

**Standing Committee on Justice and Human Rights**

**Delegations on Bill C-10**

*October 6<sup>th</sup>, 2011 to November 23<sup>rd</sup>, 2011*

**Meeting 5 – October 18<sup>th</sup>, 2011**

<b>Presenter</b>	<b>Organization</b>	<b>Position</b>	<b>Notes</b>
Dr. Anthony Doob, Professor	Centre of Criminology, University of Toronto (presenting as an individual)	Opposes the bill in its entirety, focuses on the CDSA & the YCJA, 41.(1), 75.(1), & 75.(4)	-believes each issue addressed by the bill should be examined separately; argues that empirical evidence has been ignored in developing C-10 - Used the “Penalties for Organized Drug Crime Act” and the “Youth Criminal Justice Act” to highlight the potential unintended consequences and the empirical evidence that supports the opposite direction of C-10. -“Proposed subsection 75.(4) indicates that for the purposes of an appeal, the provision allowing the publication of the identity of the youth is part of the sentence. This is a cruel and dishonest joke on the part of the government”.
Ms. Susan O’Sullivan, Federal Ombudsman for Victims of Crime	Office of the Federal Ombudsman for Victims of Crime	Supports: speaks to part 3, the changes to the CCRA	-Supports the rights that victims stand to gain if Bill C-10 is passed; mother of a murdered child - Focused on part 3, specifically the “Corrections and Conditional Release Act” (CCRA), explained that victims have been advocating for these Bill C-10 changes, and explained that more work needs to be done in this direction to address the scope of victim’s concerns
Mrs. Sharon Rosenfeldt, President	Victims of Violence	Supports: speaks to mandatory minimum sentences	- Believes that Bill C-10 addresses the crimes that are serious and/or violent in nature and will make communities safer; mother of a murdered child - compared the cost of Bill C-10 to the costs that victims have to bare
Mr. Eric Gottardi,	National Criminal Justice	Opposes the bill in its entirety	-Objects the lumping of many changes into one bill, arguing that it is undemocratic-thinks that the bill represents a shift from a system that tries to rehabilitate to one that puts

Vice-Chair	Section, Canadian Bar Association		punishment and vengeance first, arguing that it describes a flawed approach with self-defeating consequences
Mr. Michael Jackson, Member	Canadian Bar Association	Opposes, specifically focusing on the CCRA	<ul style="list-style-type: none"> <li>- Critiques the changes that will be made to the CCRA, arguing that the CCRA was principled on proportionality and rationality, to avoid arbitrary sentencing.</li> <li>- Argues that the “road map” upon which Bill C-10 has been built (namely the report from the federal government and Corrections Canada entitled “A Roadmap to Strengthening Public Safety” ignores 150 years of correctional history, previous recommendations or royal commissions, the Charter of Rights and Freedoms, and Supreme Court decisions.</li> </ul>
Mr. Eugene Oscapella, Part-time Professor	Department of Criminology, University of Ottawa (presenting as an individual)	Opposes the mandatory minimums and the “so-called war on drugs”	<ul style="list-style-type: none"> <li>- has worked in the criminal justice and drug policy field for more than 30 years</li> <li>- feels that the parts of Bill C-10 that introduce stricter drug laws are ineffectual and will only make the current situation worse</li> </ul>
Mr. Don Head, Commissioner	Correctional Service of Canada	Supports the changes to the CCRA	<ul style="list-style-type: none"> <li>-believes that Bill C-10 would strengthen the principles of the Correctional and Conditional Release Act</li> <li>-supports the emphasis placed on the role and rights of victims of crime</li> </ul>
Ms. Catherine Latimer, Executive Director	John Howard Society of Canada	Opposes: speaks to the amendments to the youth justice system & the sentencing principles	<ul style="list-style-type: none"> <li>-objects to merging several bills into one</li> <li>-opposes increased penalties as they do not deter crime</li> <li>-believes Bill C-10 does not address the rehabilitation of criminals and will create overcrowding in prisons</li> </ul>

**Meeting 6 – October 20<sup>th</sup>, 2011**

<b>Presenter</b>	<b>Organization</b>	<b>Position</b>	<b>Notes</b>
Mr. Vince Westwick (General Counsel, Legal Services, representing Chief Vern White)	Ottawa Police Service	Supports mandatory minimums; highlights need for treatment in correctional facilities	-believes that Bill C-10 will increase community confidence in law enforcement and the criminal justice system  -supports the implementation of increased mandatory minimum sentences, especially in sexual assault and child abuse cases  - Chief White indicated support for mandatory minimum sentences, while indicating that “any MMP strategy needs also to increase the availability of treatment in a correctional facility”. Referred to the Swedish model as a positive example.
Chief Dale McFee, President	Canadian Association of Chiefs of Police	Supports the bill in full; “CACF strongly endorses the Safe Streets and Communities Act”	-believes that the bill provides appropriate consequences for serious criminal acts and explains that public concern and crime severity indexes regarding serious and violent crimes have increased
Dr. Irvin Waller, President	International Organization for Victim Assistance	Mostly opposes; supports the 2 sections that refers to victims	- proposes that the committee considers a crime reduction board for Canada, to sustain efforts to prevent crime, and bring services up to international standards  - advocates for federal leadership to implement effective prevention strategies that balances smart enforcement, smart treatment and smart prevention  - Scottish Violence Reduction Unit and British Youth Justice Board are used as examples in his written submission of how crime prevention is more cost effective.
Mr. Sheldon Kennedy Co-founder	Respect Group Inc	Supports part 2, paragraph 11(a)	-supports the minimum mandatory sentence and the increase of maximum penalties that the bill would implement with regards to the sexual abuse of children  - “Children need to feel safe, and parents have to trust that the government is playing a role in protecting them”

			-survivor of child sexual abuse
Mr. Donald MacPherson, Director	Canadian Drug Policy Coalition	Opposes, focusing on the amendments to drug policies	<p>-thinks the drug policies that would be implemented by the bill would not effectively control the current issues associated with the trafficking and production of drugs and communities would, in fact, become less safe</p> <p>- gives examples of the ways in which it will make Canada less safe, i.e., regarding the case of cannabis growers and dealers, “local supplies will be more vulnerable to this legislation, and this in turn will deliver increased market share to the professional organized criminal gangs, increasing their profits and capacity to diversity and elude law enforcement”.</p> <p>- references RCMP briefing notes</p>
Mr. Jamie Chaffe, President	Canadian Association of Crown Counsel	Opposes the changes to the Criminal Code, the CDSA and the YCJA	<p>- “When the CACC comments on a proposed piece of legislation, it does so from an apolitical, non-partisan perspective... we strive to provide input with respect to the likely systemic impact of the legislation on the group from the perspective of a front-line prosecutor”</p> <p>- Each provincial and federal crown attorney’s association was canvassed “regarding their views regarding the systemic impact of Bill C-10” in preparation for this submission</p> <p>-Focused on the systemic impacts of C-10; believes that the amendments to the Criminal Code and the Youth Criminal Justice Act will create a workload that falls primarily on the provincial criminal justice system. Argued that the current criminal justice infrastructure is currently “critically overburdened”.</p>
Ms. Yvonne Harvey, Chair	Canadian Parents of Murdered Children and Survivors of Homicide	Supports C-10 in its entirety, focuses on ending early release for criminals, the “Increasing Offender Accountability Act”, and the CCRA	<p>-supports the establishment and enforcement of offender accountability and the increase in victims’ rights-believes the cost that would be incurred by the bill is worth keeping the streets safe</p> <p>- survivor of a homicide victim</p>

	Victims Inc		
Mr. Gilles Ouimet, Former President	Barreau de Quebec	Opposes mandatory minimums and amendments to the YCJA	-opposes the merging of several issues into one omnibus bill  -disagree with the implementation of mandatory minimum penalties, arguing that they make the CJS more complex and less effective, and feels that the amendments proposed for the YCJA take focus away from the rehabilitation of young offenders
<b><u>Meeting 7 – October 25<sup>th</sup>, 2011</u></b>			
<b>Presenter</b>	<b>Organization</b>	<b>Position</b>	<b>Notes</b>
Mr. Pierre Hamel, Director-Advice, Legal Affairs and Mrs. Michele Goyette,  Director, Special Service and Services to Young Offenders	Association des centres jeunesse du Quebec	Opposes the changes to the YCJA	-do not support the changes that would be made to the YCJA; they believe in “measures based on the young person’s risk factors, based on their needs rather than on deterrence and denunciation”.  - they make four objections to the sections of C-10 that relate to young offenders
Mr. Pierre Chalifoux, General	Parent Secours du Quebec Inc	Support	-supports the amendment to the YCJA that will allow information about young offenders to be available to the public

Manager			
Professor Nicholas Bala, Faculty of Law	Professor of Law, Queen's University (presenting as an individual)	Oppose	<p>-does not think that mixing several bills with legislation regarding both youth and adult offenders into one bill is appropriate; he describes the changes to the YCJA as “affected really by what could be referred to as a politicization of response to youth crime or as an ideological response, rather than on that is driven by either research or on-the-ground experienced professionals”</p> <p>- discusses effects on less serious offenders, non-violent offenders (via s. 38 on deterrence and denunciation) and pre-trial detention</p> <p>- supports the bills retention for discretion for youth justice judges and courts</p>
Ms. Maureen Basnicki, Founder Director	Canadian Coalition Against Terror	Supports the Justice for Victims of Terror Act)	- Supports the amendments as a step in the right direction, and makes suggestions to the amendments, arguing that in its current form, Bill C-10 will not have the intended impact on terrorism and terrorists
Mrs. Jayne Stoyles, Executive Director	Canadian Centre for International Justice	Supports the Justice for Victims of Terrorism Act	<p>-endorses the JVTA and the sections of the bill that seek to amend Canada's State Immunity Act</p> <p>- Believes it is a positive move for victims of terrorism to be able to sue perpetrators, as would be the case under Bill C-10. Also believes that terrorists would be deterred if they know they could be held responsible in a court of law.</p>
Mr. Paul Gillespie, President	Kids' Internet Safety Alliance	Support for the amendments relating to child exploitation on the Internet	<p>-believes that the amendments introduced in part 2 of the bill will help prevent the exploitation of children on the internet</p> <p>- “Anything that can be done to help keep children safe is simply a good thing”.</p>
Mr. Victor Comras,	Comras and Comras, PA	Supports the Justice for Victims of Terrorism Act	-believes that Bill C-10 is an important step in the fight against terrorism, for providing justice to the victims of terrorism, and for holding those who fund terrorism accountable

Attorney at Law	(presenting as an individual)		- states that the “exemption from sovereign immunity has been somewhat narrowed”
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<u>Meeting 8 – October 27, 2011</u>			
Presenter	Organization	Position	Notes
Mrs. Ellen Campbell, President, Chief Executive Officer and Founder	Canadian Centre for Abuse Awareness	Supports mandatory minimum sentencing for abuse against children	-does not believe in rehabilitation for pedophiles and supports mandatory minimums for sexual abuse against children  - recommends electronic monitoring of child sexual offenders after they have served their mandatory minimum sentence
Mr. David Cooper, Director of Government Relations	Centre for Israel and Jewish Affairs	Supports the Justice for Victims of Terrorism Act, yet expressed concern about ambiguous language	- Explains that as an at-risk community, Jewish Canadians have often become victims of terrorism. As such, they “should have the ability to seek direct civil redress for those who commit and support acts of terrorism”  -  -proposes several specific amendments, and refers to Ms. Basnicki of C-CAT & Irwin Cotler of Bill C-483; he describes the potential unintended consequences of using C-10 as it stands right now.
Mr. William Trudell, Chair	Canadian Council of Criminal Defence	Opposes mandatory minimum sentences and the lack of provisions around mental health, supports the call for a drug	- Main argument is that the bill does not specifically address mental health  - Suggests a provision for consideration

	Lawyers	treatment program (clause 43), the five-year review, and the terrorism acts	
Ms. Joanne Jong	As an individual	Supports “the clauses concerning killers”	<ul style="list-style-type: none"> <li>- Refers to the Charter and argues that the bill emphasizes the government’s right to protect the life and security of citizens</li> <li>-costs associated with victimization will decline as citizens are being better protected from the worst criminals</li> <li>- recommends that the bill become more punitive; suggests several ways in which to do this</li> </ul>
Mr. Steve Sullivan, Former Federal Ombudsmen for Victims of Crime	Victims of Crime  (As an individual)	Opposes Bill C-10 because of its omissions in protecting/supporting victims; supports the enhancements of victims’ rights within the CCRA, and the provisions regarding victims of terrorism	<ul style="list-style-type: none"> <li>- Ultimately argues that the bill does not afford the rights to victims that the Canadian public believes that it does; argues that it is not the best use of resources if the goal is to benefit victims (uses the provisions to enhance the sentencing of sex offenders to support argument)</li> <li>- Points out that although the cost of crime is a huge burden on victims, there is nothing in C-10 that will alleviate that burden</li> </ul>
Mr. Barry MacKnight, Police Chief,  Fredericton Police Force	Drug Abuse Committee, Canadian Association of Chiefs of Police	Supports the provisions around drug crimes	<ul style="list-style-type: none"> <li>- Argues that prevention and community collaboration is the most important component in dealing with drug offenses</li> <li>- The proposed drug-crime amendments are in line with how the police view their role in dealing with drugs and drug-related criminal activity</li> </ul>
Ms. Kim Pate, Executive Director	Canadian Association of Elizabeth Fry	Opposes the full bill, until dollar amounts are fully disclosed	<ul style="list-style-type: none"> <li>-concerned about the cost of the proposed law, and where the money will be going (i.e., expanding policing and prisons)</li> <li>-direction of this bill is to encourage more imprisonment and further overcrowding</li> </ul>

	Societies		<ul style="list-style-type: none"> <li>- Uses Edmonton, Quebec, Nunavut and BC as examples of overcrowded prisons</li> <li>- Requests that C-10 be put on hold until we know the price tag attached to each section; “we consider it a breach of the fiduciary obligation that members of Parliament have to taxpayers”</li> </ul>
Mr. Justin Piche, Assistant Professor	Department of Sociology, Memorial University  (As an individual)	Opposes Bill C-10 in full, focuses on the further eligibility restrictions on conditional sentences, and mandatory minimums for drug-related offenses under two years	<ul style="list-style-type: none"> <li>- Writing PhD thesis on Prison Expansion in Canada, Carleton University</li> <li>- concerned about prison overcrowding and costs and argues that this will lead to prison construction in the future</li> <li>- “If we build more ineffective prisons that will not prevent victimization in the long term, these costs will only grow”</li> <li>- recommends that the Government of Canada enacts a federal punishment legislation moratorium and adopt a justice reinvestment strategy “that would see the moneys allocated for Bill C-10 dicerted towards community-based resources to prevent victimization by addressing its root causes”.</li> </ul>
<u>Meeting 9 – November 1, 2011</u>			
<b>Presenter</b>	<b>Organization</b>	<b>Position</b>	<b>Notes</b>
Mr. Warren Lemcke, Deputy Chief Constable	Vancouver Police Department	Supports the changes regarding conditional sentence orders	<ul style="list-style-type: none"> <li>- legislation provides appropriate consequences for serious criminal acts; in removing the possibility of conditional sentence orders for serious crime, it acts as a deterrent, denounces the act, and protects citizens through the incarceration of the criminal</li> <li>- will strengthen the public’s faith in the criminal justice system</li> </ul>

<p>Mr. Jean-Marc Fournier, Minister of Justice and Attorney General of Quebec</p>	<p>Government of Quebec</p>	<p>Oppose, particularly the provisions that deal with young offenders</p>	<ul style="list-style-type: none"> <li>- accompanied by representatives of the Quebec Bar, the chief prosecutor, Criminal Prosecution Service, Ms. Murphy, the Commission des droits de la personne et des droits de la jeunesse, the Association des centres jeunesse du Québec, the Association québécoise Plaidoyer-Victimes, the Canadian Paediatrics Society and the Regroupement des organismes de justice alternative du Québec.</li> <li>- by focusing on the short term and jail time, this bill only provides an illusion of public protection; argues that it will actually encourage repeat offenses and increase number of victims and gives examples of how it will do so</li> <li>- focuses on dealing with young offenders in ways “that work”</li> <li>- describes how Quebec has developed a unique strategy for the long-term protection of its citizens</li> </ul>
<p>Mr. Tom Stamatakis, President</p>	<p>Canadian Police Association</p>	<p>Supports the goals and methods entirely</p>	<ul style="list-style-type: none"> <li>- particularly supports the amendments to the CDSA, the creation of the two new offences (making sexually explicit material available to a child, and agreeing or arranging to commit a sexual offence against a child), and the authorization of a peace officer to arrest without warrant</li> <li>-single concern: cost – police budgets across Canada are already at their breaking point</li> </ul>
<p>Ms. Kathy Vandergrift, Chair, Board of Directors</p>	<p>Canadian Coalition for the Rights of Children</p>	<p>Opposes part 4, until there is a comprehensive child rights assessment, and supports improved protection of children from sexual exploitation</p>	<ul style="list-style-type: none"> <li>- Recommends that part 4 be removed and gives three reasons why a) youth need to be treated different than adults, b) a current evaluation of the YCJA recommended improving the implementation of the current law c) members of Parliament have not received an assessment on how these changes will impact Canada’s obligations to uphold the Convention on the Rights of the Child.</li> <li>- Suggests that part 4 of C-10 violates articles 3, 37, 39, and 40 of the Convention on the Rights of the Child, and explains how these sections may be violated.</li> </ul>
<p>Mr. Caleb</p>	<p>Canadian</p>	<p>Opposes the amendments to the</p>	<ul style="list-style-type: none"> <li>- Argues that the “evidence against the bill’s being effective is staggering” and it will</li> </ul>

Chepesiuk, Executive Director	Students for Sensible Drug Policy	CDSA and the removal of discretion in the sentencing process	actually cause societal and financial harm; nothing in this bill will prevent substance-use- related tragedies in the future  - Believes that instead of targeting the upper-level drug lords (as the legislation proports to do) it will target first-time offenders and low-level drug traffickers  -lack of evidence demonstrating that this legislation will have any positive effect
Mr. Joe Wamback, Chair and Chief Executive Officer	Canadian Crime Victim Foundation	Supports amendments to sentencing provisions	-sentencing provisions provide the tools, guidance and predictability to assist our courts in making decisions for the safety of all Canadians; believes that they will restore belief in the criminal justice system  -increased cost is insignificant compared to the losses suffered by victims and their communities
Ms. Elizabeth Pousoulidis, President	Association of Families of Persons Assassinated or Disappeared	Supports C-10 in full	- Commends Canada for taking a stand in the fight against crime- Quotes a recent poll from <i>le Journal de Montreal</i> , stating 77% of the Quebec population supports this bill
<u>Meeting 10 – November 3, 2011</u>			
<b>Presenter</b>	<b>Organization</b>	<b>Position</b>	<b>Notes</b>
Mr. Pierre Malette, National President	Union of Canadian Correctional Officers	Opposes the amendments to the CCRA	- lists five reasons why these amendments to the CCRA are concerning and makes recommendations  -rise in the number of inmates that may result from passage of this bill is a serious concern, particularly around double-bunking

			-important to put necessary resources in place in advance (e.g. sufficient programs, disciplinary systems, addition of necessary staff & infrastructure)
Hon. Marie-Claude Blais, Minister of Justice and Consumer Affairs and Attorney General	Government of New Brunswick	Supports the amendments that aim to protect children and the imposition of mandatory minimum sentences involving youth	<ul style="list-style-type: none"> <li>- Feels that as a mother, this legislation speaks to her because it will better protect her children</li> <li>- Believes that victims of crime often feel frustrated by the system, because they feel helpless</li> <li>- “I have also met individuals accused of crimes that would have been better served and supported with an approach other than our traditional criminal justice system. I truly believe that our province understands the need for early intervention work with youth and families to divert them from the justice system”.</li> </ul>
Mr. Michael Jackson (Continued), Member	Committee on Imprisonment and Release, National Criminal Justice Section, Canadian Bar Association	Opposes part 3 of C-10, namely the CCRA amendments	<ul style="list-style-type: none"> <li>- Argues that the amendments made in this bill undermine the protective umbrella of law to prevent abuse of authority, it distorts the respective responsibilities of the judiciary and the correctional authorities; human rights violations are hidden behind benign language.</li> <li>- Recommends adding the “least restrictive measures”, described as “a standard, well-respected, and well-rehearsed part of other federal and provincial legislation and, for the last 20 years, part of the correctional landscape of this country”</li> </ul>
Mr. Howard Sapers, Correctional Investigator	Office of the Correctional Investigator	Opposes the changes to the CCRA (s. 4 and s. 101) and the proposal to further reduce access to pardons	<ul style="list-style-type: none"> <li>-concerns regarding: disproportionate impacts on Canada’s more marginalized populations, proposed amendments to the principles of the Corrections and Conditional Release Act, the capacity of the federal correctional system to safely manage a growing offender population, and the bill’s proposal to further reduce access to pardons</li> <li>- “current system is based on a case-by-case analysis of all relevant risk assessment information. The system appears to work well. It’s my view that we need to assist offender to make a successful transition to a law-abiding life—not create additional obstacles”.</li> </ul>
Mr. Joelle Roy, President and	Laurentides-Lanaudière,	Opposes the entire bill, arguing that it should be withdrawn on the	-request the bill be completely withdrawn for it is seen as irrelevant: not supported by

Representative	Association québécoise des avocats et avocates de la défense	basis of irrelevance	<p>statistics or figures; “It will have devastating effects on the Canadian public”.</p> <p>-argue Canada is already a very safe country, and that the debate is a false one.</p> <p>-“Every situation has to be handled on a case-by-case basis. Moreover, section 718 of the Criminal Code provides for that. What this bill does—and this is what has been going on for a number of years, since this government has been in power—is impose a kind of gag on the Canadian judicial system, nothing more or less. They're gagging the judges, crown counsel and defence attorneys, social workers and probation officers. That's what we're seeing.</p>
Ms. Wilma Derksen, Program Founder and Past Coordinator	Victims' Voice Program, Mennonite Central Committee Canada	Opposes the full bill; concerned about unintended consequences for victims of crime	<p>- daughter abducted and murdered; felt a sense of healing after the trial because of the truth that came out, not because of the sentencing</p> <p>- concerned about the possible unintended consequences of this bill: pressure on victims during Parole Board hearings, spending limited resources on “mopping up the past”,</p> <p>-however, puts much more emphasis on the school system and a need for social programs – to give young people a better education &amp; a better life; recommends that this work and funds be put in the direction of “creative community-based justice initiatives that address the root causes of crime, support victims of crime, and help ex-offenders reintegrate into the community”</p>
Mr. Sam Katz, Mayor	City of Winnipeg	Supports the changes to the YCJA, so repeat young offenders stay behind bars; supports the changes regarding victims rights and the mandatory minimum sentences.	<p>- “encouraged by the bold steps in Bill C-10 to change the status quo and start taking real responsibility for our citizens’ safety. The revolving doors of justice need to close...”</p> <p>- believes that programming to deter youth from a life of crime but argues that “Actions minus consequences equals nothing”.</p> <p>- bill will assist in a multi-pronged approach to solve our crime problem- need to start taking responsibility for our citizens’ safety in the City of Winnipeg</p>

