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Chair: Mr. Randeep Sarai



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• (1300)

[English]

The Chair (Mr. Randeep Sarai (Surrey Centre, Lib.)): I call this meeting to order. Welcome to meeting number 17 of the House of Commons Standing Committee on Justice and Human Rights.

Pursuant to the order of reference of Thursday, March 31, the committee is meeting to study Bill C-5, an act to amend the Criminal Code and the Controlled Drugs and Substances Act.

Today's meeting is taking place in a hybrid format pursuant to the House order of November 25, 2021. Members are attending in person in the room and remotely using the Zoom application. The proceedings will be made available via the House of Commons website.

For those using Zoom, your choice of language is at the bottom of your screen. You can either choose the floor if you can understand both English and French, or you can choose English or French.

For those in the room, you can use the earpiece and select again the same desired channel, whether it is floor, English or French. Just remember to push up the volume, because it is usually on very low when you start on the House devices.

Are there any questions from any of the witnesses? You can raise your hand. I think you should all be briefed on it. It is just that we've had some technical challenges with some previous witnesses.

Furthermore, just by way of housekeeping, I will show you a 30-second card when you have 30 seconds left in your time, whether you're questioning or answering. Just be mindful of that. When you're out of time, I'll give you a red out-of-time card, and I hope you'll try to wrap it up then. I don't like being a stickler, but because everyone wants to ask questions, we have to be mindful of time.

In the first hour, we have three witnesses. As an individual, we have Beth Bui, a probation and parole officer. We also have Jonathan Rudin, a program director from Aboriginal Legal Services. From the Canadian Association of Elizabeth Fry Societies, we have Emilie Coyle, executive director—I believe she is here in person—and Nyki Kish, director of advocacy and systems change.

Each group will have five minutes.

I'll begin with Beth Bui with five minutes for the opening statement.

Ms. Beth Bui (Probation and Parole Officer, As an Individual): Good afternoon.

My name is Beth Bui. I have been employed as a probation and parole officer since 2007. I am here to speak about my personal experience as a victim of sexual assault; thus, my views and opinions do not represent those of my employer.

I was born in Saigon in 1979. In 1985, my mother advised me that I was going to go on a trip with her. I was then just five years old. I recall my mother's hand holding mine tightly as we ran through the rice fields at night, trying to be quiet and not draw attention. I recall walking through the swamp and being carried on the shoulder of an adult when the water rose too high for me to continue by foot. The boat we boarded was small and flimsy and we were packed together like sardines.

We were known as the “boat people” fleeing Vietnam. For more than 10 days, we drifted on the open sea. We were robbed by pirates, but we were eventually saved. We stayed at a refugee camp, and it was here that my mother met a man and they began a romantic relationship. After nine months at the refugee camp, my aunt sponsored my mother and me to come to Calgary. Eventually, my mother decided to be with this man, and we moved to Brantford to reside with him, along with his sister and his nephew, in a two-bedroom apartment.

As an immigrant, my mother worked two jobs, sometimes three, mostly at night, and the man worked during the day. This created opportunities for this man and his nephew to take advantage of me sexually. I was a young child, just eight years old, unable to speak English and not knowing or understanding what was happening to me.

Before this incident, I viewed the world as an adventure. Afterwards, the world became a dark and frightening place.

In 2012, in my early thirties, I became a mother, and I realized that I could no longer live with this secret, and that in order to ensure my child's safety, I must report the two perpetrators to the police. The first perpetrator was found not guilty in criminal court. I cannot identify this man due to a non-disclosure agreement in civil court, but he continues to reside with my mother to this day.

As a victim, the criminal court process left me wounded inside and invisible on the outside.

As for the second perpetrator, he left the country, and there was a warrant for his arrest.

At first I hesitated to meet with Mr. Larry Brock in preparation for this case. I honestly felt that the one-hour-and-thirty-minute drive in rush hour to Brantford was not worth my time for a five-minute face-to-face meeting with him. Mentally, I was preparing to hear why my case was insignificant, but I wanted to find a reason to not trust Mr. Brock to do the job of protecting me as a victim. It is what I have learned and expected. I was ready to be dismissed and defeated. However, Mr. Brock proved me wrong.

In 2019, the perpetrator was found guilty at youth court in Brantford. He received six months' house arrest followed by six months' probation. The offender was a few months short of being an adult during the commission of this offence. Due to the offender's reporting his address in Brampton, which is where I am living, I thought it was best not to access counselling and resources close to my home. I felt that my choices were limited, and I felt alone.

I feel that I do not deserve the label of "survivor", because I feel that I am not surviving. I still view myself as a victim, because the sexual abuse is devastating. It is shameful as a mother to admit that I do not want a child who is a girl because I know the challenges that she may face too well. It is crippling to constantly question whether I'm a good mother for my children. It is exhausting to unlearn past behaviours and relearn healthy ones. I feel that the offender's lenient sentence negated my lost childhood, my self-worth and my potential.

Ultimately, I feel that I was not supported by the criminal justice system, and I continue to view myself as a victim even to this day.

Thank you.

• (1305)

The Chair: Thank you, Ms. Bui.

I can imagine...it's very brave of you to have come forward with your own personal story, and there are no words I can share but to give you my heartfelt sympathy in sharing this. I think that I and all the members are very thankful that you've been very brave to come here and share your story. Please do recognize that we all want to hear you and that we all share the pain that you've gone through yourself.

Next, I will ask Mr. Jonathan Rudin, from Aboriginal Legal Services, to take five minutes for an opening statement.

Mr. Jonathan Rudin (Program Director, Aboriginal Legal Services): Thank you very much.

I'd like to thank the committee for the opportunity to speak about Bill C-5.

As I begin my submission, I want to note that while the English name of our organization is Aboriginal Legal Services, our Anishnabemoin name, given to us by elder Jackie Lavalley, is *Gaa kina gwii waabamaa debwewin*. This translates as "All those who seek the truth".

As the legislative summary makes clear, a major impetus for the introduction of this bill was the case of Sharma. ALS was involved in this case since it began in 2016. We wrote the Gladue report for Ms. Sharma.

Shortly after completing the Gladue report, at the invitation of Ms. Sharma's counsel, we intervened in the case at the Superior Court of Justice and led the calling of expert evidence and arguments on the charter issues. We were successful in having the particular mandatory minimum for drug importing struck down as cruel and unusual punishment. We also intervened at the Ontario Court of Appeal, where the restrictions on access to conditional sentences were found to violate the equality rights of indigenous people and the right to liberty under section 7. We recently intervened at the Supreme Court in the PPSC's appeal of the Court of Appeal decision. As you know, that case is now on reserve. I was privileged to be able to act as lead counsel for ALS throughout.

While we are, of course, supportive of this bill, it must always be kept in mind that if it passes as written, all it will do is partially restore Canadian criminal law to where it was in 2012. All of the work that was done in Sharma and all of the work of this committee just brings us back to where we were 10 years ago. While this is certainly necessary, it is hard to see this as representing progress.

We need to be clear: What is happening to indigenous people in the criminal justice system today is mass incarceration. In their paper entitled "Criminal Justice Reform and the Mass Imprisonment of Indigenous People in Canada", Jane Sprott, Cheryl Webster and Tony Doob studied non-indigenous and indigenous rates of incarceration per 100,000 of population. In 2017-18 the non-indigenous incarceration rate was 79 per 100,000. That represented a 20% decline from 1996, when the legislation creating conditional sentences in paragraph 718.2(e) was passed. In contrast, the indigenous rate was 677 in 2017-18, a 33% increase from 1996. Indigenous Canadians are now almost nine times more likely to be in prison than non-indigenous Canadians.

When the 2017-18 rate of indigenous incarceration is compared to that of the U.S., the indigenous rate is actually slightly higher. America is the leading example of mass incarceration in the industrialized world. The fact that indigenous rates are even higher than the U.S. means that mass incarceration is the only term that can adequately describe what is happening to indigenous people. This fact is a national disgrace.

This government promised in 2015 to implement all the recommendations of the Truth and Reconciliation Commission. One of those recommendations was to abolish mandatory minimum sentences and the restrictions on conditional sentences. Bill C-5 is a start, but only just a start, on this commitment.

We believe this is likely the only opportunity Parliament will have to enact meaningful changes to mandatory minimums and conditional sentences. It is important, then, for this committee to be brave and to be bold and to proactively address the other mandatory minimums in the Criminal Code not expressly addressed in Bill C-5.

We know that the other mandatory minimums have not been studied in depth by the House, but that is not going to happen any time soon. An option that has always existed, and that we urge on this committee with respect to all other mandatory minimums, is to do what other countries have done and allow for what are called “safety valves”. A safety valve can be used by a judge who is concerned that the imposition of a mandatory minimum sentence will cause serious injustice to the particular individual before them and exempt that person from the mandatory minimum without having to declare the minimum sentence unconstitutional.

The advantages of such an approach are twofold. First, it is quicker than having to challenge the constitutionality of a mandatory minimum and leaves the legislation in place for most offenders. Second, decisions of trial judges are, of course, subject to appellate review. Within a few years, we would have a robust set of jurisprudence on what sort of cases merit the use of a safety valve.

• (1310)

Introducing an amendment to permit judges to rely on a safety valve for other mandatory minimums is a necessary and positive step forward.

Meegwetch. Nia:wen. Thank you.

The Chair: Thank you, Mr. Rudin.

Next, I have the Canadian Association of Elizabeth Fry Societies.

You may split your time accordingly, but you have a full five minutes between the two of you.

• (1315)

Ms. Emilie Coyle (Executive Director, Canadian Association of Elizabeth Fry Societies): Thank you to the committee for the invitation to attend and provide testimony today.

Our organization works to address the persistent ways in which women and gender-diverse people impacted by criminalization are routinely denied their humanity and excluded from conversations of community. Even the use of the word “offender”, which is used throughout this legislation and in common parlance, serves to separate the people we work with from being considered part of the public in “public safety”. Our head office is located on unceded and unsurrendered Algonquin territory.

The Women's Legal Education and Action Fund, which is known as LEAF, the Black Legal Action Centre, which is known as BLAC, and our organization have jointly submitted a brief to you. You will have already seen it, hopefully. It details our five areas of interest in this bill. As you are all very much aware, this bill seeks to reduce the structural racism, systemic discrimination and inequality that we know are a crisis in our justice system. This has been acknowledged at this committee by several witnesses and even by the Minister of Justice. We recognize this bill as a step to-

ward that goal, though it does not go far enough, as Jonathan Rudin stated.

I also want to acknowledge Beth for sharing her story at the outset. It was really brave, and I thank her for that.

Today, we would like to offer context about the human and social impacts we see within this crisis.

I will turn it over to my colleague Nyki.

Ms. Nyki Kish (Director, Advocacy and Systems Change, Canadian Association of Elizabeth Fry Societies): Thank you.

Part of our work is monitoring the conditions of confinement in the five prisons designated for women across the country. It is there we meet the people who have been harmed and continue to be harmed by existing legislation. The majority of these women and gender-diverse people face complex mental health issues and unresolved addictions. They properly belong in the health care system, not the prison system. If and when they are released, their unresolved issues will be compounded by the strong stigma that follows those with criminal records.

When you walk into a maximum-security unit in these prisons, you see that they are full of indigenous women, gender-diverse people and two-spirited people. It is a sobering fact, one that should make us all take pause: 50% of all women and gender-diverse people in prisons in Canada are indigenous. In these prisons, we meet so many Black women and gender-diverse people whose neighbourhoods have been over-surveilled, criminalized and ultimately failed by multiple systems and who end up being overly punished by our legal system. In these prisons, we meet the countless survivors of sexual and physical harm, dispelling the false dichotomy that continues to be raised around perpetrators and survivors of violence. It is also in these prisons where, overwhelmingly, we meet women and gender-diverse people who are simply trying to survive poverty for themselves and for their families. They often cannot afford food, electricity, clothing for their children and their vital needs.

Lack of judicial discretion to depart from required sentencing has put them there. Legislation that does not recognize the discrimination impacting their social histories has put them there. We presently have a system that punishes through a debunked perspective: Increased punishment for certain crimes, through mandatory minimum penalties, will deter people from participating in those crimes. Yet, the implicit social messaging we are given in Canada, through the adverse impacts created by mandatory minimum penalties, is that, if you are poor or from a marginalized community, you are undeserving of a fair chance and undeserving of rehabilitation.

Ms. Emilie Coyle: Going back to the brief we submitted, I will point out the five solutions we have proposed.

First, we recommend removing all mandatory minimum penalties. If that cannot be done, at least remove those that have already been found to be unconstitutional by courts across this country.

Second, we recommend removing the bar on conditional sentences for any offences with mandatory minimum penalties.

Third, we recommend fulfilling the Truth and Reconciliation Commission of Canada's call to action 32 to "allow trial judges, upon giving reasons, to depart from mandatory minimum sentences and restrictions on the use of conditional sentences." We refer you to Senate Bill S-213 for suggested language on this amendment, which I believe you've already heard about.

Fourth, we recommend amending paragraph 718.2(e) of the Criminal Code so that sentencing judges have the information required to pass appropriate sentences, not only for indigenous defendants but also for Black defendants.

Fifth, we recommend, at the very least, fully decriminalizing simple drug possession as a step toward the recommendations made by the group behind "Decriminalization Done Right". Provide for automatic expungement of criminal records for simple drug possession, which is certainly a step toward the spent record regime. We, along with 84 other organizations and people, are members of a coalition called the Fresh Start Coalition.

That is what we are recommending.

In conclusion, I think you have all seen how the breadth of evidence demonstrates that incarcerating people, especially women and gender-diverse people, in the name of deterrence is not only a demonstrably failed model, but actually produces harm, especially by adversely impacting Black, indigenous and low-resource women and gender-diverse people.

• (1320)

The Chair: Thank you.

Ms. Emilie Coyle: I think it would be irresponsible to ignore the clear evidence on these impacts.

I will just finish now.

We remind you that behind each devastating statistical figure you've been hearing about, attributed to racial and socio-economic overrepresentation in our justice system, is a human being. This is a human being with a family, with a community, all who are being adversely impacted in ways not contemplated within this law.

We know those individuals. We know their stories. We know their histories. We know their pain.

The Chair: Thank you, Ms. Coyle.

You're going to have to finish off in one of the questions. I apologize for that.

Ms. Emilie Coyle: It's fine. Thank you very much.

The Chair: Our first round of questions will begin with Mr. Brock for six minutes.

Mr. Larry Brock (Brantford—Brant, CPC): Thank you, Chair.

Thank you to all the witnesses, but in particular to Ms. Bui.

Ms. Bui, thank you so much for accepting my invitation to attend this particular study. Like the chair, I offer my sincerest thoughts about your background and what you had to go through. It brought me back to the day that I met you for the first time and heard your story.

Thank you for that very powerful message and the strength you have shown in attending here today.

Beth, Bill C-5 eliminates the mandatory minimum penalties for 14 very serious firearms offences and drug offences, such as trafficking, importing and production for drugs such as fentanyl and crystal methamphetamine.

As it's apparent that there has been no reduction in the number of offenders who are committing these offences across this country while there are still mandatory minimum penalties, as a resident of the GTA who is married with children, do you feel that this bill will compromise your sense of safety and that of others members of your community?

Ms. Beth Bui: The answer is yes. The reason being is that I live beside a park, and ever since the law has been lax on marijuana, there has been a rise in criminal activity in the park. From my window, I see people using and dealing drugs. I see them speeding away while impaired, and this is happening during broad daylight when children are outside playing. The world has become dark and scary.

Mr. Larry Brock: Thank you, Beth.

Bill C-5 eliminates the barriers of conditional sentence considerations for some very serious offences, such as kidnapping, human trafficking, criminal harassment and sexual assault. Adult offenders who commit these heinous crimes can now argue, post-conviction, that they should serve their denunciatory sentences in the comfort of their own homes.

As I described to you from my capacity as a former Crown attorney, prosecutors have a very low success rate in securing criminal convictions in this area. Coupled with the significant and long-lasting, if not permanent, trauma associated with this crime, it's no small wonder that there is under-reporting to law enforcement.

What kind of message does this send to victims of sexual abuse? Had you not come forward when you did and reported your experiences, would you have done so if Bill C-5 was now the law in Canada?

Ms. Beth Bui: If Bill C-5 became law, I do not think I could report my sexual abuse, because I would feel that my fight would be futile. For example, the offender in my second case was free to live his life, while I felt like I was in prison because my choices were limited in the same community where I lived.

Mr. Larry Brock: Thank you.

Beth, your opening statement describes a very tragic and difficult time in your young life. Bill C-5 makes no provision for the rights of victims in the criminal justice system.

How would you describe your experience as a victim in the system, from the perspective of your relationship with the police, the Crown attorneys, victim service agencies and the judiciary?

• (1325)

Ms. Beth Bui: Overall, I feel that I did not have a positive experience. The female detective that was on both cases was not empathetic to my trauma, and the Crown attorney in the first case seemed distant and uninvested. The victim services were helpful, but I had so many different workers. It took almost 10 years for the matter to be resolved. The judge seemed to not consider my trauma and the harm caused.

My saving grace was you, Mr. Brock. For once I felt heard. I felt like I mattered, and I felt like I could trust someone.

Mr. Larry Brock: Thank you.

Mr. Rudin, it's good to see you again. As a member of the Crown attorney system in Ontario, I've enjoyed your presentations in the past. You have identified that this is a small step in the overall impact of over-incarceration.

The numbers are real. There is still an extremely high percentage of indigenous offenders—adult and youth, male and female—who are committing the types of offences that Bill C-5 attracts.

In addition to this type of legislation, are there other areas that the federal government ought to be considering in terms of reducing that number?

Mr. Jonathan Rudin: There are a number of initiatives. I know that the submission from the Elizabeth Fry Society, for example, talks about information available to judges to come up with proper sentences.

The Gladue reports, which you, Mr. Brock, will be familiar with, are one of the challenges faced by indigenous people across Canada. They're very familiar in Ontario, but in Manitoba and Saskatchewan, for example, they are not available at all. While the provision of those reports belongs to the province as part of the constitutional rules for the administration of justice, the federal government could do more and is starting to do more to provide funding to allow for these sorts of reports to be prepared by indigenous organizations.

Mr. Larry Brock: Thank you, Mr. Rudin.

The Chair: Thank you, Mr. Brock.

The next round of questions will be from Ms. Brière for six minutes.

[Translation]

Mrs. Élisabeth Brière (Sherbrooke, Lib.): Thank you very much, Mr. Chair.

I'd like to thank all the witnesses for being here today.

Ms. Bui, thank you for your testimony.

My question is for Ms. Coyle or Ms. Kish, from the Canadian Association of Elizabeth Fry Societies.

Although indigenous people represent only 5% of the Canadian adult population, in 2020, they accounted for 30% of all federal inmates. Recent statistics also show that half of female federal inmates are indigenous.

What factors have contributed to this over-representation? Would you agree that mandatory minimum sentencing policies and restrictions on the use of conditional sentences have led to this situation?

[English]

Ms. Emilie Coyle: I will take this question. Thank you very much.

The reasons for the over-incarceration of indigenous people in our prisons, particularly indigenous women and gender-diverse people, are multi-faceted. Certainly, the justice system has its role to play. We must go back hundreds of years to look at the assimilation practices of the state, including residential schools, the sixties scoop, the millennial scoop, our current practices around child protection services and the many ways that indigenous communities are over-surveilled by police, by social workers and by schools.

All the way up until they reach the justice system, they are already underserved and over-surveilled or over-policed. However, certainly, once we reach the justice system, mandatory minimum penalties and the lack of availability of conditional sentencing, as Mr. Rudin pointed out—all of the arguments that were made in Sharma—have contributed to the over-incarceration of indigenous women and girls.

I have to tell you: If you go to the prisons in the prairies and particularly to where people spend most of their time, which is in the provincial jail system, upwards of 90%—up to 98%—of the people there are indigenous. It is a failure, and it is extremely shameful. We need to consider them when we are thinking about the word “public” in “public safety”.

Thank you for your question.

• (1330)

[Translation]

Mrs. Élisabeth Brière: Thank you very much, Ms. Coyle.

My next question is for Mr. Rudin.

As Parliamentary Secretary to the Minister of Mental Health and Addictions, of course I'm very concerned about the opioid crisis. The government recognizes that problematic use of substances is a health issue. We're working hard to ensure that people who use drugs are referred to support services they can trust within the health care system, rather than getting caught up in the justice system.

With this in mind, Bill C-5 amends the Criminal Code to repeal certain mandatory minimum sentences for drug and substance use offences.

Would you agree that a health-based approach and alternatives to prison sentences for simple drug possession could be positive, important steps in the right direction?

[English]

Mr. Jonathan Rudin: There's no question that many of the individuals who are involved in low-level drug trafficking and drug-possession cases are addicts themselves. Jailing them does not work. We know that from our work. We operate and have operated our criminal diversion program since 1991, which takes on people who have drug offences, as well as other charges. There's no question that if people are going to address their substance use, they're not going to do that in jail. What they're going to do in jail is take more drugs or other drugs.

I think Bill C-5 is a step in the right direction. I don't know that we really want to be criminalizing people at all who are using drugs. Our brief to the expert task force on substance abuse was to decriminalize the use of drugs. Bill C-5 talks about enhanced diversion. I would point out that in our discussions with the Toronto Police Service, they are saying that there's going to be a price tag for these sorts of things.

I would just urge the federal government to consider, as Bill C-5 goes forward, that things will be in place to allow the provisions that the bill permits to happen on the ground, because the division of powers in this country makes what seem to most people to be very simple things, actually very complicated.

[Translation]

Mrs. Élisabeth Brière: Do you think the police have the tools they need to enforce these new standards?

[English]

Mr. Jonathan Rudin: I can only speak to the places where we have programs. Yes, there are programs out there, but there needs to be a commitment—if the expectation of police is that they're going to release individuals through programs—that there are programs out there. Again, the question of funding becomes crucial.

[Translation]

Mrs. Élisabeth Brière: Thank you.

[English]

The Chair: Thank you—

[Translation]

Mrs. Élisabeth Brière: In your view, what's the best way to break the cycle of recidivism?

[English]

The Chair: Ms. Brière, unfortunately, your time has run out.

Mrs. Élisabeth Brière: Thank you. I'm sorry.

The Chair: The next six-minute round will go to Monsieur Fortin.

[Translation]

Mr. Rhéal Fortin (Rivière-du-Nord, BQ): Thank you, Mr. Chair.

I'd like to thank the witnesses for being here.

Ms. Bui, thank you for your moving testimony. Clearly, you have been through a lot and I truly sympathize with you.

I have a few questions for Ms. Coyle.

I heard the figures you quoted, particularly about indigenous women in jail. They make up more than 80% of the female prison population in Western Canada. I think we can all agree that makes no sense.

What I want to know is why. Some say it's due to mandatory minimum sentences.

On the one hand, Gladue reports can be filed in all cases, which should theoretically lead to more appropriate sentences for indigenous women. On the other, support services could be provided upstream to indigenous communities, to prevent offences from being committed in the first place. I don't know if it's a good idea to lower the bar so much as to completely do away with prison sentences for certain offences. If they are significant, I'm not sure that's the way to go. I really wonder.

I'd like to hear your views on the matter. First, does the availability of Gladue reports help reduce the number of indigenous women in jail?

● (1335)

[English]

Ms. Emilie Coyle: Paragraph 718.2(e) of the Criminal Code is what we usually refer to when we're talking about Gladue reports. As Mr. Rudin has already said, they are unavailable in many parts of the country. Many things that are in principle do not follow in practice. Certainly, we would not want to eliminate Gladue reports. We think it's an excellent first step.

However, we have to step back a bit and realize that all of the actors who contribute to the criminalization of indigenous women have their part to play. It's really important that the justice system recognizes that they can't step back and say, "You know what, we're going to pass the buck. This isn't our responsibility. We can't claim that it's our responsibility." In fact, it is the responsibility of the justice system vis-à-vis the ways we overly punish people, particularly indigenous women and gender-diverse people.

That is why we are here today, along with our colleagues with whom we submitted the brief. It is to speak about the fact that mandatory minimum penalties overly impact indigenous women—

[*Translation*]

Mr. Rhéal Fortin: I'm sorry to interrupt you, Ms. Coyle. I don't mean to be rude, but I really don't have much time.

Ms. Emilie Coyle: No problem.

Mr. Rhéal Fortin: From what I gather from your testimony, Gladue reports are helpful, but they're not available in several parts of Western Canada.

Wouldn't it be useful to fund training to teach people how to draft Gladue reports?

[*English*]

Ms. Emilie Coyle: Certainly, I think more funding would definitely be welcome for many people who are seeking Gladue reports. In particular, you need the courts and the Crown in those areas of the country to recognize that they are valuable and they bring valuable information to the court.

[*Translation*]

Mr. Rhéal Fortin: Are you telling me that some crown attorneys in the west do not consider the Gladue report to be useful?

[*English*]

Ms. Emilie Coyle: That's correct.

[*Translation*]

Mr. Rhéal Fortin: Okay.

There may be work to be done to explain the usefulness of the Gladue reports and to have them accepted by both defence lawyers and prosecutors. In addition, we should ensure that training is offered to those who would be able to write such reports in each case.

I understand that this would be an important step in avoiding the overrepresentation of indigenous women in western Canadian prisons.

[*English*]

Ms. Emilie Coyle: Yes, I would agree with that. I would also say that it should be extended to include Black defendants as well. We should look to a similar type of pre-sentencing report that could be provided for Black defendants.

[*Translation*]

Mr. Rhéal Fortin: Obviously, Gladue reports are requested before sentencing, once the person is found guilty. However, certain things could be done beforehand.

I understand that this could include the Black community and perhaps other communities, but, for the time being, let's talk about the indigenous women's community, since that's the one you mainly represent, I think.

If we want to prevent indigenous women from being brought to justice for acts they have committed, would it not be appropriate to work upstream and prevent these acts? For example, could we work on better socialization or on conflict resolution other than through

violence? Couldn't certain things be done upstream to prevent offences from being committed?

[*English*]

Ms. Emilie Coyle: What we need to do, particularly when it comes to indigenous women and gender-diverse people, is to not individualize or locate the responsibility in the person, but look at what we need to do as a society to address anti-indigenous racism. We need to look at colonial practices. Really, there's a lot to do, with financing certainly, funding, yes. I agree.

Thank you. Sorry, I'm out of time.

[*Translation*]

Mr. Rhéal Fortin: Thank you, Ms. Coyle.

The Chair: Thank you, Mr. Fortin.

[*English*]

Next we will go to Mr. Garrison for six minutes.

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): Thank you very much, Mr. Chair.

I want to start by thanking Ms. Bui for her testimony and to say that as a fellow adult survivor of child sexual abuse, I have a bit of an understanding of how hard this is to do.

Your testimony is very important, in the way that our justice system fails victims. Our committee has a study going forward on that, and at the appropriate time, I'm going to ask that your testimony be brought forward for that study.

My first question that I'd like to ask is for Mr. Rudin. He raised an important point.

This bill will expand access to conditional sentences, but will that make a difference for those who live in rural, remote or indigenous communities? Will they actually be able to avail themselves of conditional sentences? Are the resources available?

● (1340)

Mr. Jonathan Rudin: Thank you for the question. It is a very important one.

It is true that in some communities the resources that might be necessary are not present. We don't want to assume that just because it's a small community, an indigenous community, a reserve community, that there are not resources there. Certainly one of the concerns I think a judge will have are how they are going to enforce house arrests, or how they are going to get the programming they need if it's not available in the community.

While it's important to have those options available, again, this has to be tied to increased resources to allow for these conditional sentences to actually be implemented.

Mr. Randall Garrison: Thank you for that.

I want to turn to the Elizabeth Fry Society.

Ms. Coyle, one thing you raised was for us was to focus on the individuals and the impacts on individuals of incarceration.

Could you talk a bit more about what happens in terms of housing security, employment security, and child custody for women who are incarcerated?

Ms. Emilie Coyle: I'd like to invite my colleague Nyki to perhaps answer one of these questions as well.

Nyki.

Ms. Nyki Kish: Thank you.

I think the reality is devastating and one that many are not familiar with. We see very poor outcomes pre-, during and post-incarceration not only for indigenous, marginalized and gender-diverse people, but also for their communities.

Certainly, the present system is overwhelmed itself by these overrepresentations and incapable, often despite its best intentions, of facilitating a meaningful family contact, reintegration supports, employment supports and the things we need to build strong communities.

As we're working on the ground level to resource our communities and to work preventively and post-incarceration, we're hoping, through this, that we can just revert to a more responsible law that would be informed by social context, and then respond to the needs of everybody impacted by a crime.

Mr. Randall Garrison: We see that mandatory minimums often result in short sentences served in provincial institutions.

Ms. Kish, can you talk about what resources for rehabilitation or treatment of addiction, or those kinds of things, are actually available to people serving those short provincial sentences?

Ms. Nyki Kish: Unfortunately, there are almost none.

Across the country, remand centres are notoriously deprived of rehabilitative services. They're structurally violent places where people are essentially kept in cages for most, if not all, of the day, and where the quality of food is very low. People have very limited access to the phone and to the law. What we do know, because we've been living in the system, is that this outcome not only produces detrimental results for the people who experience these systems, but also for community and society broadly.

If we want safe communities, we have to build transformative justice that cares about the needs for all.

Mr. Randall Garrison: One of our previous witnesses mentioned that a lot of the conflict in the justice system is, of course, a legacy of colonialism in the residential school system. They noted that the over-incarceration of women, in a very direct way, perpetuates that intergenerationally. It inflicts damage on kids, in particular, because of their mothers being incarcerated.

Is that something you are seeing?

Ms. Nyki Kish: Emilie, did you want to jump in?

Ms. Emilie Coyle: Go ahead.

Ms. Nyki Kish: It is something that we see, unfortunately. I don't mean to laugh at any of this context. It's devastating, because we see people who are transferred—especially right now—from the

prairie regions with the highest overrepresentation of incarcerated people to the Atlantic region where people are completely isolated from family and community, which was not the purpose of the regionalization of the women's prison system.

Ms. Emilie Coyle: I just want to add that if you walk into a prison designated for women in this country, you will find that the visitation areas, which are generally full if you go to the prisons designated for men, are empty.

Often, there are no opportunities or resources available for the children of the people who are in those prisons to go to visit. We do have a mother-child program in the prisons designated for women, which is largely underutilized and, in my opinion, should never be utilized. We don't want children in prison. In fact, in lots of ways, we would like anybody who is parenting not to have to serve their time in prison, especially if they have the main parenting responsibility in their family.

• (1345)

Mr. Randall Garrison: Would the expansion of access to conditional sentences then help address that problem?

Ms. Emilie Coyle: Yes, in our opinion, it would.

Mr. Randall Garrison: Sorry, Mr. Chair. I think we're having a little Internet problem here, perhaps on my end, so I'll just end my questioning there.

The Chair: Thank you, Mr. Garrison. I think she just had a simple one-word answer, so that might have been it.

Next, we'll have two rounds of five minutes.

We'll go to Mr. Moore for five minutes.

Hon. Rob Moore (Fundy Royal, CPC): Thank you, Mr. Chair, and thank you to all of our witnesses for appearing today.

Ms. Bui, thank you for sharing your personal story. I know that must be very difficult. I think it's important for us, as a committee, to hear from victims of crime. We do not hear from victims of crime often enough, and we certainly appreciate your taking the time to share with us your story today.

According to the Criminal Code, one of the main objectives of sentencing is to promote a sense of responsibility in offenders and acknowledgement of the harm done to victims and to the community.

You've shared with us your experience and the experience in your community. What message do you think it sends to victims if, for very serious crimes, we do not impose some form of incarceration on the perpetrators?

Ms. Beth Bui: For me, I would feel not important, like my rights are not being considered.

Hon. Rob Moore: What do you think Parliament should be focused on when it comes to gender-based violence, if more house arrests and conditional sentencing are not the answer? What message does that send to Canadians, particularly women and girls?

As well, what do you think Parliament should be doing instead of reducing the sentences for some of these crimes?

Ms. Beth Bui: I would like more accountability. I would like to be heard. I would like to be seen. I think that's what missing for the victims of these cases.

Hon. Rob Moore: Yes, okay. Thank you.

Ms. Beth Bui: It's just been a struggle for me from day one. I feel like I have to fight the system. I had to struggle to be heard by the police and the Crown. When I was on the stand, I felt so little. I felt like I didn't exist.

Hon. Rob Moore: We appreciate your having your voice heard here today at a parliamentary committee. I'm sure you're speaking on behalf of the many victims and their feelings throughout our country.

Mr. Rudin, I have a question for you.

You mentioned something we should all acknowledge. When you mentioned it, I thought it was something we really need to take note of. That is, Canada is multi-jurisdictional with federal, provincial and municipal components of either the responsibility or the impact when it comes to our justice system. As you know, in the federal government, we have carriage of the Criminal Code and the Controlled Drugs and Substances Act.

You mentioned the importance of resources on the ground if we're going to make changes. We've heard testimony from others saying that, whether it's parole, conditional sentencing or ensuring someone is meeting their conditions, resources are stretched thin. When we make a change here in Ottawa at the federal level, it has a downward pressure on other jurisdictions. Can you elaborate on that a bit? Maybe share some of your thoughts on what groundwork should be laid or resources put in place when we're making these types of decisions?

• (1350)

Mr. Jonathan Rudin: I think it's very important, when the federal government starts to bring in legislation such as Bill C-5, that there is funding available to the provinces to be able to create the programs that are necessary. The Department of Justice is generally very good at often providing funding. It's a cost-share arrangement with the provinces.

The provinces have to want to be involved too. That just needs to be considered. If a province is obstreperous and refuses to put funding in, then it creates a real problem in which, in our case, indigenous people end up suffering the most.

Hon. Rob Moore: Thank you.

The Chair: Thank you, Mr. Moore.

Next for five minutes is Ms. Diab.

Ms. Lena Metlege Diab (Halifax West, Lib.): I'm sorry about that.

Thank you very much to all of our witnesses.

I have a question for the Elizabeth Fry Society. As a young person many years ago—as a law student, actually—I was introduced to the Elizabeth Fry Society here in Nova Scotia. That was decades ago, so I can only imagine how it is now. Through that, I saw all the

good work that is being done on the ground here and across the country, particularly for women, and now for gender-diverse people.

Ms. Coyle and Ms. Kish, you've made the point a few times that we need to have a criminal justice system that accounts for systemic racism, applying the Gladue principle for indigenous people. We've previously heard about the role that race and culture assessments in sentencing can play in addressing the systemic racism in our justice system.

What do you think of the use of those assessments? Is that also part of what we can pursue to advance racial justice? What else would you recommend?

Please go ahead and take your time. Either one of you or both of you can answer.

Ms. Emilie Coyle: Nyki, I'll turn it to you.

Ms. Nyki Kish: Working together across tables is really important to bring in people's voices—the voice of everybody who's impacted—both through the law and through our programs and services. Right now, through mandatory minimum penalties, we have so many people across Canada who are kept and broken from their families in permanent ways. We have outcomes that we're sure Canadians would be very concerned by if they knew about them.

We believe that if authority is given to the justices, parole officers and correctional authorities to meet their mandate, to incarcerate or not incarcerate, and return people to the community when they're ready, this will have the strongest result.

Go ahead, Emilie.

Ms. Emilie Coyle: To answer your question specifically about Gladue reports or similar types of reports for other people, there is a utility to them. There is a utility to anything that is able to bring to light the various factors that have brought a person in front of the justice system or to be involved with the justice system.

The things that you will uncover in these types of reports are the very things that we mentioned at the outset. For example, in the prisons we go to, the people we meet are survivors of violence themselves. There are many types of structural violence, but there's also the physical, sexual, emotional and financial violence that they've experienced in their lifetimes. We punish them again through our legal system. The legal system is complicit in the type of violence they are experiencing.

If we're able to utilize those types of tools to bring to light the stories of the people who are being brought in front of the justices, it can be very helpful.

• (1355)

Ms. Lena Metlege Diab: Following up on that, you would recommend a rehabilitative approach for people who have committed a crime and don't pose a threat to public safety, instead of imprisonment. Can you tell me what kinds of rehabilitative approaches you would recommend? Why do you think it's a good thing to do?

I know you've already talked about it, but could you elaborate a bit more on that? How is that different, from your perspective, across the country?

Ms. Nyki Kish: We will often work with people who have never gone to school or have never been in social positions where they've had access to career development or social stability. We see people who want to contribute to society, want to succeed and want to be a part of the common good, but do not feel [*Inaudible—Editor*].

Increasingly, we're seeing people passively go through the justice system without understanding the laws that impact them. In this process, we're seeing cold, hard prisons that create worse outcomes, and then people are returning to the community without any access or pathways toward meaningful participation.

Ms. Lena Metlege Diab: Again, I want to restate that the mandatory minimum sentences that are at play are in this, provided that there is no threat to public safety. Would you agree with that?

Ms. Nyki Kish: Completely.

The Chair: Thank you, Ms. Kish, and Ms. Diab.

Monsieur Fortin, you have two and a half minutes.

[*Translation*]

Mr. Rhéal Fortin: Thank you, Mr. Chair.

My question is for Ms. Coyle.

You talk a lot about indigenous women who end up in prison, but who have themselves been the victims of several acts of violence before, whether it be rape, theft or assault. That is the example you give.

Don't these women want their abusers to be in prison?

[*English*]

Ms. Emilie Coyle: I can't necessarily speak on behalf of everyone who has experienced that. However, I can say that we have an inquiry into missing and murdered indigenous women and girls in this country. We have the Truth and Reconciliation Commission findings in this country. Many of them speak to the fact that people who are indigenous in this country have suffered many types of violence.

Whether somebody is looking for accountability through the lens of imprisonment or is looking for accountability and healing from many different systems, that is, I think, a larger conversation.

[*Translation*]

Mr. Rhéal Fortin: I understand that the abusers who end up in prison, whether they are women or men, would like to see mandatory minimum sentences eliminated. However, I would be curious to know how a woman who has been the victim of extortion committed with a firearm, for example, would react if she were told that we were going to eliminate mandatory minimum sentences and that we would no longer have to send her assailant to prison. What do you think her reaction would be?

[*English*]

Ms. Emilie Coyle: Again, I can't speak to specific people's reactions, but I will say this: If we are really looking to achieve public safety, and we are not achieving it with the system we have now, why are we not trying to pour resources into a system that would achieve true public safety? Mandatory minimum penalties are not giving us that.

[*Translation*]

Mr. Rhéal Fortin: Do I have any time left, Mr. Chair?

• (1400)

[*English*]

The Chair: You have 15 seconds.

[*Translation*]

Mr. Rhéal Fortin: Okay.

In this case, thank you, Ms. Coyle.

[*English*]

The Chair: Thank you, Monsieur Fortin.

Mr. Garrison, you have two and half minutes.

Mr. Randall Garrison: Thank you very much, Mr. Chair.

I want to return to either of the witnesses from the Elizabeth Fry Society and talk about the knock-on effect here of over-incarceration. That's the large number of indigenous women in particular who have criminal records.

Can either of you talk to us about the consequences you see for trying to rehabilitate and reintegrate people who have criminal records into their communities?

Ms. Emilie Coyle: I really thank you for that question. I think I was only able to touch on it very briefly in my remarks.

We are part of a coalition of 85 organizations and individuals. It's called the Fresh Start Coalition. If any of you are interested, we have a website. We have many testimonies on that website from people who have criminal records.

A criminal record follows a person for the rest of their life. We have currently a very onerous application system that people have to go through in order to get their record suspended at the end of a certain period of time. The length of time is long before a person can apply. The application process is onerous and can be expensive, despite the first step of reducing the initial application cost, which was just done recently here in Canada.

I think for us, for people who are coming out of prisons with criminal records, that can affect their housing. They can't find homes because of a box on a landlord's questionnaire. They can't find employment, because employers....

In fact, we have a recent example, which Nyki can speak to really briefly, if you would like, of a person who lost her job.

Ms. Nyki Kish: Yes.

It's unfortunate. We work with an individual who was released after a lengthy incarceration. They spent many of the years inside the penitentiary doing the best they could, helping others and doing the best they could from the place they were. When they were released, they found meaningful employment. An old Internet article that was found by their employer caused them to be fired from their job for the disclosure of that.

We see criminal records significantly barring people from rehabilitation and meaningful employment over the life course.

Mr. Randall Garrison: The bill, as it stands right now, does not include the expungement of those criminal records. This is the obvious question here: What positive impacts would that actually have, if we could add that to this bill?

Ms. Nyki Kish: Our system is mandated towards successful rehabilitation and reintegration, so I think that we ought to equip ourselves as a society to provide that.

When people are sanctioned through incarceration and then sanctioned again for the rest of their lives through prevention of the social determinants of wellness, the expungement—

The Chair: Thank you, Ms. Kish. Thank you, Mr. Garrison.

That concludes our first panel. I want to thank all of the witnesses for your testimony. It's always very informative and powerful, and in Ms. Bui's case, very emotional and personal. I also want to thank you.

We'll now suspend for a minute or so while we do a sound check for the next witnesses. We'll resume right after that.

• (1400) _____ (Pause) _____

• (1400)

The Chair: Okay, we'll resume.

For the two witnesses who just joined, there is a language button on the bottom of your screen. Make sure you set it to the language of your choice or you can pick floor if you're fluent in both languages. Just so we don't have any interpretation delays, you can choose that.

There will be opening statements for five minutes. As I said earlier, I use cue cards. When you're down to 30 seconds, I'll raise a yellow cue card. When you're out of time, I'll raise a red one. I don't like interrupting when you're in your thought, but the 30 seconds hopefully gives you enough time to wrap up your train of thought.

We'll begin for five minutes with Ms. Durham.

• (1405)

Ms. Kathy Durham (As an Individual): Good afternoon, Mr. Chair. Thank you for facilitating this discussion.

A couple of years ago, I received a call from one of my commercial tenants about a fence of mine being cut, stolen goods around the area and a storage shed that was being used for addiction and drug use. They also had a shelter behind one of the units, with illegal drug paraphernalia scattered around the area. Not knowing any better, I started to clean it up, and I watched the situation. This group of people were gathering behind my property on city land in an area known to RCMP. There were many stolen bikes and goods, and our tenants were getting broken into regularly.

I started to take pictures and document things. One night around 10:30, I got a call from a friend that the fire department was down on my property. I rushed down, worried about the fires because the units were loaded with potato chips and our neighbouring property

is Lo-Cost Propane. The fire department stopped me at the gate and warned me not to approach this group. They were known to police and were dangerous, especially when high. The fire department recovered 11 needles that night, and the city sent a haz-mat team into the area to recover the drug paraphernalia on their property.

I told city council that if something doesn't change and a fire gets into Lo-Cost Propane, Cranbrook is going to light up like the fourth of July. From that point forward, I became more vigilant in my attention to the situation: recording things, emailing bylaw and reaching out in the hope that some form of government could help.

I started to share my story about being broken into in my own home one night. It was the night that I was going to leave my 15-year-old son home for the first time. Call it mother's intuition, but I drove into town late that night and picked him up. That night, someone entered my home. The police knew this person. My son's PS4 was stolen and loose change was taken. A few weeks later, after fingerprints were obtained off my window and some video surveillance from my neighbour's property, who also had his car and shed broken into, the perpetrator was arrested. Eight other people whose homes were broken into were blacklisted out on the court documents, and then I was invited to the court case but declined out of fear of safety for me and my family.

Then I noticed on Facebook that another business had issues and was reaching out. She mentioned issues with drugs, threats to employees and theft. Things were getting crazy for businesses. A few businesses met with MP Morrison and city council. I told them that I represented four businesses, all victims of crime, with employees that had knives pulled on them and goods stolen. Our local garden centre offered to purchase razor wire for these businesses. Over a hundred businesses came forward. We are a town of just over 20,000 people, and commercial crime is up 171%.

A young employee on her first job had a gentleman come in and buy goldfish. When he was paying for the goldfish, he dropped drug paraphernalia all over the cash register. The man then proceeded outside to open the bag of goldfish and eat them live in front of this young lady.

I leave you with the thoughts of your family home being broken into, your young son home by himself and your daughter having to watch someone eat a live goldfish. We, the law-abiding citizens, are being targeted by crime and violence, knives and machetes, while trying to protect our families, our businesses and our livelihood. Removing mandatory minimums would only give these criminals another avenue to escape penalties and to continue to victimize hard-working people.

Thank you.

• (1410)

The Chair: Thank you, Ms. Durham.

Up next for five minutes we have Pierre Brochet, from the Association des directeurs de police du Québec.

[*Translation*]

Mr. Pierre Brochet (President, Association des directeurs de police du Québec): Thank you, Mr. Chair.

Good morning and thank you all.

I would like to point out that I am also the director of the Service de police de Laval, a city with a population of about 440,000.

I will first give you a few examples of cases that have occurred very recently. We have experienced a wave of violent events in the Laval area.

On the night of May 7 to 8, 2022, someone committed a murder by firearm by shooting at a moving vehicle. Five people who had just attended a 50th anniversary party were on board. The driver was killed and a 14-year-old boy was shot. The latter will suffer permanent injuries. Both of these people are not known to the police.

The next day, on Monday May 9, 2022, 10 shots were fired in a residential area at 2 p.m. It was in a multi-unit cooperative. You will understand that when residences or apartment buildings are targeted, this creates a great deal of insecurity in the neighbourhood.

The next day, May 10, 2022, an attempted murder with a firearm took place in the middle of a residential area, once again. Two young girls were only a few metres away from the scene of the shooting. They were looking for their cat under a vehicle. The girls are now suffering from post-traumatic shock.

So that's three days of violent events in a row. These three examples illustrate that the use of firearms makes direct victims, in addition to creating a great sense of insecurity among the population.

At the Association des directeurs de police du Québec, we are well aware of the prison system and the overrepresentation of indigenous people and visible minorities. However, we believe that removing mandatory minimum sentences is only treating a symptom rather than addressing the real causes of the problem.

We emphasize again that for the public to maintain confidence in the justice system, we feel that criminals who commit serious crimes, particularly with firearms, must face serious consequences.

We want to focus on the sections of the Criminal Code related to firearms. First, there is section 85, which deals with the use of firearms in the commission of an offence. There is also the discharging of a firearm with the intention of injuring, maiming or disfiguring someone, as well as the discharging of a firearm recklessly. These are the three types of offences that we have been dealing with for some time. This is not an isolated phenomenon. This is the third year in a row that the Montreal area has seen twice as many of these types of events, that is, shootings and firearm discharges. This is of great concern to the public and to all police services in Quebec. A major operation has been launched and many investments have been made by the Quebec government to counter this phenomenon.

We do have a proposal to make, however. In the Supreme Court of Canada's decision in the Nur case in 2015 and in the Lloyd case in 2016, one of the solutions proposed was the implementation of a notwithstanding clause. It would allow mandatory minimum sentences to be maintained for all firearms-related crimes, while allowing a judge to ignore the mandatory minimum sentence and opt for another type of sentence in certain circumstances, particularly humanitarian ones. This would enable us to achieve our goals of reducing overrepresentation and still ensure that exemplary sentences are imposed for serious crimes.

In conclusion, all the police directors in Quebec want to maintain mandatory minimum sentences for firearms offences.

Thank you.

[*English*]

The Chair: Thank you, Mr. Brochet.

Next we will go to Catherine Latimer of the John Howard Society of Canada.

Ms. Catherine Latimer (Executive Director, John Howard Society of Canada): Thank you very much, Chair and committee members. It's a great pleasure to be here before you to share The John Howard Society's views on Bill C-5.

For those of you who don't know about The John Howard Society, we are a not-for-profit that is committed to just, effective and humane responses to the causes and consequences of crime. We have about 60 offices across the country serving communities.

We fully support the policy objectives underpinning Bill C-5, but we feel that they have not gone far enough. I just want to take you through some of the ones that we specifically would like to raise.

One is the cautions, warnings and referrals to programs. It is often the case that it is more timely and more effective to deal with alleged criminal offences through cautions, warnings and referrals to community programs. It's not unusual for people to call the police when they see someone struggling with a mental health issue or an addiction issue in the hopes that by calling the police, they will enable the person to get the help they need.

In effect, that leads to the criminalization of the person and further involvement in the criminal justice system. It allows for the long-term discrimination of having a criminal record. These proposed amendments will allow for individuals with substance abuse issues to be referred to community programs where real assistance might be available.

These measures entrust the police with important discretion. As the provisions of the Youth Criminal Justice Act show, they will lead to fewer people coming into the criminal justice system for less serious charges. To ensure that they are achieving the policy objectives of reducing racial inequalities in the use of such discretion, we think it would be important to track which races and genders are benefiting from this important discretion.

The next one that we like is conditional sentencing. We agree with Jonathan Rudin from the previous panel that this is essentially beginning to restore in some small measure what was there before and which had been proven to work very well. Conditional sentences are custodial sentences that are being served in the community. Unlike breaches of non-custodial sentences, a breach of these conditions leads to imprisonment. A warrant of committal to custody is underpinning the sentence, so if someone breaches the condition they can immediately be placed in custody. We feel that this is an excellent way to hold people accountable through the imposition of conditions that constrain liberties while promoting law-abiding circumstances such as the retention of employment, housing and community-based supports.

The two-year sentence limit for conditional sentences proposed by Bill C-5 seems unduly restrictive. Many people are supervised in the community successfully for more than two years while on parole. It seems to me that this certainly could be extended.

The restriction will also mean that the reform will have no impact on the federal prison population. To determine whether this most welcome reform has the impact of reducing racial inequalities, data would need to be collected on which rates—

• (1415)

[*Translation*]

Mr. Rhéal Fortin: On a point of order, Mr. Chair. There is no more interpretation.

[*English*]

The Chair: Are you not getting translation? Mr. Clerk, can you sort that out?

[*Translation*]

Mr. Rhéal Fortin: There is no sound at all, Mr. Chair.

• (1425)

[*English*]

The Chair: I apologize for that. This is the first time we've had difficulties to this level.

Thank you, Monsieur Fortin, for identifying this quickly.

I will ask Ms. Latimer to resume 20 seconds back from where she left off, and then we'll go on for the next rounds. We'll probably have to extend a little bit of time to accommodate this.

[*Translation*]

Mr. Rhéal Fortin: Mr. Chair, I would like to point out that there is still no interpretation.

Wait, I'm told that it has been restored.

Thank you very much.

[*English*]

The Chair: It's back, okay.

Ms. Latimer, it's over to you.

Ms. Catherine Latimer: Thank you very much.

I was talking about the benefits of conditional sentencing and how the two-year limit that is proposed in Bill C-5 seems unduly restrictive.

The other thing I would suggest is that, if we're going to determine whether or not conditional sentences are having the effect of reducing racial inequalities in the system, it's also important that we collect and keep data on the use of these conditional sentences.

Mandatory minimum penalties are of grave concern to the John Howard Society of Canada. We're long-standing advocates opposed to mandatory minimum penalties, which we consider to be always unjust when the proportionate and fit sentence in the circumstances is less than the prescribed minimum penalty.

Certainly there is nothing in a reduction or an elimination of mandatory minimums that would preclude the courts from awarding the penalty that is appropriate and fit in the circumstances if it's more than the mandatory minimum, so eliminating mandatory minimums doesn't affect serious offences.

If there is a reluctance to remove all mandatory minimums immediately—and I take Mr. Brochet's point that his organization is comfortable with having what Jonathan Rudin described as a safety valve—we have long urged that there be some discretion added to give judges the opportunity to impose other than a prescribed mandatory minimum penalty if it's needed to achieve a fit and proportionate sentence. We would agree with l'Association des directeurs de police du Québec and others who you've heard who would urge that there be judicial discretion to allow for something other than the proposed mandatory minimum penalty.

We think that, without a measure of judicial discretion to impose a fit sentence where a mandatory minimum is prescribed, the Gladue provisions and some of the other mechanisms that are intended to allow for a cultural context to have an impact on the sentence will have little effect.

Minister Lametti indicates that he hopes these provisions will address and reduce systemic bias in the system. We hope he's right. We think that it is one small step toward looking at a very significant problem, and we think a lot more needs to be done.

In conclusion, the John Howard Society of Canada supports the general direction of Bill C-5 but urges the committee to amend the bill to provide judicial discretion to impose other than the mandatory penalty to achieve a fit and proportionate sentence, require the collection of data to assess whether the provisions are having the desired affect of reducing racial inequities, and consider a broader application of the diversion and conditional sentencing provisions.

Thank you very much, Chair.

• (1430)

The Chair: Thank you, Ms. Latimer.

I'm going to use my chair's discretion and reduce times by a minute for the first round. Instead of six minutes, we'll go to five-minute rounds. In the second round, we'll go with four minutes instead of five minutes and, for the last one, we'll go for two minutes instead of two and a half minutes. Hopefully we'll be able to catch up on the time. If we need to, we may go over a few minutes. I'll get the consent of my members, but we'll see that closer to the time.

We'll go over to you, Mr. Morrison, for five minutes.

Mr. Rob Morrison (Kootenay—Columbia, CPC): Thank you, Mr. Chair.

Thank you to the witnesses on a Friday afternoon. I appreciate their input, especially on such an important bill, Bill C-5.

Ms. Durham, thank you for being here today. I know it's hard for an individual to come before a parliamentary committee and make a speech. I really appreciate your being here today.

What's important, I think, for us in the committee, is understanding the differences between rural and urban. When people haven't been exposed to some of the rural challenges, it's nice to hear from those who come from a smaller community, such as Cranbrook. I'm well aware of the issues Cranbrook is having: challenges with assaults, vandalism, break and enters, and arson. It almost seems as though it's a bit of a revolving door, with the local police having their hands tied in terms of being able to do any kind of incarceration. The same individuals are continually committing the same offences.

Two and a half years ago, Cranbrook was a community where people moved to raise their children, because it was safe, fun and, of course, in the middle of the Rocky Mountains, so it's a pretty beautiful place. Today, it's changed dramatically. The crime increase has been huge. The opioid crisis, like everywhere—a lot of places in Canada—is spinning out of control. Of course, the opioid overdoses are frequent, if not every day.

I do know, too—you might not be aware—that the city mayor and council brought in British Columbia's attorney general to address the fact that small communities are not designed to handle some of the issues that come along with the opioid crisis and violence, with their smaller police forces. I'm sure our Quebec police officer can attest to this. They just can't handle the challenges in smaller communities. The attorney general, of course, said it was a federal problem with Bill C-75, which is catch-and-release, and threw it back to the federal side.

You're not only an individual victim but also a business owner. Talking to a couple of businesses.... One problem is, when they get repetitive break and enters, the amount of damage done is so much that, now, where they used to donate \$50,000, \$60,000 or \$80,000 to non-profit organizations, all that money is going into repairs and in trying to build back their losses.

I wonder if you could comment on that for a second.

• (1435)

Ms. Kathy Durham: I totally agree with you. I think it's come to the point where we're spending our money on fixing our fences. Just yesterday, there were two incidents at our place: they cut our fence again and there was a fire. One of our tenants called me about that in the morning. Then, in the evening, I was down there and found a vehicle parked on our property. I called the police, but they wouldn't go with me, so there I was under one of my sheds, by myself, having to check whether somebody was on my lot and what they were doing there. The vehicle looks like it's somewhat abandoned. I understand the person is currently in hospital. It's another drug-related incident.

We're not even able to support our local food bank, right now. We just can't afford to anymore.

Mr. Rob Morrison: Just so you know, some of Bill C-5, which we're discussing right now, is looking at conditional sentences for many more offences: drug trafficking, assaults with weapons, and things like that.

I realize that Cranbrook needs some assistance, especially with rehab and the addiction issue.

Do you think the victims have been left behind, and that it's all about the offenders?

Ms. Kathy Durham: I do for sure—100%, actually. I feel as if these businesses.... One of my tenants has two properties. They're getting \$3,000 worth of theft on one property and a couple thousand on the other property. Our insurance claims are a lot higher than that. We're just taking a beating.

The police are overrun with this. In my opinion, they've done a good job, but there isn't enough of them. We're having to take this on ourselves. I've been warned very carefully, by the police and fire department, not to approach some of these people. They are dangerous. One guy is carrying a machete around Cranbrook.

There are other businesses with the same thing...broken into.

Mr. Rob Morrison: Thank you so much, Ms. Durham.

The Chair: Thank you, Mr. Morrison.

Next we have Ms. Dhillon for five minutes.

Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): Thank you, Mr. Chair.

My questions will be for Ms. Latimer.

In your opinion, how do mandatory minimum sentences delay court trials, and how can we mitigate this type of delay?

Ms. Catherine Latimer: There is little doubt that having mandatory minimums actually slows down the court process. There are enormous backlogs now because of COVID-19, so removing as many mandatory minimums as you can should ease some of the pressure on the court system.

The reason why it delays the court processes so much is that people don't want to plead out. They don't want to plead to something less, because the mandatory minimum is fixed there, and so they have a tendency to want to contest and plead not guilty, rather than go by route of some sort of arranged settlement for something less than what they are charged with, which is often the way it goes when there isn't a mandatory minimum.

Ms. Anju Dhillon: For those who don't pose a threat to public security, would you, instead of having them imprisoned, maybe recommend rehabilitation? If so, why, in your opinion, would that be good or bad?

Ms. Catherine Latimer: I think the evidence is fairly clear that a custodial penalty is damaging in terms of rehabilitation and reintegration. If you can hold someone appropriately accountable in the community, it is far better to do it that way, because they maintain their links with housing, with any kind of treatment that they are undergoing, and with employment. If you come out of prison, you generally come out in a poorer state of mental and physical health than when you went in, often without provincial health care coverage, so you have some significant challenges in terms of locating health care. Unemployment is a big problem, as well as being released into homelessness.

Generally, people who are having to discharge their measure of accountability behind bars are facing a lot more problems.

• (1440)

Ms. Anju Dhillon: Okay.

Can you speak to conditional sentences? We heard from the Elizabeth Fry Society, and they spoke a little bit about that. In your opinion, do you think it is better to let somebody back into the community or just put them in jail and throw away the key?

Ms. Catherine Latimer: I think it is a thousand times better, if they are not a threat to public safety, to keep them in the community with a conditional sentence, which is a custodial penalty; so as soon as they violate one of the conditions, public safety is protected because of how quickly they can be placed behind bars. If they're in the community, it instructs them, guides them and coaches them towards more pro-social conduct. They can be facing curfews; they can be facing a great number of stringent conditions. If you can get them to adjust to that lifestyle, you are well on the way of supporting rehabilitation and more effective reintegration and greater community safety in the long run than if they had been in prison and released without the supports.

Ms. Anju Dhillon: Mandatory minimum sentences are, as we know, a one-size-fits-all approach. In your opinion, how is this very harmful to those from the indigenous community, the Black community, or other marginalized communities? How can such sentences be harmful to them? Are there aggravating factors, or mitigating factors? Can you please explain?

Ms. Catherine Latimer: I think the challenge with mandatory minimum sentences, particularly for indigenous and Black people, and others, is that if there are provisions like the Gladue provisions that allow you to look at the historical and social determinants that have led the person to be in a circumstance that might predispose them or lead them to criminality, none of that can be considered as a mitigating factor in allowing them to have a less serious conse-

quence if you have a mandatory minimum penalty. It completely eradicates the Gladue provisions and anything that could be done for Black people or others if you don't have that latitude.

Ms. Anju Dhillon: Okay. Perfect.

How many minutes do I have left?

The Chair: You have 15 seconds.

Ms. Anju Dhillon: Thank you very much for coming today.

The Chair: Thank you, Ms. Dhillon.

Next we'll go to Monsieur Fortin for five minutes.

[*Translation*]

Mr. Rhéal Fortin: Thank you, Mr. Chair.

First of all, I would like to thank Ms. Latimer and to apologize for having interrupted her earlier.

I also thank Ms. Durham and Mr. Brochet.

My questions are for Mr. Brochet.

I am very happy to see you here today, Mr. Brochet. As the director of the Service de police de Laval, your opinion is important. You experience the problems associated with crime on a daily basis, particularly with regard to firearms. Laval has seen an increase in gun violence in recent months, and even in recent years. In the last week or so, there have been a number of shootings in Laval and Montreal that have been disastrous in many ways. I am therefore very pleased that you are testifying here today.

From what I understand based on your testimony, you believe that eliminating mandatory minimum sentences is not a good idea, since we need to send a clear message to the public. However, you believe that a notwithstanding clause could offset the disadvantages of mandatory minimum sentences.

Laval has experienced shootings in recent weeks. What message would we send to the people of Laval if we decided to eliminate mandatory minimum sentences for violent crimes committed with a firearm, such as extortion, robbery, or discharging a firearm with the intent to injure someone?

• (1445)

Mr. Pierre Brochet: I think that would send a very negative message to the public.

As I said earlier, this is the third year that there has been an increase in violence, so it is not a one-off. We think it will continue, because a gun culture has developed. People are starting to use guns at an increasingly young age. Also, we are seizing many more firearms, two to three times more than before 2020. Police officers have to be constantly on guard, given the possibility that the person they are stopping may be in possession of a firearm.

I've talked to many citizens who told me they don't feel safe, especially when they see other types of criminal events, such as people going into the Sainte-Rose neighbourhood and shooting out the doors and windows of a family home. In the crime and gang world, this is done simply to send a message—it's called scoring points. As you can imagine, when events like these or the ones I highlighted earlier happen near their homes, many people say they can't stay there any longer and are going to move.

I am convinced that these citizens do not see it as a positive thing that the Government of Canada is thinking of passing legislation to abolish mandatory minimum sentences.

Mr. Rhéal Fortin: Objectively speaking, eliminating mandatory minimum sentences does not necessarily mean that the courts would impose less severe penalties, obviously. Even if the Criminal Code did not contain minimum sentences, the judge could impose the same sentence, or even a heavier one, in certain cases. In contrast, the judge could also, in certain specific circumstances, impose sentences that are less than the minimum sentences.

From your experience as a police chief, would you say that your fear is that we would be imposing lenient sentences, that is, sentences that are too low, or rather that we would be sending the wrong message to the community that is being victimized?

Mr. Pierre Brochet: Actually, I'm concerned about both.

As you know, Canadian society does not favour the use of firearms. We have a great culture in this area, but it is changing unfortunately. That's why I'm concerned about the message that we would send.

I am also concerned about some of the inequalities in the judgments. In reality, defence lawyers often shop around to try to find a judge who they think will be more favourable to the case they are defending, for all sorts of reasons. As a result, we end up with judgments that vary greatly, that have different consequences and that call for different sentences, depending on the philosophy of the judge in question. I say this with all due respect for the judiciary.

Mr. Rhéal Fortin: I apologize for rushing you, but I have about 15 seconds left.

Are the weapons used to commit these crimes legal or do they come from illegal trafficking?

Mr. Pierre Brochet: Most of the time, they are illegal weapons.

Mr. Rhéal Fortin: Thank you, Mr. Brochet.

[English]

The Chair: Thank you, Monsieur Fortin.

Next we have Mr. Garrison for five minutes.

Mr. Randall Garrison: Thank you very much, Mr. Chair.

My questions will be to Ms. Latimer from the John Howard Society. I want to start by thanking the John Howard Society for the enormous work it does in helping reintegrate those who serve sentences all across the country and helping future victims.

We hear a lot about deterrence. My first question, Ms. Latimer, would be, in your experience, what deters future crime? Is it fear of

severe punishment? Is it fear of getting caught? Is it getting successfully reintegrated into society?

Ms. Catherine Latimer: I haven't heard of the last one being evaluated, but I will tell you that it tends to be the fear of getting caught that has the effect of deterring crime. If they're likely to get caught, they don't want any part of it. It isn't the severity of the penalties. For a lot of the prisoners that I've worked with, their expectation was that they weren't going to get caught, and if they were going to get caught, they'd take the hit, but their expectation and hope was that they were going to do this and not get caught.

If they were going to get caught, they wouldn't do it.

Mr. Randall Garrison: In a lot of discussion, there seems to be a presumption that somehow we serve victims better with heavy sentences, rather than focusing on rehabilitation. From the experience of the John Howard Society, what would you have to say to those folks?

• (1450)

Ms. Catherine Latimer: When you are working with people who have been on a criminal path and you can get them off a criminal path and toward a more prosocial, contributing lifestyle, you are preventing victimization. There are a lot of people who, if they've been successfully rehabilitated and are being reintegrated with supports, will not reoffend.

More can be done there, but I think a significant amount can be done and is being done to reduce victimization.

Mr. Randall Garrison: You said you support the expansion of the use of conditional sentences. Do you share the same concerns we've heard before that those tend to be under-resourced in rural, remote and indigenous communities?

Ms. Catherine Latimer: It is a significant concern. I know that when you have community-based conditional sentences, you are hoping that the community has the resources to be able to support them. Many dysfunctional communities—"under-resourced" communities is probably a better way to describe them—will be producing a lot of friction and are likely to be more crime-prone, but they may not have the community-based resources to be able to provide very good conditional sentencing alternatives and programs.

It is important that some resources be supporting those sentences.

Mr. Randall Garrison: What, currently, is the role of the John Howard Society in the enforcement of conditional sentences?

Ms. Catherine Latimer: There used to be a lot more conditional sentences before they were repealed, so John Howard's role has changed, because there has been a real drawing back of conditional sentences. We work with people who are in conflict with the law in order to try to help them get on the right path. Frankly, it's much easier if there is a community conditional sentence than if there is a custodial sentence, because they do not get alienated from things like employment and housing, which are big challenges when people are coming out of prison.

The actual prison experience itself can be very traumatizing for people and have a negative effect on them.

Mr. Randall Garrison: I'm going to ask the same question that I asked to the Elizabeth Fry Society, about the impact of incarceration on families, as opposed to conditional sentences.

Ms. Catherine Latimer: It can be very difficult. A lot of the males, for example, who are placed in custody tend to be contributing to the household and the income of the household. When they're removed from that role, their families tend to slide into poverty and survival mode, which is very challenging for them.

Mr. Randall Garrison: I have very little time, so let me ask you very quickly about the role of criminal records in obstructing rehabilitation.

Ms. Catherine Latimer: It's devastating, I would say. People are not protected from discrimination on the basis of historical criminal offences until they get a pardon or a record suspension, and even then people can check things out on Google. If they have a pardon, which is not all that easy to come by—it's an expensive, convoluted process in desperate need of reform—not as many people are applying for that as should be. John Howard is a strong member of the Fresh Start Coalition that Emilie spoke about, which we would hope...to ease that.

You have raised also—

The Chair: Thank you, Ms. Latimer. Thank you, Mr. Garrison.

Next, for four minutes, we have Mr. Cooper.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Thank you very much, Mr. Chair. Thank you to the witnesses.

I'm going to address my questions to Mr. Brochet.

Bill C-5, in addition to eliminating mandatory jail time for very serious firearms offences, also eliminates mandatory jail time for serious drug offences, including trafficking and the production of schedule I and schedule II drugs, like heroin, cocaine, fentanyl and crystal meth. As a chief of police, does this concern you?

• (1455)

[Translation]

Mr. Pierre Brochet: As police chiefs, we are very much aware that drug use is more of a public health issue than a public safety issue. For this reason, we believe that drug possession and use should not be trivialized. That said, both the Canadian Association of Chiefs of Police and the Association des directeurs de police du Québec are open to the idea of decriminalizing—

[English]

Mr. Michael Cooper: Sorry, sir, just to interject, I want to be clear: This bill is not about possession. We're talking about trafficking. We're talking about the production. We're talking about the drug dealers and the drug pushers who are putting out on the streets these poisons that are killing Canadians every single day. That's just to be clear regarding the substance of the bill.

[Translation]

Mr. Pierre Brochet: Actually, that was the second part of my answer.

First of all, I wanted to make it clear that we do not want to penalize people for the possession and use of drugs.

As far as drug trafficking is concerned, we do not think that the penalties should be reduced in this respect. We must understand that drug trafficking is a scourge in our community. Organized crime members are steeped in drug trafficking; it is their livelihood. In addition, drug trafficking has a huge impact on other types of crime. For example, people will commit other types of crime to get drugs. So we shouldn't be reducing sentences or passing laws that would reduce sentences for drug trafficking and so on.

[English]

Mr. Michael Cooper: Great. Thank you for that.

The third component of Bill C-5 is the expansion of conditional sentencing for very serious offences, including sexual assault, kidnapping, human trafficking, arson for a fraudulent purpose. I'd be interested in your thoughts on that, as a police chief.

[Translation]

Mr. Pierre Brochet: As chief of the Service de police de Laval, I experienced a crisis related to sexual exploitation a few years ago. In Quebec, we are making the fight against sexual exploitation a priority, because many minors are taken and exploited by unscrupulous individuals. It is obvious that crimes such as those you mentioned must be severely punished. If we were to decide instead to impose suspended sentences on those who commit this type of crime, this could send an extremely difficult message to the victims.

[English]

Mr. Michael Cooper: There were some who claimed that with what we're talking about, with these types of offences, all this would do is allow non-violent offenders to serve their sentence out of jail. When we're talking about some of these crimes, I don't think we're talking about non-violent offenders. Would you agree?

[Translation]

Mr. Pierre Brochet: Yes, the number of offences and the severity of the offences in the bill concerns us.

In my opening statement, I wanted to focus on guns because they are very much a problem right now. However, if the measures were applied in human trafficking or sexual assault cases, the repercussions for victims would obviously be concerning.

[English]

Mr. Michael Cooper: How much time do I have, Chair?

The Chair: You have 40 seconds.

Mr. Michael Cooper: Okay.

I will just ask the chief if he has anything further to add, other than that this bill sends a bad message.

[Translation]

Mr. Pierre Brochet: No, I have nothing to add. I got my message across, in other words, we have major concerns when it comes to gun violence. I want to thank you, for that matter, on behalf of Quebec's police chiefs, for giving me the opportunity to convey that message.

We have to put a stop to gun violence, so we need to deal with the issue. We shouldn't send the message that we will be very tolerant towards people who use guns.

[English]

The Chair: Thank you, Mr. Cooper, and thank you, Mr. Brochet.

Next we'll go to Ms. Brière for four minutes.

[Translation]

Mrs. Élisabeth Brière: Thank you, Mr. Chair.

Mr. Brochet, I listened to your answers, and I want to make clear that getting rid of mandatory minimum penalties does not mean that offenders will go unpunished. I get the impression that you don't trust judges to hand down sentences that are proportionate to the crime.

• (1500)

[English]

The Chair: Ms. Brière, I'm sorry to interrupt. I just got a message that your mike was not selected.

If you check on your screen, you go to the little arrow beside the mute button on the screen. Just make sure that you have your headset picked and it's not the mike from the computer.

[Translation]

Mrs. Élisabeth Brière: Is that better, Mr. Chair?

[English]

The Chair: Is it better, Mr. Clerk?

The Clerk of the Committee (Mr. Jean-François Pagé): Unfortunately, I think it is not.

The Chair: No—

[Translation]

Mrs. Élisabeth Brière: No?

The Clerk: Unfortunately not. The sound quality is poor.

[English]

The Chair: I'm going to ask if you want to unplug and plug your headset in.

Mrs. Élisabeth Brière: Okay.

Can you go to the....

The Chair: Next speaker?

Mrs. Élisabeth Brière: Mr. Chair, can you go to the other one and I'll come back afterwards?

The Chair: Sure.

I will go to Monsieur Fortin for two minutes.

[Translation]

Mr. Rhéal Fortin: Thank you, Mr. Chair.

Mr.—

[English]

Hon. Rob Moore: I have a point of order, Mr. Chair.

The Chair: Yes, Mr. Moore?

Hon. Rob Moore: It's after 4. Some of us have things we have to get to, so what time were you planning to wrap up? I know we're scheduled to go until 4.

The Chair: Ms. Brière was for four minutes, and there are two two-minute rounds, so 10 minutes, if that would be the will of the committee. It's because we had that sound issue for approximately the same time.

Hon. Rob Moore: I'm going to have to step out, so can we wrap it up in six minutes, with turns of two, two, and two minutes?

The Chair: We can do that if I see nods, and also if Ms. Brière can do that in two minutes. If she doesn't, we'll get somebody else.

We'll go to Mr. Fortin—

Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.): Mr. Chair.

The Chair: Yes?

Mr. Gary Anandasangaree: On our side, we'd be willing to forfeit our round—

The Chair: Okay.

Mr. Gary Anandasangaree:—in the interest of the meeting.

The Chair: We'll go to Monsieur Fortin and Monsieur Garrison for two minutes each.

Monsieur Fortin, please go ahead.

[Translation]

Mr. Rhéal Fortin: Thank you, Mr. Chair.

My question is for Mr. Brochet.

We've heard a lot about the overincarceration of indigenous peoples, especially indigenous women, as well as Black and other racialized individuals. Some seem to think that those high rates of incarceration are due to the fact that the Criminal Code sets out mandatory minimum sentences. Personally, I disagree.

I'd like to hear your view. Will eliminating mandatory minimum sentences in fact reduce the overincarceration of racialized people? Isn't there another way to reduce that overincarceration, which we agree is not a good thing?

Mr. Pierre Brochet: I think the bill addresses a symptom of a much more troubling issue—the socio-economic hardships that certain groups face. I don't think this bill will achieve the goal. Above all, I think it will lead to serious offences being downplayed, when the perpetrators of those offences should actually face severe penalties. That is what worries me.

I think the government should invest more in areas such as health, education and housing, instead of merely tackling the symptom of a serious problem.

Mr. Rhéal Fortin: Relatively speaking, would you say that, in your police department, racialized and indigenous individuals are arrested more often than white people?

Mr. Pierre Brochet: Laval has a very small indigenous population. Nevertheless, visible minorities are overrepresented when it comes to certain types of crimes, for instance, involving gangs.

Mr. Rhéal Fortin: How do you explain that?

Mr. Pierre Brochet: It comes back to what I was saying earlier. We have to do the groundwork, and that means focusing on prevention and social development, and helping marginalized communities. That is how we find the real solutions to major problems that have existed for years. The answer isn't simply to hand down lighter sentences. Even though it's—

[*English*]

The Chair: Thank you, Mr. Brochet.

Thank you, Monsieur Fortin.

I'll go to Mr. Garrison for two minutes.

Mr. Randall Garrison: Thank you very much, Mr. Chair.

I'd like to go back to Ms. Latimer.

In your introductory remarks, you talked about the provisions to provide increased use of cautions, warnings and referrals and a con-

cern that we needed—if I understood you correctly—to monitor that discussion to make sure that it's not being used in ways that would disadvantage members of minorities. Can you say a little more about that?

• (1505)

Ms. Catherine Latimer: Yes, I think that's a crucial thing to do. If, to some extent, the overrepresentation of certain groups is being informed by bias, subliminal or objective bias, when you give discretion within the system, you may well see more rather than less of that happening. I think it needs to be coupled with a strong educational component about what you're intending to achieve with this discretion, and monitoring of the discretion to see whether racial minorities are the beneficiaries of these particular measures.

Mr. Randall Garrison: Thank you to you, Ms. Latimer, for being here today and to the John Howard Society for all the great work you do.

I'll conclude there, Mr. Chair.

The Chair: Thank you, Mr. Garrison.

Thank you to all of the witnesses appearing today.

That concludes our meeting.

I will see you all on Tuesday. Have a good weekend, and stay safe.

The meeting is adjourned.

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