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Chair: Marc Miller



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• (1535)

[Translation]

The Chair (Hon. Marc Miller (Ville-Marie—Le Sud-Ouest—Île-des-Soeurs, Lib.)): Good afternoon, everyone.

[English]

I call this meeting to order.

Welcome to meeting number five of the Standing Committee on Justice and Human Rights.

Pursuant to Standing Order 108(2) and the motion adopted on September 23, we are continuing our study on bail, sentencing and the handling of repeat violent offenders.

Today's meeting is taking place in a hybrid format. I do note that every member is here, but we'll have, I believe, one witness appearing remotely in the second hour.

[Translation]

Before we continue, I would ask all in-person participants to consult the guidelines written on the cards on the table. These measures are in place to help prevent audio and feedback incidents.

Rhéal Éloi Fortin (Rivière-du-Nord, BQ): Mr. Chair, the interpretation is not working. What you are saying is too important for us to miss out on the interpretation.

[English]

The Chair: Is the translation working?

[Translation]

Rhéal Éloi Fortin: I think my earpiece isn't working.

[English]

The Chair: We'll just pause and fix it.

• (1530)

(Pause)

• (1535)

[Translation]

I'll pick up where I left off.

Before we continue, I would ask all in-person participants to consult the guidelines written on the cards on the table. These measures are in place to help prevent audio and feedback incidents, and to protect the health and safety of all participants, including the interpreters. You will notice a QR code on the card which links to a short awareness video, for those who may have forgotten the instructions.

[English]

I have a few comments for the benefit of witnesses and members.

Please wait until I recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mic, and please mute yourself when you are not speaking.

For those on Zoom, at the bottom of your screen, you can select the appropriate channel for interpretation: English, French or floor. For those in the room, you can use the earpiece and select the language of your preference.

I remind you again that all comments should be addressed through the chair.

[Translation]

For members in the room, if you wish to speak, please raise your hand. Members attending by Zoom should normally use the "raise hand" function, but we are all here in person. The committee clerk and I will do our best to maintain the order of speaking. We thank the members for their patience and understanding in this regard.

[English]

I want to address one issue since Bill C-9 has been referred to this committee.

The minister is prepared to appear as early as next Thursday. Obviously, with legislation taking precedence, I assume it is the preference of this committee to move forward on that study. I'm assuming I'm not preparing anyone for a disappointment of him not being here. I will also assume, unless someone objects, that we continue this study instead of doing something that is a little irregular and bring in witnesses on Bill C-9 before the minister appears. All signs seem to indicate from the Liberals' side that the minister will indeed be here on Thursday.

Mr. Brock, please go ahead.

Larry Brock (Brantford—Brant South—Six Nations, CPC): We do understand that, in principle, government bills take precedence at all committees. It's a long-standing tradition. However, I think we can accomplish two matters at the same time.

I believe it would be the Conservative team's preference—I haven't spoken to my Bloc colleague yet—to run concurrent studies, so that the week is divided between doing the bail and sentencing study that we just nicely got started and devoting a significant amount of time to Bill C-9. I don't see any reason why we can't run both at the same time. We could look at one day of the week for Bill C-9 and one day of the week for our current study that we started last Thursday.

That would be our collective preference. I don't know what Monsieur Fortin's thoughts are. I'd hate to stop the momentum, given that this is such a pressing and growing concern in Canada. I don't want this to resume in December or even after the Christmas break.

If the Liberal government promises, which we heard today in the House repeatedly, come to fruition, within a few weeks we are expecting to see a bail and crime bill that ultimately is going to land here at justice as well. I think we really need to put enough resources into both studies, as both studies warrant our immediate attention.

● (1540)

The Chair: Do we want to talk this out now? We do have a full slate of witnesses today. We can table this discussion until Tuesday, if that's better.

Larry Brock: That's fine.

The Chair: I think we do have some more time on Tuesday, but let's think this through. Perhaps if people want to speak with Monsieur Fortin and see what the thinking is there.... These are both priority items, so let's table that discussion until Tuesday.

For today's panel, we do have three people with us.

[*Translation*]

From the Canadian Association of Black Lawyers, we have Theresa Donkor, director of advocacy. From the Canadian Association of Elizabeth Fry Societies, we have Nyki Kish, associate executive director.

Welcome.

[*English*]

I remind the witnesses that they have five minutes for their opening statement—I'll allow some flex at the end as it's going on—followed by questions from the members of the committee in the order that we've predetermined in previous meetings.

Without further ado, Theresa, the floor is yours for your opening statement.

Theresa Donkor (Director of Advocacy, Canadian Association of Black Lawyers): Thank you.

Good afternoon. Thank you to the chair and committee members for inviting me to speak on behalf of the Canadian Association of Black Lawyers, CABL.

We at CABL share the government's desire to make our communities safer, especially Black, indigenous and marginalized communities that disproportionately bear the weight of crime, policing and punishment. However, enacting legislation that lacks evidentiary

support will not make our communities safer. While we've seen police agencies and other stakeholders urge for stricter bail and sentencing laws, we have yet to see empirical evidence that those stricter laws will achieve the public safety goals they aim to address.

What empirical evidence we do have paints a different picture. I want to share four examples with you.

First, a couple of weeks ago, on September 11, the Toronto police announced that shootings and firearm discharges are down 40%, auto theft has decreased by 33%, break and enters have decreased by 13% and homicides have dropped 51% from this time last year. That is incongruent with the rhetoric that our communities are becoming more violent and less safe.

Second, the 2024 Canadian Civil Liberties Association report on pretrial detention found that almost 80% of people in our provincial and territorial jails are legally innocent, awaiting bail or trial. That number has more than doubled over the last 40 years. That is certainly not indicative of a catch-and-release system.

Third, Statistics Canada reported that there were over 200,000 adult criminal court cases in 2022-23. Fewer than half of those cases resulted in findings of guilt. This highlights why the charter-protected right to a reasonable bail is so important.

Fourth, a 2017 Statistics Canada report noted that there's no evidence that mandatory minimum penalties deter crime. Rather, some studies demonstrate that they lead to increased costs to the justice system and that lengthier sentences may actually increase recidivism. This shows that some of the proposed reforms, the ones that remove judicial discretion, may simply cost more money to taxpayers, and yet will not make our communities safer.

The reality is that we do have issues with our criminal justice system, but they are not the same issues that are continually broadcast by the media. Some of us witnesses here today have practised or are currently practising as criminal defence lawyers. What we see is increasing delays in having bails and trials heard in a reasonable time, a right that is enshrined in our charter. We see that our jails are overpopulated. We see dangerous and inhumane living conditions in these jails, which judges have described as “disheartening, if not appalling”; “deeply concerning”; “punitive and cruel”; “wholly unacceptable”; and “consistently failing to meet minimum standards established by the United Nations”. These are the same jails that house presumptively innocent people before they are found guilty of any offence.

These are the issues that erode public confidence in the administration of justice, and these pressing issues won't be fixed by stricter bail laws or stiffer sentences. We recommend that the government invest in more data collection so that more effective, evidence-based reforms are achievable. We recommend that the government appoint more judges to address concerning delays and provide more funding for legal aid to promote access to justice. We recommend that the government consider policies that make social services and mental health programs that address the root causes of crime more accessible.

While we know that there are cases where individuals reoffend while on bail, as even the police associations acknowledged here last week, that occurs with only a small number of offenders. We should not be making sweeping reforms based on outliers, and we certainly should not be making reforms that will inevitably fail constitutional scrutiny. We need to be engaged in criminal justice policy-making that is rooted in research, consultation and evidence.

• (1545)

We are pleased that this committee has undertaken a study of bail, sentencing and handling of repeat offenders as a step forward in this approach.

On behalf of CABL, I welcome any questions this committee may have for us, and I thank you for your time.

The Chair: Thank you, Ms. Donkor.

Ms. Kish, go ahead.

Nyki Kish (Co-Executive Director, Canadian Association of Elizabeth Fry Societies): Thank you for inviting us, for we too share in our country's collective desire to increase community safety and agree that we need cross-sectoral collaboration to do so.

It is visible to all of us who walk through any downtown core in Canada that we have serious social problems, and at the Canadian Association of Elizabeth Fry Societies, we think about public safety every day as we support women and gender-diverse people at all stages of justice involvement: pre-, during and post-incarceration.

We understand prisons, and so we worry about how strongly current discourses are calling for us to use prisons as the tool to solve our social problems.

Expanding upon the sentiments of previous police witnesses, we simply won't improve public safety and solve the problems at hand by only changing laws that get rid of bail and increase sentence length. We will be back at this same table in five and 10 years, for we cannot change laws without duly addressing what those laws will do in society, which will be to send more people into expensive and dysfunctional prisons.

Our system can't handle increased incarceration. Ours is already one of the costliest prison systems globally, where, despite our federal system having one of the highest ratios of staff to incarcerated people, our institutions remain harmful both to those kept in them and to those working in them. Prisons are costly, counterproductive and responsible for significant ongoing public dollars being paid in continual damages and in broad peripheral, social and economic costs.

We have acknowledged as a country that punishing people doesn't work since 1938, when the Archambault report was released, which recognized then that sending young people into prisons causes them to be more likely to be recruited into further criminal activity and that rehabilitation and reintegration are what work. Today, some 87 years later, conditions in prison are as dangerous and unproductive as ever.

I don't say this to pit the experiences of the incarcerated against the needs of victims but to underscore that this approach does not work for anyone.

People are leaving prisons worse than when they arrived, and this must be part of our conversation, for it contributes to our ongoing problems. People return to the community with untreated and worsened addictions or addictions they developed in prison, with chronic physical and mental health issues, and with no money. Each of these factors decreases a person's ability to become a contributing member of our community and costs Canadians.

We know what works, and it is community investment and vocational opportunity. These things can shrink our prison problems and populations so we can meaningfully respond to those people who do pose real risk, but we are continually up against public calls that imagine a responsible prison system is one that is soft on crime.

I offer that there is wide stakeholder agreement here suggesting otherwise, and that it is not a soft-on-crime approach but a responsible and smart approach to understand that what happens to people in prison has an impact on public safety. Unless we are prepared to incarcerate people forever and want to build endless specialized prisons, we need to implement solutions that go beyond incarceration, focusing on cross-sectoral and community-led solutions that work, such as Ontario's bail verification and supervision program, which operates at a fraction of the cost of incarceration. In the Peterborough region, for example, it's just \$1,100 per person per year, as opposed to the almost \$90,000 per person per year it costs to provincially incarcerate them. This lowers public safety risk and provides individuals with support and supervision on bail and keeps them out of prison.

Right now, our prison system is overwhelmed. It cannot meaningfully respond to the very small number of people who do pose risk, because there are few off-ramps for people who do not need to be incarcerated and because prisons are being tasked with responding to an influx of unmet community needs, such as our addiction and mental health crises. Certainly, if we weren't unproductively incarcerating so many who could be better served in treatment facilities or who are incarcerated lengthily where they could much sooner become contributing members of our community, and for all of the indigenous women who simply need support to heal from intergenerational trauma, then the professionals in our system would have much more capacity to meaningfully respond to those small numbers of people we are trying to address here.

We need a responsive system in both directions: one that can respond to risk but also provides opportunities to let people move forward and be well. I know it seems intuitive that when we see violence from previously system-involved people we would lock them up for longer, but to every call being made for failed three-strikes policies, for femicide to raise murder convictions to first degree and for more reverse onus, we could discuss further how these policy responses will fail at solving the problems they seek to.

I'll close with a question: How many people would not have committed new crimes post-incarceration had they not been swept up into a dysfunctional prison?

I offer the words, which I'll never forget, of a previous farm manager from a transformative justice agricultural initiative in British Columbia. He was a repeat offender who learned from childhood, as he told me, to be a better criminal in prison and continued this for 20 years until he was given one good opportunity, and that was a chance to farm. He learned to grow food and then grew food for and with victims of crime, and he said to me, "Nyki, I would never hurt this community. I would never harm a community that I'm part of, and I've never been part of a real community before."

• (1550)

Thank you for your questions.

The Chair: Thank you, Ms. Kish.

Ms. Webb, the floor is yours.

Melanie Webb (Chair, Criminal Justice Section, The Canadian Bar Association): Thank you.

Good afternoon. Thank you for the invitation to speak to you today in your study of these important justice issues.

The Canadian Bar Association represents over 40,000 lawyers, students, academics and jurists across Canada. Our mandate includes seeking improvement in the law and the administration of justice. The criminal justice section is made up of a balance of Crown and defence counsel from every part of the country. Many of our members also represent and provide advice to complainants during the course of criminal prosecutions.

I am the chair of the CBA criminal justice section, and I am a criminal trial and appellate lawyer.

The CBA appreciates that bail reform and addressing individuals charged with and convicted of violent offences are top priorities for

lawmakers. We share your commitment to public safety and acknowledge the importance of maintaining public confidence in the administration of justice. As we have stated before to this committee, any changes contemplated to the bail provisions must be evidence-based, consistent with constitutionally protected rights and consistent with the long-standing principles of bail set out in the existing jurisprudence.

Some have suggested that the rights of the accused are weighed more heavily than the rights of the complainant. The CBA is of the view that the bail provisions in the Criminal Code, when applied correctly, appropriately balance the concerns for public safety and the need to maintain confidence in the administration of justice with an accused's constitutionally protected rights, including the right to be presumed innocent until proven guilty. We suggest, however, that there is room for improvement in making our bail system more efficient. This would help focus more attention and resources on the most serious of offences, including crimes of violence.

Further, a large proportion of court dockets are taken up with accused persons charged with committing low-level, non-violent offences, persons who are often motivated by mental health or substance use issues. These persons are not receiving adequate supports to address these issues, even after being released on bail.

An inefficient and overburdened system means that the accused wait longer for their matters to be addressed in bail court. Pretrial detention centres become overcrowded with people awaiting both bail hearings and their trials. Detained accused will be more likely to be given enhanced credit on sentencing for harsh pre-sentence conditions if convicted of a crime. Overcrowding also leads to physically dangerous and highly stressful conditions for both inmates and correctional officers. Overburdened dockets mean that more cases, including those of persons charged with serious violent crimes, may be stayed as a result of court delays.

As this committee has already heard, the provincial jails are no places for rehabilitation. Jails are criminogenic, meaning that incarceration without rehabilitation can actually increase the likelihood that someone may reoffend and be jailed again.

In terms of inefficiencies in the bail system, some contested bail hearings take up more court time than a trial on the merits might take and may not finish the same day. Courts in busy jurisdictions will not reach all matters that require a contested hearing. Matters are adjourned day after day. This leads to surety attrition, as well as negative collateral consequences for accused persons in custody, including loss of housing and employment. For longer matters, there can be many procedural requirements that must be met before the bail hearing can even be scheduled.

We suggest that better case management and streamlining of bail processes generally would help prioritize high-risk matters over low-risk ones. Further research into tools to identify low-risk versus high-risk cases would also be helpful. We suggest two amendments to the code to streamline bail hearings.

First, we propose that it be clarified that all bail hearings can be conducted in a bifurcated manner that considers first the level of release appropriate and second the suitability of the proposed surety, if a surety release would be appropriate.

Second, we propose that leave of the court be required for either party wishing to cross-examine a surety or a witness at a bail hearing. In most cases, counsel are well-equipped to provide meaningful submissions, and justices are well able to consider the relevant grounds without needing to actually call evidence as if a full-blown trial.

• (1555)

I conclude with these final remarks.

Persons who have been detained pending trial, who are ultimately acquitted or who have their charges withdrawn will never regain those years of lost liberty. That is precisely why every person charged with an offence has a constitutional right not to be denied reasonable bail without just cause and it's why that right must be preserved.

Thank you. I welcome any questions that the committee might have.

The Chair: Thanks to all three of you.

We have the first round, which, as members know, is six minutes each for the Conservative Party, the Liberal Party and the Bloc Québécois.

We start off with MP Gill for six minutes.

Amarjeet Gill (Brampton West, CPC): Thank you, Mr. Chair.

I would like to start by thanking the witnesses for taking the time today.

For the last decade, government policies have clearly failed to address the exponential rise in crime. While it is essential that we guarantee judicial rights to the accused, we also have a duty to protect law-abiding citizens from repeat offenders.

The statistics are clear: Most serious crimes are committed by individuals with prior records. According to Public Safety Canada, between 2019 and 2022, 53% of individuals charged with homicide were on bail at the time of an offence.

Given these alarming figures, what changes would you propose to ensure that individuals with a history of serious or violent offences are not released only to reoffend? How do we better balance the rights of the accused with the rights of the public to be protected from repeated violence?

My question is for all of you.

Theresa Donkor: I'm happy to start, but I will leave time for my colleagues to respond as well.

I certainly appreciate the concerns about repeat offenders and I believe all in this room do appreciate those concerns as well.

I would start off by saying that I'm not sure that the empirical evidence supports the notion that there's a dramatic increase in crime, but I do see that there is a concern about repeat offenders. One thing that I would emphasize when we're talking about repeat offenders is what my colleague, Ms. Webb, emphasized, which is that prisons and jails have a criminogenic effect.

I listened to this committee's meeting last week with the police. I know that a lot of committee members have expressed that they have done ride-alongs with the police. I would encourage you all to do visits to our provincial jails and to our prisons as well. You will see the inhumane and dangerous conditions in those institutions and you will see how those conditions have a criminogenic effect.

If we truly care about keeping our communities safer, we need to be concerned just as much with rehabilitation as we are with punishment. The reality is that if somebody is spending years in a cage without any programming, without any supports and without any rehabilitation, they will come out more dangerous. If we really want to address these repeat offenders, we need to be hitting the root of rehabilitation and investing in rehabilitation to make our communities safer.

• (1600)

Nyki Kish: I'll just underscore what my colleague shared. It's not a coincidence that so many people causing harm have been system-involved previously because the system is a contributing factor in the behaviour post release.

Melanie Webb: Thank you.

I echo the comments of Ms. Donkor and Ms. Kish.

I noticed that Ms. Donkor, in her remarks, highlighted that Toronto police chief Myron Demkiw had reported that in fact there had been significant decreases in the numbers and rates of several serious offences, including homicides, shootings, discharges of firearms and robberies. I also took the opportunity to look at the statistics for the region of Peel and I found complementary decreases in rates of homicides, robberies, break and enters and auto thefts.

Respectfully, I echo the entreaty of Ms. Donkor that we really need to focus on rehabilitation. As we all know, and as I believe the president of the Canadian Police Association testified to last week, unfortunately, our provincial jails are no place for rehabilitation. That is what we really need to focus on.

Thank you.

Amarjeet Gill: I heard that you understand the prisons and the prisoners, but I would like to know from each of you, how many victims did you consult for your testimony here today?

Melanie Webb: I can indicate that I have personally represented victims of crime. I have had people who are close to me who are victims of crime. I have tried not to be insular. I can tell you that The Canadian Bar Association criminal section is a balanced section, which included the input of Crown attorneys who regularly interact with victims of crime and with complainants. It's with all of that background and experience that I am here today.

Theresa Donkor: I echo Ms. Webb's comment. I am a criminal defence lawyer, but I also represent complainants in sexual assault proceedings, so I have certainly heard their perspective. I am here today not only speaking as a defence lawyer but also speaking as a Black woman. I am also speaking as a woman who has represented other women and other victims of crime as well. I do hope that, in my sentiment, you are hearing a holistic perspective, and know that I am speaking from a holistic perspective, not just from the perspective of the accused.

Nyki Kish: Similarly, our network always takes the opportunity to remind the public that many people who experience incarceration are, themselves, individuals who have been victimized by crime in their lifetimes.

The Chair: Thank you.

Please go ahead, Ms. Lattanzio.

Patricia Lattanzio (Saint-Léonard—Saint-Michel, Lib.): Thank you, Mr. Chair.

Thank you to all three of you for joining us today on this important study.

Ms. Webb, the CBA has noted that bail laws are only as strong as the resources behind them. What are the most critical gaps you would see today in staffing, training or infrastructure?

Melanie Webb: I can only speak really from personal observation on that specific issue. I can indicate that in the urban centres like, for example, Toronto, it is evident walking the streets or taking a ride on the TTC that there are numerous persons who are mentally disordered, persons with substance use issues, who are inevitably caught. Some of them end up essentially being arrested, rearrested, released and not receiving the community supports that they need.

In Toronto we have the bail supervision program. We have resources, like the John Howard Society and the Elizabeth Fry Society, and we have people who unfortunately need a little more than that or maybe significantly more than that. The reality is that for people who are seeking adequate mental health services, they are often facing wait times of months, sometimes several months, before they can get the care that they need. Inevitably, that's, frankly, just not enough time for someone to get the treatment that they

need before they might be reoffending and essentially caught up in this cycle over and over again.

We are very much in support of investment in health and social services at all levels of government. That requires proportionate investment from the provinces as well.

• (1605)

Patricia Lattanzio: The Conservatives have promised in their jail not bail act to replace the "principle of restraint" in section 493.1 of the act with the principle of the protection of the public.

If the principle of restraint was removed from the Criminal Code, could it still exist in common law and be argued at bail hearings?

Melanie Webb: The principle of restraint is a long-standing principle that is well established in the case law. Bill C-75 simply codified it. That was well set out by the Supreme Court in the Antic decision. I'm sure many people in this room are familiar with that decision.

I, frankly, in the limited time that I have today, would not be able to adequately describe and explain why that principle of restraint is so important, but I would urge everyone to take a close read of the Antic decision, which would explain why the principle of restraint is so important.

Patricia Lattanzio: In your opinion is the protection and safety of the public a criterion already considered in bail hearings?

Melanie Webb: It is.

Again, despite the fact that we return here, I think, every couple of years and we talk about potentially considering adding more language to the code or adding more things or factors that a justice should consider on a bail hearing, the reality is that we have experienced judicial officers across Canada who, regardless of whether it's written in the code, are already taking these important factors into consideration.

Patricia Lattanzio: Finally, the Conservatives, including the members on this committee, have already suggested that fixing the bail system would require the use of the notwithstanding clause. Would you agree with that?

Melanie Webb: We would not agree with the use of the notwithstanding clause for reasons that are, I think, well set out in submissions that the CBA has made elsewhere. Frankly, we would focus on, again, trying to make our bail system more efficient so that we can focus on the offences and the crimes that are of serious concern to the public.

Patricia Lattanzio: Thank you.

Ms. Donkor, you've spoken about the importance of fairness alongside public safety. From your perspective, what safeguards are most important to assure that bail laws are applied consistently and credibly in all communities?

Theresa Donkor: That's an excellent question.

I think that, for one, we need more resources in our courts. We need more resources and more appointments of judges so that we're not experiencing the delays we're currently seeing, especially in Ontario, but I also think that what's more important—or equally as important—is more funding, especially for legal aid. We see disproportionately that individuals with more resources, more access to sureties and more financial resources are the ones who are able to be released on bail as opposed to those from marginalized communities, who may not have the same resources and access to sureties.

That doesn't necessarily mean that they're any more dangerous or any more of a risk to public safety. They simply do not have the resources, and that certainly is an equity issue that needs to be addressed.

• (1610)

Patricia Lattanzio: Thank you.

[*Translation*]

The Chair: Mr. Fortin, you have the floor.

Rhéal Éloi Fortin: Thank you, Mr. Chair.

Ms. Webb, Ms. Donkor and Ms. Kish, thank you for being with us today for this important study.

You said you followed our work last week. Therefore, you know that we heard from police officers, who made what I thought were some very sensible recommendations. It's also good to hear the other perspective, from the defence side. I'm listening to you and I appreciate your comments.

As is often the case in this kind of study, I think the biggest problem is sorting through all this. How do we navigate between the presumption of innocence and the rights of the accused in a trial, on the one hand, and public safety, on the other? The principle is to release people at the earliest opportunity, unless they do not meet some of the criteria. These include the possibility that they won't appear in court or that they are a danger to themselves or society. That part is fine; just about everyone can agree on these principles.

However, how do we sort through cases? That's the whole problem. We see repeat offenders being released and committing the same crimes. This week, in my riding, we learned that a repeat offender who had violated his release conditions for the 16th time murdered his spouse. That is unacceptable, but, honestly, I feel a bit powerless.

I'm going to start with a question for the Canadian Bar Association.

Ms. Webb, I know that for some aspects of the act, there is a lack of definitions and consensus right now. However, do you have any specific recommendations for us? How can we ensure that these principles are respected and that violent people are detained in prisons rather than released?

[*English*]

Melanie Webb: First of all, we need to start with the presumption that, regardless of someone's criminal record, the number of outstanding charges they have and their background, they are still

legally presumed innocent until proven guilty. I think we all understand and accept that.

Notwithstanding that, we also must balance the protection of the safety of the public, including any complainant or witness. That is written right into the secondary ground in terms of the grounds that a justice must consider. There's nothing new there.

When we're talking about intimate partner violence, I think no one would disagree that intimate partner violence is a scourge upon society. Sadly, I think we need to do better to address what is causing intimate partner violence.

Rhéal Éloi Fortin: “How to do better?” This is the question.

Melanie Webb: Yes.

[*Translation*]

Rhéal Éloi Fortin: As I was saying, there are no clear definitions of “repeat offences”, “repeat offender” or “chronic offender” in the current version of the Criminal Code.

Would it be a good idea to establish them or could something else be done?

I apologize for rushing you, but we have very little time.

[*English*]

Melanie Webb: I can tell you that certainly there are repeat offenders who come before the court, but we need to be careful about unfortunate, tragic, outlier cases in which a fatality may occur or a homicide may occur. Unfortunately, our society is never going to be 100% secure against the dangers of that happening. All we can do is properly apply the law as it is set out. There will absolutely be people who are, unfortunately, too much of a risk to be released.

[*Translation*]

Rhéal Éloi Fortin: I apologize for interrupting you, but I think I have about a minute left. Thank you, Ms. Webb.

Ms. Donkor, I'll ask you the same question. What should we do, on the one hand, to keep violent and dangerous accused behind bars and, on the other hand, to apply the presumption of innocence and release those who should not be detained? How do we distinguish between the two cases? How can we get a clearer picture?

[*English*]

Theresa Donkor: In my opinion, the Criminal Code does already account for this. As Ms. Webb noted, we consider public safety in the secondary ground.

I do want to make clear, because I've heard some discussion around this, that it's important to not lose sight of the fact that the principle of restraint doesn't require that those charged with violent offences be released. That's simply not what the principle of restraint is.

The principle of restraint does not override the test for bail. The principle of restraint makes clear that a person should be released at the earliest instance possible under the least restrictive terms, where appropriate. We're still going through the test for bail. We're still going through the grounds. If it's not appropriate for that offender to be released because of their criminal record, because of violence, they should not be released. I do think that maybe perhaps some training in Ontario with justices of the peace that are—

• (1615)

[*Translation*]

Rhéal Éloi Fortin: Should we have a definition of “repeat offender” in the Criminal Code?

[*English*]

Theresa Donkor: Are you asking if that would be helpful?

Rhéal Éloi Fortin: Yes.

Theresa Donkor: I'm not sure how that would be helpful, because I think that's already applied.

[*Translation*]

Rhéal Éloi Fortin: Thank you, Ms. Donkor.

Ms. Kish, I have the same question for you. Would it be helpful to have a definition of “repeat offence”?

[*English*]

The Chair: Just briefly, Ms. Kish, because the time is up, please complete your thought.

Nyki Kish: Honestly, I don't think so. I think you would find that most individuals who would be held under that label would be people who entered the system as youths, who weren't provided with rehabilitative environments and who lacked opportunities. I think what we really need to be focusing on here is why violence is persisting, why harm is persisting, and we need to be looking at all chains of the justice continuum to address that, and beginning in prisons.

[*Translation*]

The Chair: Colleagues, we don't have enough time for a full second round. We will have an opportunity to hear from Mr. Gunn and Mr. Chang, who will have five minutes each, and then Mr. Fortin, who will have two and a half minutes. Then we will welcome new witnesses for the second hour.

I'll start with Mr. Gunn.

[*English*]

Aaron Gunn (North Island—Powell River, CPC): Thank you, Chair.

Ms. Kish, have you met with any families who have had loved ones murdered by somebody out on bail?

Nyki Kish: Not murdered by an individual out on bail, but I did have previous employment at an association that worked directly with survivors of homicide.

Aaron Gunn: I have the same question for Ms. Donkor.

Have you ever met with a family who has had a loved one murdered by somebody out on bail?

Theresa Donkor: Not in that specific instance, but definitely victims of crime.

Aaron Gunn: I have the same question for Ms. Webb.

Have you ever met with a family who has had a loved one murdered by somebody out on bail?

Melanie Webb: Not specifically murdered, but I have people close to me who have been victims of intimate partner violence.

Aaron Gunn: I just wanted to establish that point. I appreciate that.

I'll go back to you, Ms. Kish.

Do you believe that public safety should be the primary or a secondary concern when it comes to the design of the bail system in Canada?

Nyki Kish: I think that it's perhaps artificial to associate primary and secondary concerns. I think that the concern of the individual, the concerns of the victim and the concerns of the public are inter-related, and if we adopt a human and a holistic approach to understanding that, we'll have much better outcomes moving forward.

Aaron Gunn: You would say that it would be simplistic thinking to put public safety first when it comes to the design of the justice system and bail system specifically in Canada.

Nyki Kish: Not simplistic. As my colleagues mentioned, I think that the safety and protection of the public is always the salient consideration at all processes of our judicial system right now. What we have is a persistent problem with similar outcomes over time that demonstrates that some things need to change.

Aaron Gunn: Do you believe it would be easier or harder for a repeat violent offender to reoffend while they're still in jail?

Nyki Kish: More difficult, but realistically, can we keep people incarcerated forever? If not, then let's consider how we're treating them while they're in prison.

Aaron Gunn: We're talking about the bail system, here, so I just wanted to establish that point that we're all on the same page.

Do you agree that a Liberal bill like Bill C-75, including the principle of restraint as well as introducing reverse bail onus for serious crimes, would lead to more potentially dangerous criminals remaining behind bars?

You can argue whether that's a good thing or a bad thing. This is just to establish the facts.

Nyki Kish: I'm not certain there are any effects from these policies on people who are posing actual danger remaining behind bars. From my professional experience, what I see is a system that's so exhausted that it can't properly assess these decisions, and it begins assessing decisions for the wrong reason, such as time constraints or resource restraints.

There are a lot of really good professionals in the system who want to help individuals who are posing harm, and their hands are tied.

• (1620)

Aaron Gunn: Ms. Donkor, what would you say to this? I've spoken to a lot of police officers who are frustrated, who tell me stories repeatedly of arresting the same person over and over again, and stories of arresting the same person for the same offence twice within a 24-hour period. They are almost throwing up their hands and feeling like they aren't being given the tools to do their job.

Theresa Donkor: I would say that we share the same concerns when it comes to public safety. We're certainly not saying, "Let's sit on our hands and do nothing here" about repeat offenders. That's not the case.

We want something to be done, but we want effective reforms and effective reforms are evidence-based reforms. I want to see the evidence. I'm hearing a lot of concerns about Bill C-75 and how that's led to more repeat offenders. I want to see the evidence. I want to see the trends. I want to see the patterns. I want to see what's directly causing this, so that we can directly address it.

Aaron Gunn: I'm glad you brought up the evidence.

You referenced some statistics from, I believe it was 2024-25 or 2023-24, but there are some other statistics there as well. As far as what's been happening since 2015, violent crime went up by 50% and homicides increased by 27%. Also, interestingly, 35% of those homicides in 2023 were committed by a criminal on some sort of release, including bail.

If you look at public opinion and at the statistics provided by the government since 2015, since this new Liberal government came to power, violent crime is up across the board. You can cherry-pick different regions and different year-over-year periods within that, but how do you explain the undeniable increase in crime over the past 10 years?

Theresa Donkor: I certainly....

Go ahead.

The Chair: There are about 30 seconds. I'll give you some time to finish your thoughts, but we have to move on.

Theresa Donkor: I'll let Ms. Webb address this, so she has an opportunity.

Melanie Webb: I appreciate that there may be increases in specific types of offences over periods of time. Suffice it to say that the statistics alone don't tell us specifically what is the cause of that. Unfortunately, I'm unable to comment as to whether...and I would be very reluctant to speculate.

Aaron Gunn: Your position is that it's a coincidence.

Melanie Webb: I wouldn't say it's a coincidence, but I think that there needs to be meaningful analysis.

The Chair: Your time is up.

Thank you.

Mr. Chang.

Wade Chang (Burnaby Central, Lib.): Thank you, Mr. Chair.

Thank you three for your time.

In Burnaby Central, my riding, one of the most diverse ridings in Canada, people from every background want the same thing—a justice system that is fair, firm and trustworthy. Diversity teaches one thing—that fairness must be at the heart of our approach.

The good people of Burnaby Central also tell me they want to feel safe in their homes, on transit and in their neighbourhoods. The balance between fairness and firmness is important as we study bail and sentencing reforms. Canadians lose confidence when the system seems to lenient, but they also lose confidence if it overlooks equality and charter protections.

My first question goes to Ms. Kish. The CAEFS emphasized that human rights and dignity should be at the heart of justice policy, including bail and sentencing. How can bail decision-making better balance these principles with the goal of enhancing community safety?

Nyki Kish: I'll reiterate that I think the existing law on the books is strong and the problem is what happens to people when we're sending them into prisons.

Most of the individuals I speak to who don't feel safe in various communities across Canada feel a lack of safety because of people with untreated addictions in communities.

Talking about how to respond to addiction in society, talking about how these drugs are getting to our streets and talking about prisons should be separate conversations. The only reason they're conflated is because right now most people in active, untreated addictions end up committing minor or serious crimes and going into our prison system, which is ill-equipped to handle them.

If we weren't incarcerating people for issues of mental illness and addiction and if we were thinking meaningfully and in distinct ways about these crises we face, then we could tease out why people were being incarcerated, experiencing worse conditions in prison, being released and causing harm again because prison is not the appropriate response.

Wade Chang: Thank you.

Conditional release often relies on supports such as housing, treatment and supervision, yet CAEFS has identified gaps in the resources across the provinces.

In your opinion, what are the most significant gaps, and what actions should be taken to address them?

Nyki Kish: Especially postpandemic, speaking to what's causing an increase in crime, if there is one, again, I would point to people having a lack of affordability, a lack of resources and a lack of purpose, as well as untreated addictions and then worsening mental health crises that flow from all of these things.

We know what works. I ended with the anecdote of the individual who found community because it's strangely simple. As complicated as we make the system, when people feel cared for and feel like they have an opportunity to be a better version of themselves and to do something that means something in the world, in more cases than not, they're going to respond positively.

Sure, we have a society that will always be imperfect, and harm is always possible, but let's invest in what works, which is community-led programs.

With regard to the portion of last week's testimony when the police associations were speaking to cross-sectoral and cross-jurisdictional mobilization, it's true that we can't be working in silos. We all face and all respond to the same problems, so we should be doing it together.

• (1625)

Wade Chang: Thank you, Ms. Kish.

My third question goes to Ms. Donkor.

The Canadian Association of Black Lawyers has argued that social context should be considered in criminal proceedings.

How can that principle help ensure that bail decisions target repeat violent offenders while avoiding unintended impacts?

Theresa Donkor: We do already have section 493.2 of our Criminal Code, which is intended to address vulnerable populations, including Black and indigenous communities and Black and indigenous individuals who are disproportionately represented in the criminal justice system.

Where that is applied appropriately, it should be a way in which social context evidence can come into consideration in the bail context.

I want to make clear that section 493.2 is not a get-out-of-jail-free card simply because you are Black, indigenous or marginalized. It is taking consideration of the full picture.

Our courts at all levels, including the Supreme Court of Canada, have recognized that racism, and in particular anti-Black racism, is a prevalent part of our society, including our institutions and the criminal justice system. It is not simply that Black and indigenous people are more violent and commit more crimes. A part of the reason why we are continually seeing Black and indigenous people in our criminal justice system is due to anti-Black racism and systemic discrimination that needs to be addressed.

The Chair: Thank you.

[*Translation*]

Mr. Fortin, you have the floor for two and a half minutes.

Rhéal Éloi Fortin: Thank you, Mr. Chair.

There's a lot of talk about changing the way we deal with young offenders who commit crimes. For example, should they be charged as adults or not? That said, I'm interested in the issue of rehabilitation.

I'm asking all three of you, but I'd like to start with Ms. Webb.

First, is it easier to rehabilitate young people?

Second, are we tough enough on people who recruit minors to commit crimes? Shouldn't it be a criminal offence to recruit a minor to commit a criminal offence?

In short, is it easier to rehabilitate a young person or a recruiter? Should a criminal offence be created that targets recruiters in order to be tougher on them?

[*English*]

Melanie Webb: First of all, it's trite to say that youths are treated differently from adults. They have the Youth Criminal Justice Act for very good reason. They are presumed to have diminished moral culpability or diminished—

[*Translation*]

Rhéal Éloi Fortin: I'm sorry to interrupt you, Ms. Webb, but I have only 30 seconds left to get answers to my questions.

First, should we do a better job of rehabilitating young people? Second, should a criminal offence be created that targets recruiters?

[*English*]

Melanie Webb: Very quickly, I absolutely believe that youths can be rehabilitated. I would certainly hope that they can be rehabilitated more quickly and more efficiently than adults.

In terms of adults who may manipulate youths to commit crimes, I would agree that this is a matter for serious concern. Certainly, I think the committee could study that and consider it.

[*Translation*]

Rhéal Éloi Fortin: Thank you, Ms. Webb. I apologize for interrupting you again, but my time is almost up.

Ms. Donkor or Ms. Kish, do you have any thoughts on that?

[*English*]

Nyki Kish: Unfortunately, as previous testimony has recognized, most of the people who end up in our prison system are young people. We should invest all resources to protecting people while their frontal cortexes develop. If we create an offence that creates a longer sentence for people targeting youth to crimes....

Provincial prisons especially are breeding grounds to recruit people into further gang and criminal activity. What mechanism do we have to respond to people who are behaving in these ways? It's an important conversation.

• (1630)

[*Translation*]

Rhéal Éloi Fortin: Thank you, Mr. Chair.

The Chair: Thank you, Mr. Fortin.

[*English*]

Our time has quickly come to an end.

I want to thank all three of you for your testimony and for the respectful participation of the members with the witnesses. I look forward to seeing you here once again. Thank you for the time, even though it was short today.

We'll take a few minutes to switch up the witnesses.

• (1630)

(Pause)

• (1635)

The Chair: Welcome, everyone, to the second hour.

Today we have with us, from the Canadian Civil Liberties Association, Shakir Rahim, director of the criminal justice program; from the John Howard Society of Canada, Catherine Latimer, executive director; and from the St. Thomas Police Service, Chief Marc Roskamp, who is joining us remotely.

Without further ado, we will start the five-minute presentations in the order in which I presented the witnesses. Then we will move to the rounds of questioning. Thank you very much.

Please go ahead, Mr. Rahim.

Shakir Rahim (Director, Criminal Justice Program, Canadian Civil Liberties Association): Good afternoon.

I am a lawyer and the director of the criminal justice program for the Canadian Civil Liberties Association.

I would like to begin today by telling you the story of Umar Zameer. Four years ago, Mr. Zameer was charged with first-degree murder. On a night out in Toronto with his pregnant wife and two-year-old son, he was approached by people in civilian clothing with their guns drawn in a parking garage. He panicked, drove away and unintentionally hit one of the men, who turned out to be an undercover police officer who tragically passed away.

Mr. Zameer was released on bail, and there was outrage. A premier called it an example of a criminal having his life put ahead of victims and families. A mayor called it disgusting and a disturbing decision. Two and half years later, Mr. Zameer was acquitted by a jury on all charges in what was widely viewed as a weak case that never should have been brought. What stood between Mr. Zameer, an innocent man, and prison cell for those two and half years? It was bail. Mr. Zameer's story uniquely grabbed the headlines, but his story is not rare. Roughly half of criminal cases in Canada do not result in a finding of guilt. But for pretrial release, innocent

people would lose their jobs, the ability to see their loved ones and their liberty, despite having committed no crime at all.

Bail has become more, not less difficult to obtain in Canada over the past 50 years. According to Statistics Canada, 22% of people in provincial and territorial prisons in 1978 were denied bail. When Bill C-75 was passed in 2019, that number tripled to 67%. Last year, across Canada, it stood at 76%. While the number of people imprisoned because they were denied bail has skyrocketed, conditions in provincial and territorial jails have plummeted. In 2025, the ombudsperson of Ontario found provincial jails there in a state of crisis with severe overcrowding and frequent lockdowns. Similar observations have been made in other jurisdictions. In these dire conditions, the innocent may plead guilty simply to get out. Others will leave with trauma that will imperil their rehabilitation.

How do we reconcile this reality with the headlines that we see about bail?

First, critically question the notion that bail is driving an increase in crime across the board. For example, again according to Statistics Canada, charges for motor vehicle theft and break and enter offences are down approximately 10% since 2020 and around a full third since 2010. In Montreal, gun violence has decreased 47% since 2021, according to the SPVM. In Toronto, as you have heard, shootings and firearm discharges are down 40% this year, according to the Toronto Police. This September, the mayor of Vancouver announced that violent crime in his city was at a 23-year low.

Second, effective bail reform requires us to be able to identify and measure where problems may lie, yet no jurisdiction provides standardized data on the number of people who allegedly reoffend while on bail, their charges or their release conditions. That data would also tell us about the many bail releases where people do not reoffend and people who abide by their conditions. Those cases must also be taken into consideration when it comes to bail reform.

It is vital that the federal government, in collaboration with the provinces and territories, collect and publish standardized data to ensure that any future changes are grounded in evidence.

• (1640)

Thank you.

The Chair: Thank you.

Ms. Latimer, please go ahead.

Catherine Latimer (Executive Director, John Howard Society of Canada): Thank you, Chair.

It's a great pleasure to be here, and the John Howard Society is very grateful for the invitation to come and to contribute to this important study on bail sentencing and the handling of repeat offenders.

The John Howard Society of Canada is a national charity committed to just, effective and humane approaches to the causes and consequences of crime.

Affiliated John Howard Societies provide services in more than 60 communities in all provinces across Canada. We are guided by principles and evidence relating to just, effective and humane approaches to reduce crime and make communities safer.

In these opening remarks I would like to comment briefly on repeat offending and sentencing before focusing on bail reform.

The criminal justice system is really very familiar with dealing with repeat, violent crime and there are many avenues by which it now deals with it, including progressively longer sentences, less access to bail and community-based sentences, barriers to conditional release, post-release section 810 orders, and designations of long-term offenders and dangerous offenders. Those found by the courts to be dangerous offenders can remain in prison until they die.

Evidence on the effectiveness of these provisions should be provided before further measures are adopted. While the penalty reflects the seriousness of the crime, studies show that tougher penalties do not deter crime generally, so will not be effective in making communities safer.

From our perspective, more needs to be done to reduce repeat crime. We note all-party support for the federal framework to reduce recidivism and believe it to be an important tool, but underutilized for reducing repeat crime. The Minister of Public Safety's report to parliamentarians on the first three years of progress is due and will be followed by annual reports on the framework. Parliamentarians have a key role in helping to shape government efforts to reduce repeat crime through the federal framework to reduce recidivism. Any study of repeat crime would be incomplete without examining this vehicle and how it can be useful to that end.

I would point out something that was raised before in the earlier panel, which is that the combination of increasing homelessness, drug addiction and mental illness has made forms of problematic behaviour more visible in some communities. Police and others do not have adequate resources to quell public concerns about how often criminal behaviour that is not serious enough to warrant serious criminal consequences is treated. Some believe that this is maybe what is fuelling the catch-and-release concerns. I think people share the concerns of people from Surrey that they want to feel safe in their communities and are troubled by erratic behaviour that they see on their streets. Much more needs to be done to address the un-

derlying causes of this behaviour and to provide services for those in need.

Concerning sentencing reforms, the instinct—and I have noticed this in earlier panels—is to increase sentences to address concerns about increasing crime. Studies show that tougher penalties do not deter crime. The John Howard Society believes that the quantum of the sentence should reflect the seriousness of the crime and the person's degree of responsibility, not more than that. We oppose mandatory minimum sentences because they are always unfair to those whose degree of responsibility warrants a penalty that is less than the minimum.

In terms of the bail system, our position is that it is dysfunctional and in need of significant reform. We are very grateful for the analysis and comprehensive reforms suggested in a recent paper by Richard Barnhorst, a copy of which I am more than happy to provide to the committee. At the outset of his paper he identified a number of problems with the current pretrial detention and release system. I have listed about 19 of them but if I go into them I'll be over my five minutes, so suffice it to say that there are a lot of problems with collecting the evidence; there are significant delays in the process; and there are certain inconsistencies in the application of the pretrial detention provisions across jurisdictions. As Shakir has pointed out, the numbers of people who are in pretrial detention have been consistently increasing in a manner that does not reflect increasing crime rates.

There are significant problems with the pretrial detention provisions and they call out for reforms.

The John Howard Society of Ontario has just released a study in which it was looking at how the Province of Ontario could improve remand in this province. It is looking basically at increasing programs like bail verification programs—

The Chair: Ms. Latimer, could you just conclude, please.

Catherine Latimer: Sure.

• (1645)

We are very grateful that the committee is conducting such a study into how law reform and other measures could effectively respond to crime in a principled and effective manner. We urge that any immediate reforms to bail be accompanied by a commitment to a comprehensive, principled and evidence-based overhaul of pretrial detention and release practices, laws and policies.

Thank you very much.

The Chair: Thank you.

Please go ahead, Chief Roskamp.

Marc Roskamp (Chief, St. Thomas Police Service): Thank you very much for the invitation and the opportunity to speak with you on a matter of deep concern to police leaders across Ontario and across Canada: the urgent need for meaningful and balanced bail reform.

As the chief of the St. Thomas Police Service, in a small to mid-sized, growing community in southwestern Ontario, I appear before you not only as an Ontario police leader, but as a voice for St. Thomas residents, families and business owners who are living with the consequences of a system that, in its current form, is failing them.

The core issue is this: Our communities are increasingly and consistently being harmed by individuals who are repeatedly released into the public while facing serious charges, only to reoffend, often violently, while on bail.

Pretrial recidivism and chronic criminality are not abstract concepts; they are daily realities for frontline officers, victims and communities that are, quite frankly, begging police services for relief from violence and disorder.

It is important for me to be clear. I respect the constitutional rights of every individual, including the right to reasonable bail and the right to a timely hearing. These rights are foundational to our justice system. As police officers, we uphold them with the utmost seriousness and respect.

Our constitutional rights do not exist in a vacuum. The charter does not stop at the accused. Our law-abiding citizens also have rights—the rights to be safe in their homes, in their streets and in their places of work.

Police have fundamental obligations to protect the public. That is our duty and that is our promise. What we are seeing, however, is the implementation of legislation such as Bill C-75 and Bill C-48 that have created a system in which that promise is increasingly difficult to fulfill. The practical application of these laws, particularly around bail provisions, has weakened judicial accountability and has too often prioritized procedural fairness for repeat offenders over the broader safety of our communities.

The result is that violent and/or chronic offenders are released multiple times before facing trial. Chronic offenders with long histories of victimizing others, including vulnerable individuals and small business owners, continue to cycle through the system without meaningful intervention. Our communities feel abandoned by the very institutions meant to protect them.

There is a growing and dangerous disconnect between legal theory and lived experience. Simply put, there is a lack of common sense in the current bail regime and it is our communities that are paying the price.

We are also seeing a concerning and troubling trend, which is the automatic attribution of all criminal behaviour, or some, to the broader social and health disorders that are occurring. While no one disputes the impact of social determinants of health on individuals

and while police are among the first to advocate for proper compassion, health, substance use and social supports, we must not allow these challenges to be used as a blanket excuse for serious, planned and repeat criminal conduct.

Too often, individuals who are prolific, repeat and strategic are treated in court as though they are first-time, low-risk individuals. This is a profound disservice to the communities they repeatedly harm. It erodes confidence in the justice system and fails to deter criminality. We cannot continue down a path where those who habitually harm others are granted the same consideration as those facing their first charge under exceptional circumstances. That is not justice. That is a loophole and it's one our communities are falling through every single day.

Today, I won't speak to a return to overly punitive systems of the past. We are calling for a return of balance—a return to a system that recognizes risk, prioritizes public safety and gives meaningful weight to the rights of victims and law-abiding citizens.

• (1650)

That means real, effective judicial oversight. It means ensuring that high-risk offenders are not continually released without accountability.

Chair and members, we are at a critical juncture. We need your leadership. We need bail laws that protect our constitutional values while also protecting our communities.

Thank you. I look forward to your questions.

The Chair: Thank you, Chief Roskamp, for that.

Thank you, Ms. Latimer and Mr. Rahim for your testimony.

We will go back to round one with MP Lawton leading off, followed by MP Lattanzio and then Monsieur Fortin.

Andrew, the floor is yours.

Andrew Lawton (Elgin—St. Thomas—London South, CPC): Thank you to all of the witnesses for taking the time to join this very important study.

Thank you, Chief Roskamp, for your testimony. I'd like to start with you.

We heard witnesses earlier in this meeting say that the instances of criminals committing crimes on bail are outliers. That was the exact word that one of them used. When criminals commit crimes on bail, they are outliers? Is that your experience on the ground as a police officer, Chief Roskamp?

Marc Roskamp: That is not my experience. The vast majority of individuals committing criminal offences today are doing so in a pretrial, recidivist way.

Andrew Lawton: This is just for context. St. Thomas is a small community, relatively speaking, with fewer than 50,000 people.

What is the volume, if you had to estimate, of these prolific offenders, these individuals who you would attribute to engaging in chronic criminality? What is the burden that your police service is shouldering as a result of those individuals?

Marc Roskamp: That's a great question.

I could give you some statistics. Between 2022 and 2025, our police service laid approximately 7,500 Criminal Code charges. Of those 7,500 Criminal Code charges, 2,000 were for failing to comply with court disposition. Consistently, year after year, we see about 33% of our charges being for a failure to comply. Whether it's intimate partner violence; chronic criminality from small, petty theft or petty crime; or even homicide, we're seeing failures to comply as a major pressing point.

Individual offenders understand the legal system well. They know that bail conditions are rarely enforced. They anticipate delays in the court proceedings. They recognize that even serious charges may not lead to long-term detention. In fact, we're terming them as "gaming the system".

Are there any other areas you would like answered in regard to that, Mr. Lawton?

• (1655)

Andrew Lawton: I think you've addressed the question very well there. Nearly one-third of all of the charges you laid in that particular period of time were bail violations.

Marc Roskamp: Correct.

Andrew Lawton: Explain to me, if you can, Chief Roskamp, the effect this has, in particular, on smaller communities.

Ten years ago, before the Liberal government formed, there was an attitude in St. Thomas and communities of similar sizes across the country that, basically, these were all big-city problems, and now we've seen this trickle down.

What is the effect on your resourcing, given that you are comparatively smaller than the cities of Toronto and Vancouver?

Marc Roskamp: The rise of violence and chronic criminality in small communities has far-reaching effects. It creates widespread fear and trauma in communities and undermines the sense of safety of our residents. Violent incidents can reduce investment, harm tourism and increase municipal budgets. My budget as a police service has increased. Over time, the community's identity shifts.

We had, between 2022 and 2024, a 22% increase in our violent crime severity index, although we had, among national highs, a 32% reduction in non-violent crime severity; that's your break and enters, your mischiefs and your minor thefts.

We're proud of that, but they're such fragile gains that we have to be careful, and we're looking at this chronic criminality as being such a pressure point for smaller communities. In 2024, we unfortunately experienced two homicides, and in one of those homicides, a young lady was shot and killed in a parking lot in a downtown corridor. The individual who is alleged to have committed this crime was out on bail. It affects communities of all sizes. You do not have to be in large metropolitan centres or in the GTA for this to affect your community, and we're seeing that manifested in a big way

post-COVID. Chronic criminality has lasting serious impacts on communities.

Andrew Lawton: Chief Roskamp, in your opening statement, you mentioned two bills specifically: Liberal bills C-48 and C-75. Can you draw a direct line between those pieces of legislation and the problems you've been describing?

Marc Roskamp: Simply put, I believe Bill C-75 has created less safe communities; that is my opinion, based on a near 30-year career in policing. Releasing individuals at the earliest opportunity with the least onerous conditions has gone too far.

It does seem as though almost every individual who faces the court system is released, and to be quite honest, offenders know this, and that's part of the gaming that's occurring today, and that's real.

Our main criticism of Bill C-75 is that it removed tools that allowed judges to account for long-term criminal history in compliance behaviour, resulting in more frequent releases. Bill C-48 was a step in the right direction, but it had gaps; it didn't allow for judges to consider anything beyond five-year limitations with regards to prior convictions.

We're left with the position we're in now. All we're asking for is better court-level decision-making frameworks, among other areas, and I can get into those if you'd like.

• (1700)

Andrew Lawton: That will have to be with another member of Parliament. Thank you for your time, Chief Roskamp.

The Chair: Thank you.

Ms. Lattanzio, go ahead.

Patricia Lattanzio: Thank you, Mr. Chair.

Thank you to the witnesses for being here today and participating in this very important study.

Mr. Rahim, in March 2023, the Canadian Civil Liberties Association said bail debates were being driven by rhetoric rather than evidence. From your perspective, why is it so important that Parliament keep its focus on evidence-based reforms rather than slogans?

Shakir Rahim: That is actually what is going to lead to an improvement in public safety. To simply not collect the data about the patterns we have seen means that adjustments to the bail system won't be properly assessed or implemented.

The Senate committee on legal and constitutional affairs, in its study of Bill C-48, made this exact point. They said it is long past time for us to collect data about the system. Yet, between then and now, we have not seen any new information to help inform policy-makers like the ones here today to make decisions that are rooted in evidence. That's how you ensure we have the right balance between the presumption of innocence, those other charter rights and public safety.

Patricia Lattanzio: Thank you.

Ms. Latimer, in your view, how should provinces and the federal government work together to ensure that there are enough judges, Crown prosecutors and correctional resources to make bail reforms meaningful in real life day-to-day practice?

Catherine Latimer: It's always a challenge working across jurisdictions. I think some of this has been the premiers pointing at the federal government thinking that legislative reform alone will actually correct some of the manifest problems in the bail system, and it won't. It will require collaboration, more programming and the supports in place to make the system work. The delays are too long, people are subjected to conditions in the community for too long, they're subjected to remand for too long and there are too many delays in the system.

The whole system needs to improve, but more importantly, there need to be programs in place that help people respect their bail conditions so you don't have to lay as many non-compliance charges as they clearly are in some communities, because people are showing up for their bail hearings. They're respecting those conditions, and some of the bail verification programs have proven to be very successful in helping that. Bail navigators in Manitoba have proven to be very successful in helping people to comply with their conditions.

It will take an effort across all jurisdictions to really make the changes that need to be made to what is a very dysfunctional system at this point.

Patricia Lattanzio: Thank you.

Mr. Roskamp, do you believe provincial courts have the adequate capacity to conduct timely bail hearings and risk assessments?

Marc Roskamp: Would we like to see more court time and more time given to conduct bail hearings? Yes. The answer is that we would like to see more time given to this area and more consideration given to safety risks.

Patricia Lattanzio: More specifically in terms of provincial courts, do you think that they have the capacity to be able to conduct this work?

Marc Roskamp: There's always room for improvement in that area.

Patricia Lattanzio: What would be your recommendations?

Marc Roskamp: I would suggest that more resources be put towards provincial courts, more judges, more Crown attorneys and perhaps longer hours in courts.

• (1705)

Patricia Lattanzio: Do you believe that this is a joint effort with regard to different levels of government, provincial, municipal and federal?

Marc Roskamp: Yes, I do.

Patricia Lattanzio: I'm going to go back over to you, Ms. Latimer.

Public confidence in bail often comes down to whether conditions are enforced properly. Based on your experience, what steps

would strengthen the system so that people released on bail are supervised consistently and safely?

Catherine Latimer: I think that there are a lot of challenges with the enforcement of the conditions, the sureties and who's monitoring the sureties. People will lose their money if they do not adequately discharge their responsibilities, and monetary sureties do have a very strong class bias in that those from less affluent positions are less able to enjoy the liberties that others equally entitled are enjoying.

I think there needs to be a reworking of bail supervision capacity so that those who are released on bail are adequately supervised and supported so they meet those conditions. I think the whole system needs to be streamlined so that it focuses remand on those who pose the most significant risk and not on many of the people we see languishing in very unfortunate conditions awaiting trials for far too long.

I think you need to have a system that really focuses on those who may well present a serious risk to future criminality and to the public and find constructive alternatives for the rest. I think that would be a big help.

Thank you.

[Translation]

The Chair: Mr. Fortin, you have the floor.

Rhéal Éloi Fortin: Thank you, Mr. Chair.

Thank you to all the witnesses, Mr. Rahim, Ms. Latimer and Chief Roskamp.

Chief Roskamp, my questions are for you.

First, to make sure we're talking about the same thing, I'd like to know whether you believe in rehabilitation or not.

[English]

Marc Roskamp: I don't have translation.

[Translation]

Rhéal Éloi Fortin: Mr. Chair, I hope you stopped the clock.

[English]

The Chair: Marc, you're also frozen on screen, so it was a fateful warning for me. If you go to the interpretation button that looks like a globe, you can click on it. If Monsieur Fortin is speaking in French, you press "English".

Marc Roskamp: I got it, thank you.

The Chair: That's no problem.

[Translation]

You may repeat your question, Mr. Fortin. I'll restart the clock.

Rhéal Éloi Fortin: I'll start over.

Good afternoon, Mr. Roskamp.

Do you believe in rehabilitation?

Can you hear me?

[*English*]

Marc Roskamp: My apologies; I'm still not getting translation, and I clicked it.

The Chair: If you press “interpretation”, the check mark should highlight where it says “English”. It probably says “original” with a check mark on it.

Marc Roskamp: Chair, I have check-marked “English”.

[*Translation*]

The Chair: Okay.

Mr. Fortin, you have the floor.

Rhéal Éloi Fortin: Mr. Roskamp, I've been trying for a while to say hello to you and thank you for being with us.

Do you believe in rehabilitation?

[*English*]

Marc Roskamp: I seem to have some technical difficulties here. I have clicked the English translation, but I'm not hearing the translation through my headset. I apologize.

The Chair: Chief Roskamp, I'll ask you to do something. Again—maybe famous last words—if you click out of Zoom and then click back in, maybe that will fix it. If not, we'll have to figure out a workaround.

• (1710)

[*Translation*]

Mr. Fortin, would you be willing to ask the other witnesses your questions?

Rhéal Éloi Fortin: Actually, I really wanted to ask Chief Roskamp some questions. It's not that the other witnesses aren't important, but I was more looking for Chief Roskamp's opinion.

The Chair: I get the impression that he believes in rehabilitation, as do the other two witnesses. The answer is clear.

Rhéal Éloi Fortin: If I can assume that, we can put it in the report and stop there.

[*English*]

The Chair: We're just fixing something on our end. We should be with you relatively shortly. Hopefully, that works. We think we've found the problem, but there are no guarantees.

Marc Roskamp: I apologize if it's at my end.

• (1710)

(Pause)

• (1715)

[*Translation*]

The Chair: Mr. Roskamp, I'm going to speak to you in French to see if it works. It's working on our end. Do you understand what I'm saying?

[*English*]

Marc Roskamp: I heard only French.

Could you try one more time?

[*Translation*]

The Chair: Good afternoon, Mr. Roskamp. I'm the chair of the committee.

[*English*]

Marc Roskamp: I got it now. Thank you, Chair.

The Chair: Is the committee okay to extend the time for the length of whatever the snafu was?

An hon. member: Yes.

The Chair: It was about 10 minutes.

[*Translation*]

Mr. Fortin, you have five minutes for your round of questioning.

Rhéal Éloi Fortin: Wasn't I entitled to six minutes in the first round?

The Chair: No, you had five minutes left.

Rhéal Éloi Fortin: I didn't have five minutes left; I never got to ask the witness any questions.

The Chair: We're going to blame the clerk.

The clock is running now. You have the floor for six minutes.

Rhéal Éloi Fortin: Good afternoon, Mr. Roskamp. I assume you can hear me this time. Thank you for being here.

First of all, do you believe in rehabilitation?

[*English*]

Marc Roskamp: Yes, sir, I do.

[*Translation*]

Rhéal Éloi Fortin: In your opinion, is rehabilitation easier for young offenders under the age of 18 than for offenders aged 30 or 40, for example?

[*English*]

Marc Roskamp: Just so I understand the question correctly, do I understand that rehabilitation is easier? Is that what the question is, sir?

• (1720)

[*Translation*]

Rhéal Éloi Fortin: I want to know whether it's easier for young offenders than for adult offenders.

[English]

Marc Roskamp: I think it probably is, yes.

[Translation]

Rhéal Éloi Fortin: Currently, the Criminal Code provides that people are released on a promise to appear at their trial at a later date. They are detained only if, first, there is a doubt they will show up for trial; second, it is believed that their release would be dangerous and that their detention would be better for the safety of the public; or third, it is believed that their release may bring the administration of justice into disrepute in the eyes of the public. That means that the public would be shocked to know that the person was being released, given the seriousness of their crimes.

Do you think those criteria are adequate? If not, what should be changed?

[English]

Marc Roskamp: I think changes should be made to the criteria. We need to acknowledge root causes where relevant, such as the social determinants of community health and those suffering from homelessness, poverty, substance use disorders and mental health disorders.

[Translation]

Rhéal Éloi Fortin: Yes, but how should the criteria be changed?

Currently, individuals are kept in custody if they are a danger to society, if there is a doubt that they will appear or if it is believed that their release would bring the administration of justice into disrepute.

At first glance, I would tend to think that these are good criteria, but that may not be the case. That's why I'm asking you how these criteria should be changed.

[English]

Marc Roskamp: I would suggest, respectfully, that in the majority of cases, that's not happening. For chronic, strategic and violent repeat offenders, we're looking for much more consideration to be given for public safety, offender accountability and stronger judicial discretion, giving judges the ability to make those discretions sooner and not releasing at the earliest opportunity with the least onerous conditions.

[Translation]

Rhéal Éloi Fortin: Mr. Roskamp, I'm going to switch gears and talk about young offenders.

We're seeing more and more criminal organizations recruiting young people to commit crimes such as car thefts, which are increasing these days, but also violent crimes. These young people are recruited simply because they won't be charged as adults and it will be easier for them. I find that revolting, and I'm not the only one. I suspect you also share that view.

What do we do for these young people? Are we going to continue to try to rehabilitate them? I think that would be appropriate. More importantly, what about adults who incite or recruit a young person to commit a crime? Shouldn't we be tougher on them?

You have maybe a minute to respond. Please go ahead.

[English]

Marc Roskamp: First of all, with youth, we should do all we can to rehabilitate them to try to turn their lives around and help them lead healthy pathways in society.

In terms of those who are inciting and driving these serious crimes, of which even St. Thomas has been victim in recent days, we need to seek out those individuals and hold them accountable to the law—

[Translation]

Rhéal Éloi Fortin: Could it be double the sentence? Should adults who recruit a young person to steal a car be subject to double the sentence they would receive if they had stolen the car themselves? Does that sound reasonable?

[English]

Marc Roskamp: Absolutely.

[Translation]

Rhéal Éloi Fortin: Thank you, Mr. Roskamp.

I don't have much time left.

Ms. Latimer, in your opinion, how should the criteria for keeping an accused in custody be changed?

[English]

Catherine Latimer: I think there needs to be a refocusing. I think the criteria on the first two, likelihood of absconding and whether they'll commit an offence if released, are good. Predictive behaviour is always challenging. I think that the best predictor is looking at recent past behaviour. If they're in a crime cycle, I think you need to keep them detained in the interests of public safety.

I think that the problem is that you're getting far too many others who are in there for less serious reasons. It's an expensive system and a dysfunctional system when you do that. You need to find constructive alternatives to help people respect their conditions so that they can appear before a court for their trials.

• (1725)

[Translation]

Rhéal Éloi Fortin: Thank you to all the witnesses.

Mr. Rahim, I'm sorry I didn't get a chance to ask you any questions.

[English]

The Chair: We're now into the second round. With the extension, we should be able to complete a full second round if I shave a minute off each of the last two, being Liberal and Conservative. That would give five, five, two and a half, four and four, if that's okay.

[Translation]

Rhéal Éloi Fortin: Doesn't the meeting end at 5:30 p.m.?

The Chair: We agreed to extend the meeting because of the interpretation problem.

Rhéal Éloi Fortin: Oh, okay. It's because of me. French, I swear to you!

[*English*]

The Chair: We'll be starting off with Mr. Brock.

Larry Brock: Thank you, Chair.

My first question is to you, Mr. Rahim. Thank you for reminding us about the tragic consequences of the Zameer matter.

To your knowledge, sir, did Mr. Zameer have a criminal record?

Shakir Rahim: No.

Larry Brock: To your knowledge, at the time of the tragic consequences, was Mr. Zameer already on an interim release?

Shakir Rahim: He was not.

Larry Brock: To your knowledge, during the period of time in which he was on bail or judicial interim release, the formal legal name, were there any allegations of breaching of that order or bail?

Shakir Rahim: There were not, no.

Larry Brock: In my view, the system worked as designed. The vast majority of individuals who are charged with criminal offences—and I would dare say probably in the high eightieth percentile, low ninetieth percentile—are not the types of individuals we as the Conservative Party are concerned about. We are concerned about repeat violent offenders who are reaping the benefits of a soft-on-crime Liberal agenda.

My next question is to you, Chief.

You've been chief for four-plus years. You had been part of a body of law enforcement and leaders right across this country, including premiers, including mayors, including victim advocacy groups, who have been pushing this Liberal government to change its soft-on-crime bail laws, all to no avail. You were promised relief under Bill C-48. That did not move the needle one iota in terms of curbing the behaviour of these repeat violent offenders.

Last week, in the House of Commons, we introduced the jail not bail act. Today, on one of our opposition motion days, we started to debate that. I'm going to be asking you some questions on some of the key features of the jail not bail act.

We're wishing to replace the principle of restraint under 493.1 with the principle of protection of the public as the priority in judicial interim release hearings.

Do you support that, Chief?

Marc Roskamp: Mr. Brock, my answer to that is yes.

Larry Brock: We are adding several violent indictable offences to the list of reverse onus offences at subsection 515(6) for the determination of judicial interim release.

Do you support that?

Marc Roskamp: Yes, I do.

Larry Brock: We're going to create a list of major offences composed of violent reverse onus offences.

Do you support that?

Marc Roskamp: Yes, I would.

Larry Brock: We're going to prevent those charged with a major offence from being released after arrest by a peace officer. We want those individuals to go to court.

Do you support that provision?

Marc Roskamp: Absolutely. Yes, I do.

Larry Brock: We're going to require that only a Superior Court judge decide, on a reverse onus basis, whether to permit the interim release of an accused charged with a major offence while the accused was on release in respect of another major offence and if the accused was convicted of a major offence in the last 10 years. In essence, it is that only a Superior Court justice can entertain the judicial interim release application of that class of individual under section 469 of the Criminal Code.

Do you support that?

Marc Roskamp: Yes, I do.

Larry Brock: Do you support the following provision?

provide for the expiry of the interim release of an accused upon their conviction of an indictable offence while they await sentencing;

That judicial interim release will not be available to those convicted of an indictable offence pending sentencing.

• (1730)

Marc Roskamp: I agree with that, yes.

Larry Brock: Do you agree with prohibiting those with a conviction for an indictable offence in the last 10 years from being named as a surety?

Marc Roskamp: Yes. Absolutely.

The Chair: Thank you.

[*Translation*]

Mrs. Brière, you have the floor.

Hon. Élisabeth Brière (Sherbrooke, Lib.): Thank you, Mr. Chair.

I want to thank all the witnesses. What they had to say was very interesting.

Mr. Rahim, I particularly liked your introduction and the story you told.

From the beginning of this meeting, we've been hearing all kinds of data and positions, but you can obviously make numbers say whatever you want.

At the same time, I think we all want safer communities.

Based on your experience and your comments, as well as those of Ms. Latimer and Ms. Donkor, it seems that there aren't that many repeat offenders and that the system is largely up to the task.

Do you think bail is now seen more as a right than a privilege?

[English]

Shakir Rahim: The data tells us, based on the number of people who have been denied bail, that the right to bail has in fact been weakened. There are many people who are repeat offenders who are regularly put behind bars in Canadian prisons. It is not unusual.

That data piece is so important, so we can look at some of the high-profile cases and ask what the issue there was. Was it a risk assessment issue? Was it the condition? Was it the plan of supervision? Can we find patterns in those cases? Then, armed with that information, how do we make adjustments to resourcing and the law to stop those situations from happening?

That is different from the sort of categorical reforms that one member just mentioned, which do not take into account those individual variances, distinctions and patterns, but instead, restrict bail and its access for everybody, including the innocent.

[Translation]

Hon. Élisabeth Brière: Thank you, Mr. Rahim.

Ms. Latimer, I'd like to hear your perspective on this as well. In your opening remarks, you said that bail was more difficult to obtain, but that more needed to be done to prevent repeat offences.

[English]

Catherine Latimer: I think that's true.

The numbers are very alarming, particularly if you look at them in the international context. Most first world countries have a considerably smaller proportion of their overall prison population in remand than Canada does. We're lagging on that. Our numbers on that are not particularly good, which means we have too many people in the remand system.

The question then becomes, "Do we have the right people in the remand system? Why is it taking so long? Are there delays that make our numbers look bad? What exactly is the problem?"

I agree with Mr. Rahim that the numbers and evidence are not clear. The database on which to make these judgments about how to effectively reform the remand system is not there at the moment. We need the evidence in order to participate, meaningfully, in a comprehensive overhaul, because the system is not working now—on either end.

• (1735)

[Translation]

Hon. Élisabeth Brière: During other studies conducted by the Standing Committee on Justice and Human Rights in recent years, we've heard a number of witnesses say, as you mentioned earlier, that longer sentences don't have the desired deterrent effect.

How can we balance all of those aspects, including bail and sentencing?

[English]

Catherine Latimer: In the bail process, people are presumed to be innocent—they haven't actually been convicted, so they haven't actually been sentenced.

While people are in remand, they ought not to be getting rehabilitation because they haven't technically committed any crimes yet. They're just warehoused, essentially, under various difficult circumstances, for periods of time that are way too long.

When you're talking about post-conviction, and you're dealing with rehabilitation and trying to reintegrate, I think there is a lot more that we can be doing and should be doing. I am a very strong supporter of the government's federal framework to reduce recidivism, which would deal with some repeat offending. That was introduced by a Conservative backbencher, but it was embraced by all parties. I think there's common ground here, to try to ensure that repeat crime is addressed.

You can't make the assumption that people who are remanded are guilty of an offence. They're technically innocent, and they should be treated that way.

[Translation]

The Chair: Your time is up, Mrs. Brière.

Mr. Fortin, you have the floor for two and a half minutes.

Rhéal Éloi Fortin: Thank you, Mr. Chair.

I have limited time, but I want to go to both witnesses on the issue of pretrial bail.

Should there be a different criterion for a repeat offender, meaning someone who winds up in court after previously committing similar crimes?

Shouldn't the fact of being a repeat offender necessarily be taken into consideration to keep that person in prison? If so, how many repeat offences should it take?

[English]

Catherine Latimer: Go ahead.

Shakir Rahim: If you look at the bail judgments in those situations, you will see that there is specific weight placed on the fact that there have been prior offences, when applying the public safety criterion.

I would say that it's about ensuring, and of course there are abilities to—

[Translation]

Rhéal Éloi Fortin: I apologize for rushing you, but I'm almost out of time.

I know it's being considered. My question is whether that should be a criterion. In other words, if the person was a repeat offender, they would not be released. If so, how many repeat offences would it take to apply the criterion?

You have a few seconds left to respond.

[English]

Shakir Rahim: There should not be a numerical cut-off. It should be the role of the justice of the peace or a judge to analyze the record and make that determination.

[Translation]

Rhéal Éloi Fortin: Thank you, Mr. Rahim.

Ms. Latimer, what do you think?

[English]

Catherine Latimer: I agree with my colleague here. It really depends on the individual and how old the criminal record is. For a criminal record that's five years out of date, the person is just as likely to be committing an offence as you or me, after that point, so it shouldn't bear on it.

[Translation]

Rhéal Éloi Fortin: In your opinion, the current criteria in the bail system are the right ones and don't need to be changed. Did I understand correctly?

[English]

Catherine Latimer: I think there needs to be a lot of judicial education, perhaps some Crown guidelines and perhaps a lot of other things—

[Translation]

Rhéal Éloi Fortin: I'm sorry to interrupt you, Ms. Latimer.

We agree that we need to do more work and education. I'm just talking about the criteria or the calculation. We're talking about the Criminal Code. Are the criteria good or should they be changed? I understand that work needs to be done, but what about the criteria?

[English]

Shakir Rahim: [Inaudible—Editor] are to be changed. We need that data first and then we can evaluate that question effectively.

[Translation]

Rhéal Éloi Fortin: Thank you.

The Chair: We still have two members to speak, Mr. Gunn and Ms. Dhillon, who will have four minutes each.

[English]

Mr. Gunn, you have four minutes.

• (1740)

Aaron Gunn: Thank you, Chair.

Chief Roskamp, is Canada currently releasing repeat offenders on bail who are a threat to public safety?

Marc Roskamp: I believe that in some situations they are.

Aaron Gunn: In Vancouver, just a couple of years ago, there was a report that 40 individuals—prolific offenders—were responsible for over 6,300 incidents with the police in just a small period of time.

In your estimation, what per cent of crime that's being committed in your community is being committed by a small number of criminals, repeat offenders or individuals already well known to police?

Marc Roskamp: It is a very high percentage. I would say it is above 80%.

Aaron Gunn: I think that 80% is what leads a lot of Canadians—members of the public—to refer to our justice system as a revolving door.

What do you think are the main causes of what many Canadians perceive to be a catch-and-release system?

Marc Roskamp: A number of factors come into play. I will speak for my own community, which is a smaller community. Post-COVID-19, the second-order effects—those responses that the government took to address life after COVID-19—have in effect manifested these social determinants of health where the resources are just not readily available for individuals who need the supports they need. Therefore, individuals are living in chaos. When you live in a constant state of chaos, chronic criminality seems to manifest.

Chronic criminality and not enough services to support individuals in a right-care, right-person approach have created a system where we have that 80%. Individuals are hungry, so they're stealing. Individuals are desperate, so they become involved in the drug subculture. Now we end up with weapons, violent offences and firearms acquisition. We're seeing individuals not only seeking out firearms, but having a higher propensity to use them.

We had two incidents in my town in the last month. There were two armed robberies. One was at a bank and one was at a restaurant. These types of crimes didn't happen in St. Thomas years ago. They seem to be happening at a remarkable rate these days and it has all of us concerned.

Aaron Gunn: Chief, do you have rank-and-file members on your force who are frustrated that they are having to arrest or detain the same people over and over again for the same or similar offences?

Marc Roskamp: Yes, sir.

Aaron Gunn: Do you believe that when it comes to this problem with repeat, prolific and violent offenders, the Liberal plan to confiscate thousands of firearms from law-abiding gun owners will help improve the problem in St. Thomas?

Marc Roskamp: No, sir.

Aaron Gunn: Do you believe that confiscating firearms from law-abiding gun owners or cracking down on repeat offenders is a better use of your finite police resources?

Marc Roskamp: Enforcing chronic criminality and finding solutions supported by the federal government—at all levels of government; provincial as well—is the best use of our time. Our communities deserve to be safe and to feel safe.

As was just recently mentioned in a previous question, in communities plagued by chronic criminality, safety seems to have become a privilege instead of a fundamental right. As such, we're failing our communities. Our communities deserve better.

The Chair: Ms. Dhillon, please go ahead.

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

Thank you to our witnesses.

I'll start with you, Ms. Latimer. You mentioned earlier in your testimony that bail is not a one-size-fits-all solution. You also have to see how long the person was last in jail or on bail. If somebody keeps committing crimes, is a recidivist, keeps getting arrested back to back, why do they keep getting let out on the streets? This is something we don't seem to be grasping. Can you please explain a little bit why we see that?

Catherine Latimer: If I could get a clarification, are you talking about preconviction for the offences or post-conviction?

Anju Dhillon: I'm talking about preconviction. Sometimes they said they were out on bail. We keep hearing over and over that they were out on bail. Can you please tell us why a judge would let somebody out if they've continually been doing back-to-back offences?

• (1745)

Catherine Latimer: I think that it's one of the problems with the bail system, the criteria that's being applied and how it's being applied. It's not entirely clear to those of us outside the system how we're getting such an apparently unfair system. I would say that a marker of the unfairness is the number of people who are remanded in custody who would perhaps not need to be there at all if we had adequate support programs for them in the community. We need an overhaul, we need the data and we need to figure out how to get this right so people feel comfortable.

I'd be better able to answer your question about post-conviction recidivism, which is a different answer.

People go through crime cycles, and you need to stop those crime cycles in order to support their rehabilitation.

Anju Dhillon: Thank you. I'll try to get back to you, but I have limited time.

Mr. Rahim, could you please add your opinion on this? Why do we keep seeing this in the provincial court system? The federal government is helping by providing resources, but this is also that jurisdiction.

Shakir Rahim: First what I would say is that it's challenging to talk about that issue when we cannot know the number of individuals who perhaps had a prior record but who are released and allegedly don't reoffend. Those headlines are important, as you say, but it's challenging to draw a conclusion that there is undue leniency if we don't know the full picture.

As for those specific cases, of course it is impossible to perfectly predict risk. We have decided as a constitutional democracy not to live in a system where, as soon as you are charged—even if you have a record—you are put into jail. There is a balancing that has to occur, but that does not mean we should not act upon the examples you cite; we just need to do so when we have the data to properly assess the problem.

Anju Dhillon: How do you think we would better be able to acquire this data to track how many people are on bail and see what we can do to make sure to limit these releases?

Shakir Rahim: I'll tell you precisely how. There is a centre at Statistics Canada that is responsible for collecting different types of information. Information comes from the police to the uniform crime reporting survey, and it comes from Corrections through their surveys and databases.

The provinces and territories have to sit down with the federal government to figure out how to transmit that data that is collected so it can be analyzed, broken down and assessed in the same way. The fact of the matter is that both levels of government have not taken any public-facing steps since Bill C-75 or Bill C-48 to tell us how they are going to collect that information. That's something we need leaders in all jurisdictions to step up to do.

Anju Dhillon: What would you suggest? How—

The Chair: Unfortunately, our time is up. Thank you.

I want to thank the witnesses for taking the time to come in and give us their testimony.

I apologize to people listening for the communication issues for folks online. That was quickly resolved.

Members, depending on what we decide will occur next Thursday, we will need witness lists for the study—that is presuming the absence of the minister, but we will convene. Get your witness lists in by Monday around four o'clock, if that's acceptable, and we'll have a brief session on Tuesday in camera to decide a couple of these items, including how we proceed with the study of Bill C-9.

On that, I wish you all a good Friday and a good weekend. Thank you.

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