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Chair

Mr. Kevin Sorenson

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• (0850)

[English]

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

This is meeting 62 of the Standing Committee on Public Safety and National Security on Thursday, March 24, 2011.

In our first hour today our committee will consider the supplementary estimates under Public Safety and Emergency Preparedness.

The Honourable Vic Toews, Minister of Public Safety, is again appearing before us to answer questions on these estimates. He is accompanied by each of the top officials in his cabinet portfolio, including, from the Department of Public Safety, Deputy Minister William Baker; from the Royal Canadian Mounted Police, Rod Knecht, senior deputy commissioner; from the Canada Border Services Agency, Ms. Cathy Munroe, vice-president of the program branch; from Correctional Service of Canada, Commissioner Don Head. Welcome back. From the Canadian Security Intelligence Service, Laura Danagher, deputy director of administration; and from the National Parole Board, Mr. Harvey Cenaiko, the chairperson.

The minister and his officials are also prepared to answer questions on the estimates following a brief opening statement, and then we'll proceed to questions from the members of our committee.

Minister Toews, welcome again to this parliamentary committee, and we look forward to your comments.

Hon. Vic Toews (Minister of Public Safety): Thank you, Mr. Chair and members of the committee. Once again I welcome the opportunity to be with you to discuss the estimates of the public safety portfolio.

As you indicated, Mr. Chair, I am joined here by the Deputy Minister of Public Safety, Mr. William Baker, as well as by senior officials of the five agencies in the public safety portfolio: the Canada Border Services Agency, the Canadian Security Intelligence Service, the Correctional Service of Canada, the Parole Board of Canada, and the Royal Canadian Mounted Police.

The committee has before it the main estimates for fiscal year 2011-12, which seek an increase in funds of \$797.4 million over the fiscal year 2010-11 for the portfolio. The committee also has before it supplementary estimates (C), which seek approval for funds of \$48.5 million for the current fiscal year. These estimates do not reflect initiatives announced in Budget 2011.

As demonstrated in this week's tabling of the budget, the next phase of Canada's economic action plan recognizes the importance of keeping our communities safe by investing in crime prevention and the justice system, with such measures including investing \$20 million over two years in the youth gang prevention fund to promote the provision of community-based educational, cultural, sporting, and vocational opportunities for youth; promoting safer aboriginal communities by investing an additional \$30 million over two years in the first nations policing program to supplement existing policing services; funding of \$8.4 million per year to Canada's no-safe-haven policy for persons involved in war crimes, crimes against humanity, and genocide; providing \$26 million over two years to support the federal victims' ombudsman to promote access to justice and participation by victims in the justice system; funding \$20.9 million to continue to waive firearms licence renewal fees for all classes of firearms from May 2011 until May 2012; and contributing \$1.6 million annually to support security enhancements for communities victimized by hate-motivated crime.

These are only a few highlights of this week's budget; however, they stand as a testament to our government's continued commitment to protecting the safety and security of all Canadians.

The committee has before it the main estimates for fiscal year 2011-12, which provide for the day-to-day operations of the portfolio throughout the fiscal year in accordance with our government's ongoing commitment to continue building safer communities for all Canadians at a time of government restraint.

In addition, funds would be prudently invested to provide the Correctional Service of Canada and the National Parole Board of Canada with the resources to implement the Truth in Sentencing Act and the Tackling Violent Crime Act.

It would allow the RCMP to meet incremental requests for policing services by provinces, territories, municipalities, and first nations communities while also implementing or renewing a number of initiatives to further crack down on the activities of organized crime groups as well as others who would threaten the safety and security of Canadians.

It would strengthen the ability of the Canada Border Services Agency to keep our borders secure while expediting the legitimate flow of people and goods across them, and it would allow the agency to support the integrity of Canada's immigration and refugee program by implementing the Balanced Refugee Reform Act.

It would deliver on the commitment I believe all of us share to protecting Canada's digital infrastructure from current and emerging cyber threats by providing needed resources for the implementation of Canada's cyber security strategy, which our government announced in September.

Our efforts to tackle crime will cost more money. We understand there is a cost to keeping dangerous criminals behind bars, and we're willing to pay it. This is a small price to pay to ensure dangerous criminals don't create new victims or terrorize previous ones. We want to ensure that Correctional Service Canada has the resources it needs to keep dangerous criminals behind bars and ensure that our methods and infrastructure keep up with, indeed get ahead of, new forms of criminality.

The protection of Canadians must come first. As victims have repeatedly told us, releasing criminals onto our streets early has a much higher cost than keeping criminals behind bars. In fact, a recent report released by the Department of Justice estimated the total cost of crime to Canadians in 2008 to be \$99.6 billion. I'm very pleased that Conservative members of this committee have recently written the Parliamentary Budget Officer requesting a study analyzing the socio-economic cost of crime for victims, governments, and our communities. I agree with my colleagues on the committee that this is an area that has not received adequate priority and analysis.

Our government is aware of the reality and we are prepared to take the steps that will be needed to ensure that Correctional Services of Canada has the tools they need. The main estimates for fiscal year 2011-12 seek an increase to Correctional Services of Canada's budget of \$521.6 million, of which \$458 million relates to the implementation of the Truth In Sentencing Act, and a further \$19.6 million is requested for the implementation of the Tackling Violent Crime Act.

In addition, the main estimates for 2011-12 seek an increase to the Parole Board of Canada's budget of \$2.8 million, of which \$1.6 million represents the third of six annual increases related to the government's Truth In Sentencing Act. Canadians have told us they want to feel safe on their own streets and in their own communities. They have told us they want police to have the resources they need to do the job. They have told us they want stiffer consequences and stiffer punishments for serious crimes, especially violent gun crimes. They have told us that they want offenders held more fully to account for their actions, and they have told us that they want the interest of victims put ahead of those of offenders. That is what our government is doing.

We are working with Canadians to restore faith in our justice system. All of us have been busy in this session. We have worked together on Bill S-13, which is the Protecting Borders Act, more commonly referred to as "Shiprider". This is important legislation that would permit designated Canadian and American law enforcement personnel to jointly work on maritime law enforcement vessels in boundary waters and pursue criminals who try to exploit law enforcement gaps at our shared waterways.

We have worked hard on Bill C-42, An Act to amend the Aeronautics Act, which is important and very much needed by Canadian travellers as it is going to allow Canadian airline

companies to continue accessing southern destinations in the most timely and cost-effective way possible. And it is going to ensure that we continue to strike the appropriate balance between complying with international laws while also protecting the rights of Canadians.

We've worked together to pass reforms to the pardon system so that the Parole Board of Canada has the discretion it needs to determine whether or not granting a pardon might bring the administration of justice into disrepute.

Our children have the right to be safe from sex offenders. That's why I'm very proud that all of us worked to pass legislation to strengthen the national sex offender registry and the national DNA data bank so that all sex offenders are registered with the police.

Tackling crime on all fronts remains a key priority for our government, which is why we also recently introduced legislation to combat the despicable crime of human smuggling. This is indeed a major concern for our government. We need the help of all members of Parliament to pass our firm and reasonable measures that would prevent human smugglers from abusing our fair and welcoming immigration system.

Most recently, we passed reasonable measures to ensure that convicted con artists, fraudsters, and drug traffickers won't be released automatically onto our streets after serving just one-sixth of their prison sentence.

Finally, our Justice for Victims of Terrorism Act passed through the Senate, and we have announced new RCMP technology that will help reduce wait times for individuals, including hockey coaches and teachers, to receive police checks to be able to work with the most vulnerable in our society.

Keeping our communities safe has been a priority for this government, and I know it's a priority for members of this committee. We have taken action on a number of fronts to deliver on our commitment. We will continue to do so in the future, and I look forward to working with this committee over the coming months on a number of fronts to keep Canadians safe.

● (0855)

I am now prepared to answer questions, Mr. Chair.

The Chair: Thank you very much, Mr. Minister, for your presentation this morning.

We'll now move to the first round of questions.

I'm just going to remind all members that a lot of speculation is going on in the media and around this place now. Emotions can run high. Let's make certain that all our questions and answers are taken through the chair so we have the best decorum we can. That's what we usually have here and that's what I would expect.

We'll move to the first round of questions from the Liberal Party for seven minutes, please.

● (0900)

Mr. Mark Holland (Ajax—Pickering, Lib.): Thank you, Mr. Chair.

Thank you to the Minister.

Minister, I want to run through a history. It has to do with cost, and I think it's pretty central to the estimates in front of us. It must have been about two years ago that I made a request for the Parliamentary Budget Officer to review the cost of all the bills that were before Parliament that had implications with respect to incarceration. The Parliamentary Budget Officer agreed to undertake that study. In that period of time all I heard from his office was that there was absolutely no cooperation from either your office or from Correctional Service Canada. In fact, it was so bad he had to dedicate one-third of his staff and all kinds of resources to create statistical models to recreate the data that was refused to him. The reason given was that it was cabinet confidence.

Now we move forward as the Parliamentary Budget Officer was blocked from doing his job and Parliament was unable to know what the costing of bills was as we went forward.

Mr. Chair, my concern is that it took the Speaker of the House to say this behaviour was completely inappropriate, that you cannot hide information from either Parliament or Canadians. And still the documentation was not handed over. A contempt motion was passed by a committee of Parliament, and still today, nearly two years after seeking... With 18 bills before us, the Parliamentary Budget Officer tells us that more than 55% of the data is missing, and we don't have the information.

The question is simple. How can you expect Parliament to vote on bills for which it has no idea of the cost? How can you expect Canadians to weigh decisions about relative priorities when a blindfold is essentially put on them, not allowing them to know what the truth is? And why, Minister, do you refuse to hand over the documents, refuse to cooperate with the office of the Parliamentary Budget Officer, and refuse to come clean on these costs?

The Chair: Thank you, Mr. Holland.

Again, I would ask that all questions be through the chair, please.

Mr. Minister.

Hon. Vic Toews: Thank you, Mr. Chair.

Of course, it's been made very clear to members of the committee and all parliamentarians that I disagree with the analysis and I disagree with the summary.

But what has been made clear by the law clerk of the House is that if members are not satisfied with the information that has been provided to them, there is the ultimate remedy that they vote against the bill. In most of these cases of the bills we've seen coming through, members have voted for the bill, so they must obviously have been satisfied that the material was sufficient for them to make that determination.

But in respect of the specifics, I would refer this to Commissioner Head to talk about the cooperation that his office had with the budget officer.

Mr. Head.

Mr. Mark Holland: Mr. Chair, I appreciate the offer. But I want to come back to you, Minister, because the reality is that it's not me or Parliament that has a problem with the numbers; it is—

Hon. Vic Toews: The question was put and we're answering the question at this point.

Mr. Mark Holland: No, Mr. Chair, he—

The Chair: I gave you two minutes on your question, and the minister has taken about 40 seconds on the answer. He has asked Mr. Head... I'm going to try to keep the questions to the same amount of time as the answer.

Mr. Head, very quickly.

Mr. Don Head (Commissioner, Correctional Service of Canada): Thank you, Mr. Chair.

In terms of the information we provided to the Parliamentary Budget Officer, we provided all the information that was publicly available at the time.

I have subsequently met with the Parliamentary Budget Officer, and we have had some discussions about his methodologies versus ours. We've arranged meetings in the very near future to talk about how we go about developing assumptions and the costing models that are associated with them.

● (0905)

The Chair: Thank you, Mr. Head.

Mr. Holland.

Mr. Mark Holland: The problem I have, again, so that we're clear, Minister, is not with the costs given. It's that no costs are given.

Let's take the accelerated parole review. We said, very simply, that we wanted to know how much it will cost. In front of this committee, during debate, we were told that we can't know. It's a matter of cabinet confidence, and we can't be told. Amazingly, the day after it was passed, we got a number. And by the way, we were told they're not really sure if that number is right; they're still looking into it.

That's for a passed piece of legislation.

When you say cooperating, with all due respect, through the chair, very simple information on head counts, projected head counts, should be obvious and readily available. My question is very simple. Just on one bill, we have more than 150 pages from the Parliamentary Budget Officer. I have never seen anything to refute anything in that document in a substantive or meaty way. I'm wondering why the minister refuses to hand over the more than 55% of documents the PBO says he needs to do his job. Can he not respect that Parliament can't make a determination on bills when, first, we're refused the numbers—we're not given them at all—and second, the Parliamentary Budget Officer says that he absolutely can't trust the information because he's missing more than 55% of it, even two years after we've engaged this process?

Hon. Vic Toews: Let me try to answer those to the extent I can, and I'll leave the rest to Mr. Head. There are a number of questions, about four or five, as I understand, that have been put.

The first question is on the difficulty of attempting to determine the cost of any piece of crime legislation. We went over that quite expansively in a prior committee hearing last week. It wasn't this committee; it was the procedure committee. If my learned friend actually wants to know the answers to the questions he's put, those same questions were put to his colleagues last week.

Let me give one clear example. My staff at Corrections, the commissioner, estimated that as a result of the Truth in Sentencing Act, there would be, by this time this year, an additional 1,300 or so new prisoners in the system. In fact, the number of prisoners is 500. Correctional Services diligently tried to determine exactly what the impact of legislation would be. There are all kinds of costing models. The question is not that they hadn't provided the information; the question is that it's often difficult, if not impossible, to make these kinds of determinations.

Similarly, trying to determine the cost of legislation.... For example, for my colleague, the justice minister, when it came to abolishing the faint hope clause—the elimination of the right to apply for parole after serving 15 years of a life sentence for murder—it was very difficult to determine what the cost would be 15 or 25 years down the road.

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

We now go to the Bloc Québécois. *Madame, vous avez sept minutes.*

[*Translation*]

Mrs. Maria Mourani (Ahuntsic, BQ): Thank you, Mr. Chair.

Good morning, minister and gentlemen.

Mr. Minister, I would like to raise a concern relating to the RCMP. On February 15, 2011, the committee held a meeting during which we asked some information from the Forensic Science and Identification Services of the RCMP. I asked Mr. Henschel a question—and Mr. Knecht of the RCMP can probably answer it also—on the fact that it was estimated that 10 to 40% of all criminal offenses are never be recorded in the criminal records database, which means that those offenders have in fact no criminal record. His answer was that he did not know. So, I am wondering if the RCMP has any tools to ensure that...

• (0910)

[*English*]

The Chair: Madame Mourani, we have a point of order.

Mr. Dave MacKenzie (Oxford, CPC): On a point of order, the minister and the officials are here on estimates and this issue really has nothing to do with estimates. It's dealing with an issue that we've dealt with some time ago.

The Chair: Thank you, Mr. MacKenzie...[*Inaudible—Editor*]

Again, Madam Mourani, I would encourage you to stick to the subject that we were to look at this morning.

[*Translation*]

Mrs. Maria Mourani: Thank you.

I will continue, Mr. Minister.

[*English*]

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Chairman, I'm sorry. I have a point of order. I'd like to clarify this.

It's my understanding that when the minister appears on estimates we are free to ask the minister anything within the portfolio of public safety. In his opening statement the minister referred to many things that were beyond the estimates, including the pardon bill—all sorts of things. So I think we need to be clear that our questions do not have to be restricted to the estimates; it's established in this Parliament, absolutely, that we can ask questions on the portfolio.

The Chair: Mr. Davies, I think my answer was fairly clear that I will give broad latitude in the questions and perhaps even in the answers. You're correct. It is a fairly broad thing. But again, I do tell you that we're here studying the estimates.

So continue, Ms. Mourani. I'll give you some extra time.

[*Translation*]

Mrs. Maria Mourani: Mr. Chairman, I hope this will not be taken from my time. Thank you.

As I said, Mr. Henschel stated that the RCMP has no tools to verify how many cases are not recorded in the criminal records database and that there is no performance report. Considering that your government has been repeating for five years that it is for law and order, I have to say, Mr. Minister, that I am extremely worried when the RCMP tells me that 1.1 million records are not in the database. I am also worried when I hear that there are no tools to control that situation.

Because I found that very hard to believe, I put an access to information request to the RCMP and their answer was very disturbing. I was told that I would have to pay \$40,375, representing 4042 hours and 30 minutes—they even included the 30 minutes—for the RCMP to tell me the extent of the backlog. This means that the RCMP does not know how many cases are backlogged and what the impact is on public safety.

Can you tell me, Mr. Minister, if your department has done any investigations about this? Are you going to allocate more financial resources to this issue if it proves necessary?

[*English*]

The Chair: Again, it's not my department, it's the minister's department, but the questions can come through the chair.

Mr. Minister, please.

Hon. Vic Toews: Thank you very much, Mr. Chair.

I will turn that issue over to the RCMP. But I will just make one observation. If that is the amount of time that is required to put that information together, you can see how complex and time-consuming an area this is.

But I will allow the RCMP to answer the question.

Mr. Rod Knecht (Senior Deputy Commissioner, Royal Canadian Mounted Police): Thank you, Mr. Chair.

We do have a backlog in criminal records. Everybody who is either convicted of a criminal offence or charged with a dual procedure or an indictable offence is required to be fingerprinted. In most cases those fingerprints are submitted manually. We are currently working on a technology that will allow us to do that electronically and speed up the process. We're not there yet. We do have a backlog, and in some cases we have to refer to manual searches of documentation.

[Translation]

Mrs. Maria Mourani: I would like to know how many cases are backlogged. When I asked, I was told the RCMP is unable to provide an answer. Can you give me an answer, Mr. Knecht?

[English]

Mr. Rod Knecht: I can tell you that there is a significant number of records that are not electronically scanned right now that contribute to the backlog. I do not have an exact figure of how many records that would be. I would say it's in the thousands.

[Translation]

Mrs. Maria Mourani: Does that mean that there are now about 1 million criminal records that are not registered in the CPIC?

• (0915)

[English]

Mr. Rod Knecht: Again, I don't know exactly what the number is, but it is quite high. We're working hard to turn that into an electronic format, similar to what we do with real-time identification processes. In the future we'll be able to turn that around in minutes, if not days.

[Translation]

Mrs. Maria Mourani: This means that a police officer doing a search in the system anywhere in Canada might get no information at all about some criminal records.

[English]

Mr. Rod Knecht: There is that potential. There will be some cases where records aren't in the system and won't be called up when a police officer queries them.

[Translation]

Mrs. Maria Mourani: Thank you very much, sir.

My next question is for the Minister of Public Safety.

Mr. Minister, you have decided to close some border crossings. There will be cuts at the Franklin Centre, Jamieson's Line, Big Beaver, Morses Line and East Pinnacle crossings. We have been told there would be a savings of \$500,000 at Franklin Center, at a time when the USA is investing millions of dollars to update Churubusco, on their side of the border.

You said in your statement that you want to strengthen the ability of the CBSA to keep our borders secure. However, when you close border crossings or reduce their hours of operation, you certainly do not make our borders more secure.

What is your answer? Will you suspend your decision, Mr. Minister?

[English]

The Chair: Thank you, Madam Mourani.

Our time is up, but you can respond.

Hon. Vic Toews: Our hiring practices and the hiring of somewhere in the range of 10% to 20% more border guards indicate our commitment to safety.

All of the decisions on the hours of operation of local crossings are analyzed by local CBSA officials. They determine not only whether that is in the interest of public safety, but in fact whether it's a value for taxpayers. Some of these border crossings will have under a dozen crossings a day.

CBSA is the border services, and the RCMP patrol the border generally. Not only have we increased our border services, but we've increased the number of officers we have in the RCMP. We take the border very seriously.

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

Mr. Davies, please.

Mr. Don Davies: Thank you.

Mr. Minister, I appreciate what you're saying about it being difficult to cost some of your bills, but I want to put a scenario to you that—

Hon. Vic Toews: I assume you're talking to the chair.

Mr. Don Davies: Mr. Chairman, through you to the minister, I want to put a scenario to you that happened in this very building about three weeks ago. We were here on a Tuesday examining the bill that would end accelerated parole. We had your deputy minister here and asked how much that bill would cost. She said she couldn't tell us; it was a matter of cabinet confidence. That was on the Tuesday.

On the Wednesday, parliamentarians went in and voted at third reading. We voted on that bill and it was passed without knowing what the cost was. On the Thursday, you and Mr. Head were again in this room, and you told us that the cost was \$40 million.

Hon. Vic Toews: It was me and Mr. Head, not the chair and Mr. Head.

The Chair: Mr. Davies, we're going to continue doing this through the chair.

Mr. Don Davies: Mr. Chair, the minister was in this room with Mr. Head on the Thursday saying that the cost of the bill was \$40 million.

If he knew that information on the Thursday, why couldn't this committee and parliamentarians know that amount of money on the Tuesday, before we actually voted on Wednesday night and spent Canadian taxpayers' dollars without knowing what the cost was? Can you explain that to me?

Hon. Vic Toews: Mr. Chair, I'm not familiar with the sequence of events that Mr. Davies has indicated, but I will get back to him with that answer.

Mr. Don Davies: Thank you.

Mr. Chair, 80% of offenders in our federal prisons have addictions. We know that mental illness is a significant and growing problem in our prisons. The Conservative government has said that there are people in prisons who shouldn't be there because they actually have health issues. Yet this budget doesn't say a word about increasing funding for mental health treatment or addictions treatment.

Given that these are some of the prime causes of crime, and dealing with these issues is an absolutely identified way to reduce recidivism and make our communities safer, can you please explain why?

• (0920)

Hon. Vic Toews: I can talk about some of the initiatives that our government has taken in funding, for example, that was never in place under the prior government to address issues of mental health. We've contributed significant millions of dollars to the issue of mental health in prisons.

This is an issue, Mr. Chair, that both the provincial and the federal institutions are facing as a result of the shift in policy in the provinces some number of years ago. I was a lawyer for a provincial government during the course of those occurrences that were essentially shutting down mental hospitals or asylums and putting these individuals out onto the street. In many cases, not only were they then out on the street with mental health problems, but they became prey to the drug dealers, so you had a double problem of mental health and drug addiction.

Essentially these—

Mr. Don Davies: Given that, Mr. Chair—

The Chair: Let him finish.

Hon. Vic Toews: Essentially these individuals then find their way into the provincial jail system and the federal institutions. We have taken steps to address that, but I think we need a more vigorous discussion with provincial mental health authorities about what would be a more appropriate way of dealing with these individuals. The policies of the 1970s and 1980s in closing down these institutions have not worked, quite frankly, and what we're doing is developing—

Mr. Don Davies: Okay, Mr. Chair, I'm going to intervene here. The minister is talking out my time.

Some hon. members: Oh, oh!

Mr. Don Davies: My question was not to have a history of this.

Hon. Vic Toews: Well, no, but—

Mr. Don Davies: My question was—

Hon. Vic Toews: —it's very—

Mr. Don Davies: —why this budget does not have a single penny—

The Chair: Mr. Davies, just let the minister—

Mr. Don Davies: No. The minister talks out the time and gives these long soliloquies about his past in the province.

The Chair: Mr. Davies, just one moment, please.

Mr. Don Davies: I want to know—

The Chair: Mr. Davies.

Mr. Don Davies: I want to know why this budget doesn't have another dollar for mental health or addictions. That's the question—not how we got to this stage.

The Chair: Thank you, Mr. Davies.

There is your question posed. That will be all for you.

Mr. Toews, please.

Hon. Vic Toews: Thank you very much.

As I've indicated, what has been happening, then, is the development of a parallel mental health system inside the provincial jails and inside the federal prison system.

In terms of the resources we are providing, Mr. Head can discuss that, but I can assure the committee members that it is a significant amount of money over a number of years.

Mr. Don Davies: Thank you, Mr. Chairman.

Well, there's no new money in this budget, and I guess that's the answer the minister doesn't want to say.

Now I want to talk also—

Hon. Vic Toews: Well, that's not true, Mr. Chair.

Mr. Don Davies: —about the budget.

In this budget, Mr. Chair, there is no funding for a single new police officer in any of the municipalities in Canada.

I want to ask the minister, does he think there are sufficient police officers in the major cities in this country?

The Chair: Thank you, Mr. Davies.

Hon. Vic Toews: Well, in fact, let's take a look at some of the steps we have taken in policing. In terms of the RCMP, for example, we've had the highest amount of recruitment in decades, and the highest number of police officers on the street in Canada today, than ever before.... I don't have the statistics right in front of me, but those are statistics I've mentioned on other occasions, on the number of police officers that are now on the streets.

Mr. Chair, it's not simply an issue of the number of police officers on the street. It's also ensuring that the laws are responsive to the law enforcement efforts of these police officers. It doesn't matter how many police officers you have on the streets if the next day the laws simply release these individuals who are arrested.

Mr. Don Davies: Well, Mr. Chair, I think that's where we differ. I think it does matter how many police officers we have on the streets.

Now, I notice in the budget that the budget for emergency preparedness is being cut by \$26.1 million. That's 5.9%. Given the events in Japan, where we see the devastating effects of an earthquake, and given that in my home province of British Columbia, where we sit on a seismic zone...and in fact, the minister actually said there was a tsunami warning on and then it was off.

Can the minister tell us why he is cutting \$26.1 million from emergency preparedness at a time when we should be bolstering our emergency preparedness in this country?

The Chair: Thank you, Mr. Davies.

Mr. Minister.

Hon. Vic Toews: Just to correct the record, Mr. Chair, I've never said that the number of police officers on the street isn't important. It is very important. What is equally if not as important is the fact that you have to have legislation that is enforceable and actually keeps prisoners behind bars.

• (0925)

The Chair: How about the question? I'll give you time.

Hon. Vic Toews: In respect of the specific question, I can leave that to Mr. Baker.

Mr. William V. Baker (Deputy Minister, Department of Public Safety): Mr. Chair, the main estimates are indeed reflecting a reduction in the funding for emergency management. Part of this, \$2 million, is actually a technical adjustment; the money is being transferred to Public Works and Government Services, but it is still with respect to emergency management.

There are also some sunset provisions on particular projects that do not need to be carried forward; core funding is largely in place. There are some efficiency measures as a result of strategic review that we feel we can accommodate without compromising, in any way, our functionality on emergency management.

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

We'll now go to Mr. Lobb.

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

And thank you to the minister and all the heads who are here today.

My first question, and Mr. Davies touched on it, has to do with the disaster financial assistance arrangements. It's a significant component of the main estimates, and I wonder if there is anything the minister or Mr. Baker would like to add to their previous answer.

Hon. Vic Toews: Mr. Chair, thank you very much.

Public Safety Canada administers the disaster financial assistance arrangements on behalf of the government. The provinces and the municipalities are the first responders, if I can use that term, in meeting the costs of the response and recovery following a natural disaster. The costs are then recoverable through the DFAA.

There have been a number of amendments that we've made to the DFAA, which certainly will benefit areas like my own province that has experienced a flooding. Indeed many individuals in my riding in the city of Winnipeg are very worried about the impact of this flooding. At a time when Parliament should be focusing on very practical issues, like the flooding in Manitoba, unfortunately the opposition parties appear to be focused on having an election. So in my province of Manitoba we'll be having an election because of the opposition, at a time when my energies as a regional minister should be focused on ensuring that we coordinate matters with the province in terms of delivering disaster assistance.

With respect to some of the specifics, Mr. Baker can deal with that.

Mr. William V. Baker: Briefly, Mr. Chair, I think it's important to note that when we're talking about the budget that's allocated for the disaster financial assistance arrangements, it's essentially a notional amount. It's established at roughly \$100 million every year. It is demand driven. If we receive more demand in a given year because of flooding, hurricanes, whatever, then we would pursue additional funding through supplementary estimates.

Mr. Ben Lobb: I would suggest that many Canadians, if not most or all Canadians, would agree that criminals need to be punished, and they need to serve the time they have been sentenced to. But another piece to that is to try to prevent these people from going down the way of crime in the beginning.

I wonder if the minister would be able to answer on the level of funding that has been committed to the youth gang prevention fund for this year, 2011-12. I think it is important that we try to reach out to these youth before they enter into a life of crime.

Hon. Vic Toews: Thank you very much. Mr. Chair.

In answer to the member's question, I was very pleased to see that the Prime Minister announced very recently, in Vancouver, an extension of the youth anti-gang initiative and the money being put forward in that respect. At the same time, I was able to be in Saskatchewan to announce a number of significant community-based projects, where there are individuals who are working with young people to keep them out of gangs.

It's quite interesting that we have made a record number of commitments in terms of funding for our national crime prevention program. The amount of expenditures in respect of these programs that are focused on keeping young people out of gangs and out of a criminal lifestyle amounted to a commitment of \$40 million in the past fiscal year. As I said, this is a record amount of money being spent on this type of initiative.

I'm very pleased to see that type of initiative continue, and I'm pleased to see that the Prime Minister announced the extension of the program in Vancouver. I trust that members will support the budget that brings in this type of funding to help youth reject a life of crime.

• (0930)

The Chair: Thank you, Minister.

Mr. Lobb, you still have two minutes.

Mr. Ben Lobb: Thanks again.

Another question I have is regarding the first nations policing program. I wonder if the minister can tell Canadians a little more about the program and the amount of funds that have been allocated to it for this fiscal year.

Hon. Vic Toews: The first nations policing program is a very important part of improving public safety in first nations and Inuit communities. It has been going on for close to 20 years. In fact, funding of approximately \$17 million for the first nations policing program will sunset on March 31, 2011; therefore the public safety main estimates will reflect a return to ongoing funding.

The short-term funding was intended to provide for the sustainability of policing agreements under the first nations policing program and to conduct a comprehensive review of the program. Budget 2011 puts forward \$30 million in additional funding so we can keep police officers on the street, perhaps in reference to the question put by Mr. Davies about the commitment of our government to have policing officers on the street. It's very important. Unfortunately, it appears that the opposition is determined to end the budget, and that funding will not be in place when funding lapses on March 31.

The Chair: For closing comments, Mr. Lobb, you have 30 seconds.

Mr. Ben Lobb: There may be time for a quick question regarding CSIS.

Can you tell us how the funding has changed from year to year, as well as the effectiveness of those expenditures?

Hon. Vic Toews: Perhaps Ms. Danagher can respond to that very quickly.

Ms. Laura Danagher (Deputy Director, Administration, Canadian Security Intelligence Service (CSIS)): Chair, thank you very much.

Our funding increase over 2010-11 is very marginal. It has gone up by about \$2.5 million. A lot of that has to do with the program integrity funding we got in Budget 2010 for some specific projects that the service will be putting in place. I can't really talk about the details because of the security issues around them, unfortunately. We also got some funding in 2007 through the budget, again to deal with some of the resource integrity issues the service was facing.

Our budget since 2000 has increased by about 134%, largely due to the events of September 11, 2001. We also got some money for a phase III tower at our Ogilvie Road campus, which will be near completion in April.

The Chair: Thank you very much.

We'll now move to the second round.

Madam Mendes.

[*Translation*]

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

Mr. Chair, I would like to ask you, if at all possible, to confirm with the Minister of Public Safety that he did say in the House of Commons that he was aware of the numbers and that he knew all the costs relating to the programs and bills he tabled in the House. I am asking this because it was only after bills had been tabled and approved that we learned he did not have all the information and would not be able to give it to us.

I would like the minister to explain this inconsistency. On the one hand, he claims to know all the figures but is unable to give them to us and, on the other hand, once the bill has been passed, he states that he is in fact not really sure about the figures.

[*English*]

The Chair: Thanks very much, Madam Mendes.

Mr. Minister.

Hon. Vic Toews: To the extent that those numbers are available, I'm familiar with them. If there are any specific numbers that the member feels she doesn't have, she can put that question to you, Mr. Chair, and the department officials can provide that information.

● (0935)

[*Translation*]

Mrs. Alexandra Mendes: Mr. Chair, I remind the Minister that this request related to Bill C-59 and that we still do not know. For 55% of the bills that have been tabled, we do not have the information we need to do a proper study.

Also, I would like to have some explanation of the budget cuts of the external review committee of the Royal Canadian Mounted Police.

[*English*]

The Chair: Is this with regard to the RCMP and the public complaints?

[*Translation*]

Mrs. Alexandra Mendes: Their budget is cut by about 19%. I would like someone to explain why the budget of something that seems to be critically important to anyone interested in public safety is being cut.

[*English*]

The Chair: Go ahead.

Mrs. Alexandra Mendes: I'm referring to the budget.

Hon. Vic Toews: I'm not familiar with those cuts, and I'll have the RCMP—

The Chair: Madam Mendes, is it a specific line item, or is it the overall budget that you're...?

Mrs. Alexandra Mendes: No, I'll say it in English. For the Royal Canadian Mounted Police external review committee, there's an 18.9% cut in the budget, and it's a line budget.

The Chair: It may be in regard to the grievance process, which is internal within the—

Mrs. Alexandra Mendes: It's up to the minister to know.

The Chair: Mr. Baker.

Mr. William V. Baker: Mr. Chair, there is a decrease of \$342,000. This is the end of what was always designed to be temporary short-term funding for the external review committee. The cut is parallel with some shrinkage in the size of that organization given that with the coming into effect of Bill C-43, which will establish a new labour relations regime for the RCMP, the external review committee would cease to exist. This is a transitional measure that is explainable by the changes in the machinery.

The Chair: Madam Mendes.

[*Translation*]

Mrs. Alexandra Mendes: Thank you very much.

I want to go back to the Canada Border Services Agency. Some witnesses gave us concrete examples of the negative economic effects of those cuts in three or four border crossings in Quebec. We heard that there is very little traffic at those crossings but the little traffic there is is often economically significant since it is mostly trucks carrying goods.

Through you, Mr. Chairman, I would like the minister to explain why he feels it is necessary to close those border crossings when all the witnesses we heard stated that a significant part of the trade between the eastern US and eastern Quebec goes through those border crossings.

[English]

The Chair: Thank you, Madam Mendes.

Mr. Minister.

Hon. Vic Toews: The information I have—and I have to point out, Mr. Chair, that these are decisions made by local CBSA officials who look at the amount of travel. For example, Jamieson's Line in Quebec, which is one of the ports of entry that is being closed, sees an average of 12 travellers a day and no commercial vehicles. There's a 24-7 port of entry 10 kilometres away. In the case of Franklin Centre, which sees an average of 56 travellers a day and three commercial vehicles, there is a 24-7 port of entry 16 kilometres away at Herdman. Finally, there's one at Big Beaver, Saskatchewan, which sees an average of five travellers a day and no commercial vehicles. There is a crossing 28 kilometres away that has the same hours and that can provide that.

We take a look at the issue of how these border crossings are being used, and I think taxpayers would agree that this is a prudent use of that, given that there's virtually no commercial traffic at any of these and a very limited number of ordinary travellers using those. And there is an alternative not too far away.

● (0940)

The Chair: Time is up.

Thank you very much, Madam Mendes.

We'll now move to Mr. MacKenzie on five-minute rounds.

Mr. Dave MacKenzie: Thank you, Mr. Chair.

Thank you to the minister and the officials who are appearing before us.

Mr. Chair, as you know, much of this committee's time has been drawn, from time to time, at least, on the cost and the difference between what the Parliamentary Budget Officer has forecast and what in fact we have heard from people like Mr. Head, who has a very good grasp about what the cost is to run the prisons.

Mr. Chair, I think we heard the Parliamentary Budget Officer and his staff indicate a cost of something in excess of \$300,000 per inmate, and that was based on some assumptions that he had built into his model. I'm just wondering if Mr. Head could tell the committee, Mr. Chair, what in fact the actual costs are for inmates in the Correctional Service of Canada facilities. I think there is a significant difference. I read an article in one of the papers this week by an independent academic who suggested that the Parliamentary Budget Officer's assumptions were way off, and as a result, based on

his assumptions, his final tallies don't accurately depict the cost. I'm wondering if Mr. Head could give us those actuals as opposed to what we have here.

The Chair: Thank you, Mr. MacKenzie.

Mr. Head.

Mr. Don Head: Thank you, Mr. Chair.

I'll give the committee the breakdown of costs by security levels, by offenders in institutions, and by offenders supervised in the community.

On an annual basis it costs us \$150,808 for an offender in maximum security, \$98,219 for an offender in medium security, and \$95,038 for an offender in minimum security. In the women's facility it's \$211,093. To administer our exchange of service agreements with the provinces, it costs us an average of \$89,800. So the average cost for somebody incarcerated is \$113,974.

For an offender in a community correctional centre, the cost is \$66,993. For an offender supervised under parole in the community, the cost to us is \$27,455. The total average cost for an offender in the community is \$29,537. The total average cost for both institutional and community offenders combined is \$93,916.

Mr. Dave MacKenzie: Thank you.

That perhaps illustrates where there are a great deal of differences between the Parliamentary Budget Officer's calculations and the large numbers the opposition are frequently talking about in the House. I don't think the facts actually bear out those allegations.

On the other part of this whole equation, some of this legislation has now been in place for a year—some of it for a little more than a year. Mr. Head told us a few weeks ago that they had expected a certain increase that didn't occur.

I'm wondering if Mr. Head has some numbers he could share with us from the experience of a year of the legislation. Are the numbers higher, lower, or right on what was anticipated? My sense is it illustrates the difficulty in trying to project forward, based on what the legislation is going to have.

I'm wondering if Mr. Head could provide us with some of that background.

The Chair: Thank you, Mr. MacKenzie.

Commissioner Head.

Mr. Don Head: Thank you, Mr. Chair.

As the minister pointed out, our initial projection for this first year was that approximately 1,300 offenders would be coming into the system who were not anticipated. As of our count at the end of February, we had 520 more offenders than at the same time last year. So our actual inflow is lower than our anticipated costs. As both the minister and I have pointed out in the past, we monitor these figures very closely on a daily, weekly, and monthly basis.

Our earlier assumptions on the uptake of C-25 by the judiciary did not occur at a rate that we anticipated, so that's part of the numbers. There may still be an increase coming in the near future, or it may be at the lower rate we're seeing now. But we continue to monitor that very closely.

• (0945)

Mr. Dave MacKenzie: I think there's one other important thing that Canadians should know, and I'm sure Mr. Head can answer. What is the age of some of the existing facilities that will certainly in the future need either major refurbishing or replacement?

The Chair: Be very quick, Mr. Head. Our time is up.

Mr. Don Head: On average, our institutions are about 40 years old. The oldest in my fleet is older than Confederation, and that's Kingston Penitentiary, which first came into use in 1835.

The Chair: Thank you very much.

I want to thank the minister and all the department heads for appearing today. Certainly at times when our committee looks at the estimates or the supplementary estimates, we very much appreciate not only when the minister appears but when he brings the department heads.

So thank you for that. We appreciate it very much.

We are going to suspend for a few moments, and then we will resume the committee.

• (0945)

_____ (Pause) _____

• (0950)

The Chair: We'll reconvene our committee as I bring everyone back to order here.

In our second hour today, we will continue our hearings on Bill C-23B, An Act to amend the Criminal Records Act.

First of all, as individuals appearing before us, we have Mr. Randall Fletcher, a sexual deviance specialist, and William Marshall, director of Rockwood Psychological Services.

From the Vancouver Police Department, we have Deputy Chief Constable Warren Lemcke.

I know another Warren Lemcke and was thinking that he was going to appear here today, but I see that we have a different individual here.

We certainly welcome you from the Vancouver Police Department.

I also understand that all of you have opening statements. After we hear them, we'll go into the first round of questioning. Our intentions are to suspend approximately 10 to 15 minutes before the end of our time, at a quarter to, as we have some committee business that we must take care of.

Mr. Lemcke, I think maybe you've travelled the furthest to be here, so would you begin, please?

Deputy Chief Constable Warren Lemcke (Vancouver Police Department): Thank you very much.

It's a pleasure to be here. This is my first trip to Ottawa. It is a beautiful city.

Good morning. It's an honour to appear here today to give comments on a bill that has the potential to impact both public safety and the confidence of the public generally—but especially victims—in regard to the justice system.

In the past few years, we have seen much focus and public attention on the issue of pardons in Canada. This, of course, has precipitated this bill.

There are many elements of this bill that I would suggest the policing community would support, as they would assist us in protecting the public.

First, changing the name of this from “pardon” to “record suspension” is important, as it recognizes the victims in this process. Victims can be impacted by crime long after any pardon or record suspension is given. In many cases, they would never pardon the criminal.

It is a very positive step that the National Parole Board will now have much more authority when it comes to granting, denying, and revoking the record of suspension.

With regard to extension of the ineligibility period for application and concerns about how that can affect people, we need to remember that although the bill recommends that summary conviction offences have a five-year waiting period and indictable offences 10 years, through the use of absolute and conditional discharges there are two other periods: one year for absolute discharges; and three years for conditional discharges, where these records are automatically removed either immediately or upon successful completion of the probation period. Many of these sentences are given out especially with first-time offenders so they don't have to wait for the longer period imposed by this proposed bill.

I note that out of the 400,000 pardons given since 1970, 96% are still in force. That's an important figure, but what about those who've been given pardons who have just not been caught?

I do find it interesting that it appears that a very large number of pardons have been given out in the last few years. I also note that, based on figures given, in the last two years hundreds of sex offenders have been pardoned. This is very troubling.

Some sex offenders, especially predatory criminals and those pedophiles who prey on children, are arguably never cured. If any are included in that group, the consequences could be tragic. I note again these individuals who were pardoned in just the last few years. It should be noted that, according to Statistics Canada, sex offences have one of the highest rates of underreporting in Canada.

There will likely be concern around the issue of no eligibility for those who are convicted of certain sex offences against children or who have three convictions for indictable offences. Anyone who would commit these sexual offences against children is a predator. As I've said previously, it is a well-established fact that many of these predators can never be cured, so in light of that they should never have a record suspension.

It does make sense, though, to allow the noted exceptions, which relate to certain sex offences against minors by offenders close in age, as I think the public would understand this rationale.

The issue of ineligibility where a person has been convicted of more than three indictable offences is one that I respectfully suggest requires some discussion. A young person could be convicted of three break-and-enter offences when they're in their late teens or early twenties. If they clean up, and they're in their thirties and forties, should they still be ineligible? Overall, I believe the police community and the public would support this bill and its intention to allow those who have reformed to have a clean slate to get on with life and be a contributing citizen. Those who continue to reoffend or commit sex offences against children should not get this privilege.

Having the National Parole Board given the authority to make informed decisions in all cases can only be seen as positive. This bill should turn around the public perception that pardons are there just for the asking.

● (0955)

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

Perhaps we'll just work our way along the table.

Mr. Fletcher, please.

Mr. Randall Fletcher (Sexual Deviance Specialist, As an Individual): Just to give you a bit of background, I know I have a bit of an unusual title as a sexual deviance specialist. It's caused me no end of embarrassment sometimes.

I work for the Attorney General's department of the Province of Prince Edward Island. In that position I provide assessment and treatment to anyone who has been convicted of a sexual offence in the province or anyone who is presenting with deviant sexual urges, fantasies, or behaviours regardless of whether or not they have a criminal conviction. I've been doing that for the past 16 years on a full-time basis.

Prior to that I worked for Mental Health Services, doing the same thing on a 50% basis.

I have been qualified as an expert witness in this area by the Supreme Court of P.E.I. And in a previous position, where I worked with Mental Health Services, I also provided treatment to victims of sexual offences.

In 1994 I was awarded the Lieutenant Governor's Award for crime prevention in recognition of my work in establishing a very comprehensive assessment and treatment program for persons who have committed a sexual offence.

My motivation for this work is that I'm very concerned with crime prevention, particularly preventing crimes against children. And it's in that regard that I'm speaking today.

The Canadian justice system recognizes that people who commit criminal offences can be rehabilitated and contribute positively to society. Treatment and rehabilitation programs for people who commit all categories of criminal offences have been proven to reduce reoffending, while punishment on its own has been found overall to either have no effect or, in the case of more severe punishment, the negative effect of increasing reoffence rates.

To justify the denial of record suspension for a category criminal offence, there has to be a compelling reason: for example, if there is scientific evidence of the high reoffence rate for a category of a

criminal behaviour; if the effects of that behaviour on victims have been established as always being greater than for other types of offences; if it were established that rehabilitation of people who commit that type of offence was not effective; and finally, if it were established that there are no significant differences between persons who commit that type of offence. Given scientific evidence of those things, it could be argued that record suspension be denied to everyone who commits a sexual offence against a child.

In passing legislation that has an impact on any criminal population, it is also important that there be an awareness of the possibility of unintended consequences. Legislation aimed at making communities safer could have the unintended effect of actually increasing reoffence rates by interfering with the person's rehabilitation into society.

In considering legislation that would deny record suspension to anyone who has been convicted of a sexual offence against a child, the following four points should be taken into consideration. First of all, people who have committed a sexual offence against a child are not a uniform group. They differ significantly in terms of motivation, dangerousness, degree of dysfunction, and the risk to reoffend.

Second, the sexual reoffence rate for people who commit sexual offences against children is not high; most do not reoffend. Compared to many other categories of criminal behaviour, the reoffence rate is relatively low.

Third, treatment and rehabilitation of people who have committed a sexual offence against a child have been proven to be effective. I can tell you, for example, that in a study in 2006 with people who had completed treatment in the province of P.E.I., the reoffence rate over a five- to ten-year period was between 3% and 4%. I believe Dr. Marshall can give you similar statistics for his program.

Finally, the effects of sexual victimization of children can be very severe and lifelong and should be taken seriously. However, there is a continuum of harm, and while no level of harm to a child is acceptable, not all offences produce severe or lasting trauma. Research has shown that the most damage to children is caused by exposure to domestic violence, while children who have been physically, verbally, or emotionally abused experience similar effects both in type and severity to those who have been sexually abused.

Just to put this in perspective, it's important to understand that the verbal or emotional abuse of children, which can produce very severe effects, is not considered a criminal offence.

● (1000)

In summary, people who commit a sexual offence on a child are not all the same. Most do not reoffend. Treatment aimed at reducing the risk to reoffend has proven effective. The effects of sexual abuse on children can be serious and life long, but there are other types of abuse and criminal behaviour with similar or more traumatic effects. A one-size-fits-all approach is not appropriate. Our system already contains provisions for denying pardons to those sexual offenders who are dangerous and who continue to pose a high risk for sexual offending.

I'd also like to briefly address the risk of unintended consequences. Labelling theory, which was developed by sociologist Howard Becker, holds that deviance is not inherent to an act. Instead, it focuses on the tendency of majorities to attach negative labels to people who are seen as deviant from what is seen as normal or acceptable. The theory is concerned with the self-identity and behaviour of individuals and how that might be influenced or determined by the terms used to describe them. This can become a self-fulfilling prophecy, in which a person decides that this is what they are; they cannot change, so they may as well accept it.

The passing of legislation that would universally deny suspension to anyone convicted of a sexual offence against a child would deliver the following message: you have been signalled out as among the most dangerous and damaging members of our society; there is nothing you can ever do that would ever convince us that you can be rehabilitated or that you are worthy of pardon.

It is important to consider the effect this could have on the motivation to attend treatment programs and to change behaviour.

Finally, an important component to the rehabilitation of anyone who has committed a criminal offence and has been released into the community after a period of incarceration is the attainment of gainful employment. It is well established that a criminal record can be a deterrent to obtaining a job. For someone who has a record of sexual offending, this is particularly true. Denial of a suspension can further prolong that difficulty.

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

Now to Mr. Marshall, please.

Dr. William Marshall (Director, Rockwood Psychological Services, As an Individual): Thank you for inviting me. It's a pleasure to be here.

I've been doing treatment and research with sexual offenders for the past 42 years. I was a professor at Queen's for 28 years and they gave me the opportunity to do this kind of work. I've consulted for somewhere around 25 countries around the world, helping them design treatment programs for sexual offenders in their prison systems, and I have set up programs in I think six different countries around the world for sexual offenders.

I have 380 publications, including 19 books, most of which deal with sexual offenders and their treatment. I have contracts with Corrections Canada, among others, and we've been providing treatment in corrections facilities in Ontario off and on for the last 30-something years. I started the very first treatment program in 1973 in Kingston Pen. It was the first in the country.

We've been following our offenders very carefully. We have, for example, a cohort of 535 that we've now followed for an average of 10.5 years. Of those 535 treated, 5.2% have reoffended over that period of time. Reoffences among sex offenders, whether treated or not, mostly occur within the first three to four years. So I think we're on safe ground to say this program is very effective.

Corrections Canada has been at the forefront in the world of providing rehabilitative services to all manner of offenders, and particularly sexual offenders. By the way, I concur with Mr. Fletcher that the average reoffence rate of untreated child molesters is 18%

over a 10-year period. This is not a remarkably high level of reoffending, compared to other types of crime.

One of the problems in getting sex offenders into treatment is that they need to see some value to themselves. The opportunity for parole is a very important motivator in getting these men in prisons into treatment programs, as is the opportunity to function within a programs-oriented prison rather than a non-programs prison, as is, finally, the opportunity to find some redemption in securing a pardon.

Of course, no sensible community would give pardons to all sex offenders. What they have to do, in my view, is demonstrate, first off, that their danger and risk to innocent children has been reduced, and the best way to do that is through effective treatment in the prisons. Corrections Canada has the good sense to also require most sex offenders, particularly child molesters, to do follow-up treatment in the community once they're released as a condition of parole.

I think the incentive of a possibility of a pardon is crucial, but of course there are some people I would never recommend a pardon for, and I could string off a bunch of names familiar to all of you, I'm sure. We have to have discriminatory procedures. You have to discriminate amongst the level of risk and the efforts the person has made to rehabilitate themselves, not just through treatment programs, but also by their good behaviour in the community.

We can talk about unidentified crimes, but that's like knitting clouds, as one of my colleagues used to say; it's an unknown. We can't know how many unreported offences occur for any particular individual. All we can go by is the official record, their behaviour—information that the parole board can take into account in deciding on whether or not to give them a pardon.

So I would strongly oppose the idea of just wiping out pardons altogether. I think the incentive of the pardon is very important, but we need to make sensible decisions about that, and be, I think, quite conservative about it.

•(1005)

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

We'll move into the first round of questioning.

Mr. Holland, you have seven minutes.

Mr. Mark Holland: Thank you, Mr. Chair.

I think what's difficult about this issue is that there are a lot of folks who are lumped into this bill.

Now, the history of it is that we dealt with Bill C-23A, and that's something Parliament did collaboratively, at the end of last June, to find a compromise. I think all parties believed there was a case for reform and changes needed to be made. Arguably, they should have been made many years ago.

The concern we have now is that in questioning the minister, and in fact in questions even from Conservative members, there's an acknowledgement that this is trapping a lot of folks it did not intend to.

Mr. Lemcke, maybe I'll pose this question to you.

The Chair: Ask through the chair.

Mr. Mark Holland: It's the first day we're doing this, Chair. I guess I'm getting used to your new system after all these years.

So through you, Mr. Chair, you had somebody, as an example, before this committee, who was a victim of the residential school program, who made some mistakes as an 18-year-old. These were not sexual assaults. The person has been crime-free for many years and now is a leader in his community who is making a difference by helping people in aboriginal communities lift up out of the situation. It is somebody who dealt with terrible abuse in his lifetime. This bill would stop him from getting a pardon. It would mean that he wouldn't be able to get a good job. It would mean that he's not able to travel to other places.

We also heard testimony that for somebody—an 18-year-old mother, as an example—who made a bad decision and wrote four or five bad cheques, that would be four or five offences. She similarly would be hit by this legislation and would not be given another chance.

What bothers me is that Conservative members in committee will express sympathy for witnesses who express this viewpoint, and the minister will even express sympathy. He said here in committee that change needs to be made. And then he will stand in the House and say that I stand for sex offenders because I asked those questions. It's outrageously dishonest.

I guess I would ask if you would agree with me that those portions of the bill that in particular deal with the folks I've just described need to change before we pass this legislation.

• (1010)

The Chair: Thank you, Mr. Holland.

Go ahead, Mr. Lemcke.

D/Chief Cst Warren Lemcke: I think, Mr. Chair, that it is one portion of the bill that could be looked at. But I want to expand on that a little bit by saying that you can't just look at the individual. There are many factors that have to be considered, including the fact that the individual may have been given absolute or conditional discharges before a conviction on an indictable offence. You also have to look at the reality that with many chronic offenders, they commit 10 offences before they're ever convicted. They'll do 10, then get convicted for one.

Having said that, there's a lot more you have to look at. You have to look at the individuals and their entire contact with the criminal justice system and the police. Having said that, I have met people in my 26 years of policing who have turned around.

Mr. Mark Holland: Well, Chair, in fact, we know that the rate of violent recidivism in Canada is less than 1%. The point is that I think when we're crafting this, we have to be careful, because these are real people. And we have to remember this after a lot of years of no instances of any repeat offences.

You have somebody like the gentleman we heard here, not just the fellow who went through the abuse of the residential school program, but somebody who all committee members acknowledged was doing fantastic work as an entrepreneur, as a taxpaying citizen, who said that he can't grow his business because he can't go to the United States if he doesn't get a pardon. He is somebody who was

selling steroids. Clearly it was a mistake, but clearly he is somebody who's reformed and is now an advocate for making people better. Why would we throw brick walls in front of people—and maybe this can be to the other witnesses—who clearly have turned a corner? Why would we seek to block them from becoming good, taxpaying citizens? Why would we block them from growing their businesses or helping other aboriginal youth to make sure they don't make the same mistakes? I mean, that's what this bill is doing in different parts today. That's what I'm saying here. Absolutely.

Frankly, a number of years ago, there were elements we could have tightened. The argument I'm making on pardons is that we should make sure we're not throwing brick walls in front of those folks who deserve another chance, who made mistakes when they were 18 and 19 but deserve their shot at redemption. That's fundamentally what rehabilitation in our incarceration system is about, is it not?

D/Chief Cst Warren Lemcke: That is correct, as long as you look at the entire picture and ask how many absolute discharges there were and how many conditional discharges there were. What were the crimes? They might have been crimes of violence. They might have been property crimes. They might have done 40 residential B and Es.

Mr. Mark Holland: But I guess my point is—

D/Chief Cst Warren Lemcke: If I could just finish, Mr. Chair, as long as we're looking at the entire picture, you can't just say more than three.

Mr. Mark Holland: Mr. Chair, he's making my point.

When you look at the fact that you're saying that we have to look at the circumstances, we have to look at the individual cases, this bill kills that. This bill removes that possibility. It blankets a rule across the entire spectrum. There's no possibility of doing what you're saying. Everybody gets caught up in this.

The people we had in committee, who every single member of committee—and if any of the Conservative members have changed their minds about the witnesses they expressed sympathy for, who they felt were doing a good job and had turned their lives around, then please express that. But the point is that it captures everybody. It removes discretion. Is that not something that concerns you?

D/Chief Cst Warren Lemcke: It does, Mr. Chair, because I have seen people who have been redeemed.

The Chair: Thank you.

D/Chief Cst Warren Lemcke: Mr. Chair, I would just add that I am only referring to the topic that was brought up. I'm not referring to child sex offenders.

Mr. Mark Holland: This is an important point, Mr. Chair, because every day in the House of Commons I'm attacked as supporting child sex offenders. I've been very clear in this committee that I support the portions of this bill that deal with serious, violent, sexual offences. Let me be equally clear that in a blanket fashion destroying all discretion and throwing walls in front of people who are moving forward with their lives is a mistake, and that's something I won't support, despite the fear-mongering.

•(1015)

The Chair: Thank you, Mr. Holland.

Madame Mourani.

[Translation]

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

Thank you to the witnesses and welcome.

This bill has two components that trouble me. First, there is the issue of ineligibility. With this bill, it would be impossible to obtain a pardon after three offenses. I am personally opposed to this provision since someone having done three B and Es could certainly be rehabilitated.

However, the part that I am especially interested in is the one making child sex offenders ineligible to pardons—I will still refer to pardons since the name has not been changed yet. I have to admit that I am rather in agreement with that. I believe that paedophile is a disease that cannot be cured.

Here is the question I want to put to Mr. Marshall, an expert in these matters: according to you, is paedophile a disease? If so, can it be cured?

[English]

The Chair: Thank you, Madame Mourani.

Mr. Marshall.

Dr. William Marshall: Mr. Chair, I don't think the concept of a disease is particularly relevant to this issue. Let's set that aside for the moment.

The question is whether they can be rehabilitated in a way that reduces their reoffending. The answer to that question is absolutely, unequivocally clear. There have been two large-scale meta-analyses, for example. Meta-analysis is a statistical procedure for clumping together a whole range of studies and making them essentially into one. One of those studies, by Friedrich Lösel and his colleague, which was published in 2005, had a sample size of 22,000 sexual offenders from around the world, in a variety of studies, representing the average reoffence rate you would expect in the untreated group, about half of the 22,000. The other half, the treated group, had a recidivism rate that was substantially and statistically lower than the untreated group. It was less than half of the reoffence rate of the untreated group. That's across a whole range of treatment programs, some of which I wouldn't think were much good.

It's very clear from that and a variety of other studies that we could—

[Translation]

Mrs. Maria Mourani: I understand. You are saying that a sex offender who follows a treatment is less likely to reoffend. That would also depend on his involvement in the program.

However, that was not my question. paedophile is a perversion—I will not call it a disease—that can be controlled in some individuals but cannot be cured, as you are perfectly aware, Mr. Marshall.

[English]

Dr. William Marshall: Well, I'm not perfectly aware of that, in the very first place.

Pedophilia is a diagnostic label. The question that always arises about diagnostic labels is whether they are reliable. That is to say, would two psychiatrists who saw the same client and reviewed the same set of records come to the same conclusion? The answer with respect to pedophilia is no. The disagreement is huge.

You can't talk about whether it's a disease or not if experts can't agree on whether it actually exists in a particular person. It's an irrelevant question.

[Translation]

Mrs. Maria Mourani: In that case, why is paedophile in the DSM-IV if it is not a disease?

[English]

Dr. William Marshall: I haven't the faintest idea. I've protested about this. I'm not against anything being in the diagnostic manual so long as it can be demonstrated that it can be diagnosed reliably. The clear case is that it cannot be. The DSM's own committee investigated this and found levels of reliability that were far too low to be acceptable.

[Translation]

Mrs. Maria Mourani: You talk about the likelihood of reoffending. Is it not true that not reoffending does not necessarily mean that the individual has not committed other offenses? For example, a pedophile who started with killing children and who now does not kill them but only rapes them would be considered a success as far as reoffending is concerned, would he not?

If there is a reduction of harm—for example, if a pedophile who killed a child after having raped him follows a treatment that makes him stop killing children while continuing to rape them—, that would be considered a success as far as reoffending is concerned.

•(1020)

[English]

Dr. William Marshall: That wouldn't count as a success at all for me. If he reoffends, he reoffends. It would be very interesting if the harm he did was reduced. I would count that as somewhat positive. I don't have any reservations about barring—

[Translation]

Mrs. Maria Mourani: When you talk about the likelihood of reoffending, is it based on harm reduction? It does not necessarily mean that the individual has not committed other offenses. After having read several studies on reoffending, I have to say, pardon the expression, that it is pure junk.

Not reoffending does not mean that the individual has not reoffended. It only means that his level of harm has decreased. If a pedophile who raped a young girl is now limiting himself to fondling without penetration, that is considered a success.

[English]

The Chair: Thank you, Madam Mourani.

Mr. Marshall.

Dr. William Marshall: Well, I wouldn't be happy. You must be reading different literature than I am. I've never read a study that counted a reduction in harm as an index of success. All studies that I know of, and these I would guess—

[Translation]

Mrs. Maria Mourani: I have read several of those studies and I could send them to you. In them, the rate of reoffending is assessed on the basis of...

[English]

Dr. William Marshall: I'd be grateful if you'd send them to me.

The Chair: Madam Mourani, again, we'll try to get the questions going through the chair so we don't have this back and forth.

We'll give Mr. Marshall some time to conclude his statements. Go ahead, Mr. Marshall.

Dr. William Marshall: All of the acceptable studies in the literature index the reoffence rate according to several things. One is whether he was convicted of another offence. Was he charged with another offence, but the offence was withdrawn? Did he break conditions of parole? All of those we count as a reoffence. That's over-counting reoffending. Still, in this large-scale study, we have 5.2% recidivism in the treated group and 18% recidivism in the untreated group.

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

Mr. Davies.

Mr. Don Davies: Thank you, Mr. Chairman.

As we know, there are two major parts to the bill before us. There's a proposal that would bar Canadians from getting a pardon if they commit more than three indictable offences. I think we've heard from every witness...including the minister, who said that's an arbitrary figure that needs to be re-examined.

The other aspect of this bill is that it would also bar any Canadian convicted of a long list of sex offences against children from ever being eligible for a pardon. I think we have to say at the outset that talking about sex offences against children involves a level of protectiveness and, dare I say, even repugnance and disgust, which I think are common to everybody. Also, it brings up in us a very strong desire to protect our children. I think that's understandable.

I think as parliamentarians we need to try to make wise policy that will aid in that objective, so I want to address these comments to the two people who have been spending their lives, I guess, addressing this.

Does the prospect of obtaining a pardon, in your experience, aid in the rehabilitation of a person convicted of a sex offence against a

child to the point where that person will never offend again? Is that part of the rehabilitation process? Does it play a role or not?

Mr. Randall Fletcher: I think where it plays a role is actually more in interfering with the process of rehabilitation. As I mentioned earlier, even just being able to get gainful employment...the people I see have tremendous difficulty getting any type of a job upon release from incarceration. Over time, if there are people who know them well, who can see the whole person rather than just the offence and see how they've changed, they may get a job. With other people, it could be a lifetime process, or at least it could go until they get a pardon, when they can actually fill out an application and where it says, "Do you have a criminal record?", they don't have to report that.

So I think it's more that it interferes with that.

The other thing is the motivation. As I said earlier, it sends a very strong message that there's nothing you can ever do that will make anyone believe you have changed. That's a very, very discouraging kind of message. The whole business of labelling theory says that if you call people something often enough and you define them a certain way, they begin to believe that themselves. If you believe you can't change, you stop trying to change.

● (1025)

Mr. Don Davies: Mr. Marshall, did you want to respond to that?

Dr. William Marshall: I just think it's part of the motivation that drives these men to engage fully in the process of rehabilitating themselves. I think that's very important, but I think, as Mr. Fletcher said, the very important thing is that part of the rehabilitation is being able to find a place in society where you can function well and meet the same kinds of goals the rest of us meet.

Mr. Don Davies: What I think all of us on this committee are grappling with is this. If we pass a law that prohibits people who have committed any one of those offences in that long list of sexual offences against children from getting a pardon, is that a good public policy because it makes society know forever that those people committed that offence? Or is that bad public policy?

I noticed a sentence of yours, Mr. Marshall. You said, "...no sensible community would give pardons to all sex offenders". I think we all agree with that. So my question is whether a sensible community would deny pardons to every sex offender. That's the corollary question that came to my mind.

Dr. William Marshall: No, I would think that's just as much of an error as giving pardons to all of them. These people vary remarkably in the kinds of things they do to children, in their molestation, but also in the frequency and in their potential for rehabilitation. We need to offer people encouragement to engage in an effective process of rehabilitation, really.

I know better than anybody in this room, possibly with the exception of Mr. Fletcher, what sexual offenders, child molesters, do to children. Right? I've been doing this for 42 years. I find it really repugnant, so I'm not soft on these people at all, but we have to have a system that will motivate them to engage in a process of rehabilitation and give them the opportunity to succeed in that process.

Mr. Don Davies: Right. We know that nobody would ever give Paul Bernardo a pardon. Nobody would ever give Karla Homolka a pardon. I'm wondering if there is any person who has committed a sex offence...for instance, let's say exposure, because I think exposure is one of the crimes listed, exposing yourself to a child. It sort of runs the gamut from that all the way to full blown-out rape of a child. I want to ask this. Is there anybody convicted of those offences who you think can be cured? This is a question we all have. I've heard people say they can never be cured, and I'm wondering if that is correct or not, in your experience.

Mr. Randall Fletcher: I think the term "cure" is inappropriate here. If I can just speak to the whole business of the disease idea, certainly, pedophilia is not a disease in the sense that schizophrenia is, which is an organic process. People commit sexual offences against children because they choose to. It's a behavioural choice. People can be taught how to make better choices. They can learn that there are better ways of dealing with things, and that motivates them to make better choices.

So if the question is whether you can change people's behavioural choices, the answer is absolutely yes, and once those are changed and ingrained, they're changed forever.

Mr. Don Davies: Shouldn't we be safe, though? Shouldn't we just say, look, we can't take a chance when it comes to our children, so anybody who is convicted of these offences simply should not get a pardon, and that's just the most prudent, safe policy to take?

What would be your comment on that?

Mr. Randall Fletcher: I would have difficulty seeing how not granting a pardon would protect children.

The Chair: We'll now move to Mr. Norlock, please.

Mr. Norlock.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Thank you, Mr. Chair, and through you to the witnesses, welcome, and thank you very much for your testimony. It is indeed very helpful.

On the complaint that what we say and do at committee gets reported in the House and is hurtful, I have seen the very person who complained about that verbally eviscerate other people. I guess in this political realm, in the cut and thrust, we somewhat share in some of those exchanges. Some of us have had to apologize to the House, publicly and privately, and some of us have had to go through some legal pains.

I would agree with him that it demeans us all, and not just one of us. I have to share in that. I think the low opinion of politicians by the public is due to the actions we take because we care very much about our stand, and what we stand for has an effect. But we're here today to talk about Bill C-23B.

Chief Constable Lemcke, I shared a profession with you before this one. I listened to the other two witnesses, and while I don't disagree with them, I'm always reminded that people in the law and in health care practise their trades. I don't ever recall hiring a carpenter who practised carpentry. I always wanted to have an expert who knew what he was doing. I'm not being insulting here. I'm just saying that when you deal with human beings, there are no exact things that work for everybody.

This is a roundabout way of getting to you, Chief Constable. In my experience as a police officer, we deal with the bad guy—

• (1030)

Mr. Don Davies: Mr. Chairman, I'm sorry, I have a point of order. It's after 10:30.

The Chair: We'll get the first round and then it will be done.

Go ahead, sir.

Mr. Rick Norlock: We deal with the person who committed the offence, either shortly thereafter or as close thereafter as is reasonable under the investigation. But who we deal with immediately thereafter generally is the victim. Because we are in smaller communities in this country, we tend to know what effect that has on not only the victim but the victim's family. Mothers and fathers divorce because they cannot withstand the pressures that have occurred because their child has been killed or sexually abused. I'm going to ask you to comment on that.

Something I am very familiar with is sexual abuse of boys. We only hear about one-third of them. Most of them aren't reported because boys don't like people to look at them knowing that somebody has abused them—nor do girls, but boys especially.

I wonder if you can tell us why you've given some of the responses you have, some of the reasons why you are before this committee, and your opinion on this, as it relates to your job.

D/Chief Cst Warren Lemcke: Thank you. I'll speak about victimization with regard to the bill.

I know this bill focuses on pardons or record suspensions for offenders, but when I hear the number of 535 people treated and that only 5% repeat, and 18% of those are untreated, the part that worries me—and I don't believe anybody is intentionally doing this—is that there is very little talk about the victims. That part concerns me.

Does a pardon help the victim of this crime? I don't think it does. I read some of the previous minutes when Sheldon Kennedy spoke here, and it doesn't... I'm sure that victim lives with this....

People deal with crimes differently. Some will live with this horror forever. How does that pardon help them?

It's very nice that we talk about how it helps the offender, but how does it help the victim? When it comes to crimes against children, we should do everything, from beginning to end, to prevent these crimes from happening. We should be saying to people: "Canadians will not accept it. We will not tolerate this. We will treat this very harshly. If you do this, from day one the courts are going to treat you harshly. You are never going to get rid of your record. All of these bad things are going to happen to you if you do this, because we want to protect our children." I think that is what we should be focusing on with the legislation.

I agree that people can rehabilitate. Maybe there are some pedophiles who can rehabilitate, but I also think it's more management of the issue they're dealing with. The part that scares me tremendously is that their record can be suspended. I know they will be flagged on CPIC, but there may be ways they can get into a position where they work with children again, and if one child is hurt, that's one too many.

● (1035)

The Chair: Thank you very much.

We appreciate all three of you being at our committee, and your expertise and opinions on this bill. I hope you will follow up with us. I'll just mention that if you received a question and you think further about it and you would like to submit a written response on it, the committee will gladly welcome that.

Thank you.

We're going to suspend for one minute and then we're going to move in camera. I would encourage all others to exit the room fairly quickly. We're going to have committee business for approximately 12 minutes.

[Proceedings continue in camera]

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