that. I want to assure you that you are important to our government and we want to listen very carefully to what you have to say to us.

We have time for maybe three questions, and I'm going to limit the questions to four minutes apiece.

None? Okay.

Monsieur Ménard, you can have five minutes, since the Liberal side isn't going to ask any questions.

[*Translation*]

Mr. Serge Ménard: Mrs. Lacasse, the first thing I would like you to understand is that I feel great sympathy for you, just like everyone else here.

I myself am a father and, as of recently, a grandfather as well. I know that it is terrible that your son was taken away from you. When our children start having their own children, raising them well and looking to provide them with the happiness their parents gave them, we get to experience the joys of life even long after we ourselves have fulfilled our parental duties. That opportunity was taken away from you.

That being said, I do not know who explained the Act to you, but I would like to know if you are aware of the fact that the Act would not have changed anything in the treatment of the young man who stabbed your son.

Mrs. Line Lacasse: Perhaps it wouldn't have changed anything in his case. However, I feel that it is the future that matters right now. Nothing can bring Sébastien back. For me, the future is what is important. I find that we are not strict enough towards young people nowadays. Yes, I am aware that it would not have changed much in our case, but that does not take away... I have seen the Act, I have studied it, and in my opinion, it is important to strengthen its provisions.

Mr. Serge Ménard: But you do realize that there will probably always be young offenders. We should, for instance, develop better methods to ensure that their numbers decrease.

• (1250)

Mrs. Line Lacasse: Yes.

Mr. Luc Lacasse (As an Individual): I think that right now, that is not the case. Out of the 10 who were arrested, there are at least two...

Mrs. Line Lacasse: Who have re-offended.

Mr. Luc Lacasse: ...who have re-offended. They went to prison, they attended programs, and nothing changed.

Mr. Serge Ménard: Perhaps I am not well informed, but I know... I have it here in the articles of *La Mémoire du Québec*, which indexes all the newspapers...

Mrs. Line Lacasse: Yes.

Mr. Serge Ménard: Only one of the attackers was a minor, and he is the one who stabbed your son.

Mr. Luc Lacasse: Excuse me—

Mr. Serge Ménard: All the others were over 18.

Mr. Luc Lacasse: No, excuse me, no, no.

Mr. Serge Ménard: The maximum sentence imposed on the others was four years. Some were given a suspended sentence.

Mrs. Line Lacasse: Maxime Labonté was not the only one.

Mr. Luc Lacasse: There were three. Three of those ten young people were minors.

Mrs. Line Lacasse: There were eleven.

Mr. Luc Lacasse: There were ten. Of the ten, three were minors, including the principal murderer.

Mr. Serge Ménard: He got a life sentence.

Mrs. Line Lacasse: Yes, but—

Mr. Luc Lacasse: He will be released in seven years. To us, seven years, for the murder of our boy—

[*English*]

The Chair: One moment, please. Our interpreter is going to have a very difficult time interpreting for us if we don't do proper questions and answers. I'm going to ask Monsieur Ménard to finish his question and then we're going to allow Monsieur and Madame Lacasse to answer fully.

Monsieur Ménard.

[*Translation*]

Mr. Serge Ménard: The minimum sentence of seven years is under section 745.1 of the Criminal Code. But the bill you are being asked to support proposes no amendment to that section of the Criminal Code. That is why I am saying that nothing would be changed.

But rest assured that I am as anxious as you to see youth crime go down. You know very well that I have taken drastic measures to combat the crimes of organized crime groups, such as the Hells Angels, and that those operations were successful. Rest assured that we are working towards the same goal and we also want to reduce these problems.

You are aware that the bill does not change the clause indicating that this individual is eligible for parole in seven years?

Mrs. Line Lacasse: We are well aware of that, but it does not prevent us from recognizing that the act can include some good points to address all that. Let us say that I have followed the matter closely enough to know that, of those young people, two others were minors. Even if they were all adults, I would still have the right to support a bill that deals with the offenders despite the fact that it does not change anything for those who killed Sébastien. It is true that it will not bring Sébastien back, but the sentences imposed currently are a slap on the wrist. I apologize for the term, but it is the reality.

In a situation like this, we do not feel supported; we get the impression that we are forgotten as victims in all this. It is important to us. I believe in rehabilitation, but I do not believe in it for some sentences or crimes.

Mr. Serge Ménard: Like murder.

Mrs. Line Lacasse: Yes, exactly, and like many other things.

Mr. Serge Ménard: That is what happened.

[English]

The Chair: We're going to move on to Mr. Woodworth for five minutes.

Mr. Stephen Woodworth: Thank you very much.

I share the chair's concern for you and also our inability to really understand the depths to which you have been as the result of this crime. I want to thank you for coming here to share that with us.

I'm particularly interested in those crimes you described that were committed after your son's death. In particular, did I understand you to say that at one point shots were fired toward your son Maxime from a vehicle? Is that correct?

[Translation]

Mrs. Line Lacasse: Yes. It was Rubens Alexandre, one of my boy's attackers, who did that. Naturally, there were no consequences because the kids did not want to file a complaint. They said that nothing would come of it.

[English]

Mr. Stephen Woodworth: I want to ask you a little more about that, because in the very chair that you are sitting in now, a few minutes ago we heard from no less a person than the Attorney General for New Brunswick on this kind of offence. I want to ask you, do you consider the offence of shots having been fired from a vehicle toward your son Maxime to be a violent offence?

[Translation]

Mrs. Line Lacasse: Yes.

[English]

Mr. Stephen Woodworth: As do I.

The Attorney General of New Brunswick told us earlier that he objected to including in the definition of "violent offence" an offence that wasn't intended to cause harm. If the person who shot a gun from a car in the direction of your son didn't intend to hit him, would you still consider it a violent offence?

• (1255)

[Translation]

Mrs. Line Lacasse: It was an act of violence because he wanted to get him. It is obvious. Automatically, when you take out a gun, you want to commit an act of violence.

[English]

Mr. Stephen Woodworth: Well, I regret to say that in the criminal courts intent isn't always easy to prove, and sometimes one might just be firing a gun in the air. But I agree with you: even if the person who shot that gun did not intend to hit your son, it would, in my view, still be a dangerous offence. It would still be a violent offence. It would still be an intimidating offence. And it would still be an offence deserving of jail.

[Translation]

Mrs. Line Lacasse: Yes, I think so too.

[English]

Mr. Stephen Woodworth: I just wanted to see that you agreed with me. Thank you.

I also wonder what you think about the possibility of a judge sentencing a young person being allowed to look at the history of that young person's encounters with the law, even when they don't result in offences. Do you agree with that or not?

[Translation]

Mrs. Line Lacasse: Yes, I agree because that would at least give them a good idea about what the person was before. That was not possible in the case of Sébastien's murderer. They could not check his record. Otherwise, we could have known that he might be able to commit such a violent crime.

[English]

Mr. Stephen Woodworth: I agree with you. I know it sounds like kind of an odd question, but the reason I ask it is that no less a person than the Attorney General of New Brunswick sat in the same chair you are sitting in and told this committee that he did not think a judge should be able to look at those patterns of previous criminal conduct that didn't result in convictions.

Those are my...

I'm sorry; did you have something further to add on that?

[Translation]

Mrs. Line Lacasse: At the end of the day, it is as if we are saying that young people are never responsible for their actions.

Mr. Luc Lacasse: It is trivialized.

Mrs. Line Lacasse: It is trivialized indeed. But it can still show the young person's journey before he gets to that point. We trivialize that. We think that, at the age of 16 or 17, the brain of a young person is not developed enough to understand that he is causing harm. I fully agree with checking the records.

And we have not been protecting our society after Sébastien's murder. All these individuals continue to roam the streets. They stabbed someone else in Brossard. Luckily, he did not die. There is still the fact that there were two boys after Sébastien. One of them was not 18 when Sébastien died.

Mr. Stephen Woodworth: I want to thank you.

Again, to both of you, thank you.

Mrs. Line Lacasse: Thank you.

[*Translation*]

[*English*]

The Chair: In fact, your time is up.

Mrs. Line Lacasse: Thank you.

It is so seldom that we actually hear from victims. I think that Canadians and your government should be listening to victims more often. I think we'd get a much better picture of the challenges facing us in the criminal justice system.

[*English*]

The Chair: We're adjourned.

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