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⊕ (1530)

Ms. Kerry-Lynne D. Findlay: Thank you, Mr. Chair.

There are several things I want to address here. One of them is to mention to my friend Mr. Harris. He was talking about the Canadian Bar Association an association I've had a lot of familiarity with. I was national constitutional section chair for the Canadian Bar Association. I was on their provincial and national councils for over 20 years. I was the elected president of the Canadian Bar Association for the B.C. branch. I will tell you as much as I have a great deal of respect for that organization and worked in it many years. We obviously differ with respect to this legislation. I would like to note that is a voluntary organization. Not all lawyers in Canada belong to the Canadian Bar Association. In fact you mentioned that, and I'm still a member, you

didn't think they were active in Quebec and the Quebec branch would be most disappointed to hear that.

The Canadian Bar Association is very much alive and well in Quebec *la barreau du Quebec* of course is also very active in representing lawyers, but the bar association is definitely active there. I will also tell you that they are of course like any large organization. When they look at legislation it is not something that passes through all members of the organization. Something like this they would give to a certain sector. Perhaps the criminal law section I believe who would opine on it just as when I was involved particularly in the constitutional law section I was asked to comment on constitutional issues and would talk to my colleagues.

I only say that to emphasize that although I respect the work they've put into this we disagree on this particular legislation, but it is not necessarily of course the view of all lawyers in Canada who belong to that association. Far from it I've had many of my colleagues writing to me saying that they support the government's position even though they continue to be members of that association.

I also would like to comment on Mr. Yakub's comments about discretion in judges. I have a lot of personal kind feelings towards Mr. Yakub. Again this legislation in my opinion does not take away from the discretion of judges. We pose a lot of respect and faith in the judges in our courts, both the provincial ones appointed by provincial governments and the superior court judges appointed by our federal government across this land. However, it is the role of legislatures to draft and pass legislation. It is the role of our judiciary to take those laws that we have passed and then apply them. I find it interesting that no one seems to criticize or hardly comment when the federal government puts forward maximum sentences, but get very excited and agitated when we talk about minimum sentences. In fact, some of the minimum sentences we're calling for in this legislation are actually quite mild. If one looks at the cases that have actually gone through the judicial system many of those sentences are higher than our minimums. What we are trying to achieve here is some consistency across Canada.

There is right now a great deal of inconsistency from province to province, region to region, in the kinds of sentences that are handed out for various criminal activity, particularly when it comes to drug offences. This consistency I think assists law enforcement, it assist the public, it assists anyone coming into the world of criminal behaviour to understand better the consequences and that there are certain minimum expectations within our system if one is convicted of such a crime. The one thing I hear very little of from the opposition, and I want to point out again, is that the idea behind these mandatory minimum sentences is also to associate them with what are called aggravating factors in the legislation. In other words these go of course to the sentencing stage of criminal behaviour. One has to be proven to have trafficked in drugs for the purposes of assisting organized crime.

🕒 (2040)

One has to have been proven with respect to drug trafficking to have threatened violence, or to have actually been violent. One has to have been proven to be targeting children. If those aggravating factors are there minimum sentences apply.

As you know, of course, because we've all studied this now, that we also have one I think very important exemption, which is where an accused and then someone found guilty, now convicted, has proven addiction, and is willing to get some help and some rehabilitation for that addiction, that in those situations a mandatory minimum penalty can be waived. I think that's very appropriate and it strikes the right kind of balance that is trying to be achieved here.

The production and trafficking in illicit drugs is the most significant source of money for gangs and organized crime, and it does do profound harm to neighbourhoods, to individuals, to children. As far as marijuana itself—and I want to say a little more about that in grow-ops—both urban and suburban homes can be utterly destroyed by grow-ops and crystal meth labs. I don't know to what extent any individuals here, other than someone who has been in the police force like Mr. Wilks, has had exposure to that, but I am also from British Columbia, I'm from the Lower Mainland of British Columbia, and I hardly know a person where there hasn't been a rental home situation where their home has been destroyed, or there has been criminal activity in previously peaceful neighbourhoods because of grow-ops there. It is devastating.

I'm thinking particularly of an elderly couple I knew who couldn't sell their home. They both had to go into care, so they rented out their home to whom they thought was a young single mother and her child, turned out to the front for the gang who wanted to turn their home into a grow operation, and of course because they were elderly and limited in their mobility, they weren't checking the house all the time. When the rent cheques stopped coming in and they finally went to check, their house was completely destroyed by water damage, by all the chemical damage, by all the indicia that go along with that kind of behaviour. They were devastated. That was their life savings wrapped in that home that they had hoped to continue to fund their old age with. So these are real people that this affects and in that case people who I know.

Anyone who has witnessed the drug wars in places like Vancouver can attest to this. Historically, peaceful neighbourhoods have been turned literally into killing fields of the kind that most of us only see in the movies. We've had shootouts between rival gangs in the middle of neighbourhoods, in school grounds. We've had execution of specific people connected to organized crime and drugs. In fact, unfortunately it's become quite a common occurrence in British Columbia, and so our measures, I strongly believe, are proportionate and balanced, and they're a measured response.

What are they designed for? They're designed to disrupt criminal enterprise. They are designed to disrupt, I think as Mr. Wilks put it, the currency with which organized crime operates, and often that comes from marijuana grow-ops, not just what we colloquially refer to as “harder drugs.” This is what scares individual Canadians, that their neighbourhoods are being treated so disrespectfully and creating a place for crime to be perpetuated.

I also want to mention what Ms. Borg talked about. She was saying that the problem with prison more or less, if I understood her comments, is that people go in and then they get involved in organized crime, and then that flourishes in jail. It reminded me of the testimony of Pierre Mallette before this committee when he testified on November 3.

⌚ (2045)

We were talking about rehabilitation, if you recall, in programs in prison that are designed for rehabilitation and reintegration, both of which are , and within this legislation, that approach is taken alongside the approach of sending a tougher message with respect to the consequences of criminal behaviour. In his testimony, he said, "We have been trying to introduce programs for 10 years because the public's safety also depends on inmate safety. We sincerely believe that a large number of inmates have a chance of rehabilitating, a chance to return to society." At the same time, however, some inmates are not prepared to rehabilitate immediately. Here I'm talking about criminal gangs, people who don't help other inmates rehabilitate, who put pressure on them, people who take control of the institution. He went on to talk about the fact that the programs can be there, but there has to be a take up. He singled out members of organized crime, gangs, that when they go into prison, they are exactly the inmates who do not participate in programs. They're not interested in the programs. They don't want to be part of any true rehabilitative process.

In talking about marijuana, and I am zeroing in on that because your amendment proposed is to take schedule 2 out of these provisions, which, as Minister Seeback has pointed out is basically marijuana and its derivatives. Mr. Harris said it's a less harmful drug. I want to quote from Mr. Len Garis , who's Chief of Surrey Fire Services. He was speaking on the subject on April 30, 2009. He said, "In 2003, 2004, and 2005 in our community," and for those of you maybe not familiar with my part of the world, Surrey is a suburb of Vancouver in British Columbia, "our firefighters were attending 1.3 fires per month that were caused by marijuana grow-ops." That's 15 to 16 a year. They had concerns and started to treat every structure fire like a grow-up. They were concerned about entering those homes in the smoke-filled environment. They were concerned about getting shocked or electrocuted, which they had been but not fatally. They were concerned about dealing with that kind of environment. They were concerned about arriving in the middle of the night and finding two and three houses on fire or being impinged on by fire. Because a house was set on fire by a grow-up and nobody was in attendance, so nobody called it in. They were concerned about trying to evacuate homes where people were sleeping. They were concerned about trying to get them out.

We did a study, and a home with a grow-up is 24 times for likely to catch fire than a home without one. We experienced that big time. Now I have members of my own family in fire services. It is a very, very dangerous and concerned thing when our first responders, our firemen, our law enforcement, our paramedics, attend at these kinds of situations that have gone out of control, and they are putting themselves at risk to try and deal with these kinds of activities.

Also, I have something here from the Chief of the Ottawa Police Service of about the same time, Chief Vernon White . From our police service perspective, there are a number of areas where we believe—and I'll just say in brackets this legislation because he was talking about prior legislation that was similar—are important, particularly when it comes to attacking criminal organizations that are involved in the distribution of drugs. Secondly, it's important in any case where it's school related or it gives a police service the opportunity to try to defend those we see as most vulnerable, young people at school grounds. Again, it's an opportunity for us to attack criminal organizations or drug traffickers who decide to in drug distribution at that level.

I'm a mother myself. I have four children. I just had a new little niece born a few hours ago. I was told on my BlackBerry. Children are important to me, as I know our children are important to all of us here in Canada. I know, as opposition members, you have been supportive of the parts of this legislation that deal with those who would use our children for sexual purposes, improperly and lure children in to perpetrate sexual offences.

Children are affected by drugs as well.

🕒 (2050)

Children are affected by drug traffickers. Children are targeted by drug traffickers. We have organized crime deliberately using children to sell drugs to other children because they know that if they're caught, the penalties won't be as severe. They know that if they get younger children-- and when I say younger I was surprised myself to find we're talking about kids sometimes as young as 8 and 9 years of age--experimenting using drugs at an early age, they will have people that they can continue to have abusing substances for many years to come. This idea of organized crime groups that recruit young children is a very serious matter. What happens to that young person who is recruited by these gangs.

Some of you may have been there. I was recently at the Canada-Mexico Parliamentary delegation. It was a privilege to be there to talk to some of our colleagues from Mexico. Of course drug crime in Mexico, we all look at this on the news and comment on it, and it has become extremely violent. It's extremely violent because it's extremely organized and because the seduction of the money involved is so great that more and more people are involving themselves in that kind of activity for the money. Although we don't believe here in Canada that we have the same level of drug crimes they may have in some other countries, when it's violent it's just as violent. When people are executed they're gone. When you see shootouts on the school grounds and in the streets in British Columbia as I have read about continuously, there's no coming back from that.

It is a very serious problem. It's a transnational problem. We're not the only country dealing with this of course, but it is a serious problem here in Canada. I worry, and I think this legislation is attempting in its targeted way to alleviate some of that worry over at least sending a strong message that if you would target children, if you're a part of organized crime and you're going to use children to traffic drugs, if you're going to use children to sell drugs to that you will be treated consistently across Canada and in a certain way. These are very important messages for us. These people are very sophisticated. They know that it's better to use someone else to traffic in drugs than to do it themselves, but they are the ones who end up with the profit.

I also wanted to mention another comment from Chuck Doucette. He's someone that I've known in British Columbia and dealt with at a community activist level. At the time of this May 2009, he was vice-president of the Drug Prevention Network of Canada. His observation was this:

Things have changed from when I first started in drug enforcement in 1977. Over those 30 years I saw the sentences for drug offences getting progressively weaker, and this is a very important point.

At the same time I saw the problems related to drug abuse getting progressively larger. I also saw the drug scene in downtown Vancouver increase as the enforcement efforts in that area decreased. From my perspective I do not see how anyone could possibly examine the past 30 years and make a case that weaker sentences lead to less damaging social consequences. My experience is that the more lenient we got, the more problems we got. I also believe that other countries have experienced the same thing, and I would like to make a comparison. One of the main reasons that so many gangs got involved in cannabis grow operations in the Vancouver area is because of the weaker sentences here compared to sentences for trafficking elsewhere in trafficking in cocaine and/or heroin. The risk-to-wealth ratio is much better.

This is where we have to realize it is a business. For organized crime it is a business. The small fines they were receiving were simply considered to be the cost of doing business much as the example Mr. Wilks gave.

🕒 (2055)

We are trying in this legislation, and I believe we are getting it right in my opinion, to be balanced. We know that it's important to continue to fund youth crime prevention which we do. We know that it's important to give a pass for someone who has an addiction and is willing to deal with their problems. We know that it is important to continue to have the idea of rehabilitation and reintegration, but the balanced approach, I would suggest, is to also say particularly to those who are violent and involved in organized crime, that Canada is not the place for you.

We want you to understand that if you would target our children, if you would be violence, if you are part of this whole organized criminal element that there are consequences and that they will be consistent across the country.

Thank you.

The Chair: Thank you, Ms. Findlay.

Mr. Harris.