



House of Commons
CANADA

Standing Committee on Public Safety and National Security

SECU • NUMBER 058 • 3rd SESSION • 40th PARLIAMENT

EVIDENCE

Thursday, March 3, 2011

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Chair

Mr. Kevin Sorenson

Standing Committee on Public Safety and National Security

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• (0850)

[English]

The Chair (Mr. Kevin Sorenson (Crowfoot, CPC)): Good morning, everyone.

This is meeting number 58 of the Standing Committee on Public Safety and National Security, Thursday, March 3, 2011. Today we are continuing a study on the expansion of penitentiaries.

Appearing before us we have Justin Piché, a PhD candidate in sociology at Carleton University; Irvin Waller, full professor with the Institute for Prevention of Crime at the University of Ottawa and president of the International Organization for Victim Assistance; Asa Hutchinson, a former United States congressman; and Ian Lee, assistant professor of strategic management and international business in the Sprott School of Business at Carleton University.

Our committee wants to thank each one of you for appearing today as a witness and helping us in our study of Canada's penitentiary system and the expansion of our penitentiaries.

A special welcome is extended to our American friend, who I believe is in Canada on other business. We welcome you here.

I understand that each of you has a presentation, an opening statement. Many of you have appeared here before, and you understand that we go into different rounds of questioning, the first being a seven-minute round.

I'll just also make mention that when we talk about a seven-minute round or a five-minute round, that includes the question and the answer. So to committee members, you're reminded to not take up all the time formulating your question.

We will perhaps extend our invitation to Mr. Hutchinson to begin.

Madam Mourani.

[Translation]

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Chair, thank you for giving me an opportunity to speak. I just wanted to point out that some documents are in English only. So if they have not been translated, I would appreciate it if they were not handed out to the committee. Thank you.

[English]

The Chair: One of the guidelines we use at our committees is that if documents come and they aren't in both official languages, we cannot distribute them until they have been translated. Now, in this case, I know there was a little bit of a late invitation perhaps, but

there was a great deal of work even through the night last night to try to translate some of the documents, and they were unable to do so.

We also had a powerpoint presentation, which I don't believe will be used this morning. Unfortunately, we may not get the full presentation as would have been expected by our guests, but we will adhere to that.

So thank you, Madam Mourani.

Mr. Hutchinson, go ahead, please.

Mr. Asa Hutchinson (Former U.S. Congressman, As an Individual): Thank you, Mr. Chairman.

I am delighted to be here at the invitation of the committee. I felt it was important as a former U.S. government official to recognize the great friendship we have and to appear before your committee and to share the American experience.

You introduced me as a former member of the United States Congress representing the State of Arkansas. I also served in the George W. Bush administration as head of the U.S. Drug Enforcement Administration, or the DEA. Then I was also undersecretary at the Department of Homeland Security. So I have a long career in law enforcement, leading large agencies, as well as being a trial prosecutor as a former U.S. attorney in the 1980s during the administration of Ronald Reagan, which was really the beginning of our "get tough on crime and drugs" in the United States.

I'm here because I signed on to a "right on crime" initiative, which is an initiative led by a group of conservatives in the United States who support a re-evaluation of our nation's incarceration policies. So I'm only here to tell you a little bit about the American experience, certainly not to be wise or provide many insights into what you're doing here in Canada.

In terms of the American experience, though, what motivated me to sign on to this "right on crime" initiative was two principles. One is fairness, and the other is the long-time conservative principle of cost to the taxpayers. So those two motivating factors support a re-evaluation of U.S. incarceration policy.

You know the history in the United States. One out of every 100 adults in America is incarcerated. It's a total prison population of 2.3 million. In 1970 it was only one out of every 400. The United States has 5% of the world's population, but 23% of the world's reported prisoners. The incarceration costs are staggering, anywhere from \$18,000 to \$50,000 per prisoner per year, depending upon the state and the level of security in the incarceration. And that cost is very challenging for many states, so the cost is a motivating factor to do a re-evaluation.

Here's a little bit of some of the things that have happened in recent years.

The conservative leaders supported this re-evaluation. It's really at the federal and the state level. At the federal level we had a crack cocaine mandatory minimum policy, which really resulted in a one-to-100 disparity between the lengths of sentences for crack cocaine versus powder cocaine. That means if you were an African-American and got arrested for a certain quantity of crack cocaine versus a white American who had the same amount of powder cocaine, your sentence would be much, much longer.

So as a result of the concern on fairness, there was a final congressional action that reduced the mandatory penalty for crack cocaine offenders and to try to eliminate this disparity and unfairness. There continues to be a debate over mandatory minimum sentence at the federal level, but much of the action is at the state level in the United States, and I'll just quickly tell you about two states as examples. One is Texas, which is known as being a tough-on-crime state. Their conservative Republicans joined with liberal Democrats in adopting city-based funding to strengthen the state's probation system in 2005; and then in 2007 they decided against building more prisons and instead put their money in improved community correction approaches, such as drug treatment courts, which I'd love to talk more about.

The reforms are forecast to save \$2 billion in prison costs over five years. Most of the savings went into community treatment for the mentally ill and low-level drug addicts and their treatment. Crime has dropped 10% from 2004, the year before the reforms, through 2009.

● (0855)

Last year South Carolina adopted reforms that will reserve costly prison beds for dangerous criminals while punishing low-risk offenders through lower-cost community supervision. The legislation was a bipartisan effort, with strong support from liberals, conservatives, law enforcement, and the judges. The state is expected to save \$175 million in prison construction this year, and \$60 million in operating costs over the next several years.

In my introductory comments I would emphasize that we are re-evaluating. We have a high incarceration rate, and it is very expensive. There is also a desire to make sure we have a system that is fair, and that we are working particularly with drug offenders.

Again, I was head of the DEA, and I want to be known as being tough on drug problems, but at the same time we want to make sure that if they have an addiction problem they get treatment with accountability. That's the drug treatment core program, rather than simply incarceration, for the non-violent offenders.

Secondly, we have to look at who we're housing, to make sure we put our resources behind those who pose a harm and a danger to the public.

Thank you, Mr. Chairman and members of the committee, for this opportunity to be with you today. I look forward to having a dialogue as the morning goes on.

● (0900)

The Chair: Thank you very much, Mr. Hutchinson.

We'll now move to Mr. Piché.

Mr. Justin Piché (PhD Candidate (Sociology), Carleton University, As an Individual): Mr. name's Justin Piché, and I'm a PhD candidate in sociology at Carleton University currently completing a dissertation that examines the scope and factors shaping prison expansion at this time in Canada.

My remarks today outline some of my findings, which I've included and fully referenced in a report I submitted to the clerk of your committee, entitled "Canada at a Crossroads: A Brief on Prison Expansion".

Prior to the 2006 federal election campaign where all federalist political parties touted their tough-on-crime credentials in the shadow of the so-called summer of the gun, prison systems across Canada were already facing significant challenges.

In our provincial-territorial prisons, where we typically house individuals awaiting trial and sentencing or those serving sentences of two years minus a day, the vast majority of cells, often the size of an average household washroom, were occupied with one, two, or sometimes even three prisoners.

This trend has been primarily driven by rising remand populations, which increased 83% from the mid-1990s to 2004-05, when on a given day half of the provincial-territorial prison population was composed of remanded individuals. In 2008-09 six out of every ten prisoners housed in our provincial-territorial prisons were on remand.

In our federal penitentiaries, where we typically house individuals serving sentences of two years plus a day, the rate of double-bunking in this past decade has been as high as 11.1% in April 2001 and as low as 6.1% in July 2004. This continues to be an operational reality in our federal penitentiaries, where the rate of double-bunking sat at 9.4% in August 2009 and was expected to sharply increase in anticipation of the passage of the Truth in Sentencing Act.

This is occurring despite the existence of the Correctional Service of Canada commissioner's directive 550, which states that, and I quote: "Single occupancy accommodation is the most desirable and correctionally appropriate method of housing offenders." This is a directive that was recently suspended in August 2010.

The situation also persists in spite of the fact that Canada is the signatory to the United Nations standard minimum rules for the treatment of prisoners, which strongly discourages this practice. This situation persists in spite of the warning from CSC's senior deputy commissioner, Marc-Arthur Hyppolite, to Minister Toews outlined in the February 2010 briefing note that states, and I quote: "Further expansion of double bunking increases the risk to staff and offender safety in an institution."

It's widely recognized by experts, those working in prisons, and politicians that penal institutions have become dumping grounds for those suffering from drug addiction and mental illness, the poor, colonized aboriginal peoples, and other marginalized groups.

Many of the facilities where we house prisoners were and continue to be decrepit and dilapidated to a point where they are places unfit for animals, let alone human beings.

Faced with this situation, prison officials have argued that new prisons are required not only for the reasons I just stated, but also because they claim that current facilities are inconducive to the provision of modern security practices and meeting their institutional programming objectives.

In Canada's provinces and territories 23 new prisons and 16 additions to existing facilities are at various stages of planning and completion. The construction cost of these initiatives is over \$3 billion and rising with formal announcements and funding for a few projects still to come.

In the case where the over 7,000 new prisoner beds slated for operation are filled, each at an average cost of \$162 per day or \$59,000 per year, taxpayers would be on the hook for close to another \$400 million plus per year, plus other operational and management costs.

According to documents and information I've obtained, it should be noted that most jurisdictions did not consider the impact of federal legislation when planning their penal infrastructure initiatives. Thus, it's likely the case that more provincial-territorial prison construction may be required should the current penal policy trajectory continue.

At the federal level the equivalent of 34 additional units to be built on the grounds of existing penitentiaries have been announced to date.

- (0905)

In the case where the 2,552 beds slated for operation are filled, each at an average cost of \$322 per day, or \$118,000 per year, taxpayers would be on the hook for close to another \$300 million plus per year, plus other operational and management costs. And we should keep in mind that in March 2011 CSC is submitting its long-term accommodation strategy for consideration.

In response to pressure from the opposition, which had tabled a question of privilege that sought the disclosure of the costs of the sentencing measures before Parliament, the Conservatives provided an Excel sheet to parliamentarians. It estimated the federal costs of the 18 bills tabled in this legislative session to be \$2.7 billion over the next five years.

As noted by the Office of the Parliamentary Budget Officer, this document does not provide

...analysis, key assumptions, drivers, and methodologies behind the figures presented. Further, basic statistics such as headcounts, annual inflows, unit costs per inmate, per full-time equivalent (FTE) employee, and per new cell construction have not been made available.

Equally important is the fact that the costs that may be incurred by provincial and territorial governments resulting from these measures are also not included in the federal government's projections.

While this approach to fiscal transparency may facilitate agenda-setting, excluding citizens and their political representatives from having access to the information that belongs to them undermines the prospect for public debate on matters affecting their lives, and is damaging to the democratic process. Canadians do not need to be told they support the penal policies of their federal government. What they need is to have access to their information so they can decide for themselves what they support. After all, taxation necessitates representation, not obfuscation.

Irrespective of whether crime reported or unreported is going up, down, or remains stable, no one is disputing that something should be done. What is being disputed, however, is how scarce criminal justice resources should be spent to meet the needs of the victimized and criminalized in a manner that is effective and provides the best value for money for taxpayers.

Some of the best available evidence can be gleaned from the most recent issue of *Criminology and Public Policy*. It contains contributions from 22 leading scholars, including conservative criminologist James Q. Wilson. It says that increasing the rate of imprisonment has a negligible impact on crime, unless pursued to a point where the short-term benefit derived is far outweighed by the long-term consequences. It has a disproportionate impact on marginalized groups that are more likely to be caught in the net of the penal system. It diverts resources away from meeting the needs of the criminalized and the victimized. It hinders the reintegration of those in conflict with the law into society, and it has a damaging impact on the communities and loved ones of prisoners at an untenable economic cost, particularly when compared to more effective and less costly prevention programs that Dr. Waller will be taking to you about today.

While prison expansion has been presented as being inevitable and necessary, it's one choice among many other policy options.

Moving forward, it's strongly recommended that a federal punishment legislation moratorium be adopted. The Standing Committee on Public Safety and National Security should launch a task force immediately that would bring to the table all affected parties to evaluate the effectiveness of addressing social issues through criminalization. It would discuss the impacts of criminalization and victimization and share best practices—including justice reinvestment and crime prevention, which are proven to be more effective at reducing conflict and harm in our communities at a lesser cost to taxpayers—in order to chart a path for responding to crime in this country going forward.

Thank you for your time.

• (0910)

The Chair: Thank you very much, Mr. Piché.

We'll now move to Mr. Waller.

[Translation]

Mr. Irvin Waller (Full Professor, Institute for Prevention of Crime, University of Ottawa and President, International Organization for Victim Assistance, As an Individual): Thank you very much for the opportunity to speak to you this morning.

[English]

I've made available to the committee some materials in both English and French, first of all a book called *Less Law, More Order: The Truth About Reducing Crime*. This book is totally consistent with what Senator Hutchinson told you, but it adds to it information from studies in England and in the United States on what is in fact effective and cost-effective in reducing crime, and it actually talks about a strategy to move from overreliance on reactive criminal justice to a balance between smart criminal justice and effective prevention.

I've also made available to the committee a document in both official languages, called in English *Making Cities Safer: Action Briefs for Municipal Stakeholders*. This was funded by some of the money from the National Crime Prevention Centre and has been very widely used. We actually ran out of copies fairly soon after we produced them by cities from coast to coast. Probably the most interesting city to use this is the city of Edmonton, but it also talks about Montreal, Waterloo, and other cities.

I have been on the public record on a number of the issues here today, and I'd just like to remind you a little bit about how I got to where I am now.

I did the first and only independent evaluation of the prison and parole system in Canada in the seventies. I was a director general in the Ministry of Public Safety in the seventies. I won prizes for my work in getting the UN to adopt the declaration on rights for crime victims, colloquially known as the Magna Carta for crime victims, and I was the founding executive director of the International Centre for the Prevention of Crime affiliated with the UN and based in Montreal.

But more recently I've turned to writing two books for legislators and voters and taxpayers, and a lot of what is in these books is consistent with the right on crime website, but it has perhaps two major emphases that were not mentioned by Senator Hutchinson.

One, I'm a crime victim advocate; nothing else. I've been head of the World Society of Victimology. I'm personally a victim of crime, and I currently head the International Organization for Victim Assistance. The main contribution that I make in the victim area is that I'm also a professional social scientist who looks at data and looks at standards and looks at what is in the best interests of victims, and I try to share my assessment with them.

This book does that, and I have a book that actually is already released in the United States and ran out in the first three weeks of its publication, called *Rights for Victims of Crime*.

Now, what I think is missing from what you shared with us today is a focus on.... If you go on the Right on Crime website, you will see they talk about protecting victims, and I think our public policy in Canada, both federally and provincially, should be totally focused on reducing harm to victims of crime. That means reducing the number of people who are victims of crime, and focusing on what can be done about that harm.

Justice Canada released about a week ago an updated study on the cost of crime to victims in Canada, talking about \$85 billion as being the cost of pain and suffering to victims. They also, by the way, estimated the cost of criminal justice at \$15 billion, and I guess it's because they're in Justice Canada that they're not following what is going on in the policing area in Canada. It's not just prison costs that Justin Piché talked about. It's also policing costs, and policing costs affect our taxes at the municipal level in this country. So I think we have to see this issue of prison construction in the context of rapidly expanding policing expenditures as well as these rapidly expanding correctional expenditures at the provincial level.

In my view, these expenditures are largely out of control, and there is a need for leadership. And the good news is that there is leadership in this country. The Province of Alberta in 2007 set up a task force to look at the best data from all over the world on what actually works to reduce harm to victims. That task force included the chief of police of Edmonton, an associate dean of law, a native, and so on and so forth.

●(0915)

There were 31 recommendations from the task force, and I'm going to divide them into four parts. First, part of them were about building remand cells because nobody has really come to grips with limiting the reaction to crime. They included some additional police officers. Alberta has fewer police officers per capita than Ontario and Quebec do. Second, it included stuff to deal with mental illness, alcoholism, drug addiction. Third, it put into practice the sort of stuff that is in this book, and a number of other agencies. By the way, a lot of this research comes from the United States on what actually works to reduce crime. Fourth, and this is the most important thing for this committee, they established a long-term strategy, not reacting by saying we have to build now because there's going to be double-bunking and so on, but a strategy that says yes, we've got to deal with making sure we've got enough reactive capacity, but we've got to get to grips with the sorts of things that lead to this flood of people into our prison system, and we've got to prevent.

I know my time is limited, but I prepared a longer brief and I will be happy to share it with people in due course. What I've decided to do in the very limited time is to focus on a very brief history. I'm not going to go back 30 or 40 years, which I could do, to tell you about the history.

I just want to translate one thing that Senator Hutchinson told you. He said prisons are expensive. What that means is a taxpayer in the United States pays twice what a taxpayer in Canada does for the privilege of having that number of police, that number of lawyers, and an incredible number of people incarcerated. He said 2.3 million, but in my view it's very close to the population of Toronto that's incarcerated. He told you it was 23% of the recorded prison population in the world. You have to think about that.

While you're thinking about that, and it's a rate of 750 per 100,000, the aboriginal rate of incarceration in Canada is higher than that. If you go ahead with expanding penitentiaries, just think who is going to be incarcerated: aboriginal people, disproportionately; women, very disproportionately; men, disproportionately.

I have the privilege of having a PhD student working on how you solve that problem, and the answer is, you prevent. You focus on why there is so much violence, particularly among urban aboriginal people, and we know exactly what to do. By the way, we largely knew in 1993 when the Horner committee looked at these issues. We largely knew when the O'Shaughnessy committee looked at these issues in 1995. Since then, the World Health Organization in 2002 produced a report, with assistance from the Centers for Disease Control and Prevention in the United States. This report basically tells you in its foreword, and I'll quote from Mandela, that violence is preventable.

You will not find any recommendation in that report that would give you any basis for expanding our prison population. It didn't talk about abolishing prisons. Clearly, we need prisons for the dangerous offenders. Part of what I did as a federal public servant was introduce the first dangerous offender legislation. I don't want Olson calling me up, and I don't want Bernardo being released, and I could mention several other cases. If you look at what Right On Crime says, basically it says to set priorities. You have a certain prison

capacity, so use it for those people who are dangerous—I think that was your term, but I may be misquoting you.

The World Health Organization produced their report, and they also produced a major report on return on investment. For me, that's an Alberta term. I was doing a presentation to an American criminal justice group in Toronto yesterday, with the Alberta government, and what they talked about was social return on investment.

●(0920)

These guys in Alberta are smart. They're not just sitting there allowing this flood wave of policing increases and prison construction. They're saying they're going to protect victims; they're going to use taxpayers' money responsibly, which is a very similar line to the website, Right on Crime. The WHO brought that together.

In 2007 the current federal Conservative government doubled the budget for prevention, from \$25 million or \$30 million to \$60 million. When they're spending \$4 billion, it's not worth worrying about. Stockwell Day, who is very familiar with the victimization statistics, implied this was going to solve the crime problem. That sort of money for an experimental program will not solve the crime problem.

They've now cut back on that. They couldn't spend the money. There are people out there who could use that money, but they couldn't spend it.

For me, this is an incredible shame. Not only was it too little—limited to experimental—but they didn't spend the money. There are 14 cities in this country looking for \$300,000 a year to multiply what works, and they were told there was no longer any money available. This is while we are talking in the press about \$400 million.

I've mentioned the Alberta task force. I'm going to go to some bottom lines, and I—

The Chair: Mr. Waller, we're at twelve minutes now, and we're trying to keep these to about ten. Can you wrap up fairly quickly?

Dr. Irvin Waller: I will be very quick.

You have recommendations in front of you. The goal of all criminal justice policy, federally and provincially in Canada, should be stopping harm to crime victims.

We need federal leadership to develop an action plan to reduce that harm. We need to get to 10% of the federal criminal justice budget being invested in prevention that works—that's youth, women, aboriginal neighbourhoods. We need to fund municipalities. And we need to get better data so we can measure whether these policies work in terms of reduction of harm.

Thank you very much for your patience.

The Chair: Thank you very much, Mr. Waller.

We'll now proceed to Mr. Lee. Welcome.

Professor Ian Lee (Carleton University, As an Individual): Thank you very much for inviting me.

I received the invitation on Monday afternoon, and I submitted my powerpoint presentation yesterday morning, about 36 hours later. Unfortunately, it was too late to be translated. I did photocopy them, and everyone has a copy in front of them.

Before I go into the presentation, I want to say that my presentation is going to be very different from the other three individuals. I'm not here to advocate a particular penal policy or criminological policy.

Although I'm in a business school, my PhD is in public policy. I analyze budgets a lot. I have an article coming out shortly analyzing the problems of Greece and Spain and Portugal, in Europe. I have another article I'm working on analyzing the States: the U.S. budget versus the Canadian budget. I analyze financial statements and budgets because I'm a former banker.

What I'm going to do today is talk about some hard numbers that are on the public record. I do not use my own data. My methodology is to only use data from official sources, such as Statistics Canada, federal government departments, U.S. state and national government departments, the OECD, international centre for prison studies—that sort of data. I don't modify the data. I don't manipulate the data. I don't normalize the data. I photocopy the data, and that's what I'm going to talk about shortly.

One final point: I want to make a disclosure. I don't accept consulting contracts from anybody of any kind, anywhere.

The Chair: Mr. Lee, we have a point of order.

[Translation]

Mrs. Maria Mourani: Mr. Chair, I would just like to point out that there is an English-only document on the table, and I would like it to be removed, out of fairness to all those who do not have access to that information.

[English]

The Chair: If you want, you can pass them in. I think they were passed out by our guest; they weren't passed out by the table. If you want, you can turn them in.

Continue, Mr. Lee. You'll have to work off your document.

Again, unless we have unanimous consent... You did submit this to be translated yesterday and they were unable to do it. We thank you for your attempt to comply with the rules, but we do have a regulation.

• (0925)

Prof. Ian Lee: I would just say the following. I'm a citizen, I'm not an employee of the Parliament of Canada, and under the Official Languages Act, I thought I had the right to present in English.

The Chair: That's fine, continue.

Prof. Ian Lee: My disclosure is that I don't accept consulting contracts of any kind from anybody, anywhere in the world—not in crime, not in banking, not in financial services—and I have no investment income of any kind from anywhere in the world, except teaching at Carleton University and teaching internationally in education programs abroad. I wanted to put across those two things.

I did publish an article in *How Ottawa Spends*, which is an annual publication, three years ago, analyzing the current government's

policies, but again, using only empirical data. So I'll run through it very quickly. I'll try to do it within ten minutes.

There are three issues I want to deal with today—and I call them myths or urban legends. First, violent crime is down in Canada. I'm going to review the StatsCan data shortly. It shows that it is not, if you measure it back to 1962, which Stats Canada does. Secondly, Canada imprisons large numbers of people. I'm going to use the data again. And thirdly, the Correctional Service of Canada budget is very expensive and out of control. Again, I'm going to present financial data from the Government of Canada.

Let's deal with the first of what I'm calling an urban legend. Police-reported crime statistics start in 1962, and in 1962 it was reported as 221 violent crimes per 100,000 people. I'm using StatsCan's normalized data, the only way you can compare data over time. That went up to about 950 today. So that's almost a fivefold increase. In the slides I simply photocopied the chart from StatsCan and I've provided the catalogue number. So it's there. It's on the record; it's not a secret.

The StatsCan general social survey of 2005 reported that 34% of victims report crimes to police. I believe there are about 2.5 million crimes. That means an awful lot of crimes are not reported. For example, 92% of sexual assaults are not reported. So crime is apparently a problem.

On my next slide, the famous crime funnel shows that 2.5 million crimes yielded 4,800 people going to jail—and this is 2009 data from the Department of Public Safety. So an infinitesimally tiny percentage of the people who commit crimes actually end up.... The heading on the slide says you have to really work very hard in this country to get sentenced to a federal penitentiary. There were 4,800 committed in 2009, which is not many as a percentage when you look at it comparatively.

One could ask, what about the provincial and territorial data? The next slide shows that in Canada—this is 2009 data—there were 13,000 federal offenders and 108,000 offenders in provincial and territorial prisons. So we're talking about very small numbers. I have the percentage. As a percentage of the Canadian population, it's about seven decimal points to the right of zero before you hit a significant number—very small numbers.

The admissions annually to the CSC, again from the CSC report—this is 1999 data—are 4,800, and CSC reports that 69% of them are violent. Simple math suggests that's 3,312. So those slides are in there. The majority of the victims, according to the StatsCan uniform crime reporting survey, are under 30, and the crimes are disproportionately higher in western Canada, as some MPs know, and in northern Canada, according to 2008 data. This is corroborated by the crime severity index, which shows that the cities of central and eastern Canada are very low, and in western Canada the cities like Winnipeg, Regina, Saskatoon, Calgary, Edmonton, and so forth are experiencing very serious problems.

Then I looked at the incarceration rates and I used the international prison data. And it shows that Canada has 116 in prison per 100,000 of population. We're well below the United States, at 756 per 100,000—we're wildly below.

Even when it's been noted that we're much higher than Europe, we should note that Europe is much more homogenous because of much lower levels of immigration. Canada and the United States have much higher levels of immigration. We're a much more diverse society. Secondly, of course, Europe is aging very rapidly, and older people don't have the same propensity to crime. That partially suggests the higher incarceration rates. The world prison metrics are there, quoted from the World Prison Population List, published from the U.K.

I have the Correctional Service offender profile, which is from 2009. You can look that over. Again, I'm just copying it from the record.

• (0930)

I want to now get to the costs of crime.

The CSC budget for last year was \$2.4 billion, which is approximately 1% of the Government of Canada budget. The annual expenditures of the Government of Canada are just north of \$250 billion. It was reported yesterday in the *Ottawa Citizen* that the budget is going to go up by 20%, or \$500 million. This will increase the share of CSC to 1.2% of the Government of Canada budget, which no reasonable analyst of budgets would say is a gargantuan amount. In fact, it's a very small amount. This is from Justice Canada's *Costs of Crime in Canada, 2008*. They quote \$15 billion, as Professor Waller noted. Policing services account for 57%. Corrections is 32%, and the courts, crown prosecutors, and legal account for the rest.

In terms of new prison construction, because this has been in the media and is going to be debated here, I presume, I looked at the facilities report of the Correctional Service of Canada. There's been no major new prison built since 1988, which was Port-Cartier. Some smaller regional women's prisons and some additions to existing prisons have been built, but no major new prison facility has been built in a quarter of a century. Kingston Pen, which is still operating and which many think is obsolete, was built in 1835. Stony Mountain, in Manitoba, was built in 1876. Dorchester, in New Brunswick, was built in 1880.

When people say that we're spending too much and are asking why we're spending so much on prisons, I would turn the question upside down. I would ask why Parliament did not appropriate money

for the past quarter of a century for a capital replacement program instead of deferring maintenance and kicking the problem down the road to a time when it would come due and you would have to go out and build a whole bunch of prisons. You weren't rebuilding them over time. It is standard budgeting practice to have a capital replacement program. Any large organization—universities, hospitals, government, and corporations—has plans to set aside money rather than just letting the capital equipment called plants or premises depreciate without being rebuilt over time. That seems to me to be the problem.

I want to summarize. Violent crime is up almost fivefold since 1962. That's a StatsCan number, not mine. Violent crime today is higher in western Canada and the north, significantly higher. It is lowest in Ontario and Quebec, including Toronto.

Second, there are 13,000 people incarcerated federally, which is a small number, not a large number. There are 108,000 people in prison provincially across Canada. That is small, not large.

Third, the CSC budget, which is 1% of Government of Canada expenditures, is going to 1.2%, which is not a gargantuan number. What I can infer or conclude from this is that critics refuse to acknowledge the severity of crime in some communities.

I would note, and this is probably going to create some discomfort in the room, that members of Parliament and professors are in the top 5% of income in this country. As I've said many times, and I don't exempt myself, we live a very privileged life. We live in very good communities where we don't experience crime. Crime is disproportionately where lower-income people live and in less advantaged communities. These people are not being well defended by members of Parliament or professors who trivialize or ignore their very real problems.

In fact, Tom Wolfe, the famous American novelist, satirized the elite concern for violent criminals in his famous book of 1970, *Radical Chic & Mau-mauing the Flak Catchers*, in which he told the story of Leonard Bernstein, who lived in the upper west side of New York in Manhattan, which is a very privileged community, who actually lobbied the governor and the parole board to allow a violent murderer out of jail, which they did. And he invited him to a cocktail party. Tom Wolfe wrote this wonderful satire about people from very privileged backgrounds showing their bona fides by associating themselves with him.

My concluding comment is that I think public policy should be focusing on the human rights of law-abiding citizens rather than on people who've demonstrated empirically that they are capable of violent behaviour against Canadians.

Thank you.

The Chair: Thank you very much, Mr. Lee.

I want to thank all of our panel for their testimony today.

We'll now move to Madam Jennings. Welcome to our committee, fresh from the justice committee.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Thank you so much.

I would like to thank all four of our panellists today for accepting to appear before us and for the information you've brought. I have a number of questions.

Professor Waller, you really struck me when you talked about the social return on investment. You said that in Alberta there's a clear move toward recognizing it as a core principle in any criminal justice policy.

I'd like to hear from each one of you whether you believe that prison expansion—I'm not talking about replacement of dilapidated existing prisons, I'm talking about actually increasing the number of prisons and the capacity of prisons—is the most cost-effective criminal justice policy for reducing the number of victims and for ensuring that there's less harm to victims. I'd like to hear each one of you on this.

• (0935)

The Chair: We'll begin with Mr. Waller and then move to Mr. Lee, Mr. Hutchinson, and Mr. Piché.

Dr. Irvin Waller: It's very clear that it is a very cost-inefficient way of dealing with crime. When you have 2.3 million or 2.4 million people incarcerated, as you do in the United States, you do, of course, have some impact on property crime. The issue is really one of how could you use this money. A very interesting study was done in California, and it showed—I'll use the table that is in the book at the end of chapter 2—if you want to reduce crime by 10% you would have to increase taxes by about \$220 per household per year. You could achieve the same through a parent training program for about \$50, and you could do it by helping youth complete school for about \$35. That is just one of many studies.

You can look at the Washington State Institute for Public Policy—it's like the Library of Parliament here—and they would show you the cost-effectiveness, where the return is both reduction in harm to victims and reduction in cost to the system. They show how you can avoid prison construction by investing in prevention.

On proposition 36, which is talked about in my book and which is similar to the community treatment programs we talked about, there is a 61% majority. People in California do not want to pay for prisons when they're told what actually works. They actually ordered investments of \$120 million a year in prevention, and they required evaluation, which is very important. When Governor Schwarzenegger took over, because the evaluation had showed that it worked, they continued.

I could go on for some time. The evidence is incredibly clear. Perry Preschool is one to seventeen.

The Chair: Mr. Lee and then Mr. Hutchinson and Mr. Piché.

Prof. Ian Lee: I'll be very quick and to the point.

It seems to me we can cut through all of these disputes by making a very strong distinction between violent crime and non-violent crime or property crime. My own sense—and I picked this up over the years from talking to many people, including the hundreds of

students I have coming through each year—is that there isn't an appetite in Canada to incarcerate people for stealing a pizza. I think that's the fundamental difference between the United States and Canada. They incarcerate for property crimes, as Professor Waller was just noting.

I think there is very strong support, certainly from me and many others, for incarcerating people who are violent, who are willing to commit murder or rape—or sexual assault, as it's now called—because that's considered absolutely unacceptable, no excuse, full stop. So we incarcerate violent people, but we should not be incarcerating non-violent people, because the return on investment is terrible.

The Chair: Mr. Hutchinson, go ahead, please.

Mr. Asa Hutchinson: This is a great challenge, and I'll answer it by simply referring to one of the principles of our “right on crime” initiative, which is that the criminal justice system must be transparent and include performance measures that hold it accountable for its results in protecting the public, lowering crime rates, reducing reoffending, collecting victim restitution, and conserving taxpayers' money. That sounds easy, but you have to define what performance measures you want to accomplish and then set your priorities based upon that.

I'll give you an example of why I think it's so tough. You say we should not incarcerate those who are engaged just in property crimes or economic crimes. I think of Bernie Madoff in the United States. His were property crimes. They were economic crimes that hurt so many people, and society cried out and said this is a guy who ought to go to jail. Many of those are handled at the federal level, but at the state level drug crimes are an issue.

I would agree we're re-evaluating so you don't send just the average person that has an addiction problem to jail. That's not the objective. But if your motivation is economics, if it's selling to teenagers, and you have a long history of that, there's certainly a point there at which you have to have incarceration. So you have to set your performance measures. Those are difficult to define, but you start there, and then you judge your investment based upon that.

• (0940)

The Chair: Thank you, Mr. Hutchinson.

Mr. Piché, please.

Mr. Justin Piché: To answer that question I would point to the overall increase in CSC's budget since 2005-06. The budget then was \$1.597 billion. The main estimates just came out a few days ago. The budget is \$2.981 billion. That's up over 86%. During that same period capital construction has gone from \$138.2 million to \$517.5 million this coming year. That's up 374%.

During this period, did victim standing improve by 86% in this country? I don't think it has.

The Chair: Thank you, Mr. Piché.

We'll now move to Madam Mourani, please.

[*Translation*]

Mrs. Maria Mourani: Thank you, Mr. Chair.

I would like to thank all of you for being here today to give us some insight into the costs of prisons and crime, in general. I would like some clarification on a few points.

Mr. Piché, you said in your presentation that, in 2008-2009, nearly 6 out of every 10 prisoners admitted to provincial and territorial prisons were on remand. Do you know the breakdown of those prisoners by province and territory? Also, do you have the breakdown by institution?

Mr. Justin Piché: I do not have that information here.

Mrs. Maria Mourani: But do you have it?

Mr. Justin Piché: It was taken from a document by the Province of Nova Scotia.

Mrs. Maria Mourani: Could you provide the committee with that document?

Mr. Justin Piché: Yes, I could send it this afternoon when I get home.

Mrs. Maria Mourani: I have another question. You also said that the double-bunking rate had gone up. You said it was at 9.4% in August, and you attributed that increase to a sharp rise in the anticipated rate owing to the implementation of the Truth in Sentencing Act. Did I understand that correctly?

Mr. Justin Piché: No, what I said was, in August 2009, the double-bunking rate was at 9.4%. Six months prior, I believe it was at 9.7%, so it did drop slightly. I have a Correctional Service of Canada document basically stating that because of the Truth in Sentencing Act, the double-bunking rate was expected to increase significantly. In August 2010, CSC suspended Commissioner's Directive No. 550 because the double-bunking rate was expected to increase by up to 20%.

Mrs. Maria Mourani: Because of what? I did not understand that.

[*English*]

Mr. Justin Piché: The Truth in Sentencing Act.

[*Translation*]

Mrs. Maria Mourani: Because of the Truth in Sentencing Act?

Mr. Justin Piché: Yes.

Mrs. Maria Mourani: Do you have any examples from other countries? Mr. Waller or Mr. Piché, do other countries have this measure, which doubles the amount of time served, or just Canada?

Mr. Justin Piché: I have no idea.

Mrs. Maria Mourani: You do not know.

Mr. Irvin Waller: I am not aware of a similar measure elsewhere.

Mrs. Maria Mourani: Very well. I was wondering whether anyone else had such a measure in place and how they administered it.

Mr. Irvin Waller: It is very important to understand that the increased use of remand in Canada has far surpassed international standards. For instance, I have done some work for think tanks in England, and the proportion of inmates in remand is much lower there. With the exception of Saskatchewan, the situation in Canada is at a crisis level because we did not limit the use of that detention measure.

● (0945)

Mrs. Maria Mourani: But you cannot confirm whether this measure is in place elsewhere. I would appreciate it if the analysts could provide that information. Could we research that to determine whether it exists only in Canada or whether it is in place in other countries as well?

You also said there were 18 bills. Mr. Piché, you indicated that the government estimated the cost of those 18 bills to be \$2.7 billion over five years. Is that correct? What is your estimate of what those 18 bills will cost?

Do you have any information on that, Mr. Waller?

Mr. Justin Piché: In my research, I did not make any cost estimates, but I did collect data from the provinces, territories and federal government. That Excel document did not contain any figures for the provinces or territories. So, based on that document, does that mean that there are no costs associated with the bill? I don't think so. To my mind, those figures should appear in the document.

Mrs. Maria Mourani: You are saying that the document did not contain the cost estimates for the provinces and territories.

Mr. Justin Piché: Yes.

Mrs. Maria Mourani: I see. Mr. Waller, my next question requires your expertise.

You spoke a lot about prevention. Personally, I am a big believer in prevention. I think that if we tackle social problems at their root, society will benefit, and thus experience a lower crime rate. As a criminologist, I share that view.

In all your research, have you ever estimated what the cost of repeat offending is? Are there studies that take into account not just the financial costs, but also the human costs of repeat criminal behaviour in terms of all forms of crime in Canada, whether it be sexual assault, murder, rape, assault and battery or whatever? Have you done that kind of research, could you give us any insight into that?

[*English*]

Dr. Irvin Waller: I think one of the very sad realities of discussion of penitentiaries in Canada today is the lack of independent evaluations of the recidivism rate. All the evaluations done by Correctional Service of Canada are done internally and they tend to put a very positive view on the likelihood of reducing recidivism. But if you look, for instance, at the correctional investigator's report, they include an evaluation of the effectiveness of what the Americans call re-entry programs.

It is clear that you can reduce both violent crime and property crime by investing in those programs that have been proven to work—some of which were developed, actually, at the University of Ottawa—but have been developed elsewhere. You'll find a table in my book at the end of chapter 2 that shows the comparison between using a very heavy emphasis on re-entry as against prevention.

Prevention, prevention, prevention.... There is no doubt that we could reduce the levels of homicide; the levels of sexual assault, both reported and unreported; the levels of assault; the levels of car theft; the levels of break-ins—I'm not sure what crime you'd like me to pick—by upwards of 40% to 50% over the next ten years by investing the sorts of money that are being talked about for prison construction federally. In my view, that's where we should be putting our money. Yes, we should be putting more money in rehabilitation, but if the objective is to reduce harm, it's in prevention.

I would once again mention the Washington State Institute for Public Policy. You will see them looking at this re-entry issue.

The Chair: Thank you very much, Mr. Waller.

We'll now proceed to Mr. Davies, please.

Mr. Don Davies (Vancouver Kingsway, NDP): Thank you, Mr. Chairman.

The Chair: Before we begin with Mr. Davies, I'll just remind the committee that we're going to have two hours, so there will be lots of time for a second round.

Continue.

Mr. Don Davies: I'd like to thank all the witnesses for coming.

I'll say a special welcome to Mr. Hutchinson for coming to our country and sharing your experiences.

I want to start with you, Mr. Hutchinson, because I think you're a valuable resource, a particularly valuable resource for us today, because of the American experience.

I think it's a fair characterization of the government's approach to crime right now that they're taking a get-tough-on-crime approach. They're deliberately bringing in more mandatory minimums. Their policies will, without doubt, lock up more people for longer periods of time. An estimate from Corrections Canada that we saw a couple of weeks ago is that they expect an influx of about 30% more prisoners into the federal prison system over the next two to three years.

Now, if I understand your evidence and the Right on Crime perspective, it's that you've had experience with this very approach, I think, over the last quarter century—over the last 25 years—so I wonder if you could share with us. Many states in the United States have tried these policies over the last 25 years. Can you tell us, have they been effective in reducing recidivism, and have those policies been effective in reducing crime?

• (0950)

Mr. Asa Hutchinson: The crime rate has gone down in the United States. I would probably argue that the increased incarceration rates had a positive impact on reducing the crime rate. Everybody can argue statistics in different ways, but that's my view on it. At the

same time that we had this crackdown, we made some mistakes, and I hope that you can learn from those mistakes.

One mistake is mandatory minimums. It created a lot of unfairness in our sentencing. There were instances of someone, for example a girlfriend, being peripherally involved, getting brought in, getting hit with a mandatory minimum, and getting ten years or more in prison. So we created escape valves. That's not a very technical term, but it gave the judge more discretion to avoid a mandatory minimum when it created unfairness. We had to do some legislative fixes.

The second mistake we made was, as Professor Waller mentioned, re-entry programs. We didn't do a very good job of working to prevent recidivism whenever people came out of prison.

Mr. Don Davies: Could I just stop you there and ask you to focus a bit on recidivism?

I'm told that, for example, in Texas, which was a leading proponent of those policies, the recidivism rate is some 50%. In fact it was described as a revolving door. Fully 50% of the inmates in the Texas correctional system came out of jail and were back in jail within I think a 36-month period. Would you agree with me that the recidivism rates have been largely unimpacted by that policy?

Mr. Asa Hutchinson: I would not disagree with it. Those statistics are appalling and the recidivism rate is much, much too high.

That's why I applaud Texas. Based upon the “right on crime” initiative, instead of going to another expansion of prisons, Texas put money into trying to help those who are coming out to prevent recidivism and to reduce that recidivism rate.

I think they've learned from that lesson, and I would agree with your point.

Mr. Don Davies: Okay.

Before I leave you, I just want to understand your position. You have signed on to the “right on crime” initiative, which, if I understand it correctly, is suggesting that the government, whether it's state or federal level in your country, stop prison expansion, and instead put more money into other areas, such as crime prevention, etc. If those policies reduced the crime rate, why are you not advocating a continuation of those policies?

Mr. Asa Hutchinson: That's where you've got to be careful not to go too far.

Let me make it clear that it's a set of principles. What the "right on crime" initiative says is it's the right thing for conservatives to re-evaluate our incarceration policies in the United States. That's a very important statement, because as conservatives we've historically said to lock them up and don't worry about the budget for prisons because we have to do that. In political terms you say this is cover. Conservative leaders are saying it's all right for conservatives across the United States to re-evaluate incarceration policies in light of these principles. We're not saying everything we've done is wrong, but we're saying it's the right thing to do in terms of fairness to take another look at it to make sure we're incarcerating the right people and we're getting the performance measures accomplished that we need.

• (0955)

Mr. Don Davies: Yes, and if I can quote Rick Perry, the Governor of Texas, he said:

I believe we can take an approach to crime that is both tough and smart. ... [T] here are thousands of non-violent offenders in the system whose future we cannot ignore. Let's focus more resources on rehabilitating those offenders so we can ultimately spend less money locking them up again.

I take it you would endorse that kind of statement.

Mr. Asa Hutchinson: Absolutely.

Mr. Don Davies: Mr. Waller, you've spent a lifetime, I think, advocating for victims. I think this government also says that we need to lock up more people for longer periods of time in this country and they invoke the concept of victims because that's what victims want and need. I'd like you to comment on that.

Dr. Irvin Waller: Some of the legislation that this government has introduced has basically been focused on the extreme cases, the sensational, exceptional, and dangerous cases. Expanding the use of dangerous offender legislation, for instance, would incarcerate more potentially dangerous people. They have done something similar in other areas.

But I think we have to come back to what we know from evidence that actually reduces violent crime. There's no doubt that Olson and Bernardo and so on need to be incarcerated, but there's also no doubt that we could reduce the murder rate in this country significantly by investing in the conclusions from the World Health Organization, from the Center for Disease Control.

By the way, the Public Safety Canada website shows you this is the sort of stuff that Alberta is doing. Alberta is interested in victims and in reducing violence against them. That's just prevention. Another part of Right on Crime is victim rights.

Yes, there's now a federal ombudsman for crime victims, but it's a travesty of what's being done to get law enforcement to focus on victims, to get services adequately funded, to get restitution paid—which is one of the best ways to have an alternative to incarceration.

The Chair: Thank you very much, Mr. Waller.

We'll now move to Mr. MacKenzie, please.

Mr. Dave MacKenzie (Oxford, CPC): Thank you, Chair.

Thank you to the panel for being here.

Mr. Waller, you gave a great speech there on remands and the increase in remand. Could you tell us who is responsible for the

administration of justice? What we're talking about is federal prisons. With remand it seems to me that you're in a different area of responsibility here. Can you tell us some connection to the federal prison system with the remand?

Dr. Irvin Waller: Yes, absolutely. I'm well aware that the administration of criminal justice, policing, courts, and corrections up to two years less a day is in the provincial mandate. I'm also very clear that education, health care, social services, municipalities are in the provincial mandate, and they're the sorts of things that Alberta is using to reduce crime. But the remand system is affected—

Mr. Dave MacKenzie: But what you talked about was the large numbers of increases in remands. Can you tell us how that connects to the federal government and federal prison expansion?

Dr. Irvin Waller: Yes. The large increase in the remands is partially affected by the Criminal Code. When you abolish two-for-one, you're going to start seeing more of these cases coming into the federal system. I think, as a country, we have to look at incarceration.

I'm a taxpayer, and I pay the municipality for policing, and I pay the provinces and the federal government for a range of things. I think we need to get these things better coordinated. I think a national action plan that brings together the provinces and the federal government to look at these issues is the way to go.

Mr. Dave MacKenzie: But I suggest to you, sir, that by eliminating the two-for-one, it should speed the process in the remand. It should cut down the delays where people get credit for two-for-one or three-for-one time. In my opinion, you've made a connection to two things that are dissimilar.

Congressman Hutchinson, interestingly, when we checked online, there was another document that seems to be somewhat associated with your document—which I've read, and I do appreciate. It was called "Crime and punishment", from the John Locke Foundation.

One of the interesting bullet points was: "From 1980 to 1992, according to the American Legislative Exchange Council, North Carolina was the only state in the nation whose overall incarceration rate declined (by 6 percent). The state's crime rate rose by 25 percent, the nation's second-highest increase." Might there be some correlation?

We try to correlate everything sometimes. I don't know whether you've had the opportunity to compare the American system to the Canadian system, or I suspect perhaps, and you can tell us, that your involvement is purely with the American system and the overall change there.

•(1000)

Mr. Asa Hutchinson: That's correct.

But in North Carolina—just so I understand it—in 1980-92, the crime rate went up. Did the incarceration go up as well, then?

Mr. Dave MacKenzie: No, it went down.

Mr. Asa Hutchinson: The incarceration went down and crime—

Mr. Dave MacKenzie: It went down by 6% and crime went up by 25%.

Mr. Asa Hutchinson: Well, I'll just go back to my point earlier. I think that the "tough on crime", the increase in incarceration rate that began in the eighties, has had an impact on bringing crime down, as well as, perhaps, other factors.

But no, I'm here to talk about the American experience. I am not an expert, as these gentlemen are, on the Canadian experience and the members of the panel.

Mr. Dave MacKenzie: You know the federal system in the U.S. Would you have federal penitentiaries built in 1835, 1876, and 1880 still in existence?

Mr. Asa Hutchinson: You know, I was impressed by that fact that was presented. I don't know that age is a factor as much as that they meet the minimum standards that are required today. You can have an old facility that meets minimum standards and has been modernized.

Mr. Dave MacKenzie: I'm just an old policeman, and I know some days common sense isn't so common, but would common sense tell you that those facilities are going to need to be replaced or updated and they're fairly expensive to do?

Mr. Asa Hutchinson: Old construction is always expensive construction.

Mr. Dave MacKenzie: Mr. Lee, I was certainly impressed by the fact that what you've used are pure statistics from documents, no opinions on them, nor trying to switch them around. It's interesting, and maybe if you'd just give us some of those numbers.... You talk about the change from 1962 to 2010, the violent crime rates and a percentage of reported crime as opposed to unreported crime. Because that seems to be an issue in the press: everybody thinks there's something funny about unreported crime, but there are good reasons for unreported crime. I'm just wondering if you could give us those numbers, in pure numbers, so that we understand.

Prof. Ian Lee: Right. The reason I focused on that was I use normalized data all the time. We talk about the number of new business start-ups per 100,000, the birth rate per 100,000, the death rate per 100,000, so it not only allows you to compare over time in your own country but also, very importantly, allows you to make comparisons across countries for comparative research, comparative purposes. So it's a very useful normalization technique that Statistics Canada is using, and it's perfectly legitimate.

But why I was struck by it was I'm reading almost every day in the paper that the violent crime rate has gone down, and the reason criminologists are saying that is because they're using the last ten years. Well, of course if you go back only ten years, it has gone down. In other words, I can take companies' earnings for one month and show that they made a lot of money and say this company is

fantastically profitable, even though they lost money for the last five years. In other words, it's taking too short a time horizon.

I want to answer your question. Why it's so important to go back to the 1960s is human capital: people change very slowly. Our life expectancy is now 85 for a female in this country and 81 for a man. So to go back 40 or 50 years is about one-half of the average life expectancy.

The second point is that there were enormous changes that took place in Canada and the United States between the 1960s and now, what the criminologists and sociologists call the decline in social cohesion. That means we're far less homogenous. We are far more diverse. Religion has declined in importance. Authority has declined. There's been an entire forest cut down about the decline in authority, the decline of the teacher's authority, the policeman's authority, and so forth.

What these numbers capture is a snapshot on the transformations over the past 40 or 50 years of a much more liberalized society where the crime rate has gone through the roof. If you only go back ten years, you won't capture those transformations in attitudes, values, and behaviour. It is deeply misleading, in my view, to only go back ten years, because we don't live for ten years. We are not fruit flies with very short lifespans; we have long lifespans.

•(1005)

The Chair: Thank you very much, Mr. Lee.

We'll now go over to Madam Mendes.

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Thank you, Mr. Chair.

[Translation]

First of all, I want to thank all of you for your presentations.

Mr. Piché, I want to pick up on some of the statistics mentioned, especially with regard to the increase in crime as it relates to our society's diversity. I get the sense that we are making some unreasonable generalizations here. Society has come a long way, but it has followed the normal progression of a society that is moving forward. From a technological standpoint, we have come extremely far since the early sixties. I would like to hear your thoughts on the link Mr. Lee seems to be drawing between the supposed increase in the crime rate and the diversity of our society. Do you have any information on that specifically?

[English]

Mr. Justin Piché: I've read the book chapter produced by Professor Lee. I was surprised by the arguments he marshalled, particularly the one that increasing the length of prison sentences has a significant deterrent effect and reduces crime. If we were to follow Professor Lee's theory and apply it to the Canadian context, an increase in the use of imprisonment in Canada over the last 50 years should have reduced crime. So I did a little exercise last night to see if his theory panned out.

We have the crime rates in Canada based on Statistics Canada data, and he is right to say that crime did increase from 1962 to 1991. But what's the correlation or connection that we could make with the prison rates? Well, in 1962 the number of federal prisoners we had was 7,000; the crime rate was 3,000 per 100,000. In 1972 the prison rate goes up to 7,800, with a crime rate of 5,000 per 100,000. In 1982 the federal prison population was 9,700, with a crime rate of 9,000 per 100,000. In 1991 the prison rate goes up to 13,800, and the crime rate is 10,000 per 100,000.

If you want to talk about longitudinal data and make comments about the crime rate, you have to consider that the federal prison population in this country went up—the crime rate went up. Then the crime rate started going down in 1991—I'm talking about the overall crime rates. We see a rise in 1996: federal prison population, 14,500; crime rate, down a bit. In 2002 the prison population dropped to 13,000 and the crime rate continued to decline. So it's not as simple as Professor Lee is making it look in his book chapter.

Mrs. Alexandra Mendes: Would you say that is because between 1996 and 2002 there were more investments in rehabilitation or prevention, as Professor Waller just mentioned? Prevention is perhaps even more important than rehabilitation. Would that be the reason that between 1996 and 2002 you see a decline?

Mr. Justin Piché: What I'm doing in providing you these figures is showing that the relationship between crime rates and imprisonments is a difficult act. You need to consider a bunch of other factors. Frankly, I don't know the answer to your question, and I don't know which factors in or outside the system would play into this. But it's more complicated than saying that prisons go up, crime goes down. That is sometimes the case and sometimes not. We need more careful analysis, more nuanced claims.

Mrs. Alexandra Mendes: Would you have comment on that, Professor Waller?

The Chair: Mr. Lee was asking....

Go ahead.

Prof. Ian Lee: I want to respond. I have three quick points.

First off, it wasn't my theory. I was quoting Steven Levitt at the University of Chicago as well as Kessler at Stanford. This answers an earlier question: What is the research on deterrents? That was one of the two leading articles, Kessler and Levitt. In a separate article, "Understanding Why Crime Fell in the 90's", Levitt did not attribute it 100% to prison. He attributed one-third. In a 2004 article published in the *Journal of Economic Perspectives* he said: "Incarceration over the 90's in the United States can account for a reduction in crime of approximately 12% for homicide and violent crime, 8% for property crime, or about one third of the decline in crime".

I was quoting that. It wasn't my theory.

• (1010)

The Chair: Mr. Lee, I want to give Mr. Waller a chance.

Prof. Ian Lee: Point two: I'm not using overall crime rates. I'm only using violent crime rates.

Point three: Mr. Piché talked about the prison population; that's not normalized data. Over time, the population grows. If you're going to quote crimes per 100,00, violent crimes, you have to normalize the prison population, because the population of Canada is changing over time due to birth, death, and immigration.

The Chair: Mr. Waller, we're already over the time, but I will give you the time because she directed it to you.

Mrs. Alexandra Mendes: If any of you have comments that you don't have time to make, submit them through the chair.

Dr. Irvin Waller: I would appeal to this committee to look at consensus documents like those produced by the World Health Organization or produced by the U.S. National Research Council and to be very wary of individual authors. I'm an economist, and I don't trust articles written by one economist alone.

You have to understand that in the United States the higher your violent crime rate, the higher your use of incarceration and the more likely you are to have the death penalty. It's not the other way around. If you want to abuse statistics, then that's the way to do it. While their crime rates were coming down, while they were using lots of incarceration, our crime rates were coming down without using lots of incarceration. What we have to do is understand that throwing \$30 million or \$60 million at prevention is not going to give you the results you want, and \$400 million in construction is certainly not going to give you reductions in homicides or car thefts.

The Chair: Thank you, Mr. Waller.

Mr. Norlock.

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

Thank you to the witnesses for appearing today.

As is my habit, I usually make sure I address my comments to the folks at home, because they're the people whose pockets we are—I wouldn't like to use criminal terms—digging into to fund this very meeting. And they need to know that statistics are statistics and people may—I'm not saying they do or anyone here does it—manipulate them to fit a certain particular way that we think or our view of society.

Some of the statistics I'm going to quote actually came from Corrections Canada. First of all, we hear about double occupancy and people get the impression that there are two people sharing a bed. That is entirely incorrect. It is two people in one cell, very much similar to two-in-one living accommodations, very similar to our Canadian military who share the same room and often have to share a bathroom and there is a facility within there.

By the way, Corrections Canada does meet the UN standards when there is double occupancy, and that we have from the evidence given by the head of Corrections Canada.

Another statistic we heard was that the budget increase for the creation of additional occupancy in our correctional facilities is \$2.7 billion. What was left out from that statistic is it's \$2.7 billion over five years. So I think it's necessary to include that.

Also, the head of Corrections Canada appeared before this committee, and we were talking about how some people were saying that as a result of the Government of Canada's changes to some of our Criminal Code we're going to create more criminals. In actual fact, if you look at the changes to the regulation, we're not creating more criminals. We're talking about those who commit, generally speaking, violent criminal acts or who commit serious crimes, white collar crimes, and we're saying that those who did commit these serious crimes are going to spend a little more time in prison. So it's not going out there and capturing new people who are creating crimes; it's actually locking up people longer who do commit crimes.

Then I'll have a question for former Congressman Hutchinson. One of the things this government did, because there was serious lack of investment in our federal penal institutions, was the former public safety minister had a report commissioned, "A Roadmap to Strengthening Public Safety", and within that it talked about the current need for our correctional facilities to be improved and modernized. And no, sir, Mr. Hutchinson, you can't take a 150-year-old institution that looks like a dungeon and make it a place that is good for rehabilitation.

We always hear about those evil mandatory minimums, and you used the word "conservative", and they love it over there, but I would suggest to you that many Democrats in the United States look at the Canadian Conservative Party and think we're a bunch of flaming socialists in their eyes. I have a friend who was a Democrat in the U.S. who called me that.

Canada is a pleasant blend, and I think a pleasant blend of American, because we're exposed to the U.S. culture and western European. That's our identity. We're a pleasant blend of both. I think if Mr. Waller studied it, he might agree we're a blend of both, this system of governance is that.

One of our mandatory minimums is one year, sir, for organized crime who are selling drugs, and one is a two-year mandatory sentence for those who would sell drugs to our children in and around schools. So my question would be, in the United States does that compare favourably? What is your opinion on that, sir?

•(1015)

The Chair: In twenty seconds.

Mr. Asa Hutchinson: Our mandatory minimums are five years for an offence in which someone's carrying a firearm. It's five years for some levels of cocaine distribution.

So again I leave that to your good discretion in terms of what mandatory minimums should be. From the American experience, though, I would urge you to make sure they're imposed fairly, that either a judge has some discretion or there's a sentencing commission to oversee that, because even under the circumstances you're going to find somebody caught up in that who's going to get hit with a mandatory minimum when otherwise some discretion might have been applied. From our experience, mandatory minimums are society's expression that this is a really terrible offence. But you have to make sure they're applied fairly.

The Chair: Thank you very much.

[*Translation*]

Ms. Mourani, for five minutes.

Mrs. Maria Mourani: Thank you, Mr. Chair.

Mr. Piché, I want to pick up on something. In your presentation, you speculated that the Truth in Sentencing Act would—and correct me if I am wrong—lead to an increase in prison occupancy rates. Were you referring to the occupancy rate in federal or provincial institutions?

Mr. Justin Piché: I was referring to Mr. Page's report. So it is Mr. Page's hypothesis, not mine.

Mrs. Maria Mourani: Mr. Page makes a lot of hypotheses, as well. He confirmed as much when he appeared before the committee on February 17. So you were citing his hypothesis.

Furthermore, it is somewhat unfortunate that your research did not take into account practices in other countries. I would have really liked to know whether this measure is in place anywhere else. And if so, I would want to know if those countries got rid of the measure because it did lead to higher prisons costs and ultimately served no purpose except to turn people into criminals. There is absolutely no information on that, and I find it unfortunate.

Mr. Justin Piché: Actually, in preparation for my presentation today, I was supposed to write a 10-page report. I just handed in a 350-page thesis to my thesis supervisor. If I had had to include details about the prison construction taking place all over the country in a 10-page document, it would have been extremely difficult. What you are asking does not really seem to—

Mrs. Maria Mourani: You do, in fact, cover that information in your 350-page report, do you not?

Mr. Justin Piché: I do not have it with me.

Mrs. Maria Mourani: In your 350-page report, do you not examine best practices in other countries? That is what I am asking.

•(1020)

Mr. Justin Piché: I examine best practices, but I do not have that information in front of me. I was not prepared to get into that topic.

Mrs. Maria Mourani: Would you be able to send us that information?

Mr. Justin Piché: Yes, but only after I have defended my thesis. That may be in August.

Mrs. Maria Mourani: Thank you.

Mr. Waller, I would like you to clarify a few things. Earlier, we were talking about the costs of repeat criminal behaviour. Based on what you told me, at the end of the day, there is not really any reliable or comprehensive research on the costs associated with repeat offending. We have CSC's figures on recidivism. But we do not have anything on the costs of recidivism. Am I wrong?

[English]

Dr. Irvin Waller: We have nothing in Canada on the cost of recidivism, but the Washington State Public Policy Institute, which is like our Library of Parliament working for their legislators, has prepared major reports looking at the return on investment of a series of programs designed to reduce recidivism and to prevent crime. The return on investment looks at if you reduce crime, this is what you're reducing in terms of the notional costs of policing courts and corrections. It also uses a similar methodology to Justice Canada at looking at the harm to victims. Their material is very clear that the best way to reduce the need for prisons is to invest in what actually works to stop harm to victims, so prevention, yes.

[Translation]

Mrs. Maria Mourani: I see. It is unfortunate we do not have that information.

I have here a document put out by Justice Canada entitled "Costs of Crime in Canada, 2008". I can tell you that after reading it, I was a bit flabbergasted. It contains estimates of the cost of the justice system, the cost of the prison system and the cost of crime on victims.

I find it rather ridiculous that they are able to estimate the cost of the victim's suffering. For instance, the pain and suffering per break-and-enter victim is valued at \$615. I have some questions about that. The pain and suffering per assault victim is valued at \$9,547. I am not sure how they can put a value on the suffering of a murder victim's family and loved ones. I must tell you that for all the years crime has been around, for all of our discussion on crime and for all of our criminological expertise, I am a bit disappointed that we have absolutely no information on repeat criminal behaviour to show for it.

[English]

The Chair: Thank you very much, Madam Mourani.

Unfortunately, we won't be able to get an answer, but we may be able to formulate some answer to her question in another question.

We'll now move to Mr. McColeman, please.

Mr. Phil McColeman (Brant, CPC): I too want to extend my thanks to all of you very learned men who are here today to share with us.

Mr. Piché, in your course of study, have you been able to tour any Canadian federal penitentiaries?

Mr. Justin Piché: Yes.

Mr. Phil McColeman: Have you been in any of the ones mentioned that were built in the 1800s? I think those are Kingston, Stony Mountain, and Dorchester.

Mr. Justin Piché: No, but I've been to the federal training centre, which I believe was built in the 1950s, and I would consider that building to be decrepit and dilapidated as well.

Mr. Phil McColeman: I'll make a comment, not directed to you to respond to because I have limited time and I want to cover several areas here. My comment is that your use of the numbers is, in my opinion, quite distorted, in the sense that... We have toured the prisons, by the way. Our committee went on a Canada-wide tour. When you get into some of these prisons, as they exist today—I call them medieval—the cost just to maintain these buildings would be enormous, let alone the cost to improve them up to a standard that most people in today's world would accept, in this time we're in, as a reasonable standard.

One of the things our government has done is recognized that great deficit has existed, and we're putting money not only into expanding and creating new facilities but because these were left in horrendous condition. All you have to do is tour them to see.

Now I'd like to move on to Mr. Hutchinson. I'd like to understand better. You brought up one point, and I know we won't have much time to discuss it. It's the court system and gearing the court system upfront to be one of the preventive measures. I believe it was the drug court system. I know we won't have enough time to hear the explanation of that, but I'd like you, if you would, if you have background or if it's in the materials we've received, to point that out to us, because we've discussed that as one of the ways. I don't think there's anybody here who doesn't say we've got to find ways to increase rehabilitation but also to help individuals through the upfront process as they are brought in.

I'll just make one other comment. It was quite revealing here today to hear some of your mandatory minimums compared to our mandatory minimums and the fact that, as one of you has said here today, people who are maybe addicted to a drug and working in a tower on Bay Street in Toronto would be thrown in jail for five years because perhaps they had a certain quantity. That just does not happen in our system, nor do we want it to happen, in terms of what our legislation is driving at. We're driving at the dealers, the more serious people who are dealing these drugs to us.

Could you respond to my comments on those two fronts?

• (1025)

Mr. Asa Hutchinson: Thank you, and excellent observations.

At the federal level, on drug cases it's primarily the large trafficking organizations that are targeted. At the state level it's more routine crime and that's where much of the reform is taking place.

We talked about drug treatment courts. I would encourage you to look at that. That's at the state level and that is where historically you might send them to prison. But if they have an addiction problem and they're non-violent, then we tell them they'll go to a year in drug court, which means they don't go to jail as long as they are drug-tested every week, as long as they keep a job, as long as they report back to the court, and report to their probation officer. It is treatment with accountability, and that's what has really reduced recidivism. It has a great success track. It is not personality-driven but it is commitment-driven by the judge, by the prosecutor who is willing to devote resources to make that system work. But it's one of the great success stories, and I hope you'll look into it more.

Mr. Phil McColeman: I find it curious that the Liberal public safety critic is absent from the meeting. Maybe there is good reason for that, but he is very critical and he brings up time and time again that the American system—

The Chair: Just one moment, Mr. McColeman—a point of order.

Mrs. Alexandra Mendes: Since when do we mention if a person is in committee or not? That's totally unparliamentary.

The Chair: Mr. McColeman, he does have a replacement and—

Mr. Phil McColeman: I apologize for that. That's unparliamentary.

But the point is that points have been made over and over again about the terrible U.S. system and how we must never.... So I again want to point out the other thing that the head of Corrections Canada told us. They budgeted for 1,300 new inmates as a result of some of the legislation. The actual number for 2010 was right around the high 300s, just under 400. So the budgeting was done for a much higher number.

The Chair: Thank you, Mr. McColeman.

We'll now move to Mr. Kania, please.

Mr. Andrew Kania (Brampton West, Lib.): I only have five minutes.

Professor Waller, first, our Minister of Public Safety has indicated that double-bunking is “not something that is inappropriate or illegal or unconstitutional or violates international standards. ...and quite frankly I think in many cases it's appropriate.”

We understand that Canada is a signatory to the United Nations standard minimum rules for the treatment of prisoners, which expressly decries double-bunking as anything more than a temporary practice. How was that standard come up with? Was there a study? I assume this wasn't something they just came up with in ten seconds.

• (1030)

Dr. Irvin Waller: I can't comment on that. I don't have any comment to make.

Mr. Andrew Kania: But this quote from the Minister of Public Safety you would agree is certainly not in compliance with the United Nations standard minimum for rules of treatment of prisoners?

Dr. Irvin Waller: What I know is that the public safety ministry is not in conformance with the UN standards on crime victims or on crime prevention.

And my whole case here is yes.... I have, by the way, visited most of these penitentiaries—not recently—and clearly I think it is a good idea to replace. The issue is the balance between replacing old institutions and doing the things that taxpayers in Canada would want if they were given the information. In proposition 36, people were given the information and then they voted. If the public here were given the information about how you can reduce homicides, how you can reduce car theft....

One of the most spectacularly successful strategies in the world to reduce car theft comes from Winnipeg. One of the most successful jurisdictions in the world at reducing crime is Alberta. We have models. One of the most effective ways of reducing violence against women comes from Ontario. What I want to see is some balance.

The Federation of Canadian Municipalities said that for every dollar you're going to add for reaction, match it with a dollar for prevention. I think if we started doing that in this country we would not deal with the short-term need for prisons but we would deal with reducing violent crime, reducing property crime, and reducing the need for what by any standards are very expensive reaction systems of policing, courts, and corrections.

The Chair: Thank you, Mr. Waller.

Mr. Kania.

Mr. Andrew Kania: Mr. Hutchinson, thank you for coming to Canada and welcome to Canada.

In essence, I'm going to summarize what I believe your main thrust to be. The conservatives in the United States in the past went through situations where you had declining crime rates, just as we have in Canada. The focus became punishment and not reintegration and not rehabilitation. They built more prisons, they changed their laws, and in essence what you're saying is that they made some mistakes doing all of that.

Mr. Asa Hutchinson: The conservatives who joined the “right on crime” initiative are saying it's good to re-evaluate where we are in the United States on incarceration policy. It's not saying everything we did was wrong. We're not saying it didn't have a beneficial impact. We're saying that in terms of fairness and in terms of costs to the taxpayers, it's fair to re-evaluate.

That's the essence of my testimony. It was a very gracious invitation, and I'm delighted to be here in response to that.

Mr. Andrew Kania: Mr. Piché, Mr. McColeman gave you a statement, and in my view he did not fairly give you an opportunity to respond. And when Mr. Norlock was providing his comments, I saw you squirming around. I'm providing you with an opportunity now to respond to both gentlemen in terms of what you might wish to say.

A voice: I would say the witness was moving very graciously.

The Chair: Mr. Piché.

Mr. Justin Piché: If we're to look at the 2007 CSC review panel, one of the recommendations is to minimize retrofits and additions to aging penitentiaries.

All the money your government has allocated so far towards penal infrastructure projects has been diverted towards retrofitting existing aging facilities and adding new units to aging penitentiaries.

There's a bit of a contradiction in your statement, and I would just like to point that out.

The Chair: You have 20 seconds.

Mr. Andrew Kania: You indicated on page 2 of your paper that we need to be responsible to the taxpayers who are watching at home. We need information on what all of this is going to cost.

The Parliamentary Budget Officer needs to know this. They released their report on February 25, 2011, called *Fiscal Transparency*. That's an independent office. They say they don't have the information they need to be responsible, on page 2 of their report. I'd like you to comment on that lack of information.

The Chair: Thank you. Unfortunately, there's no time left for comments.

We'll now move to Mr. Lobb.

Mr. Ben Lobb (Huron—Bruce, CPC): Thank you, Mr. Chair.

Mr. Piché, my first question is on your document. On page 9, at the very bottom, you footnote a cost. It was quoted in your brief from Minister Toews—footnote 78—from the Canadian Press. In this quote you're stating this cost is \$90 million. It's what he originally said, but in fact that's the supplementary estimates for the additional cost to the Truth in Sentencing Act for 2009-10 and 2010-11.

Do you feel this is a little out of context, the way you put that in your document?

•(1035)

Mr. Justin Piché: Mr. Toews was asked by a member of the Canadian Press how much the Truth in Sentencing Act was going to cost. I have the article here, which I can table. He answered:

We're not exactly sure how much it will cost us. [...] There are some low estimates, and some that would see more spent—not more than \$90 million.

That was his quote on the 27th. The next day his quote was \$2 billion. That's my interpretation. The numbers changed. You can explain it if you'd like.

Mr. Ben Lobb: I just did explain it. The \$90 million was for the

Mr. Justin Piché: But that's not what he said.

Mr. Ben Lobb: —fiscal year, and the balance was moving forward.

Mr. Justin Piché: I think that's not what he said.

Mr. Ben Lobb: I think that's pretty straightforward. Thank you very much.

To Mr. Lee, sir, you come from both the education world plus the business world. You have both. You're quoting the facts.

It's safe to say with a prison facility obviously there's high capital cost, a high maintenance cost, especially when the rate of reinvestment or the rate of reserves has not been maintained at the optimal level. History will show it was about 1%. It says here that the Parliamentary Budget Officer's optimum target would be 4%.

Would you like to comment? A lot of the increased costs are certainly catch-up dollars, to put the facilities at least where they should be.

Prof. Ian Lee: I'd be pleased to.

I want to step back, though. I hope that the committee does look at this document from the International Centre for Prison Studies, which shows that the prison populations are going up in 71% of the countries around the world, so Canada is certainly not an outlier at all. This is from the World Prison Population List published by the International Centre for Prison Studies, King's College, London. This is the trend that's going on.

To answer your question, I did read the testimony of Kevin Page, who I respect very much, before this committee. I read the questions. I found it very interesting. I thought there was a lot of confusion between capital and operating costs. Capital costs are not expensed. They are amortized over a very, very long period of time. After all, if you have prisons from 1835 or 1870, that suggests they do have a long life expectancy. People throw around figures such as \$2 billion as a construction cost, or something like that, and it's misleading to conflate capital costs with operating costs.

In terms of the operating costs that Kevin Page suggested, and there are different figures floating around out there, one figure is \$2.7 billion over five years. That's about \$600 million a year, which is a 20% increase, which, as I already noted, will take CSC from 1.2 to maybe 1.4. These are still very, very small numbers. It reminds me of that quote by Dan Gardner in the *Ottawa Citizen* yesterday. These debates are over very small things, and he quoted Freud on the narcissism of small differences, because these are very small differences, empirically speaking.

Mr. Ben Lobb: I would agree on the gap. We have an issue with a 150-year amortization rate on a building.

Prof. Ian Lee: Yes. By the way, on the capital costs, I don't have data, and I would love to have data, because I'm a data person. I am certain your costs will go down. Your cost of running a new prison that is under 20 years old is going to be far cheaper, I hypothesize, than running a 100-year-old prison. Your operating costs on old equipment, old plant, are much higher. It is a prudent decision to replace old, archaic, obsolete, out-of-date plant and equipment with modern investments.

The Chair: Thank you.

You have 30 seconds.

Mr. Ben Lobb: Mr. Piché, I have another question for you. I don't know if you're familiar with Bill C-59, which is the accelerated parole bill. Do you support that bill? Do you have any thoughts on that bill?

Mr. Justin Piché: In terms of abolishing APR?

Mr. Ben Lobb: Do you think fraudsters and drug mules and people who have grow ops in their houses should be eligible for accelerated parole?

Mr. Justin Piché: In terms of fraudsters, I guess what I would ask is, is putting someone in prison going to get that \$100 million back that the person stole from people? I think we should be focusing on giving people back their livelihoods, as opposed to focusing our attention on that.

• (1040)

Mr. Ben Lobb: Thank you. I think it's clear that you feel people like—

The Chair: Thank you.

We'll now move over to Madam Jennings, please.

Hon. Marlene Jennings: Mr. Piché, I believe that you may have wanted to continue your response when the chair, because of time limits, had to cut down the questioning, so I invite you to take up part of my time.

How many minutes do I have?

The Chair: Five minutes.

Hon. Marlene Jennings: Take part of my five minutes. I'd say a minute and a half should be sufficient.

Mr. Hutchinson, I'd like to come back to the position that more conservatives, and in the United States they're called Republicans, have taken about the incarceration policies. You have said that for individuals who, for instance, are first-time offenders involved in drug use, drug trafficking, in fact incarceration may not be the best thing. There are drug courts where they are diverted into the community, etc. I'd like to hear more from you about those kinds of community-based programs that are well supervised.

Mr. Piché.

Mr. Justin Piché: Of course you're free to clarify, but I guess one of the things that is implicitly being raised is that if we have poor prison conditions or ageing prisons, we should build new ones. I'd like to note that historically benevolent penal reforms have been the principal force behind prison expansion in this country, as is the case right now in many of our provinces and territories. History is littered with calls for new prisons to address overcrowding, improve hygienic conditions, and enhance rehabilitation efforts inside prison.

However, I'd also like to say to the committee that chasing so-called better prisons leads to a further retrenchment in society, which becomes all the more visible when the facilities that were slated for closure remain open. Look at Kingston Penitentiary, for example, which was built in 1835, as the member noted. The institution has been slated for closure a handful of times, but it has remained open, despite the fact that it was damaged beyond recognition in a 1971 riot.

We have a tendency to focus on carceral supply in this country rather than trying to focus on how we can quell the demand for more prisons and reduce victimization. It's why I've been advocating for alternatives.

If you're in the kitchen doing the dishes and the water is overflowing, what do you do? Do you turn off the tap? Do you pull the strainer? Do you run to Home Depot to build a bigger sink? I'm sure most of you don't run to Home Depot, but it's the approach we're taking right now, with 2,500 additional beds, through retrofits and additions to existing ageing institutions.

I predict that based on history—and predictions are known to be wrong and known to be right sometimes—if we build the new regional complexes that were recommended in the 2007 review panel, in the way these penal policies are being moved forward, they will not replace Kingston Penitentiary, Stony Mountain, Dorchester Penitentiary, and the other ageing facilities that we have.

In relation to Kevin Page's projection being dramatically off and CSC's projection being dramatically off, through the Truth in Sentencing Act, if only 400 additional prisoners were added to the federal prison population as a result of the act, what is the impact of that act and where will all the prisoners go? Will they stay in provincial and territorial prisons, where they were supposed to be lifted out to alleviate the remand issue for the provinces? I don't know, but I think we need to ask those questions.

The Chair: Thank you.

Mr. Hutchinson, you have the last word today. Go ahead, sir.

Mr. Asa Hutchinson: Thank you for the opportunity to talk more about the “right on crime” initiative. It is motivated by a conservative view of taxpayer dollars and fairness. Some who are involved in the prison fellowship are faith-based organizations that are really concerned about the offender and how we treat our responsibility to those who are incarcerated.

I think the drug courts are a good example of something we've learned that works better. One, it's not a one-size-fits-all approach. States do it differently and have different criteria as to who can qualify for it.

They're generally non-violent. I wouldn't say a drug trafficker would generally qualify for it. They're more serious offenders, but they'd be non-violent. It could be someone who was arrested for writing bad cheques or stealing money, but the root of the problem is drug addiction. It could be property crime, but it's identified as an addiction problem. Incarceration is deferred and they won't have to go as long as they fulfill the terms of a year-long program, reporting, drug-testing, etc. Through that accountability, with jail hanging over their heads, they straighten their lives around.

It starts with an arrest, and that's what is interesting. I've been to a drug treatment court graduation where the arresting officer is the first person who the graduate thanks. It's quite a scene.

• (1045)

The Chair: Thank you very much, Mr. Hutchinson.

Thank you indeed to all for attending today. Mr. Lee, Mr. Waller, Mr. Piché, and Mr. Hutchinson, your expertise in this field has certainly been appreciated by our committee. We thank you for being here today.

We are adjourned.

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