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# Standing Committee on Justice and Human Rights

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Chair: James Maloney





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• (1105)

[English]

**The Chair (James Maloney (Etobicoke—Lakeshore, Lib.)):** I would like to call this meeting to order.

Good morning, everybody. I'm glad to see everybody on a bright, shiny Monday morning. Welcome to meeting number 16 of the House of Commons Standing Committee on Justice and Human Rights.

Pursuant to the order of reference of November 18, 2025, the committee is meeting to continue its study of Bill C-14, an act to amend the Criminal Code, the Youth Criminal Justice Act and the National Defence Act regarding bail and sentencing.

Today's meeting is taking place in a hybrid format. Pursuant to the Standing Orders, members are attending in person in the room and remotely by using the Zoom application.

I'd like to confirm that the sound tests were made successfully.

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 and especially the interpreters. You will also notice a QR code on the card, which links to a short awareness video.

I'd like to take a few moments 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: floor, English or French. Those in the room can use the earpiece and select the desired channel.

I will give a reminder that all comments should be addressed through the chair.

For members in the room, if you wish to speak, please raise your hand. For members on Zoom, please use the "raise hand" function. The clerk and I will manage the speaking order as best we can. We appreciate your patience.

This morning, we have two panels of witnesses. I would like to welcome our witnesses for the first hour.

From the Association of Manitoba Municipalities, we have Katherine Valentino, the president, who is here in person. Thank you for being here.

Online we have, from the Canadian Urban Transit Association, Michael Atlas, honorary counsel.

Also with us this morning, from the National Police Federation, is its president, Brian Sauv  .

Welcome to the witnesses. We're pleased you're here.

This is a very important piece of legislation. I know that is the opinion of everybody in this room. I should point out that it's also the opinion of all the premiers from across the country, who on Friday issued a joint statement encouraging us to pass Bill C-14 "expeditiously", to use their word. I'm glad everybody is enthused about it.

In that vein, I just want to let members know that on Wednesday we will be starting at 3:30, not 4:30, and that we have more resources than we should need—until one o'clock in the morning, I'm told.

Go ahead, Mr. Brock.

**Larry Brock (Brantford—Brant South—Six Nations, CPC):** Mr. Chair, that could be problematic. I think we have four votes after QP.

**The Chair:** It's subject to votes, of course.

**Larry Brock:** That's right.

**The Chair:** We were regularly starting at 4:30 because of the votes, so that may end up being the case. It's at 3:30 or as soon as the votes are done. Let's put it that way.

**Roman Baber (York Centre, CPC):** Will there be witnesses to start, or—

**The Chair:** We have two hours of witnesses to start Wednesday, and then we'll go right into clause-by-clause consideration.

On that note, I will open the floor to the witnesses, who have up to five minutes each for their opening statements. I'll start on my left.

Please go ahead, Mr. Sauv  .

**Brian Sauv   (President, National Police Federation):** Good morning, Chair and members of the committee.

My name is Brian Sauvé. I'm a sergeant with the RCMP and also the president of the National Police Federation, the union representing nearly 20,000 members of the RCMP across Canada and internationally. Thank you for the opportunity to appear today to discuss Bill C-14.

Every day, our members see the impact that a small number of high-risk, repeat violent offenders have on community safety. They also see the strain placed on victims, witnesses and frontline police officers when those individuals are repeatedly released, breach their conditions and are quickly returned to the streets. Bill C-14 is a meaningful step forward in addressing this reality.

The NPF supports the bill's clarification that public safety must be explicitly weighed in bail decisions. This aligns the law more closely with what police encounter on the ground. Individuals with lengthy criminal histories, with repeated breaches of court orders and with escalating patterns of violence too often cycle through the system under conditions that prove ineffective or unenforceable.

We also support the targeted expansion of reverse onus provisions for serious, violent and weapons-related offences. In clearly high-risk situations, it is reasonable and appropriate to require the accused to demonstrate why their release would not endanger the public. This change promotes greater consistency across the country, and it better reflects real-world risk. Additional measures in the bill, such as mandatory no-weapons conditions for organized crime offences and direction to consider whether an offence was random and unprovoked, further strengthen the public safety lens applied at bail.

However, legislative reform on its own is not enough. Police officers are often the first decision-makers in the bail process, making release or detention decisions shortly after arrests and frequently with incomplete information. The effectiveness of Bill C-14 will depend on whether police and courts have reliable, real-time access to an accused's outstanding charges, prior breaches, bail conditions and patterns of violence across jurisdictions.

National systems such as the Canadian Police Information Centre are essential tools, but they were not designed to function as comprehensive real-time bail risk management platforms. Gaps or delays in data entry and sharing can lead to inappropriate releases and weaker bail positions before the courts. Modern interoperable national information sharing is essential if the bill's public safety objectives are to be realized in practice.

Stronger bail conditions must also be meaningfully enforced. Our members routinely rearrest the same individuals for repeated breaches, often with limited consequences. This cycle undermines public confidence and consumes significant police resources. Adequate supervision capacity, consistent breach enforcement and clear feedback to police on court outcomes are critical. While provinces administer bail, federal leadership through coordination, funding and national expectations can drive more consistent results.

Finally, effective bail begins with effective investigations. Modern crime is increasingly digital. When police cannot lawfully and quickly access digital evidence, charges may not be laid or critical information may be missing at bail hearings. Updating lawful ac-

cess authorities is therefore a foundational public safety measure that complements the goals of this bill.

In closing, the National Police Federation supports the central direction of Bill C-14 and its focus on protecting communities from repeat violent offending. In pairing these legislative reforms with modern information sharing, enforceable supervision and lawful access to evidence, Canada can build a bail system that is fair, consistent and genuinely protective of public safety.

Thank you, Mr. Chair. I look forward to any questions.

• (1110)

**The Chair:** Thank you, Mr. Sauvé.

Ms. Valentino.

**Katherine Valentino (President, Association of Manitoba Municipalities):** Thank you, everyone, for the opportunity to speak to you this morning.

I'm Kathy Valentino. First and foremost, I'm from the city of Thompson in northern Manitoba—next stop, Churchill—and I'm a city councillor there. We have the largest RCMP contract in the province of Manitoba. We're typically number one in the crime severity index.

I'm here today in the capacity of president of the Association of Manitoba Municipalities, which represents all 137 municipalities across the province. The AMM is non-partisan, and Manitoba municipalities are united in supporting legislation aimed at strengthening the public safety system and creating a far more effective justice system, because crime does not respect municipal boundaries or political lines. On behalf of the AMM, I wanted to attend in person to express my strong support for efforts to strengthen bail and sentencing provisions through Bill C-14.

Across Manitoba, our residents are concerned about crime. Almost nine in 10 support bail reform and Criminal Code changes to address repeat offending, and 69% report being personally worried about crime. These concerns continue to grow as repeat offenders are frequently being released on bail. These risks are especially acute in Manitoba, which has among the highest violent crime rates in Canada.

Municipalities have long warned about repeat prolific offenders being released on bail, and some recent tragedies underscore why.

Last year, near the city of Portage la Prairie, Mayor Knox spoke publicly about a young woman who was tragically killed by an alleged impaired driver operating a stolen vehicle. At the time, the Manitoba RCMP had an arrest warrant for the accused for failing to comply with release conditions.

More recently, in Brandon, Manitoba's second-largest city, Mayor Jeff Fawcett raised concerns after police responded to a machete assault near an elementary school, prompting a lockdown while the kids were on the playground. The accused was already under release conditions. Since 2021, "breach" and "failure to comply" charges in Brandon have increased by over 20%.

Winnipeg has seen similar patterns. Mayor Scott Gillingham pointed to an offender, just in his mid-twenties, who has been convicted of 24 violent crimes over 11 years and violated bail or probation conditions 12 separate times.

Taken together, these incidents underscore the need for strong reforms to deter crime and prioritize our public safety.

Across Manitoba, our police are repeatedly arresting the same individuals, and frontline workers—including our firefighters, paramedics, and transit, hospital and bylaw staff—are regularly exposed to them. Being assaulted on the job is unacceptable, and it affects morale, retention and service delivery. Bill C-14 must include strong protections for first responders, similar to those for peace officers. These include higher penalties for aggravated assaults against paramedics, firefighters and other frontline staff. We strongly welcome the bill's aggravating factor provisions.

More broadly, this isn't about detaining people without reason or locking people up and throwing away the key. It's about recognizing patterns, assessing risk and putting public safety first. Municipalities welcome the acknowledgement that bail reform is necessary. Proposed measures, such as expanded reverse onus provisions and stronger sentencing tools, are critical to our community safety. Municipalities would also support broader measures to address repeat offending, including property and retail crimes.

However, success will not be measured by this legislation alone. The effectiveness of Bill C-14 depends on sustained, coordinated resourcing across the justice and public safety system, in partnership with all orders of government, including adequate police visibility and addressing Manitoba's RCMP vacancy rate, the highest in Canada; support for our first responders to focus on core duties; court system capacity, including hiring sufficient Crown prosecutors to prevent backlogs and delays; and investments in mental health, addictions and social supports to address the root causes of crime.

Ultimately, all of us here want a justice system that instills public confidence, one that protects our communities while remaining fair and effective. You all here, the committee, have the opportunity to move Bill C-14 forward promptly. Crime does not respect political boundaries, and addressing it requires co-operation across governments.

In closing, I thank you for your time and attention. I, too, look forward to taking any questions from the committee.

• (1115)

**The Chair:** Thanks very much. Both of you were right on time.

This takes me to Mr. Atlas, who's online.

You have the floor.

**Michael Atlas (Honorary Counsel, Canadian Urban Transit Association):** Good morning, Chair, vice-chairs and members of the committee. I am Michael Atlas, honorary counsel for the Canadian Urban Transit Association, CUTA. I'm also general counsel for the Toronto Transit Commission. I'd like to begin by thanking you for allowing us to appear before the Standing Committee on Justice and Human Rights.

We cannot talk about national public safety without talking about safety on public transit. That is why I'm here today to ask you to amend the Criminal Code, and more particularly section 269.01, to protect all transit workers from assaults by expanding the current protections, which currently only apply to transit operators.

As the government seeks to build a stronger Canada by amending the Criminal Code, this is an opportunity to address a long-standing issue for transit workers. Public transit is a shared public space and often reflects broader societal challenges, including the mental health crisis, substance use and economic hardships. Across Canada, transit workers are routinely on the front lines of these realities, and unfortunately they experience violence and harassment while carrying out their essential duties of providing critical transportation and mobility to the communities they serve.

These incidents are growing in severity, affecting employees across every part of the transit system, including operators, station staff, maintenance workers, fare enforcement personnel, customer service agents and transit security. For example, in 2025, assaults against TTC employees rose to a high of 40 incidents in one single month—that is 40 employees, who may be your friends or family members, who left home, came to work and were assaulted just for doing their job.

With the support of the City of Toronto and the Province of Ontario, TTC has been making investments in safety by expanding frontline presence, partnering to launch the Toronto Police Service neighbourhood community officer program, increasing visibility in stations and more. We've seen the impact of these investments, as customers' feelings of personal safety have risen to 62%, which is a six-point increase from the previous year.

However, assaults against transit workers continue to be a serious issue, impacting the well-being of our essential transit workers not just in Toronto but across the country. One assault against a transit employee is one too many.

In response, the Canadian Urban Transit Association established a transit safety task force to examine the root cause of violence on transit and identify practical solutions. In 2023, the task force released a comprehensive set of recommendations focused on strengthening safety measures, improving incident responses, supporting workers after traumatic events and working with governments and community partners to address broader societal factors.

A key finding from this work is the need for clear legal recognition and protection for all transit workers. Currently under section 269.01 of the Criminal Code, assaults or threats against transit operators are treated as an aggravating factor at sentencing. However, this protection applies very narrowly, limited only to vehicle operators directly employed in driving a bus, train or other transit vehicle. It does not extend to the many other frontline transit employees who interact with the public daily and face similar risks of assault.

Our ask is very simple: Expand section 269.01 to include all transit workers who are performing their duties and not limit its application just to transit operators.

In May 2024, member of Parliament Bardish Chagger introduced Bill C-395, which passed first reading but unfortunately did not advance further. The bill proposed a targeted amendment to section 269.01 to strengthen sentencing provision for assaults or threats against all transit workers. This change, replacing the term “transit operator” with “transit worker”, is simple but significant. It would ensure that all transit workers, not only vehicle operators, are formally recognized as facing elevated risk while performing their essential public duties.

All transit workers play a vital role in ensuring the safety of customers and making customers feel safe. They are often the first on the scene during assaults, medical emergencies and other crises. They protect passengers, they de-escalate volatile situations and they call for assistance.

Assaults against transit workers have serious physical and psychological impacts. They contribute to burnout and make it more difficult for transit agencies to recruit and retain workers. Other frontline public workers receive explicit legal recognition when assaulted in the course of their duties. Transit workers face comparable risks, yet the Criminal Code does not consistently reflect that reality. This issue has received broad political support, with members from both the government and the opposition recognizing the importance of protecting transit workers.

Safe public transit is essential to our economy, our communities and our climate objectives, and it depends on a workforce that feels

safe and supported. There's also strong support from transit unions, including the Amalgamated Transit Union. Workers have been clear: legal clarity matters. Explicit recognition of their role and the risks they face reinforces that violence against them will be treated with the seriousness it deserves.

● (1120)

Ultimately, this amendment is about more than sentencing. It's about confidence. Transit workers need to know that the law is on their side before an incident occurs. We encourage the government to take this opportunity to protect workers, because when transit workers are safe, Canadians are safe.

In closing, an amendment to Bill C-14 that would extend section 269.01 protections to all transit workers would be a practical and measured step towards improving transit worker safety. It reflects the lived experience of workers across Canada and would strengthen public transit systems nationwide.

Thank you. I would be pleased to take any questions.

**The Chair:** Thank you, Mr. Atlas.

We'll start the six-minute round with Mr. Brock.

**Larry Brock:** Thank you, Chair.

Thank you, witnesses, for your attendance today.

Mr. Sauvé, Bill C-14 is marketed by this government as a bundle of “sweeping reforms”. In reality, Canada and law enforcement are not getting this. The bill's stated objective is to make “stricter bail laws to address violent and repeat offending, and organized crime” and “tougher sentencing laws for serious and violent crimes”.

This must be a déjà vu moment for you, Mr. Sauvé. As you'll recall, this was the exact messaging we heard from Justin Trudeau and David Lametti, our former justice minister, on the passage of Bill C-48. Both promised Canadians and law enforcement that they were listening and that adding more reverse onus charges to serious criminal offences would lead to a greater number of repeat violent offenders being detained. The explosion of criminality over the last three years proves that this government's approach was wrong.

Although you are on record as being supportive of Bill C-48 as a positive "first step", are you now guarded with Bill C-14's addition of more reverse onus provisions to criminal charges?

• (1125)

**Brian Sauvé:** I'm not at all guarded. The first step leads to the second step, which hopefully leads to the third step. I think we're also on record as saying that when you talk about bail and the administration of justice, it is a partnership.

**Larry Brock:** I'm going to stop you right there. Would you agree with me that on Bill C-48, there was no second and third step by this government?

**Brian Sauvé:** What I'm suggesting is that here we are at the second step.

**Larry Brock:** Okay. A second attempt, maybe even a third attempt, at bail reform started with the disastrous addition of the principle of restraint in Bill C-75. Bill C-48 was a failure. Let's hope that Bill C-14 brings necessary changes to law enforcement and Canadians.

Regarding bail, Bill C-14 attempts to defuse outrage for the principle of restraint, which requires judges to release the accused at the earliest opportunity on the least restrictive conditions. It adds a line to clarify that the principle "does not require the accused to be released".

Do you agree that Canadian judges already know that principle?

**Brian Sauvé:** I think you would have to ask judges that question. I'm just a cop.

**Larry Brock:** Okay.

At over 50 pages long, Bill C-14 addresses a sentence increase to only one criminal offence. Over the course of 10 years, violent crime is up 55%, firearm crime is up 130% and sexual assaults are up 75%, to name a few, yet this tone-deaf government saw fit to increase the penalty for contempt of court from six months to two years less one day. Contempt of court is the refusal of a witness under subpoena to attend court to give evidence.

In your decade-long career in policing, how many contempt of court investigations were you involved in?

**Brian Sauvé:** Personally, I haven't been involved in contempt of court.

**Larry Brock:** That's zero. I have almost 20 years as a Crown in the Ontario criminal justice system. I had zero prosecutions.

Extortion is one of the fastest-growing crimes in Canada and it is spreading fear across this country. The data is clear: Since the Liberals took office, extortion has surged by more than 330% nationwide. In B.C. alone, extortion is up 582%. In Surrey, the mayor is

asking this government to declare a national state of emergency. That city is under siege. Its citizens are terrified, yet Bill C-14 mentions extortion only once: that extortion convictions are to be served consecutively to arson arising from the same event.

Do you think this government should have introduced mandatory minimum penalties for this rise in crime?

**Brian Sauvé:** From my experience, from what I've seen in my 20 or so years in policing, mandatory minimums haven't worked.

**Larry Brock:** Do you believe, then, that to increase the significant penalty for extortion that's currently in the code would be a proper step instead of contempt of court?

**Brian Sauvé:** Well, I thought we were here to talk about bail reform.

**Larry Brock:** We are, but it's not just bail reform. It's the "bail and sentencing" reform package. That's the title of Bill C-14. If you don't want to opine on that, Mr. Sauvé, that's fine.

Do you think the government missed the mark in not legislating in Bill C-14 consecutive sentences for child sexual offenders?

**Brian Sauvé:** I would love to see consecutive sentences. As you know, Justin Bourque was the recipient of consecutive sentences, which were overturned to be concurrent sentences not less than a year and a half ago.

From that perspective, I would prefer to see consecutive sentencing for egregious crimes.

**Larry Brock:** Do you think the government missed the mark in not legislating in Bill C-14 any push-back against the Supreme Court of Canada's odious ruling that consecutive periods of parole ineligibility constitute cruel and unusual treatment for those convicted of a number of first-degree convictions?

• (1130)

**Brian Sauvé:** Parole eligibility and ineligibility is a broad topic. We're actually on record as talking about mandatory parole and the conditional sentencing and release act and how that should be looked at and modified. Perhaps Canadians would feel safer if they knew that offenders, especially violent offenders, were mandated to spend their entire sentence behind bars, versus being eligible after 66% of it.

**Larry Brock:** Thank you, Mr. Sauvé.

**The Chair:** Thank you, Mr. Brock.

Ms. Lattanzio.

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

Thank you to the witnesses for taking the time to be with us this morning and helping us do our work on this very important piece of legislation.

My first questions will be directed to you, Ms. Valentino.

You've spoken in support of targeted and workable reforms from a municipal perspective. How important is it that Parliament focus on measures like clearer bail direction and expansive reverse onus for repeat violent offenders, rather than the broad changes that may sound tough but don't deliver on the ground?

**Katherine Valentino:** For Manitoba municipalities in particular, that's very important. We want strength for the reverse onus to happen because we're seeing more that it's the repeat offenders who are continually getting out quicker and creating crime in our communities.

I think it's important for Manitoba municipalities that this part of the bill is looked at, absolutely. You also have to work in partnership with the provincial government to ensure it works downwards to the municipalities through the province.

**Patricia Lattanzio:** We have that loud and clear: It's collaborative work between federal, provincial and municipal governance.

Some critics argue that Bill C-14 does not go far enough. Based on your experience in representing local governments, how do you respond to the claims that this legislation is limited in making a real difference in our communities across the country?

**Katherine Valentino:** Bill C-14 is far more than what we have now and it will definitely make a difference in our communities in Manitoba.

**Patricia Lattanzio:** Municipal leaders such as you are responsible for community safety but do not control criminal law. How does Bill C-14 help to give municipalities greater confidence that repeat violent offenders will be dealt with more effectively by the justice system?

**Katherine Valentino:** We feel that it will free up our RCMP so they'll have more boots on the ground and a presence in our communities and will start to do more proactive policing, working in partnership with municipalities on some of the programming that municipalities are paying for and are doing, such as having community safety officers.

It will definitely make a difference in our municipalities, for sure.

**Patricia Lattanzio:** In your opinion, how does Bill C-14 strike the right balance between strengthening accountability for serious offences and ensuring decisions remain fair, practical and legally sound?

**Katherine Valentino:** I'm not in the justice system, so I can't say how that would work in parallel. I know that as municipalities, we feel that Bill C-14 is going in the right direction moving forward. The data and what comes of it we will see in the difference in crime on our streets. We'll be able to see how it's working.

**Patricia Lattanzio:** What would you say to Parliament about the importance of moving Bill C-14 through committee efficiently so municipalities and communities can see these changes implemented without unnecessary delays?

**Katherine Valentino:** We want the committee to move this bill forward very promptly and very quickly. In some of the real-life examples that I've spoken to, innocent people are now dying because of repeat offenders getting out quickly. It will make a difference quickly and lives will be saved if we can move this bill forward to make our streets safer, especially in Manitoba, which I'm speaking for.

**Patricia Lattanzio:** Thank you.

Mr. Sauvé, I'm going over to you.

In your opening remarks, you spoke about resources. Bill C-14 is one step toward a broader public safety solution. You have also spoken about the need for better coordination and resources.

Can you explain why it is important that provinces and territories also play their roles in implementing these reforms in supporting police?

**Brian Sauvé:** Certainly, and I'll use one simple example.

I was in New Brunswick a couple of months ago, and their pre-trial detention facilities are running at 153% occupancy. A judge, a judicial justice of the peace or a Crown will have to take that into consideration as they think about bail and maintaining someone in custody or releasing them on bail. There are not enough places to put offenders pre-trial. That's a requirement for provincial investment, but it could also be a federal leadership thing where you guys take the ball and start running with it.

• (1135)

**Patricia Lattanzio:** You have identified the need for better data sharing and better monitoring of accused on release. In this context, how important are the bail and sentencing changes we see now in Bill C-14 to improving outcomes for both victims and frontline officers when coupled with these suggested supports?

**Brian Sauvé:** We're not at the information-sharing stage yet. There's some form of real-time cross jurisdictional aspect. As my fellow witness mentioned, crime does not respect municipal or provincial boundaries. Having court systems that don't talk to each other between Manitoba and Alberta, where a police officer in Calgary or Winnipeg cannot see what court provisions, court enforcements or bail provisions have been stayed or are still outstanding, has an impact on crimes that are committed in cross-jurisdictional areas.

**Patricia Lattanzio:** Finally, Mr. Sauv , what would you say to this committee about the urgency of moving Bill C-14 forward so that police services can begin using these updated tools immediately and communities can see improved safety without unnecessary delays?

**The Chair:** Give a short answer, please.

**Brian Sauv :** I think it's urgent that you get it done.

**Patricia Lattanzio:** Thank you.

**The Chair:** Thank you.

Mr. Fortin.

[*Translation*]

**Rh al  loi Fortin (Rivi re-du-Nord, BQ):** Thank you, Mr. Chair.

Mr. Sauv  and Ms. Valentino, welcome to our committee. Thank you for being here.

Mr. Sauv , my colleague Ms. Lattanzio has already asked you a few questions that I wanted to ask you, so I'm saving a little time, but I'm going to go a little further.

As police officers, the members of your federation must be fed up—and I understand—with continually seeing the same offenders arrested for similar offences. We have to fight recidivism. I agree that Bill C-14 is a step in the right direction. Can we do better? We can always do better, but I think it's a good thing.

That said, in an ideal world, everyone wouldn't be put in prison. In fact, no one would be in prison. The ideal world would be that, when someone commits an offence, we succeed in rehabilitating them and making them understand what's wrong.

First of all, do you agree with me that the ultimate goal is that people who have committed crimes don't reoffend? I suspect you would agree with that. In that case, I would ask what you think are the most urgent measures we should put in place to rehabilitate people who commit crimes.

**Brian Sauv :** Thank you for the question; it's a good one.

[*English*]

We have to remember that the Canadian legal system and the Canadian justice system are built on the foundational principle of rehabilitation, not incarceration. That being said, where are we failing in that system?

For example, post-sentence in custody, whether it be provincial or federal custody, are we actually investing in rehabilitation of offenders? Are we preparing them for a productive life once they are on parole or they have completed their sentence?

That I haven't seen. We haven't seen investments for a vocational training program or a housing assistance program on post-sentence release or on post-sentence probation.

Can we do better there for those who are incarcerated? Yes.

[*Translation*]

**Rh al  loi Fortin:** Again, I'm going to ask my questions in French, but feel free to answer in English or French.

What measures can be taken? When people are incarcerated following a sentence, unless I'm mistaken, there's a program in place to promote their reintegration and rehabilitation. They can be taught a trade, for example. All kinds of things can happen. However, if I understand correctly, there is no rehabilitation program for people being held on remand. What I also understand is that there are a lot of those people, and they stay on remand for a long time.

If memory serves, a witness in another study told us that 75%, or even more, of prisoners held in provincial prisons are held there on remand, without ever having been convicted of a crime. That's a bit surprising, and I wonder if that doesn't indicate a flaw in our prison system or our justice system.

I'd like to hear your opinion on that, since you work with these people on a daily basis. You arrest them; then there's a trial; they're incarcerated, and they reoffend after a few months or years. You have a certain expertise in that, more than I do, I admit. What specifically can we do about those people to prevent them from reoffending?

• (1140)

**Brian Sauv :** That's interesting. I think that question should be put to a lawyer, but I'll give you my opinion.

If someone is awaiting conviction, do we have the right to enrol them in a vocational training centre?

If the person has been found guilty, the judge can add conditions to their sentence, such as requiring them to take a vocational training program or something like that.

I think you would have to ask a human rights lawyer if it's possible to do that before a conviction. The person is presumed innocent until proven guilty.

[*English*]

That's my perspective on that, but I don't know if I'm right.

[*Translation*]

**Rh al  loi Fortin:** Thank you. That's an excellent point, indeed.

It can be complicated when the person is on remand. If they're acquitted, there's obviously no problem. That means they didn't commit the crime they were accused of, at least in theory. However, if they're convicted, they have to serve a sentence, and the time served before the sentence is often enough to make up the difference. Indeed, the length of trials is another problem, which I think could be the subject of another study.

In short, for people who are convicted, have already served part of their sentence and may be serving another part afterward, should a process be put in place that would be included in the sentencing? For example, if a person has a two-year sentence to serve, shouldn't there be a rehabilitation process in place at the end of those two years? If so, what kind? Do you have an idea?

I understand that there are other experts on this issue, but I'd like to know your opinion, since, as a police officer, you work with these people. Is there anything that should be done about that?

**Brian Sauv :** There are provinces and territories that are looking at mandating the individual to attend an addiction treatment program, for example. That's one idea. Again, this issue falls under the regulatory and budgetary systems of the provinces and territories, since it affects the health care systems for residents of the provinces and territories. However, it will always be good for the federal government to show some leadership in that regard.

**Rh al  loi Fortin:** Thank you.

[English]

**The Chair:** Thank you, Mr. Fortin.

We'll move to the second round of five minutes each.

Mr. Lawton, we're starting with you.

**Andrew Lawton (Elgin—St. Thomas—London South, CPC):** Thank you very much, witnesses.

Mr. Sauv , it's good to have you back. People may recall that you testified as a witness before our study on bail, which the Conservative team initiated, understanding the urgency of this issue.

I'm very grateful not just to have you and your fellow witnesses here today but also that our Liberal colleagues have allowed us to finally get to work on reforms that you and other police agencies have been calling for across the country for many years now.

I want to return to Bill C-48, because you and the federation you represent were very optimistic about it. When you testified before this committee in September, one of my Liberal colleagues asked you how Bill C-48 had improved the safety of victims and the safety of officers on the front line, and you said, "I don't think they have", so we have had false starts before.

If we are to take our cues from your experience in this regard, how can we make sure that Bill C-14 is not retreading old ground in that sense? How can we make sure it is actually living up to the promises?

**Brian Sauv :** That's the challenge. Whether it's Bill C-75, Bill C-48 or Bill C-14, we've said in numerous submissions and pieces of testimony that the justice system, when you're talking about bail or sentencing, is a joint partnership. The federal government can lead and govern with respect to the Criminal Code, but the provinces and territories administer it. Without their joint partnership and funding for adequate Crown attorneys, judges, pretrial detention facilities and probation officers and the resources to administer that, we're setting ourselves up to fail, regardless of what system we put in place in the code.

• (1145)

**Andrew Lawton:** I recognize that sadly, in my role, I can only deal with the issues that are in the federal jurisdiction. In this context, it's the code.

You indicated that you view Bill C-14 as a second step. You suggested in your earlier response to Mr. Brock that there should be a third step beyond that. If we are to get this right, what should be in the bill that's not in the bill? What would you like to see, building off this?

**Brian Sauv :** When I speak about a third step, the first step was Bill C-48, and now we have Bill C-14 as the second step. If you'll recall—I think it was in November when we were studying the bill—one of the recommendations or pieces that we put forward was whether the federal government can be a leader in consistent training for judicial justices of the peace or consistent training in the application of Bill C-14, Bill C-48 or reverse onus provisions, so that you have consistency across the board in provincial court systems.

Instead of convening a first ministers' meeting, you could convene a first attorneys general meeting so that there is consistency across the board and every police officer in every court across the land is actually operating from the same premise.

**Andrew Lawton:** The NPF has previously recommended ensuring that bail hearings are only presided over by justices of the peace who have a legal background. Is that something you would have liked to see in Bill C-14? Is it perhaps something that could be included as an amendment in the Criminal Code that you would welcome?

**Brian Sauv :** I think that would be welcome. Whether it can be done and would withstand scrutiny is the other question.

I think consistency, whether it's only judges, only JJPs, or folks who are consistently trained to the same standard across all jurisdictions, would be welcome.

**Andrew Lawton:** I've heard anecdotally from officers that I've spoken to in my riding that they see a very clear connection between the really bad bail decisions we hear about that often make the news and cases that were presided over by JPs rather than judges. Is that consistent with your experience as well?

**Brian Sauv :** It's also who's arguing the case on behalf of the Crown. For example, as a police officer, in some cases I was arguing and writing the case for the primary, secondary and tertiary grounds. In that case, let's have some consistency across the board. Should it be police officers in some cases who are acting on behalf of the Crown, or do we need more resources so we have consistent arguments that are going forward to consistently trained JJPs or judges at hearings?

**Andrew Lawton:** In the Conservatives' jail not bail act, which we had hoped to receive collaboration on from the Liberals, after listening to concerns that have been raised by police, we urged the removal of the ability of people who are convicted of serious offences to vouch for people as sureties. Is that something you would support including?

**Brian Sauv :** It's an interesting topic to explore. I don't know whether it would withstand scrutiny.

**Andrew Lawton:** Would you support it if it did?

**Brian Sauv :** I'd have to look a bit more into that one.

**The Chair:** Thanks, Mr. Lawton.

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

**Wade Chang (Burnaby Central, Lib.):** My first question will be directed to Mr. Sauv .

From your perspective, how do you believe Bill C-14's bail reforms address the real gaps? How do they align with what police have been asking for?

**Brian Sauv :** There's clarity around reverse onus provisions and placing a reverse onus on those accused of more serious and perhaps random and unprovoked attacks to declare why they are worthy of bail. That's a start. Then you have some good pieces, to start with, when you're talking about organized crime, mandatory firearms bans and mandatory....

The challenge, from a law enforcement perspective, is going to be when someone achieves...a reverse onus provision and is released on bail on their own recognizance or in some form and a police officer finds them violating it. What happens then? Are we going to end up in the same situation we have today where courts or Crowns are not taking breaches of bail provisions as seriously as other offences? Is it your second strike or third strike when we are going to deny you bail?

Those are all good starts, but the devil is in the details and the proof is in the pudding.

**Wade Chang:** You have stressed the importance of ensuring that courts have the tools to keep repeat and violent offenders off the street. How do you see Bill C-14 strengthening public safety and community confidence in bail decisions compared to the current framework or current system?

**Brian Sauv :** As you just mentioned, you are expanding and strengthening the opportunity for reverse onus provisions. Also, as you talk about repeat and violent offenders, those are who it's going to impact. Those are the ones who will be seeing a more difficult road to achieving bail than your average, everyday first offender.

• (1150)

**Wade Chang:** Here is my final question for you. Would you urge all parties to pass Bill C-14 as soon as possible to protect Canadians?

**Brian Sauv :** I would.

**Wade Chang:** Thank you.

My next question goes to Mr. Atlas.

Looking specifically at the bill's bail reform for repeat and violent offences, can you acknowledge how these changes strengthen the ability of the courts to better manage risks in communities, including in transit systems?

**Michael Atlas:** Really, the suggested change we're talking about is just for transit workers and to try to make sure the Criminal Code recognizes transit workers in the same way it recognizes transit operators.

To answer your question, I don't speak for CUTA on this issue, as it's outside the bounds of CUTA, but I would agree that it does help municipalities.

**Wade Chang:** You represent transit agencies that work closely with municipal and provincial partners. How important is it that provinces and local governments play their part in enforcement supports and implementation rather than expecting federal bail reform alone to solve all the complex transit safety issues?

**Michael Atlas:** It's critical. This is about a multidisciplinary approach. It takes everyone to assist in ensuring that you have a safe public transit system. That's all levels of government and enforcement, as well as Criminal Code amendments.

**Wade Chang:** Here is my final question for you. Would you agree that moving forward with targeted workable reforms like those in Bill C-14 is preferable to delaying actions in pursuit of broader changes that may sound tougher but that risk not delivering real improvement for transit workers?

**Michael Atlas:** I would.

**Wade Chang:** Would you urge all parties to pass Bill C-14 as soon as possible?

**Michael Atlas:** Yes.

**Wade Chang:** Thank you.

My final question goes to Ms. Valentino.

Municipalities are often on the front line when it comes to the impact of repeat and violent crime. Can you explain why the Association of Manitoba Municipalities publicly welcomes Bill C-14 and why this bill and sentencing reforms matter for community safety?

**Katherine Valentino:** We're hearing first and foremost from residents of Manitoba municipalities. AMM did research, a survey, and it was clear that nine out of 10 members of our public are feeling unsafe. We support this wholeheartedly because we see repeat offenders repeatedly doing crime in our communities.

Also, as stated before, our RCMP and frontline workers are being subject to these repeat offenders. If there are stronger conditions for them, if they are a repeat offender, so they do not get out, then we'll be able to have more resources and boots on the ground with the RCMP to keep our municipalities safer. The feeling right now is that our streets are unsafe because of repeat offenders.

**The Chair:** Thank you very much.

We have about seven minutes left. I'm going to give Mr. Fortin his two and a half minutes, and then I'm going to give Mr. Baber and Ms. Dhillon three minutes each.

[*Translation*]

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

Mr. Sauv , in your testimony, you talked about how important it is for police officers to have enough information to do their job.

To your knowledge, are there any statistics or figures on the recidivism rate of people released on bail compared with the recidivism rate of people who have been convicted and served a sentence?

**Brian Sauv :** Yes and no. It depends on the location. For example, if someone reoffends in a city like Montreal, we have all the local information. However, if they move to another jurisdiction, it becomes problematic, even when going from Quebec to Ontario, from Ontario to Manitoba or from British Columbia to Alberta. It's really a matter of information sharing between the provinces.

**Rh al  loi Fortin:** I imagine it would be important to set up a program that makes it possible to share that information.

**Brian Sauv :** Yes, definitely.

**Rh al  loi Fortin:** Thank you.

Ms. Valentino, I don't want to blame you, so don't take it that way, but municipalities—whether in Manitoba, Quebec, Ontario or anywhere else—are grappling with these repeat offences and violent crimes. Earlier, I was talking to Mr. Sauv  about the importance of constructive and effective rehabilitation of inmates, which isn't always there, unfortunately.

In your opinion, why aren't municipalities or provinces investing enough in rehabilitating people? Is it just a matter of financial resources, or are there other reasons?

• (1155)

[*English*]

**Katherine Valentino:** I think that speaks clearly to the notion that all orders of government have to make this work and have a bit of skin in the game—the federal government, the provincial governments and the municipalities also.

If we're talking about some kind of reform or program, the municipalities are already doing that on their own and on their own dime for their taxpayers. They're creating programs in their communities to try to get at-risk youth to do low-cost recreational things. They're already trying programs for the rehabilitation of criminals to keep their streets safe.

[*Translation*]

**Rh al  loi Fortin:** Are crimes committed by teenagers an issue where you live?

[*English*]

**The Chair:** Mr. Fortin, we're out of time, unfortunately. I'm sorry.

**Rh al  loi Fortin:** We need time for interpretation, Mr. Chair.

**The Chair:** I know. I've given you a bit of extra time.

[*Translation*]

**Rh al  loi Fortin:** Thank you.

[*English*]

**The Chair:** Unfortunately, I don't make the rules. I just have the unenviable task of enforcing them.

[*Translation*]

**Rh al  loi Fortin:** I appreciate that.

[*English*]

**The Chair:** We'll go to Mr. Baber for three minutes and then to Ms. Dhillon for three minutes.

**Roman Baber:** My time is short, so we'll try to go quickly.

Mr. Atlas, welcome. I understand you are legal counsel for the Toronto Transit Commission.

**Michael Atlas:** That is correct.

**Roman Baber:** I got into provincial politics about a decade ago because I'm very passionate about the TTC. It's been my lifetime work to try to connect the Sheppard West subway station and the Sheppard Yonge subway station, which crosses through my riding of York Centre and the great riding of Willowdale. I certainly hope that you can try to assist me with that.

**Michael Atlas:** I am also a member of the same riding.

**Roman Baber:** I'm honoured to represent you.

Mr. Atlas, a CBC article from November 26, 2025, says that in the last decade, physical assaults are up 160% on the TTC, and all violent crime is up 127%. That's notably since 2015. Does that sound right?

**Michael Atlas:** I don't know the numbers, but yes, it's definitely increased.

**Roman Baber:** I can think of something that happened in 2015, and that is the election of this present Liberal government. Is there another reason? Why do you believe we have seen such an uptick of violence on the TTC?

**Michael Atlas:** I don't know if I have an answer for that. When you look at how we're trying to solve the problem, you're looking at it through multiple approaches: mental health crises, substance abuse and homelessness. From a TTC standpoint, we're looking at all of those disciplines, and I don't know if there's one reason over another for why you're seeing it.

**Roman Baber:** I used to take the subway to work every day when I worked downtown and when I worked at Queen's Park. Unfortunately, because of all the incidents, the subway is simply no longer reliable in the city of Toronto.

I looked at the mental health component. According to the Toronto Sun, one out of every four incidents where a person is involved...is due to a mental health issue. To your knowledge, is that addressed in Bill C-14?

**Michael Atlas:** I'm not aware of that being addressed.

**Roman Baber:** It's not addressed.

I want to ask you about special constables. How is that working out? Do you believe they need greater law enforcement ability or that they need to be armed, perhaps?

**Michael Atlas:** No, I personally don't think they need to be armed. I think special constables do a great job of providing a safe and secure transit system, so I don't necessarily think they need to carry weapons.

**Roman Baber:** It's very sad to me that in the city of Toronto, parents no longer feel that it's safe for their children to take the TTC on their own. I think the TTC is such a landmark in our city, and it's very sad that we're here today.

I note that, primarily, the mental health component of this has gone up after the pandemic response. Is that correct?

**Michael Atlas:** I think that's the perception, yes.

I just want to reiterate that the TTC remains a safe system, so you can encourage your friends' kids to continue to take the TTC.

**The Chair:** Thank you, Mr. Baber.

Ms. Dhillon, we'll go over to you for three minutes.

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

I will start with Mr. Sauv .

Thank you for your testimony, Mr. Sauv .

You were being questioned about your experience as a police officer, and you said something interesting. You said that in your experience, you did not see mandatory minimum sentences as being a deterrent. Can you please expand on that?

• (1200)

**Brian Sauv :** I'm not against mandatory minimum sentencing, and I think most police officers are not against it.

My experience has been that it's very difficult at trial or with the Crown to proceed and make the argument for mandatory minimum sentencing or for a judge to award a mandatory minimum sentence. That's been my experience. We've tried on a number of occasions and haven't been successful. It's an extremely uphill battle.

**Anju Dhillon:** You spoke about data gathering and sharing. Can you talk to us about what you would see as more helpful to prevent restrictive territorial jurisdictions? You've mentioned a few times that it's very important that there's a collaborative effort across Canada. Perhaps you can talk to us about that.

**Brian Sauv :** We can talk about just one jurisdiction. For example, all of my experience is in the Lower Mainland of British Columbia. The B.C. court system operates on one software platform, which is fine.

Say we arrest someone for break and enter and they are released on bail because it's their first offence, and over the next several weeks before their court appearance, they violate that bail or breach their conditions for whatever reason. By the time they deal with the substantive offence of break and enter, which might lead to a guilty plea in exchange for a stay of proceedings on the numerous breaches of bail violations.... All a police officer is going to see the next offence or the next time the person commits a crime is the conviction for the break and enter. They won't see that they were charged and had stays of proceedings on the numerous bail violations.

It gets even more compounded if you change jurisdictions or change provinces. A Crown counsel in Lethbridge, Alberta, may appreciate knowing that someone who's been arrested for break and enter has a conviction for break and enter but also has 17 stayed charges for bail violations in a different jurisdiction or a different province. That might change their argument on bail, and it might change a JJP's decision-making process on granting bail.

**Anju Dhillon:** As we've seen, the reverse onus is going to be expanded when it comes to intimate partner violence and, for example, violent auto theft. You would like to see, I'm sure, this bill quickly passed for these reasons.

**Brian Sauv :** I would. Let's get step two over with and move on to step three and get all jurisdictions working together.

**The Chair:** Thank you, Ms. Dhillon.

We'll have to stop there.

I want to say thank you to all three of the witnesses not only for being here today but also for their service. We're all incredibly grateful.

I will take issue with only one thing you said, Mr. Sauv . You said, "I'm just a cop." You're not "just a cop", sir. You're a police officer. We all owe you a debt of gratitude, as we do all of your colleagues.

We'll suspend for a moment while we get the next panel ready.

• (1200)

(Pause)

• (1205)

**The Chair:** I'd like to call the meeting back to order, please.

I want to welcome our witnesses for the second hour.

On Zoom, we have Peter Copeland, deputy director of domestic policy, Macdonald-Laurier Institute; and Tiago Múrias, criminal lawyer, Aneur and Múrias Inc. With us in person is Dr. Kelly Sundberg, professor at Mount Royal University.

I want to welcome you here today, or welcome you back, as the case may be, and just say that we're very grateful for your taking the time to join us today.

Each of you will have up to five minutes for opening remarks.

Dr. Sundberg, since you're in the room and I'm looking at you, I'll turn the floor over to you.

**Kelly W. Sundberg (Professor, Mount Royal University, As an Individual):** Thank you very much.

Mr. Chair and honourable members of the committee, thank you for inviting me to appear before you again to speak on bail and sentencing reform as presented in Bill C-14.

By way of a brief context, I'm a professor of criminology at Mount Royal University. My work has long focused on border security, immigration enforcement and transnational crime, alongside scholarship on policing, public safety and security. Prior to academia, I served for over 15 years in federal border security and immigration enforcement, including in advisory roles with the federal government.

To begin, I want to be clear that I support Bill C-14. In my assessment, it is measured, legally cautious and respectful of judicial independence, while responding to the public's real concerns about repeat and violent offending and the credibility of our bail decision-making.

Canadians expect Parliament to ensure that people accused of serious violence, organized crime and repeat offending are carefully managed by the courts, balancing an accused's charter rights with the rights that Canadians have to live free from fear, intimidation and victimization.

I also want to acknowledge the testimony from this past October of British Columbia Regional Chief Terry Teegee of the Assembly of First Nations. He reminded us that bail and sentencing reform must not deepen inequalities or shift new burdens onto indigenous communities that already experience disproportionate harm. A credible public safety agenda must include sustained support for indigenous communities and indigenous-led and informed solutions.

I want to focus on one discrete issue that can be addressed in a narrow and defensible way.

Canada is one of the most immigration-dependent societies in the world. We have a large foreign-born population and, at any given time, a very large temporary resident population—students, workers and visitors living in our communities across our country. Recent federal reporting has placed the temporary resident population at roughly three million people.

When even a small fraction of foreign nationals are implicated in serious offending—terrorism-related activities, organized crime, extortion, violence, trafficking or exploitation—the harms are real, and the public expects a meaningful response at the earliest justice system decision point. In my belief, it's bail.

There is a human point to this. Many newcomers and first-generation Canadians come to Canada to escape violence, intimidation, corruption and organized crime. When those same threats follow them into Canada, it undermines confidence in both our justice system and our immigration system.

My recommendation is simple. Align bail law with Parliament's seriousness structure in the Immigration and Refugee Protection Act.

Specifically, I propose a narrowly tailored reverse onus provision so that when a foreign national is arrested and charged in a manner that, if convicted, would render them inadmissible under IRPA's provisions relating to security and terrorism, human or international rights violations, serious criminality or criminality, or organized criminality, the onus shifts, and they must show cause as to why they should be released.

Why does this matter at bail?

The first is attendance in court. Conditional status and conviction-linked inadmissibility consequences can materially affect flight risk, compliance and enforceability.

The second is public safety. These are Parliament's highest-concern categories of misconduct by non-citizens temporarily in our country.

The third is public confidence. Where Parliament has determined that certain conduct is fundamentally incompatible with remaining in Canada, Canadians reasonably expect bail decision-making to reflect that seriousness, while remaining fully compliant with fairness and due process.

To be crystal clear, this is not automatic detention. It is a narrow show cause mechanism that preserves full judicial discretion and requires the court to apply the disciplined analysis under subsection 515(10) of the Criminal Code, with the onus structured appropriately for a small yet high-risk category.

In closing, Bill C-14 is a strong and necessary step forward. I believe the committee has an opportunity to strengthen it without overreaching by adding one carefully drafted reverse onus provision for foreign nationals in the IRPA sections 34 to 37 inadmissibility bands.

Again, to give effect to my earlier stated recommendations, I propose wording consistent with what I provided this committee in my written response last week—namely, that a new reverse onus subparagraph be added to paragraph 515(6)(a) of the Criminal Code. It would read, “that the accused is a foreign national, as defined in subsection 2(1) of the Immigration and Refugee Protection Act, and is charged with an offence such that, if convicted, the accused would be inadmissible to Canada under section 34, 35, 36 or 37 of that Act.” The reverse onus should apply there.

• (1210)

Thank you, and I welcome your questions.

I'm sorry for the stumble.

**The Chair:** It happens. If you hadn't done it, I or somebody else would have done it. Don't apologize.

Mr. Múrias, I'll turn the floor over to you, sir, for up to five minutes.

[*Translation*]

**Tiago Murias (Criminal Lawyer, Ameur and Múrias INC, As an Individual):** Good afternoon, everyone.

Thank you for the opportunity to speak to the committee.

I am going to focus exclusively on the part concerning young offenders, that is, the proposed amendments to the Youth Criminal Justice Act, since that is my area of expertise. I won't speak to the provisions related to the Criminal Code.

I work exclusively with young offenders and have done so for 14 years. That's my job, and I love it. I have obviously seen a major change over the past 14 years, not only in terms of delinquency, but also in terms of the profile of young people who end up in court.

I want to say that there are a number of positive things in the proposed amendments to the Youth Criminal Justice Act. I think it's an act that is starting to show its age; it came into force in 2003, and it has had no significant amendments since then. The proposed amendments are, on the whole, positive. There are many good things in the bill when it comes to the Youth Criminal Justice Act; although I believe there's room for improvement, as always. As long as work is being done on that act and on certain provisions that do need to be updated, I think it's possible to improve the act and ensure that it better reflects the act's principles.

One of the principles of the Youth Criminal Justice Act, mentioned in the preamble and section 3, is that the rehabilitation and reintegration of young offenders are the best ways to protect the public in the long term. In 2007, the Supreme Court established that principle as a principle of fundamental justice, that is, a principle that is constitutionally protected under section 7 of the Canadian Charter of Rights and Freedoms. As a result, any legislative provisions must comply with the principle that rehabilitation and prevention measures are the best ways to reduce crime.

Not only is that legally and morally true, but it's also factually evident. It's known that quick, effective and intensive intervention is the best way to reduce the recidivism rate among young offenders. All the studies and meta-studies demonstrate that. We know that this is what works. Personally, I don't think this should be a po-

litical issue. It's important to move forward based on what the science shows. Relying on science is the right thing to do in many areas, and that's also the case when it comes to rehabilitation.

However, even though I think rehabilitation is a fundamental value, there's indeed a change in delinquency at the moment, in terms of the profile of offenders and the crime severity index. As the data show, there has been an increase in the severity of offences committed by teenagers, but it's important to consider that in the context of a general decline since the 2000s. There has been a huge decrease since the 2000s, but there has been a resurgence in recent years, both in terms of the prevalence of crime and in terms of the crime severity index and the rate of homicides committed by teenagers per 100,000 inhabitants.

For that reason, I think measures can be put in place. For example, the first thing to change would be the definition of “violent offence”. What's currently proposed doesn't seem to be the best approach, because causing bodily harm is already provided for in the act. However, adding firearm offences seems entirely appropriate to me. A list of firearm-related sections should be included; I'm particularly thinking of sections 91, 92, 94, 95, 96, 98, 99, 100 and 102 of the Criminal Code. Those sections relate to firearms and should be included in the definition of “violent offence”, which allows for custody. That would prevent having to use an exceptional provision, such as paragraph 39(1)(d) of the act. Amending the definition of “violent offence” to include certain firearm offences would also give judges more discretion. That's fair, it's proportionate, and, above all, it reflects the reality we see in urban centres.

• (1215)

That brings me to my second proposal.

The two sentences—namely, intermittent custody, which is on weekends, and intensive rehabilitative custody—depend on the resources and programs provided for by the provincial director. I propose amending this section so that those programs are provided for in the act, without condition, as is the case for adults, for whom intermittent custody doesn't depend on special programs but exists in the Criminal Code. The same should be true for teenagers. It's a program that works, that delivers results and that, when it existed—

[*English*]

**The Chair:** Thank you, Mr. Múrias. I'll have to stop you there. You'll have an opportunity to answer some questions shortly.

Mr. Copeland, it's over to you for up to five minutes, please.

**Peter Copeland (Deputy Director, Domestic Policy, Macdonald-Laurier Institute, As an Individual):** Chair and members of the committee, thank you for the invitation.

Let me begin with a simple but important point. Canada's public safety issues are real, but bail is not the primary problem. The real issues are repeat violent offenders and the expanding reach of organized crime. We need to address organized crime and national security gaps in enforcement and prosecution, reduce excessive judicial discretion and pursue selective expansion of non-custodial sentencing options.

Over the past decade, we've seen a sustained increase in violent crime, heightened public concern about repeat and dangerous offenders and growing frustration with what appears to be inconsistent and lenient outcomes, but these causes aren't reducible to one factor.

They include Supreme Court jurisprudence, particularly Jordan, which is a one-size-fits-all solution imposed by courts that ought to have been studied and enacted by Parliament for case timelines. It has forced speed at the expense of substance and resulted in thousands of stayed or withdrawn cases. Court backlogs and delay inflate remand populations, as has already been mentioned today, which actually hardens offenders. There is organized crime and national security-linked criminality, which our tools at present are poorly designed to address; the striking down of hundreds of mandatory minimums without replacement architecture; and a sentencing framework that relies heavily on broad principles but offers little structured guidance, leaving room for too much discretion and unpredictability in the law as a result. Bail decisions sit downstream of all of this.

Bill C-14 responds to real public anxiety, particularly around repeat violent offending, and some of its sentencing amendments may help at the margins, but deterrence ultimately comes from consistency, predictability and certainty of enforcement and punishment, which are affected by many other things. If we just crack down on bail without fixing sentencing, prosecution practices and enforcement capacity, we don't get deterrence. We get more remand, more delay and less legitimacy.

We, in fact, saw this after Bill C-48's introduction. Excessive reliance on pretrial detention can worsen outcomes, with swelling remand populations and a pressure to plead out, and sentences, if they get to that stage, can get effectively commuted by time served in these dysfunctional conditions.

One of the core problems in our criminal law is that the principles and purposes structure affords too much discretion, which undermines predictability and deterrence. It's governed by broad objectives and principles in section 718 and the balancing exercises between these principles that produce variation across courts. Past sentencing commissions in Canada have warned about this problem and examined U.K.-style sentencing guidelines—not rigid grids but structured ranges and offence-specific guidance—but these were not ultimately adopted, so we have too much unpredictability, weak denunciation for serious crime and diminished public confidence as a result.

If Parliament wants to address violent repeat offending effectively, I would suggest four priorities.

First is organized crime and national security. Our definition of organized crime is too narrow and difficult to prove. Canada should

move toward a pattern-based framework similar to U.S.-style RICO tools. We should create targeted exemptions for Stinchcombe disclosure rules and Jordan case timelines when organized crime and national security thresholds are in play. These are tools our allies have, which makes Canada a target for organized crime and foreign state actors that's being actively exploited. This is evident in the rising number of organized crime groups operating here.

Second, we need to reduce excess discretion in sentencing dangerous offenders. If Canada will not adopt sentencing guidelines, then Parliament should at least rebalance section 718's application for serious repeat and violent offences and make clear that denunciation and deterrence must be given primary consideration for more types of charges. This is language that Parliament has used before, and somewhat in this bill, for other offence categories.

Third, prosecution policy matters. Hybrid offences enable Crown discretion, and they're found throughout the Criminal Code. That could be maintained but tightened by working with the provinces to amend both the federal and provincial Crown prosecution manuals to establish a default presumption of indictment for serious repeat and violent offences.

• (1220)

Fourth, expand serious non-custodial sentencing options. Canada lacks robust long-term non-custodial options that sit between probation and prison. Well-designed, in-community sentences—

• (1225)

**The Chair:** I'll have to ask you to wrap up quickly, Mr. Copeland, please.

**Peter Copeland:** —can support rehabilitation and reintegration and can be highly restrictive and deterrent when properly supervised.

**The Chair:** Thank you very much.

We'll go to the first six-minute round, starting with Mr. Baber.

**Roman Baber:** Thank you.

Mr. Copeland, welcome.

I read your recent article in the National Post: “Targeted mandatory minimums required to counter activist judges”. You write that “a combination of mandatory minimums and stronger sentences for severe crimes and high-risk offenders are justified.” Is that correct?

**Peter Copeland:** Yes, I did write that. I think it's one tool in the tool kit, as it removes judicial discretion. That is one of the issues that is resulting in a too-lenient prosecution system.

**Roman Baber:** I'm not sure if you had a chance to really study the bill that is presently before the committee. It's amending the Criminal Code on bail and sentencing, but there really isn't much sentencing being amended by this bill specifically.

While some schemes of the Criminal Code are being changed with respect to sentencing, the only adjustment in terms of penalties appears when it comes to contempt of justice. That is the only time sentencing is addressed in Bill C-14, which Conservatives find remarkable...in how deficient this bill is.

Are you disappointed that we haven't seen much sentencing reform in Bill C-14, Mr. Copeland?

**Peter Copeland:** Yes, and I have written about this before. Certainly bail is an issue and it needs to be addressed, but when we focus just on bail through the creation of reverse onuses, you can end up swelling the remand population and not affecting sentencing. As I've indicated in a few of provided suggestions, we can remove judicial discretion while maintaining it in appropriate ways to make sentencing more predictable and effective.

**Roman Baber:** It's important to note that sentences prescribed by the Criminal Code or handed down by the judiciary often end up not being the sentences served by those convicted and sentenced to those sentences, in that there's pretrial custody time, which is often two-for-one and these days in some cases three-for-one. You also have essentially an automatic eligibility for parole after a third of a sentence.

I have to tell you that I'm quite disappointed. It appears as if the government missed an opportunity on sentencing here.

**Peter Copeland:** Yes, I would agree. I think the bill should be amended.

The government has shown some willingness to do this with the border security bill, where they took out lawful access, but they're studying that further and they're going to move forward with it.

I suggest that significant amendments to the sentencing regime be undertaken. Again, a significant one would be to change, for a whole host of serious dangerous offences, the prioritization of the principles, not just tweaking a few, as they've done here.

**Roman Baber:** We talk a lot about mandatory minimum sentences. No doubt you followed the Supreme Court in *Senneville* a couple of months ago, which struck down a mandatory minimum sentence in a case involving access to and distribution of child pornography—a horrendous set of facts with horrendous materials in the possession of the two accused. Apparently, a majority of the Supreme Court thought that a mandatory minimum sentence would be unconstitutional here. That would be one year for possession or access. We see nothing on that in Bill C-14.

We now see Bill C-16, which I anticipate will come to this committee at some point as well. In that respect, we see the government watering down the mandatory minimum sentencing provision, in that they propose a safety valve where there would be automatic litigation of the constitutional principle that a punishment cannot be cruel and unusual every single time and would allow a judge discretion not to apply the mandatory minimum. How do you feel about that?

**Peter Copeland:** First of all, the case was decided upon the use of a reasonable hypothetical scenario, which were facts not before the court. I think that points to a larger issue here: that to properly bring mandatory minimums into the law, you have to account for the presence of the charter and the philosophy that's prevalent among large numbers of judges on the bench, which I think leaves room for improvement.

There are other options to introduce mandatory minimums but that have narrower types of exemptions. There are a number of factors you could stipulate, wherein a judge could enact discretion that doesn't go as far as what's being put forward here. In fact, many other jurisdictions have these in place. I would like to see—

• (1230)

**Roman Baber:** Thank you.

**Peter Copeland:** —mandatory minimums of that nature, but with narrow exemptions.

**Roman Baber:** Mr. Copeland, if I may, very quickly, I want to go to Mr. Sundberg.

I see your proposal for having a reverse onus in cases to which, for folks at home, the Immigration and Refugee Protection Act applies, but can we talk about sentencing?

If someone is convicted of a serious crime, or of a crime, we now see situations where judges prescribe more lenient sentences so as not to affect the immigration status of a particular accused. I find that preposterous. I would like to do the opposite and look potentially at revoking a temporary stay by a convicted criminal who is not a resident of Canada. In fact—

**The Chair:** That is all your time, Mr. Baber.

**Roman Baber:** —that is what Michelle Rempel Garner is proposing in Bill C-220.

**The Chair:** Mr. Baber, that's all your time.

I'll give time just for a quick answer.

**Kelly W. Sundberg:** Very quickly, I think the proposals that have been discussed are important. My effort is to align the spirit, if you will, of IRPA, the Immigration and Refugee Protection Act, where Parliament has made, in my view, some good decisions on what is inadmissible for certain classes of individuals who are not Canadian citizens. Having an incongruence between how the courts deal with a matter of criminality and how the immigration program deals with a matter of criminality.... When we see this conflict where justices are purposely reducing sentences to ensure that someone doesn't fall into the IRPA, in my view, it's problematic. In many respects, it's somewhat schizophrenic, where we have one side—

**The Chair:** Thank you.

**Kelly W. Sundberg:** —of the legislation and the IRPA saying one thing, and we see the Criminal Code saying another thing. I think we need to bring in alignment.

**The Chair:** Thanks very much.

Mr. Chang.

**Wade Chang:** Dr. Sundberg, thank you for your service.

Just last week, every first minister in Canada, including Conservative premiers, released a joint statement calling on Parliament to move forward on bail and sentencing reform to better protect Canadians and strengthen our public safety. Given that level of unanimous federal and provincial agreement, do you accept that Bill C-14 represents a necessary and broadly supported step in responding to the concerns that provinces and communities have raised?

**Kelly W. Sundberg:** I do. The fact that we're having this meeting today and that Bill C-9 was put to the side so that this very important bill, Bill C-14, could be addressed is a testament to the members of this committee and those across the board...looking at issues. Are we achieving what everybody wants? Perhaps not, but at least there's some movement forward. It shows Canadians that there is an urgency and that their voices have been heard, and in my view, Canadians believe their voices are being heard. When we see co-operation across parties at the federal level and across provincial governments in achieving a resolution, I think it is a very positive move.

Part of what we're doing and what we're talking about with Bill C-14 is truly about rebuilding trust and credibility in our system, and this is an important first step, so I think it's positive. I see it as a positive move and we need more of it.

**Wade Chang:** I'll go to my second question.

The joint statement was clear that governments at all levels expect action, not delays, on bail and sentencing. Do you agree that targeted reforms like those in Bill C-14, with a focus on repeat and violent offending while respecting core justice principles, are the kinds of responsible actions that first ministers are calling for Parliament to deliver now, and why?

**Kelly W. Sundberg:** I do. I think Mr. Baber brought up a good point with regard to sentencing. Bill C-14 is very much about bail, not so much about sentencing. Nevertheless, one it's step at a time, and it's very positive to see that there's earnest, and for some probably uncomfortable, discussion about moving forward so that we can find a balance between an individual's rights and the incredible im-

portance of ensuring safer communities and protecting Canadians from violence, harm and organized crime.

We need to do more and we need to do better. I see a positive move forward, frankly.

• (1235)

**Wade Chang:** Dr. Sundberg, when this committee started on bail and sentencing in the fall of last year, Conservatives invited Mr. Ari Goldkind, a very senior and experienced criminal lawyer from Toronto. Mr. Goldkind told this committee that the principle of restraint is “a very good thing” and that Canada should be very proud of how it treats even the worst among us.

Given that the principle of restraint does not require judges to release an accused and has never meant mandatory release, do you agree with Mr. Goldkind that restraint has an important place in our justice system, even as we take steps to better protect communities from repeat and violent offenders?

**Kelly W. Sundberg:** When we see discretion and how, in different jurisdictions and courts, matters are applied, there is a concerning level of inconsistency. Nevertheless, the fact that this bill is tabled and being seriously considered by all indicates that everyone recognizes we have to do better. I think we have perhaps been too liberal in our approach, and moving forward, we need to rein in some aspects of our Criminal Code.

What we're speaking about with the reverse onus is very important, but it's also important to keep in mind, and Canadians should know, that a large percentage of those who sit in our various correctional facilities across this country are there awaiting trial. The concern comes when we have omnibus sentencing. A lot of the charges that would otherwise be put on the record are dealt with separately or brought in, and that can cause some confusion for Canadians.

Really, this should be about assuring Canadians that their public safety and security are being seriously considered. I can see how some of the inconsistency would lead a number of Canadians to feel otherwise.

**Wade Chang:** My final question to you is, would you urge all parties to pass Bill C-14 as soon as possible?

**Kelly W. Sundberg:** Yes, absolutely I would, and I'm glad to see that it seems there is a shared urgency to put this forward. I think that's commendable. As a Canadian, I thank you for it. As a voter, I'm glad that's happening.

**Wade Chang:** Thank very much.

Do I still have time?

**The Chair:** You have 25 seconds.

**Wade Chang:** That's fine, then.

**The Chair:** Mr. Fortin, it's over to you.

[*Translation*]

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

Mr. Sundberg, thank you for being here.

Mr. Copeland and Mr. Murias, thank you for being with us.

Mr. Murias, at the end of your testimony, you mentioned a few things rather quickly. What programs should be included in the act instead of being dependent on provincial funding? You mentioned custody during weekends, for example.

Can you elaborate on that?

**Tiago Murias:** Thank you for the question.

That's what we call intermittent custody, meaning that the sentence is served on weekends. It's well known, and it exists for adults. It's a sentence provided for in the Criminal Code. It works for certain offenders with a specific criminal profile.

It also exists for young offenders. It's provided for in paragraph 42(2)(m) of the Youth Criminal Justice Act, except that a provision states that the provincial director approves it with credits. This measure existed until 2013-14, particularly in Montreal, and it was an exceptionally effective measure. For a young person who was at the beginning of their criminal career but had already committed major offences, people hesitated between two options: strict probation or secure custody with other offenders who would lead the young person to more delinquency. There was also this program with special units where the young person would go only on weekends. Depriving a teenager of their weekend does the job: the recidivism rate was among the lowest for custodial sentences. However, it's expensive, and it requires units and educators. Given this, the program was cancelled because of a decrease in crime. In 2012, 2013 and 2014, youth delinquency was at its lowest, so it was decided that the program wasn't really needed anymore, and those resources were cut. There's now a rise in delinquency, but the program still hasn't been reactivated.

Paragraph 42(2)(l) is another example of an intensive rehabilitation program that should be reactivated. It hasn't been reactivated, for the same reasons. Funds were cut when there was a decrease in delinquency, but those programs have never been reactivated, even though they're needed now.

This shows to what extent this provision, which makes it possible to reduce funds and sentences on a discretionary basis, was a bad decision in hindsight. I think this is a good opportunity to correct that and bring back the obligation for the provinces to offer intermittent custody sentences. That's what I was referring to.

• (1240)

**Rhéal Éloi Fortin:** You also said that we should take this opportunity to change the definition of a violent offence to include gun crimes. I'd like to hear more about that. What impact would that have? Why should gun crimes be included? Is it to increase sentences or reduce them? I'd like to hear more about that.

**Tiago Murias:** It's important to understand that the youth criminal justice system is based on the principle that in order to take

away someone's freedom, the crime must fit one of the scenarios described in section 39. One of them has to do with the definition of a violent offence. Oddly enough, according to definition, someone who commits a simple assault, such as a slap in the face, can be taken into custody. However, someone found in possession of a loaded handgun with a bullet in the chamber is not automatically taken into custody. Exceptional circumstances have to be considered, which leads to a very complex legal issue that I won't get into. Having to demonstrate that there are exceptional factors at play is not a good thing. Crimes involving the possession of firearms should be included. I gave a list of examples, and I think they're the most relevant and cover a minimum—

**Rhéal Éloi Fortin:** I'm sorry to interrupt you, Mr. Murias, but there's not much time left in my turn, and I want to make sure I understand.

What would be the impact of including gun crimes or possession of a firearm in the definition of a violent offence? What would that do? Would the sentences be harsher? Would people be treated differently? What would be the impact?

**Tiago Murias:** In the case of possession of a firearm, it would allow for someone to be detained, even if it means the court would adjust the detention period without going through a long and complex procedure. That's what needs to be done. It's an aberration that the act doesn't already provide for that. As a defence attorney, I believe this is a loophole that must be corrected. The fact that the act doesn't provide for someone to be detained in such a situation is not right.

**Rhéal Éloi Fortin:** Thank you, Mr. Murias.

Professor Sundberg, I found your statement interesting, as always. Indeed, this isn't your first appearance before the committee.

There's an underlying question to all of that—and I'd like to hear your thoughts on it—which is: What is the impact of minimum sentences on the crime rate?

It is often said that, before committing a crime, a criminal doesn't read the Criminal Code to find out whether the penalty is one year, two years, five years or 20 years in prison. I'd like to hear you on that. Minimum sentences can be added or removed. What impact does that have on the crime rate?

[*English*]

**Kelly W. Sundberg:** I apologize that I can't respond in French.

It's interesting. The research is quite sound that deterrence works because people are scared of getting caught. If sentencing were the solution.... On the extreme side, in the state of Texas, where they have the death penalty, there's quite a swift, certain and significant outcome. We would see no homicide if it were, in fact, the issue of the outcome or the sentence. To that end, though, the fear of apprehension—of being caught—and then facing consequences is the point that research shows ensures people experience general deterrence. On specific deterrence, however, when we think of an individual, the sentence does play a role, as does their experience throughout the process.

If it's protracted—

[*Translation*]

**Rhéal Éloi Fortin:** I have a few seconds left and—

[*English*]

**The Chair:** Mr. Fortin, I'm sorry. We have to stop.

We're going a bit past one, but we'll get the entire second round in. We'll do five-minute rounds, starting with Mr. Gill.

**Amarjeet Gill (Brampton West, CPC):** Good afternoon.

Thanks to all the witnesses.

My question is for Mr. Copeland.

Extortion is a rising crisis at all levels, including in my city of Brampton. Residents and business owners are scared. We know that most of these crimes are being committed by repeat violent offenders. Do you think this bill has the proper penalties to stop the extortion crime wave that my community is experiencing?

• (1245)

**Peter Copeland:** Ultimately, I would repeat what I stated earlier: that the bill's focus remains too narrowly on bail and that we need to revisit it and modify sentencing provisions. I would like to see greater consideration for guidelines rather than principles and purposes. Now, this is a major undertaking, but it has been recommended before and was not adopted. This would remove some judicial discretion.

Another way of doing it is by ensuring that deterrence and public safety principles are given priority, among the other priorities and purposes that can be looked at in the Criminal Code, for a much larger range of offences. That would go some way to improving sentencing.

**Amarjeet Gill:** Would stronger sentences for repeat offenders be an effective way to combat the extortion crisis?

**Peter Copeland:** I think so. I'd be happy to build on the comments by Mr. Sundberg. He's quite right that deterrence is not just a factor of severity of sentence; it's the predictability and swiftness of enforcement. Prosecution capacity and enforcement capacity are very important there, as are court delays, but predictability at the judicial level—we're talking about the Criminal Code here—is under the government's control through this legislation.

Things like mandatory minimums, moving to guidelines rather than principles, making sentencing outcomes more certain and amending the Crown prosecution manual to create presumptions

that certain serious, violent and repeat offences are prosecuted by indictment rather than summarily can go some way to getting there.

**Amarjeet Gill:** You mentioned that our law and order problems are a lot bigger than bail. In Brampton, one of our issues is illegal firearms. Almost all of them are smuggled in from south of the border.

Does this bill do anything to stop the flood of illegal firearms in Canadian cities?

**Peter Copeland:** To my knowledge, it doesn't. The government is focused on a buyback of legal firearms, which is not addressing the border security issue. They do have a border security bill with many admirable components, but ultimately our organized crime and foreign state actor risks are significant because we have many gaps in our law at present that make Canada a target for organized crime groups and foreign state actors like Russia, China and Iran and their proxies to operate in.

I put forward a number of proposals earlier at committee today and in past writing asking that we look at exemptions to the Stinchcombe disclosure requirements. We know that our allies are not sharing sensitive information because it must be disclosed through hearings. Unlike our allies, we don't have the same type of capacity to ensure it is secure.

Also, there are the case timelines. The Jordan principle has set a range that is not adequate for the complex cross-border cases that involve a lot of intelligence. That is resulting in a number of stays and withdrawals that we don't want to see.

**Amarjeet Gill:** Conservatives have proposed Bill C-242, which is the jail not bail act. It includes a measure that would prevent convicted criminals from being a surety for another person. Bill C-14 would not.

I know that you have written about organized crime being one of the biggest problems in Canada. Should fellow gang members be allowed to advocate for the pretrial release of their associates?

**Peter Copeland:** This does seem like an appropriate measure. I think scrutiny is warranted to the extent that you don't want to—

**The Chair:** I'll have to ask you to wrap up, Mr. Copeland, because we're very tight for time.

**Peter Copeland:** It seems like a proposal that should be studied further and possibly included.

**The Chair:** Mr. Housefather, go ahead for five minutes, please.

**Anthony Housefather (Mount Royal, Lib.):** Thank you very much.

• (1250)

[*Translation*]

I would like to thank all the witnesses, including Mr. Murias, Mr. Copeland and Mr. Sundberg.

[*English*]

I just want to start from the principle that this is a bill about bail reform. Generally, it's called the bail reform and sentencing bill, but it is primarily about bail reform. It is a bill that happened after varied consultations with the provinces, with police and with a number of groups across the country. We are at a point right now at this committee where we are looking at this bill and deciding on what amendments to put forward for Wednesday, when we'll be doing clause-by-clause on the bill.

It's wonderful to have a wide-ranging discussion on wide-ranging issues within the justice system, but I would remind the witnesses and my colleagues that they are beyond the scope of this bill. The bill cannot be amended to go beyond the scope of what the House of Commons had already passed at second reading when it referred it to the committee. These discussions don't bear fruit if you're suggesting wide-ranging things that have nothing to do with what is actually in the bill.

Dr. Sundberg, can I start with you? First of all, let me say how impressed I was by your testimony, because like you, I'm a pragmatist. I'm concrete. This is a concrete bill and we can only put forward what is in the scope of the bill.

I was very intrigued by what you said about the discrepancy between immigration law and this bill. I think you've presumed we've already received your document, but unless it's been translated, we didn't get it.

Can you talk to us in a bit more detail about the amendment you proposed and what clause it would be? Can you just go over it in more detail so I have it in my head?

**Andrew Lawton:** I have a point of order.

**The Chair:** Mr. Lawton.

**Andrew Lawton:** I would appreciate some direction from you, Chair. Our witnesses have been very forthright in their thoughts on what is in the bill and also on what should have been in the bill. I'm worried that Mr. Housefather's question is directing witnesses to basically say that they can't identify shortcomings on things they believe should have been in the bill or amendments they believe would improve the bill.

**The Chair:** Thank you, Mr. Lawton.

Please answer the question.

**Kelly W. Sundberg:** Thank you, Mr. Chair.

I'll be very brief. I know that time is of the essence.

My view of the bill, thinking of bail.... When I spoke to this committee in October, some of the discussions were around the issue or incongruence relating to foreign nationals. There were concerns that foreign nationals are engaged in the issues that you, Mr. Gill, were speaking of, with the extortion we've seen becoming quite an

issue from coast to coast in this country. My thought was that this is about bail.

There's one aspect I thought could be surgically adjusted: aligning the provisions of the Immigration and Refugee Protection Act, which Parliament passed in 2001, by simply saying that if any foreign national—I'm not talking about permanent residents; I'm talking about those who are temporarily here—is arrested and charged with an offence under section 34, 35, 36 or 37, which are for security grounds, for human and international rights violations, for serious criminality and criminality and for organized crime, and if they are convicted, that would result in them becoming inadmissible to Canada under one of those four provisions.

Having the reverse onus provides a trigger point or a point of interjection where the police could have some connection with the Canada Border Services Agency and the immigration authority to ensure that we, in essence, understand that we have roughly three million foreign nationals in our country at a given time. If we think of only half a per cent of those three million, that's 15,000 people.

We talk about organized crime and how some of our system has been gamed, because for 15 years we haven't had the rigour I would like to see in our immigration program. Nevertheless, we have laws that allow that to exist. If there were one simple addition to this bill specifically addressing foreign nationals, that would eliminate one of the issues, in my view.

There are a lot of issues at play, and I was focusing on one fairly narrow aspect, but it would have a specific impact when we think of issues of terrorism, the extortion that's occurring and the exploitation. I see it as a way of building trust in our system so that those who have come to Canada after fleeing countries because of these concerns can know that the home they now call Canada protects them from the threats they were escaping.

I thought it was a surgical implant into the legislation. There you go.

• (1255)

**The Chair:** Thank you.

**Anthony Housefather:** Do I have any time left, Mr. Chair?

**The Chair:** You have about 10 seconds.

**Anthony Housefather:** I think it was a very helpful answer and a very helpful suggestion.

Thank you very much.

**The Chair:** I have Mr. Fortin for two and a half minutes.

[*Translation*]

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

Mr. Sundberg, in his opening remarks, Mr. Murias said the Supreme Court recently mentioned that the best way to fight crime is rehabilitation.

Do you think there's enough rehabilitation being done? Should more be done? If so, what could be done to eliminate or reduce crime in our society?

[English]

**Kelly W. Sundberg:** It's a wonderful question. Thank you.

My answer is no, we're not doing enough.

**Rhéal Éloi Fortin:** I always have wonderful questions. The problem is that I don't have time.

**Voices:** Oh, oh!

**Kelly W. Sundberg:** Reflecting on the testimony of Regional Chief Terry Teegee from the British Columbia Assembly of First Nations—and it's kept in my mind—he mentioned the unforeseen circumstances when we change the law and how this could impact our indigenous communities. That's where I see the lack of resources. If we can have more rehabilitation programs, especially for first nations youth, we will have a significant impact and will get the greatest value out of this.

[Translation]

**Rhéal Éloi Fortin:** What could be done about young offenders?

[English]

**Kelly W. Sundberg:** Young offenders especially.... When we look at the young men in this country who end up in our criminal justice system, we need to do more. The fact that we still see in 2026 such a high number of young male offenders, many from indigenous communities, is an indication that we need to do more.

[Translation]

**Rhéal Éloi Fortin:** I don't know how many seconds I have left, but it's not a lot.

You said the death penalty leads to a reduction in crime, but what about minimum sentences? I just want to make sure I understand. What is the impact of a one or two-year minimum sentence?

[English]

**Kelly W. Sundberg:** I was saying that the death penalty in Texas is an example of where it doesn't fit. If we can truly focus on and put resources into young offenders, we will save money in the long run.

If we target the demographics that are most impacted by our criminal justice system and the lack of resources, it is indigenous first nations youth across this country. By helping them, we're helping not just their communities but all of Canada. We're taking the stresses off our system in a manner that benefits those who need it and those who unfortunately are most pronounced in our justice system: young indigenous men. By giving resources and increasing resources, we will see tenfold returns, with both vibrance and benefits in the communities where those young men come from.

**The Chair:** Thank you.

[Translation]

**Rhéal Éloi Fortin:** Thank you.

[English]

**Kelly W. Sundberg:** We need to do something.

**The Chair:** Thank you, Mr. Fortin.

Mr. Lawton, you have five minutes.

**Andrew Lawton:** I'll start with you, Dr. Sundberg.

I appreciated your comments about how grateful you were that the Liberals agreed to set aside the very divisive Bill C-9 so we could finally focus on bail reform. My Conservative colleagues and I tried to do that dozens of times in the fall, and I'm grateful that last week our Liberal friends finally agreed, so I'm glad to be here.

Let me ask you about the comments you made previously when you said that we have a watered down criminal justice system that has focused more on making excuses for why people committed the bad things they did and how to reintegrate them quickly into society. This is, I think, a very important point, and we have heard from victims that there is no second chance. There is no application of legal theory. They have lost loved ones who they will never get back.

The system cannot afford to get these things wrong. Beyond bail and sentencing, is there something we're missing in this discussion that needs to be front and centre?

**Kelly W. Sundberg:** There's data and communication. Think of the investment in ensuring that law enforcement professionals across this country have access to information that they can share with one another in a timely manner. Researchers like me should have access to data so we can provide good insight and advice, as should the media, so they can inform Canadians of what's happening.

We have such a stranglehold on our data around crime that it's a hindrance not just for the police in doing their job, but for all of us. If there is one touchpoint where I think Parliament could improve, it's taking a serious look at how we manage information with regard to offenders, at the decisions that are being made in our criminal justice system and at making data with regard to our criminal justice system much more available and transparent, as we see in the other Five Eyes nations. We are far behind in our release of data to those who need it. It's the people's data.

● (1300)

**Andrew Lawton:** On Bill C-14, the Liberals have offered a clarification of the principle of restraint, which has become one of the biggest issues identified by law enforcement as having a large effect on why bail has become so easy. Even Ari Goldkind, a defence lawyer who was referenced earlier by my colleague Mr. Chang, said that the principle of restraint has made it easier for him to get his clients bail.

The problem we have here is that the government is saying right now that something different is being said by this from what judges are reading into it. I'm hoping you can help adjudicate this dispute, because law enforcement officials, when they come to us, are saying you can draw a direct line between Bill C-75, which codified the principle of restraint, and a lot of the decisions we now see that have really not made public safety the primary consideration. Who's right here?

**Kelly W. Sundberg:** Restraint is an important consideration, but it must be applied in a structured, consistent and thoughtful manner. I believe that some of the frustrations we see with a lot of Canadians is where it falls short.

Again, I believe it's important to point out that the majority of those who go before a court on a charge will end up in a remand centre. The issue—and I think Mr. Copeland did an excellent job of addressing this—comes down to doing an omnibus collection of charges. It often happens that a lot of information is lost or the information that the police in one jurisdiction might want to know and rely on.... It's about the guidelines. I think Mr. Copeland's idea of focusing on developing guidelines and working on that and the idea by the witness who brought up having ministers meetings are also wise.

I just feel that we haven't been consistent, and we need to get consistency. That's what I feel Parliament has a responsibility to do.

**Andrew Lawton:** Thank you Dr. Sundberg.

I'll turn to you, Mr. Copeland. I have time for one further question.

We heard from Minister Fraser last week that the reason Bill C-14 was not the Liberal government's first justice bill was that they wanted to get it right, but you've identified that it only tackles a very small subset of what you think is a broader set of challenges. How much of an impact do you think Bill C-14 will make in light of your previous testimony today?

**Peter Copeland:** I was involved with the development of Bill C-48. The provinces led the federal government to adopt it at the time. It was focused on just bail because it was politically—

**The Chair:** Thank you, Mr. Copeland. I'll have to stop you there.

We're not short on time; we're out of time. In fact, we're well past one o'clock. I'm going to stop the meeting here.

I'll just remind everybody that we're starting at 3:30 on Wednesday, not 4:30. I'm told by our clerk that a number of amendments have been submitted. If there are any stragglers, get them in really quickly, please. I'll see everybody on Wednesday at 3:30.

Thank you to all three of our witnesses for coming today. I know this is not your first time here. I really appreciate your taking the time. It means a lot to all of us, and it's very helpful.

The meeting is adjourned.

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