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Chair

Mr. Art Hanger

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• (0900)

[English]

The Chair (Mr. Art Hanger (Calgary Northeast, CPC)): I call the Standing Committee on Justice and Human Rights to order.

As noted on the agenda before us, on this first day of February 2007 we are continuing our study on gangsterism. Committee members, we have several members of the RCMP with us today, as well as Mr. Larry Butler, from the Vancouver Police Department. Jamie Graham, chief constable of the Vancouver Police Department, is here today as well.

Welcome, gentlemen, to our committee.

I think we'll get into your statements right away, in the order as it is on our agenda.

Deputy Commissioner Bourduas, if you would like to begin, please do.

[Translation]

D/Commr Pierre-Yves Bourduas (Deputy Commissioner, Federal Services and Central Region, Royal Canadian Mounted Police): Good morning, everyone. I'm pleased to be with you today. My name is Pierre-Yves Bourduas and I am the Deputy Commissioner in charge of Federal Services and Central Region for the Royal Canadian Mounted Police.

Also in attendance with me is Inspector Michel Aubin. Inspector Aubin is the person responsible for an important file, the Colisée file which concerned and targeted traditional organized crime. Inspector Aubin will shortly be becoming our director of organized crime for the entire country.

I'd like to thank you for the opportunity to discuss organized crime in Canada and what's also commonly called the Organized Crime Act.

[English]

When we talk about organized crime, we do so knowing that many in this country don't believe it impacts their daily lives or it presents a threat to their respective community. Nothing could be further from the truth. Organized crime is never victimless. By sowing the seeds of greed, corruption, and violence, organized crime harms individuals, communities, and the fabric of our society at large. That is why detecting, deterring, and dismantling organized crime remains one of the RCMP's top strategic priorities. In our view, effective and appropriate legislation is a vital tool in the fight against organized crime.

The legislation in question today encompasses amendments to the Criminal Code and introduces sections 467.11, 467.12, and 467.13. The organized crime legislation was initially enacted under Bill C-95 in 1997 and subsequently amended through Bill C-24 in 2001. And my understanding is that this is going to be the focus of our discussion here today.

During the next few minutes, I wish to briefly discuss our efforts to combat organized crime and then move into our experience with organized-crime-related amendments to the Criminal Code.

The RCMP believe in a balanced approach to detecting, deterring, and dismantling organized crime, which includes education, awareness, prevention, enforcement, and ultimately, effective legislation. As an example, the provisions originally contained in section 467.1 were used during *Projet Repaire*. This Montreal-based investigation culminated in 1997 and targeted the activities of the Rock Machine organized crime group. In 2001 the same provisions were applied in Operation Spring 2001, *Projet Printemps 2001*, focusing on the criminal activities of the Hells Angels and its leader "Mom" Boucher, in Montreal.

In 2001 the enactment of Bill C-24 provided the existing provisions. And I would like to take a moment to explain why, in the eyes of law enforcement, these amendments were beneficial. Effectively, countering known organized crime groups requires careful planning and prioritization to help ensure that our finite resources are used where they will be most beneficial. To this end, the RCMP engages in an intelligence approach that when investigating crime organizations across the country, we target the most and the upper echelon of these criminal syndicates. These organizations exist and survive primarily on the facilitation and the commission of criminal offences preying on the weak and the innocent.

An important component in dismantling criminal organizations is the ability to investigate all those who are implicated. This involves accumulating substantive evidence against not only those committing the criminal offences, but any other individuals knowingly participating, contributing, or directing the activities of criminal organizations.

To accomplish this, we must rely on an investigative team. This team requires the use of a number of investigative techniques at any given time. Just as complex criminal organizations take years to establish themselves, investigations of this nature can't take place overnight. It takes a substantial amount of time to gather the required evidence and prosecute before justice. In the majority of cases, the interception of private communication, i.e., wiretapping, coupled with other investigative techniques such as the use of undercover operatives, is necessary. The interception of private communication is often the only technique available to law enforcement in situations where the leaders of a criminal organization counsel others to commit serious criminal offences that benefit the organization.

If we are to continue to effectively detect and deter organized crime and foster successful investigations into organized crime groups, it is essential for these investigations to have the flexibility, when necessary, to be conducted over a longer period of time and to have a wider scope.

● (0905)

Given these investigative requirements, the RCMP and its law enforcement partners have created a number of integrated enforcement teams throughout the country. Known as integrated response to organized crime teams, IROCs, for instance, in Alberta, and Combined Forces Special Enforcement Units, CFSEUs, across the country, these investigative teams are mandated to conduct strategic investigations into the activities of criminal organizations in their respective areas of jurisdiction. However, the use of the organized crime provision is not limited to investigations by these teams.

At this point, if you don't mind, Mr. Chair, I would like to discuss more specifically the organized crime legislative sections, mentioned at the outset, which are of critical assistance to law enforcement.

Let's begin with the interception of private communications provisions within part VI of the Criminal Code.

Due to the very intrusive nature of this method of investigation, prior to the introduction of the organized crime modifications to this part of the Criminal Code, law enforcement was required to demonstrate "investigative necessity" to the authorizing justice before an authorization to intercept private communications could be issued. This meant satisfying the justice that, practically speaking, there was no reasonable alternative method of investigation that could be used to successfully investigate the criminal activity.

In 1997 Parliament eliminated this requirement for investigations into organized crime. In addition, the duration of the authorization to intercept private communications for such investigations was extended from 60 days to a period of up to and over one year.

Law enforcement's reliance upon these amendments has steadily increased since their introduction.

Because the Supreme Court of Canada has yet to rule on the constitutionality of the elimination of the traditional investigative necessity requirement, some jurisdictions have opted to ensure that investigative necessity has been met despite the amendment to the Criminal Code.

Furthermore, on a more practical matter, in many cases law enforcement prefers to seek authorization to intercept private

communications for a period of less than one year due to the ever-changing circumstances that are common in these types of investigations, and the need to adjust investigative goals.

Turning to section 467.1, the addition of sections 467.11, 467.12, and 467.13 is significant to law enforcement in that they allow us to investigate both people occupying different roles in a criminal organization and individuals who are not actually members of the organization, but whose actions support the activities of the criminal organization in question and criminal organizations that are targeted.

Specifically, section 467.11 enables us to address persons who fulfill a role that furthers the ability of the criminal organization to commit criminal acts. Basically, this section provides for the participation or contribution of a person who does or omits to do something, knowing that it is in furtherance of a criminal organization's activities. This may include individuals who purposely communicate information relevant to the operation of activities of a criminal organization and obtain or transport equipment to assist with criminal activities, as well as individuals who launder money for a criminal organization.

In most instances, proceeds of crime investigators become involved when the focus of the investigation is to identify money laundering schemes.

In summary, this section allows us to investigate and charge those who facilitate the concealment of ill-gotten gains by criminal organizations.

Likewise, section 467.12 of the Criminal Code captures the commission of criminal offences in furtherance of or for the benefit of a criminal organization.

● (0910)

Under this section, the accused doesn't need to be an actual member of a criminal organization. It provides for those who commit various criminal offences such as drug importation, drug exportation, extortion, arson, kidnapping, violence, gaming, and money-laundering for which the organization derives a benefit.

Finally, section 467.13 provides for those who are members of a criminal organization and who knowingly instruct or direct any person to commit an offence for the benefit of the organization—i.e., the Mom Boucher case with regard to Operation Spring 2001.

Once at the top of a criminal organization, the leaders are often no longer directly involved in the actual commission of criminal offences. Prior to the current amendments, this situation hampered law enforcement's ability to investigate individuals who directed criminal activities and in many cases derived the direct benefit. The current provisions afford investigators the opportunity to charge leaders of a criminal organization for their actions and we are seeing the benefits of its application.

Over the years, criminal charges under section 467.1 of the code have been applied in a number of instances. Most recently, the lengthy and complex investigation “Projet Colisée” investigated the heads of an organized crime group in the province of Quebec. Following the large-scale takedown, which resulted in over 90 arrests, leaders of the criminal organization were charged under the section 467.13 provisions of the act. That is the case that targeted the Rizzuto organization, a well-known organization. And I have to admit that over the 32 years that I’ve been in this organization, the Rizzuto organization has been on our radar screen for most of my service. So it was quite a feat, and I’m sure that Inspector Aubin will be more than pleased to answer some of your questions.

Since 2002 there have been a number of cases both provincially and federally where investigation focused on the activities of criminal organizations. More specifically, criminal charges under sections 467.11, 467.12, and 467.13 are being applied and convictions are being registered. Anecdotally, it has been law enforcement and crown counsel in Quebec who have been the leaders in using these provisions. Clearly, a lot has been accomplished, and there is more work to be done.

• (0915)

[Translation]

Large-scale investigations into organized crime demonstrated the value and effectiveness of pairing necessary legislation with integrated resources nationally and internationally.

As criminal organizations continue to evolve, they create new challenges for law enforcement agencies and their partners. I believe more strongly than ever that criminal organizations can be effectively disrupted or dismantled through a combination of the right legislation and an integrated, intelligence-led approach.

Dialogue such as this between policy makers and law enforcement must remain an integral cornerstone in our shared priority of tackling organized crime in all its facets. I welcome the opportunity to explore further recommendations and welcome any questions you might have.

Thank you for your attention.

[English]

The Chair: Thank you, Deputy Commissioner Bourduas.

Chief Constable Graham.

Chief Jamie Graham (Chief Constable, Vancouver Police Department): Thanks, Mr. Hanger. I think you and I go back many years—you won’t remember—30 years ago in Alberta.

It is my pleasure, first, to introduce Sergeant Larry Butler, and then I’ll take whatever time is left after Larry finishes.

Larry is a 27-year veteran with the Vancouver Police Department. He is in charge of our Outlaw motorcycle gang unit and our gang crime section. He has been in the criminal intelligence field for 12 years, and he is recognized in at least two levels of court as an expert in testifying on Hells Angels and Outlaw motorcycle gangs. So you have a unique opportunity to...I don’t like the word “grill”, but ask him any questions you think appropriate, and he’ll tell you the street-level version of what we have to deal with.

As just some background, we’re the Vancouver Police Department. We police simply the city of Vancouver. We have 1,200 officers and we police Vancouver’s 44 square miles. It’s one of the smallest, densest communities in Canada. Similar to Montreal, we are what we call an “urban centre”, where offenders come from outlying jurisdictions to work and partake of our entertainment districts late at night, and our population balloons.

With no further ado, Sergeant Butler.

Sergeant Larry Butler (Sergeant, Vancouver Police Department): Mr. Chairman and committee members, I’d like to speak today with a little more concentration on the city police and the street-level focus of organized crime, with a particular focus on firearm aspect.

On the gang demographics a little bit in the Vancouver area, it’s a very popular area for gangs, ranging from highly structured international criminal organizations such as the Hells Angels, to lesser known or less obvious gangs, such as Asian Triads, Indo-Canadians, Persians, and the like.

We have approximately well over a hundred Hells Angels within the greater Vancouver area. The other gangs range anywhere from just under a hundred to several hundred members. What we’re finding more and more is an ever increasing conflict with respect to the drug distribution network and turf wars, and even clashing on the street just with respect to egos. The levels of violence that we’re experiencing are also significantly on the increase. Never in my career have I seen it the way it is becoming in the city of Vancouver. The illicit drug trade amongst these organized crime groups is driving the violence levels through the roof. We’re seeing shootings on a regular basis. It’s commonplace in the city of Vancouver to go out to nightclubs on any given weekend and find gangsters in the nightclubs, wearing bullet-proof vests. Even the doormen and the staff at the nightclubs are starting to wear body armour just when doing their job in a nightclub, due to the indiscriminate firepower that’s on the street and the shootings that have taken place in the city of Vancouver. Of particular concern and interest to us is the new firearm legislation from a city and a street-level point of view.

I'd like to give a couple of examples of some of the recent shootings that we've had in Vancouver, just so you can grasp what is going on in Vancouver. A nightclub in Vancouver called Loft Six, a busy nightclub in the downtown core, was full of patrons on a particular night it, at about two to three in the morning. A conflict erupted between the Hells Angels and Indo-gangsters. On that particular night, there was a shooting between the two gangs. We had nine people shot, six of whom were innocent. We had three people killed and one crippled for life. One of the individuals who was killed and the crippled individual were innocent people caught in the crossfire. Three handguns were used. We recovered two handguns, neither of which were used in the shooting, so there were at least five handguns involved in the nightclub on that particular evening. Of note is the fact that all three suspected shooters from that night are now dead from other shootings. It's just proliferation.

Purple Onion is another Vancouver nightclub, located very close to Loft Six. Again, it's a very busy nightclub, usually full of patrons. A dispute among Asian gang members erupted outside the door. What happened was that a gun was drawn and a young lady stepped between the combatants to try to quell the situation. She ended up getting killed. That night there was one handgun used. Seven people were shot, including three innocent people, with two people killed.

The most recent example was in the greater Vancouver area, in what I would describe as an urban park surrounded by multi-family dwellings, condominiums, and the like. It was a Persian gang conflict, and it was clearly an orchestrated shooting. On that particular night, numerous firearms were fired, including assault rifles and handguns. Approximately 150 rounds were fired in this little melee. Three people were shot and injured. The surrounding townhouses took the brunt of the rounds that were fired, with shots going through people's homes, given the high firepower of the assault weapons. One narrowly missed an infant in a crib.

I can't explain enough the seriousness of the firepower that's being used in Vancouver. I'm not sure if the messages or the media are getting back here with respect to what's going on. In British Columbia last year, we seized over 2,300 firearms. Almost 80% of the shootings were in public places, coming at the cost of human lives, those of innocent people and bystanders. It's not just the gangsters. The gangsters don't seem to be able to shoot that well. Like I said, at Dover Park, 150 rounds were fired and nobody was killed, but three people were injured. There's just indiscriminate firepower out there on the west coast of Canada.

• (0920)

With respect to organized crime legislation, I think Deputy Commissioner Bourduas laid things out very clearly. We agree with everything he has spoken to. As a member of a municipal police department, I can say that these types of large and lengthy investigations are difficult and costly for us to undertake. In British Columbia, we undertake the integrated model that was spoken of. One in particular was focused on the east end chapter of the Hells Angels, Project EPANDORA. That was a partnership led by the Royal Canadian Mounted Police, the Vancouver Police Department, and the combined forces special enforcement unit.

This investigation was about a two-year investigation. At the culmination, we ended up seizing what I would describe as the war

chest of the east end chapter of the Hells Angels, which included dynamite, blasting caps, hand grenades, fully automatic weapons, silencers, and handguns. The criminal organization legislation was used to its full extent, with the cooperation of the Department of Justice and the regional crown counsel. In that investigation alone, 39 charges of gangsterism were laid, between facilitating, participating, and directing. It's very useful legislation. It's very helpful. But as I say, from the street officers' point of view, we're very concerned with the firearms.

On Bill C-10, the proposed firearms legislation, we're very optimistic with respect to the minimum mandatory sentences that are proposed. I know there are all sorts of studies from all over North America with respect to jailing people for longer periods of time. Does it really help? I think the studies go in both directions. I know from the street level and from the public safety level that if you take the guys who are out there doing the crime off the street for three years for the first offence and five years for the second offence, those are individuals who are not going to be shooting people any longer.

I also think there's a huge deterrent factor when it comes to the younger people who are looking at the gang situation and are trying to decide if they're going to go down that path in life. When one of their brothers goes away for three or five years, I think it does weigh heavily on their thought process.

Again from a street officer's point of view, one thing I would like to suggest or put on the table is a tool that's commonly used by the police, and that's the ability to search an individual when the police officer can illustrate articulable cause sufficient to justify the search, based on the need for preserving the safety of both the individual and the officer involved.

This concept of articulable cause arises out of a peace officer's common-law powers of search and is based largely on case law. The threshold necessary to perform a search of an individual based on articulable cause is reasonable suspicion, which is significantly lower than that of reasonable and probable grounds, as defined by the Criminal Code of Canada. It is still respectful of the Canadian Charter of Rights and Freedoms. The frailty of this is the fact that it's based on case law and not legislation.

As we know, case law has the ability to change dramatically and rapidly, and it can have a sweeping effect through the Canadian court system. It would be interesting and highly beneficial to see Parliament create legislative authority that recognizes the greater good of protecting society over protecting the rights of an individual. This can be accomplished by lowering the threshold to legally search a person of a notorious character and his immediate surroundings, such as an automobile, for a firearm or a weapon dangerous to the public peace, from "reasonable and probable grounds" to "reasonable suspicion".

In proving reasonable suspicion, numerous factors can be considered, including the individual's previous violent background; gang involvement; location; documented associations with other know violent criminals or gang members; the individual's actions at the time of the investigation; and other relevant information and intelligence. To illustrate this, I would point to one of the enforcement models that we use in the city of Vancouver. On Friday and Saturday nights, we use what we call a firearms interdiction team because of the number of shootings and firearms in Vancouver now. Simply put, this is SWAT members and gang squad members going out and hunting down gangsters, trying to take guns off the street.

• (0925)

One of our biggest tools in this area is articulable cause, where we embark on some type of investigation or lawful detention, such as a Motor Vehicle Act offence or anything, and using articulable cause, we will then search the person and his vehicle. Like I say, it's a valuable tool, but it's based largely on case law, which could be taken away at any time and it would affect officers across Canada.

What would be very valuable is to have it codified by legislation, allowing us not first to need another type of law, such as the Motor Vehicle Act, to initiate the search and work within the laws of Canada. What would be very valuable is to identify this person of notorious character as a gangster, and someone who's most likely got a gun on him or in his vehicle, and that would be good enough for us to initiate the search for guns. Because that's what we're trying to do in the long run, get these guns off the street so they don't kill innocent people.

With respect to the Hells Angels and the effects of the gangsterism laws on these criminal organizations, I would suggest that in Vancouver, the greater Vancouver area, the Hells Angels are really the only ones that are concerned about the gang legislation, as it stands. We all know, and I'm sure you're all aware, that they have a national fund, they call it the C-95 defence fund. They put money into a fund to fight the actual legislation itself. Every member participates, contributes, and that's what they do. They've identified it as a definite threat and they put money towards fighting that threat.

In British Columbia, we have very media-savvy Hells Angels. They're very concerned about their public image. They've actually changed the name of their C-95 defence fund to the West Coast Freedom to Associate Society. It sounds very nice, but basically it's a fund to fight the organized crime legislation.

We find in our Hells Angels trials.... We had a Vancouver police investigation where we convicted two members of the Nomad chapter, Hells Angels, in British Columbia, of conspiracy to traffic cocaine, trafficking cocaine, possession of proceeds of crime. A lot of times the Hells Angels aren't concerned about being found guilty or not. They are under the gang legislation. But we're also finding that their biggest concern is they want to find out how we did things, who was the rat, that type of thing.

And they are masters at delaying the court process. To give you an example, a very short example, of the delay process these guys do, in this case it was a 1996-97 investigation, arrests were in 1998, they were convicted in the Supreme Court of Canada in 2001 and sentenced to four and a half years in prison. They launched an appeal

to the B.C. Court of Appeal, and subsequently the Supreme Court of Canada, and these individuals eventually went to jail for four and a half years, commencing November 2005. Eight months later, on a 55-month sentence, one of these individuals is out on parole already. So the time and money spent by the criminal justice system on these individuals is phenomenal. And it was a relatively simple case, nothing like a criminal organization case. That is just to give you an idea of another type of battle that we fight out there with these criminal organization groups, who are masters of delay in the court system.

In summing up, I would just like to say thank you very much for having us here. It's an excellent opportunity to get our point across. As I said, I talked to the fellows at work, and I really wanted to bring a street perspective to the committee, as opposed to the large criminal organization investigative perspective, because I knew that our compatriots here would certainly cover that area and I felt it was important to get more of a street-level perspective. I know all the large cities across Canada are dealing with these similar firearms issues.

Thank you very much.

• (0930)

The Chair: Thank you, Sergeant Butler, Chief Graham. I appreciate it.

Chief Jamie Graham: Thanks, Mr. Chairman.

The Chair: Did you have something you wanted to sum up on?

Chief Jamie Graham: Sure, there are a couple of points. Larry covered most of the material I was working on.

As you address the specifics of Bill C-10, I think this was a specific interest that I was asked to bring to this by some of my colleagues. We fully support the minimum and maximum sentence provisions. I think it's three...as it advances. I couldn't tell you how much we support that, as does certainly every police officer who I talk to nationally.

I'm not a lawyer, so I won't try to craft the words that go into legislation, but any time you craft legislation dealing with firearms, we would simply ask you to consider the words "imitation" and "replica" in your dialogue. It means that any time you make an order or there's a prohibition order or a sanction against a firearm, you always have to add the words "imitation or replica" afterwards.

The reason is the huge numbers. We seized, I think, 250 firearms off offenders in Vancouver last year. Ten times that were seized in terms of pellet guns and imitation replica guns. You cannot tell the difference. You've seen it all on TV.

Many times the prohibition orders that are given by the courts will ban an individual for ten years from having firearms or ammunition or explosives, but they leave that replica and imitation.... It's a huge advantage to the police to have that ban in there. We try to seek those at the local level, but to have it enshrined as part of the sanction instead of in a probation order would be very helpful.

The imitation law.... I don't want to harp too much on the imitation replica. In Canada it's an offence to be in possession of an imitation weapon for a purpose dangerous to the public peace. The trouble is that's a very high threshold and it's very hard to prove. So we would like to see almost the reverse onus. If you are in suspicious circumstances and in possession of a replica gun, in the reverse onus you have to explain why you have that gun. This would allow us to deal with the innocent high school kids who have a pellet pistol in their car and mean no harm...to the drug dealers in Vancouver who pull up their shirt to threaten purchasers by flashing an imitation gun.

In Vancouver we lead the country—I'm not proud of this—in armed bank robberies. I think we have three times as many in Vancouver as they do in Toronto, and the majority of them are lone bandits producing an imitation weapon.

In Bill C-10, under clauses 17 to 24, there's a list of offences that are outlined in there, a series of offences. I would simply ask, in addition to the offences that are already articulated, that you consider break and enter and commit.... It sounds like the old break and enter, B and E, of a dwelling house. That's not the case. It's break and enter and commit an indictable offence that would allow us to deal with home invasion. Also conspiracy—anyone charged with conspiracy would fall under the same....

These are just add-on sections that we think would be somewhat helpful to us. I'm sure the lawyers on the committee would help you work that through.

There's a provision in there of transferring gun licences. We would ask that there be a provision in there for an individual to have a thumbprint on a gun licence. It allows an officer on the street to quickly look at an individual's thumbprint and compare it to a licence. You can tell even with the naked eye whether it's the same person. There's an IT solution to how that can be done on these plasticized cards.

I read with interest the Canadian Bar Association...and there were a couple of religious groups, I think, that presented to the committee. Excellent presentations. I disagree with some of the things they said. They had their statistics wrong in a couple of areas. Violent crime in Vancouver is up 6%; it's not down. We are, as I said, the bank robbery capital. We seize hundreds of loaded firearms a year.

I'm very proud that next year will be 40 years in policing for me. I've worked many years with the RCMP, and my colleagues and P.Y. and I are on a couple of committees together at the national level. The support from this committee, at least what I've heard so far, is very positive.

I'll just end this on a more global level. We accept the fact that the best deterrent in the world to offenders is to sow the seed in the mind of the offender that there's a likelihood they'll be caught. That's our biggest deterrent. That's the number-one prevention strategy we have. If two offenders are planning a crime and they know there's a

chance they'll get caught, they will not do the crime. They just won't. They'll go elsewhere. The fear of going to jail is not a large deterrent, but I'll tell you, it sure is helpful.

We don't particularly like sending more and more individuals to jail for long sentences, but as Larry pointed out, when they're in jail they do not hurt anyone else for the time they're in jail, and that cannot be overstated.

● (0935)

We have 1,200 officers in Vancouver, and I've got six full-time surveillance teams—full-time. Four of them are strike force teams and two are patrol based. Now, instead of doing global investigations, we track what are called “chronic offender programs”. We identify through various means who the chronic offenders are.

Our definition of a chronic offender is if you commit 12 or more crimes you are arrested for in a year—that's chronic. We have about 80 such offenders now, and we target them; we pick them up one at a time. Once we get to the bottom of the list, we go back to the top and keep getting them. We started off with five indictable offences a year for a chronic offender, and we had 800 such offenders in Vancouver. The pool was too big, so we just moved the goalposts and raised the numbers. That gives you an idea of the level of offenders we deal with and the violence.

Anyway, thank you very much for the opportunity to say a few words. I'd love to be able to answer your questions.

The support is really appreciated.

The Chair: Thank you, Chief Graham. That was very interesting information.

We have one more presenter, Mr. Robert Gordon, professor and director of the School of Criminology at Simon Fraser University.

Thank you for being with us, Professor.

Professor Robert Gordon (Professor and Director, School of Criminology, Simon Fraser University, As an Individual): Thank you, and I apologize for the delay. I was trying to get through security.

The Chair: Yes, it is a bit of a chore at times.

If you would like to present, the floor is yours.

Prof. Robert Gordon: By all means, thank you.

I conducted research on street gangs and criminal business organizations in B.C. during the last wave of overt street gang activity, from approximately 1985 until 1993. One thing we discovered from this research is that street gang activity, at least in B.C., has flowed in waves since about the end of World War II. Oftentimes street gangs are related to what I refer to as criminal business organizations—though some prefer to call them organized crime groups. But those criminal business organizations have been present in British Columbia in the greater Vancouver area since the 19th century. They're a constant in many instances, and they supply the illegal goods and services for which there is extraordinarily high demand. Foremost among those illegal goods and services, of course, is drugs.

Street gangs and criminal business organizations most certainly intersect at some points, but they should be viewed differently for the purposes of developing policy and legislation relating to them.

This research was done, by the way, for the Ministry of Attorney General in B.C., and there was a report that was produced on that research and recommendations.

In short, what we're saying is that a street gang suppression probably requires a different strategy, a different direction of resources, from suppression of criminal business organizations.

More recently, I also produced a report on crime and criminal justice for the B.C. Progress Board. The B.C. Progress Board, for those of you who are not familiar with it, is a think tank, for want of a better term, created by Premier Campbell in 1991 to advise the B.C. government on a variety of issues, both economic and social. This year the board decided to commission reports on, among other things, crime and the criminal justice system in B.C.

I was asked to ascertain what the crime rates were doing in B.C. and in various centres in B.C., what the trends had been over a period of ten years, and, more importantly, for the purposes of this committee, to identify what the primary causes of crime were in the province. The research included interviews with a large number of senior people within the criminal justice system and the business community and academic community, including Chief Graham. One of the things that stood out—and it was consistent across the sample of the 40 or 50 people we talked to—was that the major driver of the crime rate in B.C. was drugs, and the drug trade in particular, both on the supply side and the consumption side.

Obviously, this committee at this point is more concerned with the supply side. As Sergeant Butler has already pointed out, on the supply side, a lot of the crime is related to conflicts within the drug trade, conflicts being settled by the use of firearms.

I think it's very useful to think analytically in terms of these groups as being businesses engaged in a trade in products that just happens, right now, to be illegal, but highly profitable because these products are in high demand and relatively short supply. You can use these business models quite successfully to understand what's going on and to help you cut through a lot of the rhetoric that gets pumped out in the media.

● (0940)

I have to add that I'm pretty much certain that many of the police officers involved in this particular business would not disagree with that.

As I said, lot of those conflicts are settled by the use of firearms, whereas conflicts in conventional, legitimate businesses are settled by the use of courts and lawyers. Inevitably settlements are swifter and more certain when firearms are used between individuals disagreeing with each other. It's also a lot less expensive.

As everything before me indicates, firearm importation is a significant part of the payment system involved in the trade surrounding B.C. bud. The province is a leader in the production and distribution of very high quality marijuana, which fetches a good price south of the border and elsewhere. I should hasten to add that I did not bring any product samples with me this morning.

B.C. bud goes south; guns and other products come north. There seems to be a relatively healthy and almost unstoppable trade. Ironically, it's free trade.

The options that we looked at for dealing with this in the B.C. Progress Board report included tackling the whole issue of supply and demand. We have not made any particular recommendations one way or the other; that was not the task. Instead we've thrust it back to the politicians to deal with. One option we identified was to address the pressing problem of the marijuana industry. At least one solution to the organized crime issue in British Columbia is to legalize drugs, particularly the marijuana industry, and to treat addiction as a health problem. I should add that this product should be taxed.

Of course one of the big problems with doing this is that there is significant opposition. You don't need me to go back over all that opposition. There is also significant opposition from law enforcement agencies, because there is a personal investment—and I understand this fully.

As Chief Graham knows, I have a law enforcement background before becoming an academic. So I understand the problem of tackling these groups, the members of which are often very unpleasant individuals. I would not want one as a neighbour. But sometimes in the pursuit of these individuals, one gets caught up emotionally in trying to arrest and prosecute, and loses sight of the potentially larger policy issue.

That's not a criticism in any way. It's simply an observation, because one of the second options that we identified in this progress board report was to engage in a planned attack on criminal business organizations, particularly in B.C. It's not so much a war on drugs. Again, there is a lot of rhetoric attached to that phrase, and it automatically produced a criticism based upon the failures of our neighbours to the south in this particular area.

I have to confess that some of our concern in B.C. is a little parochial, because the report is saying just go after all the criminal business organizations in B.C. and push them out of the province. Let them be somebody else's problem, which is not terribly neighbourly of us. However, it is a strategy that should be considered.

In my conversations with folks in B.C. involved with organized crime investigation, it was clear that there are a large number of organized crime groups identified in the province—over 100—that are not being actively investigated or pursued.

• (0945)

I was astonished by this revelation. It's a matter of public record; there's nothing secret about this. If you go to the various information sources relating to organized in crime in B.C., you'll see it there.

When I asked the person in charge of the investigations in B.C. why the situation exists, it simply boils down to a resource issue. You can legislate all you like, but if you don't pour resources into enforcement of the legislation it is so many words on paper. I'm sure members of this committee are well aware of that.

The Chair: Mr. Gordon.

• (0950)

Prof. Robert Gordon: I'm dragging on a little, Mr. Hanger? I'm sorry.

The Chair: You are...just a little.

I would ask you to bring forward a couple of concluding remarks now. Any other information you may have may be directed through the questions that will undoubtedly be asked of you. So if you could just wrap up....

Prof. Robert Gordon: I'm happy to do that. I'll just make a couple of points in closing.

There's no doubt in my mind that criminal business organization deterrents, both general and specific through incapacitation, would probably work quite well and would also have an impact on the core members of some of the street gangs that are linked to criminal business organizations.

The cost-benefit analyses do affect decision-making in and around criminal business organizations. At the moment the situation favours the benefit side of the equation, and I think it has done so for some time. What we have to do is significantly increase the cost of doing business and at the same time try to reduce demand on the consumption side.

As Chief Graham said—and this is one of the most important aspects here—there needs to be a high likelihood of detection and capture and swift, certain, and severe punishment, followed by loss of assets that were acquired through a particular business activity. This doesn't appear to be happening to the degree it should, and that's one of the main points we raised in the progress board report.

Thank you.

The Chair: Thank you very much, Mr. Gordon.

Ms. Jennings.

[Translation]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Thank you very much for your presentations. I found them very interesting. Following the presentations that you've made and those of other witnesses we heard last Tuesday, I have a few questions to ask.

Some of our witnesses emphasized the lack of organization in the fight against organized crime, the lack of intelligence sharing, the lack of resources, the lack of recognition of expertise among the various services, which represents so many barriers if we want to put up a truly effective fight. Other witnesses suggested some potential solutions to us, other than more financial resources. One example is a national repository for evidence. Like you, they mentioned the fact that the Hells Angels have their special repository where all judgments rendered across Canada are immediately classified and available, which enables their lawyers to conduct an effective defence against gangsterism charges.

Some witnesses suggested that we should have the same tool, which would be available to all police departments and all Crown attorneys offices across Canada. There we would assemble shared information on evidence, the means used and judgments. I'd like to know your ideas on the subject.

Then there's the question of resources. Mr. Gordon, like others, you said that it's all well and good to pass laws or even to make existing laws harsher, but, if the resources aren't there, are the existing laws used 100 percent? That's a good question. You're saying you don't have the necessary financial resources. So the laws that are...

[English]

Have the laws on the books right now been used to the ultimate that they can be used? That's a question I have for you.

[Translation]

What are your financial needs? If financial resources don't enable you to conduct all the investigations that should normally be conducted, that is to say to conduct them properly with all the necessary tools, should we establish, if that doesn't exist already, a special anti-organized crime fund? In that way, police departments attacking this issue could use the money from the fund rather than rely on their police department budgets, which may be allocated to other causes.

Third, what statistics do you have to date on offences related to the possession and use of firearms in committing a crime, on arrests, charges, trials, the outcomes of those trials, and so on? We've heard that sometimes there was plea bargaining and that charges were dropped even if we had evidence. For example, a person may plea bargain, plead guilty to one offence and receive a lesser sentence. Perhaps that's also why we don't necessarily have all the convictions for these kinds of offences.

My last question will be very brief. You mentioned Project Colisée. I've received a number of e-mails and telephone calls from voters who were somewhat outraged because the name of a national and international treasure had been associated with the negative activities of organized crime. I've already forwarded those comments to the Commissioner because some people were outraged to see the name "Colisée" associated with organized crime. What do you consider when choosing the name of an investigation?

● (0955)

[English]

Chief Jamie Graham: First off, on how we pick the names of investigations, it's done by the alphabet. That's all. Simply, if it's in a certain geographic region we'll go with V, so it's project victory, project Vesuvius, whatever it is. I don't know what the reference you make about—

Hon. Marlene Jennings: The Coliseum.

Chief Jamie Graham: I don't know what that means.

[Translation]

D/Commr Pierre-Yves Bourduas: Allow me to answer that question, madam.

At the RCMP, we associate the name of a project with the first letter of a division. For example, in this case, it was Division C. So, nationally, if the name of a project starts with the letter "C", we know it originates with Division C in the Province of Quebec. If it were project K, we would know that's Division K in Alberta.

The project's name was originally Cicero. Subsequently...

Hon. Marlene Jennings: Mr. Bourduas, I have to stop you because our time is limited.

The name given to the investigation was my last question. So that was less important. You can send your answer in writing to the committee clerk.

A/Commr Pierre-Yves Bourduas: Then I'll discuss it with you, madam.

Hon. Marlene Jennings: All right.

I'd rather like to hear your comments on the first questions that I asked and to enable the other members of the committee to hear from you.

D/Commr Pierre-Yves Bourduas: That's perfect, madam.

[English]

I'll give the perspective from the RCMP, and I'm sure Jamie will be more than happy to complement my reply.

[Translation]

As regards the national repository of case law that applies to certain organized crime cases, there are people at the RCMP working for the legal services who review each of the decisions. They outline their involvement in police operations, taking internal RCMP policies into account. In the circumstances, the repository is applied internally and is available to 16,000 RCMP police officers in the field.

[English]

Jamie, I invite your comments in relation to CACP and its approach, because CACP has also these types of registry looking at the impact of organized crime and the legal decisions.

Jamie, I would invite your comments in relation to this, if you wish to do so.

Hon. Marlene Jennings: And on evidence.

Chief Jamie Graham: I'll address all your questions.

The Chair: We are running a little short of time here, and there are other questioners who would like to participate.

Chief Jamie Graham: Let me just respond quickly to your question on information sharing. Don't believe what people tell you. We share information appropriately on a case-by-case basis. I've never had a case not proceed because the Mounties wouldn't tell us things or we wouldn't tell them. That's a fallacy. People tell you that. There are isolated cases in which it might not happen, but generally.... In fact in British Columbia we're mandated to all be on the same computer systems, effectively, and the Mounties have done that.

Secondly, I haven't heard of the evidentiary repository before. That would present some issues for me. We don't have a problem collecting evidence, and presenting it to the courts. I didn't get a chance in my comments to say that one of the biggest issues this committee could tackle is the issue of what are called non-returnable warrants. If you commit a crime in Quebec, in Montreal, and a warrant is issued for your arrest, they put a radius on the warrant of 100 kilometres or within the province of Quebec. If you come to Vancouver and get caught on another crime, you get bail. You're not held to account in different jurisdictions. We know we have the Attorney Generals' interest on this issue, both provincially and federally. I know they're talking about it for the first time in about thirty years, but I think it's one of the biggest scandals we've faced for years—that offenders can travel at will, back and forth across the country.

Regarding the statistics on plea bargaining, I don't know. I'm always very cautious about criticizing what goes on in the courtroom, because unless you're there to hear the evidentiary package presented, you don't know the decisions that are made. Inevitably, if the evidence allows you to take a plea to a lesser offence because the case might not be as strong, and there's an iffy chance of whether you might convict, then you roll the dice. Sometimes a bird in the hand is better than nothing at all. So sometimes those decisions are made. If they plea bargain away one of Larry's cases, and it's a good, solid case, I'm on the phone right away to the chief prosecutor, and I raise a big fuss. But that doesn't happen very often.

•(1000)

[Translation]

D/Commr Pierre-Yves Bourduas: To answer your question, madam, concerning the availability of a fund for major cases, different models have been adapted by the offices of the Canadian Security Intelligence Service, CSIS. For example, in Ontario, the office has a fund, and the information provided enables office employees to prioritize cases that they have to deal with. The same principle has been adopted in Alberta, and other provinces are currently adopting it.

I should raise one point. Jamie and I sit on the organized crime committee of the Canadian Association of Chiefs of Police, which also represents all police departments. All police departments in the country have adopted a Canadian strategy against organized crime which consists in utilizing the infrastructure of the Canadian Security Intelligence Service in each province.

The ultimate goal is therefore to examine the image of the province, identify tactical targets and develop strategies for inaccessible targets, to raise them at the national level and to make a presentation to the national executive. Once the executive has approved the strategy, the provinces implement it. This will enable us to clearly identify the threat level and gap that exists between what we can handle and the lack of personnel.

[English]

The Chair: Mr. Ménard.

[Translation]

Mr. Réal Ménard (Hochelaga, BQ): I'm very pleased to welcome you this morning.

We in the Bloc québécois are less convinced of the necessity of mandatory minimum penalties than of providing the best possible investigation tools possible. We think that the major outcomes of cases have not been attributable to mandatory minimum sentences, but to the fact that investigation techniques have been improved.

I'm going to ask you four brief questions, and I'd appreciate precise answers. I'm putting them, of course, to Mr. Bourduas and Mr. Graham more particularly, but, if Mr. Butler or Mr. Gordon want to answer them, they are welcome to do so.

How are investigative methods for attacking street gangs, more particularly, different? We're currently reviewing the second legislative measure. On May 4, Bill C-95 will have been passed for 10 years. These laws were designed mainly in relation to the Hells Angels and criminal biker gangs. At the time, there were 38 biker gangs in Canada, which constituted a threat to the community. We've locked up a lot of the Hells Angels' leaders; there's still some work to be done, but a lot of charges have been laid. Today, street gangs are a new reality raging in our communities.

Can you provide the members of this committee with any indications concerning investigative methods? What are the tools that you don't currently have and that you need?

Second, Mr. Bourduas, you said that surveillance, infiltration and wire taps are very important methods. We've been told that wire tap warrants, which were extended by one year under Bill C-95, were not always consistent with the other types of warrants.

Do you have any very specific recommendations to make to the committee?

Third, in Canada, there are no more than roughly 10 attorneys specialized in street gangs. The reason why we win trials when people appear before the courts is that specialized attorneys agree to invest two, three or four years of their lives to become specialists.

Do you have any specific recommendations to make to the committee on that subject?

Lastly, do you believe we should amend section 467.1 to make specific reference to street gangs? Personally, I tend to think so, but our views may differ on the subject.

First, I'd like to hear Mr. Bourduas. Then I'd be pleased to hear from the Chief of the Vancouver police.

•(1005)

D/Commr Pierre-Yves Bourduas: The difference is quite well known for street gangs. I should nevertheless point out that, if we look at the criminal definition that was amended, that is to say that refers to three individuals involved in a criminal activity, it would be fair for section 467.1 to be applicable, not only in relation to the activities of the Hells Angels, but also those of street gangs, since the act gives us that flexibility.

To see that, one need only read the recent decision by Judge Bonin which was rendered in Montreal. The judge referred to this act in convicting individuals involved in street gang activities, such as weapons trafficking, drug trafficking and that type of activity. These individuals are currently being charged under this act.

Mr. Réal Ménard: Judge Bonin comments on evidence on 69 of the 74 pages. He didn't make the connection; that's what troubles me. He didn't explain why this now applies to a street gang. He comments on the evidence on 64 or 64 of the 72 pages, but he doesn't define.

You're not seeking an amendment to section 467.1?

D/Commr Pierre-Yves Bourduas: We're not currently seeking one for this part, since it refers to three individuals or more involved in criminal activities.

The second part is the one on mandate, which doesn't seem to be consistent. He also mentioned legislative amendments that might be required in that regard. I understand you. Subsection 185(1) of the Criminal Code makes a one-year authorization possible, but other investigation techniques apply. For example, there are what are called tracking warrants, warrants for number recorder and general warrants, and these warrants are only issued for a period of 60 days. So there's a lack of coherence between the one-year term of some of the tools that we use — in relation to developments on the case — and others whose term is limited to 60 days. It would also be important for us to be able to use these tools over a one-year period rather than be limited to 60 days.

The other important question is the notice of interception. The Criminal Code requires police officers to notify an individual who has been subject to an interception, after a period of three years, that he has indeed been the subject of an interception. We're asking that this period be extended from three to five years because some of our investigations take longer than three years.

Let's take the example of Operation Colisée. The investigation was spread over a period of four years. You'll understand that, if an individual is the subject of an investigation and we inform him of that after three years, while the investigation is still underway, that can cause certain problems.

Lastly, I'd like to mention an interesting event that occurred in Quebec. A judge set restrictions on access to a firearm in accordance with section 109 of the Criminal Code for individuals who had been convicted of drug trafficking. However, the judge stated that sections 109 and 467.1 of the Criminal Code contained no provisions enabling a judge to suspend access to a firearm for Criminal Code offences. Consequently, section 467.1 is not included in subsection 109(1) of the Criminal Code, and vice versa. In other words, there's a legislative gap.

Lastly, I believe I answered your last question on amendments in my comments.

• (1010)

Mr. Réal Ménard: You did so brilliantly.

[English]

Chief Jamie Graham: You asked about tools.

The current federal proceeds of crime legislation doesn't work for us. I think the most offensive part of the legislation is that defence lawyers get first crack at the money. An accused person is charged with an offence. For the money we seize, the defence lawyers get access to the funds. By the time we go to trial, there's no money.

We don't seize. The only thing we seize at all now is either cash or automobiles that can be easily disposed of. If an organized crime gang owns a business or a golf course, it's not in our best interests to get involved. It's happened before. The organization lost money, and then we were sued because we didn't run the golf course properly.

In B.C. we've reverted to provincial civil forfeiture laws. We simply sue the offender, go after him, and seize the money.

The money that's seized on federal proceeds of crime does not flow back to the municipalities. It means I can put forward as much as I want to in terms of my resources to do an investigation. Once the federal proceeds of crime experts come in, the clocks are ticking, and they get paid. At the end of the day, no money flows to me.

I'd like to have additional funding. There are provisions—

[Translation]

Mr. Réal Ménard: You're not using Bill C-53?

[English]

Don't you use Bill C-53? We voted on this bill, and all of the parties agreed. Don't you use that?

Chief Jamie Graham: It's great that the federal government uses it a lot. We very seldom use it in Vancouver.

D/Commr Pierre-Yves Bourduas: If at all possible, I would like to comment later on this.

Chief Jamie Graham: So that's why we're here; we need better laws. When we make these small recommendations for making changes to words here and there—about replica—it may not seem that crucial, but it's huge for the street-level officers. We tried to get

regulations at the local level that you cannot have a replica gun or a water pistol unless it's painted orange or yellow. A water pistol that you can buy in Costco can easily be disguised as a pistol. Handguns are designed for one reason only, and that's to be concealed. The pellet guns are the same way. They should be easily distinguishable. So that's why we're here, to get these words that will help us added to specific pieces of legislation.

The federal government also, we understand, is moving in this direction. We've had discussions with the public safety minister and the Attorney General about 2,500 additional police officers being given to municipalities. We're very interested in that, and we're assured that this is being looked at. Wonderful!

There's no mechanism in law for the federal government to give money to a municipality to pay for police. There's just no mechanism for that to happen. The money has to flow to the provincial entity, then my budget goes to the province to see whether I can get positions out of them. My front-line officers are as much a part of the war on organized crime as anyone, and we would like to have the funding flow straight to the municipalities, where I can convince the federal government that it's in your best interest to help me. We think that's important.

If you're looking for tools, I'll tell you that one of the best tools we've found in Vancouver is to increase our officers' participation in school liaison programs. If you look at the provincial strategies, and Professor Gordon can talk about this, one of the great strategies to dissuade young people from making bad choices and getting involved in criminality is literacy. Who would have thought 20 years ago that cops would stand before groups and promote literacy and promote stay-in-school programs? We know that the more children who are literate and the more children who stay in school, the fewer the people who make bad choices, and we don't have to deal with them when they're 15. So every nickel that the federal government or anyone puts into literacy or school programs or education has a huge impact on law enforcement. You won't hear it too often, but it's important.

I think Larry touched on the search provisions a little bit. That's a tricky one, because I'm sure that all the lawyers will just be up in arms when we start to tinker with the search provisions. As an example, my FIT crew, my firearms interdiction team, is downtown on a Friday night. They cruise the entertainment district looking for these gangsters' vehicles, usually the big Cadillac Escalades. They spot them, they see two gangsters walking up to the car, they know they're on bail and they've got all kinds of conditions, so they search the car and find a gun. So there have to be some provisions for common sense applications so an officer doesn't have to find some grounds under the traffic act to search a car.

If you're an eight-time-convicted, indictable offender, and you're on bail, and you're out late at night, and the officer looks into your car and sees a balaclava in the back seat, boy, you have to be searched, and your vehicle should be searched. You do that now on a case, and it's out the window.

•(1015)

The Chair: Thank you, Mr. Graham.

[Translation]

Mr. Réal Ménard: Can you tell us about Bill C-53?

[English]

A short comment on—

The Chair: There are other individuals who would like to ask questions.

Go ahead, Mr. Moore.

Mr. Rob Moore (Fundy Royal, CPC): Thank you, Mr. Chair, and thanks to all the witnesses for their testimony.

Between today's testimony and Tuesday's, we've certainly heard from an excellent panel on the impact of the war, I guess, on organized crime, and also on what we can do as legislators to help in that endeavour.

One of the things, Chief, that you had mentioned, I think, and I found it amazing, was chronic offenders and the criteria you have now for chronic offenders. I want to make sure of this. You had mentioned 12 indictable offences that they're actually arrested for.

Chief Jamie Graham: Yes, this isn't a direct link to organized crime, as such. These are habitual offenders we deal with, and we deal with the same usual suspects. So we started off with a smaller criterion—I think it was five arrests in a year—and the numbers were just so big. The criterion is 12 fresh arrests per year and you're on the list, and the list is at about 80.

Mr. Rob Moore: The reason I raise that is we are dealing in this committee with Bill C-10, and that's one of the things I think is good about Bill C-10. It targets those who are recidivist, repeat offenders.

We also heard testimony here on mandatory minimum sentences. On the first offence, there's not a whole lot that changes from the current regime. For some firearms offences now, there's a four-year mandatory minimum. Under Bill C-10 there would be a five-year mandatory minimum for some of those offences. If someone after being convicted for that offence goes out and commits another firearms-related crime, then there's an escalation of that mandatory minimum sentence. It's very much directed at what you're talking about, at people who, no matter what we do, are going to continue to commit crimes.

One of the things that was mentioned, and I'd like everyone's comment on this if possible, is when you take those chronic offenders—as you have labelled them—or recidivists off the street, that somehow there's some measurable improvement in public safety.

I know this committee travelled to Toronto and we heard from Chief Blair. He mentioned one operation they had in a neighbourhood in Toronto where, by taking the few offenders—and in every community there are only relatively few to the entire population—

off the street for even a short period of time, they saw a marked, measurable improvement and a decrease in crime in that district. Can you comment on that? How important is it to take some of these chronic offenders, who no matter what you do...?

It's remarkable again, when we hear about that case, I think you said it began in 1995 or so, and finally people were sentenced in 2002, some seven or eight years later, only to be back on the street within a matter of months. Can you talk about that?

Chief Jamie Graham: Our chronic offender program is a popular one in Vancouver because it's non-stop action. Believe it or not, when we want to “surveil” an individual, we usually begin the surveillance at the court house, because at least we know that's where they're going to be, because they're showing for a court case. Many times it takes about five or six blocks before they either steal a bicycle or they do something. We've engaged two or three specific crown prosecutors who have the same passion we do in this, and they bring the cases forward to the courts.

To the question of whether it makes a difference to take chronic offenders off the street, it makes a huge difference, because that means that small community is safe. For our serial bank robbers, when we pick up a bank robber, we usually clear between eight and fifteen bank robberies at a time. The banks are safe and the tellers aren't traumatized. What you see on TV, where an offender will draw fifteen, twenty, or thirty years in jail, which you might see on bank robberies, it doesn't happen. There is joy in heaven when a two-year sentence is given for armed bank robbery.

Mr. Rob Moore: Deputy Commissioner, do you want to comment on that a bit?

D/Commr Pierre-Yves Bourduas: Yes, indeed.

What's interesting is working along with the Vancouver Police Department. The genesis of a similar project called the crime reduction strategy for the RCMP is being rolled out across the country. We're going to focus on these types of offenders, but we're also going to work with the court systems, with social services just to ensure that we manage these individuals properly. As Jamie indicated, we've had instances when, 15 minutes after being sent out on probation, people were violating again and were arrested immediately on the spot and brought back before the court.

I'd like to link this with my project and the CACP project, where we also look at these repeat offenders on the organized crime side of the house. What's so vivid in my memory is when I was the officer in charge of the integrated proceeds of crime unit in Montreal and we conducted a four-year undercover operation. We managed to arrest 44 individuals—520 charges before the court, \$162 million laundered in Central America, straight from Montreal. We had one key individual who was sent to jail for eight years and was out of jail after a year and a half. What's interesting is that one individual was back before the courts six years later for similar types of offences.

So what we're proposing is the lifetime management of serious offenders, working with the judicial system, working with immigration, customs and excise, and so on, so we would manage these serious offenders and have different strategies. We can only tackle so many people on the tactical piece, but on the strategy to manage these folks, we have to use all of our available resources to deal with these habitual offenders.

• (1020)

Mr. Rob Moore: I noticed also this Hells Angels special defence fund. They have a more politically correct name now, apparently, but it doesn't change that. The odds are stacked against the law enforcement side when it comes to access to the resources because they have the evidence. We heard a professor talk on the trade in marijuana, in guns, and about a limitless supply of cash, apparently, to fund their own defences.

Chief Jamie Graham: If I could just make a point, if you run a police force similar to the way you run a business, budgets are crucial. So when officers come to me and say look, we've got a major project we would like to do, we listen to the project. The first thing, one of my deputies pulls out of his desk a budget sheet to ask, do we have funds? Does our criminal investigative fund allow for that? And if it doesn't, it doesn't get done. It just doesn't.

So funding is a never-ending issue, and then we look to our partners. The RCMP have been very good. We partner with them and the organized crime agency, or CFSEU, to get projects done. But funding is a never-ending issue. That's why any increase in officers, be it at the provincial level, anywhere, is an issue, because every nickel I spend in Vancouver comes from city tax dollars. That's all. I get no other funds from anywhere else.

D/Commr Pierre-Yves Bourduas: On the funding piece, if you'd allow me, what's important to realize is that the current government has allocated resources to finance some of our core programs, with an additional 1,000 police officers over the next five years, but that deals specifically with core programs. Then we still have to manage criminal organizations operating within these core programs and reprofile some of these resources.

Sgt Larry Butler: I might just make one point with this, I'll speak more to the Hells Angels type of thing. Talking about expertise, which came up earlier, and attacking this type of problem, one of the key issues here—and it's to do with this legislation—is the Hells Angels, for example, are Hells Angels for their whole career, as are other organized crime groups. Police officers move throughout different ranks, throughout different jobs. What happens is it's harder to keep continuity of experts because of succession planning through your ranks in the police department.

We've noticed from documents seized from the Hells Angels that they think globally. They think about attacking as a group, working together as a group, forming a shell around their organization, so much so that they proposed all their lawyers, worldwide, getting together to brainstorm how to combat the police. We don't have that luxury in a lot of cases because lawyers change positions, talking about specialized lawyers. We might get a gang lawyer for a year or two, and then they're off to a different job. So our environment is ever-evolving. People are changing and people are coming and going, and it's more difficult to keep that core of experts focused on what you're doing.

I've been very fortunate with my chief and my administrators. I've managed to stay where I am for a number of years and keep doing that. But I've watched people around me, other experts, who are continually just getting to the point of being an expert, and boom, they're off, mandated to do something else. So they don't change and we are forced to change, so it's a harder job for us to keep up on the expertise.

The Chair: Mr. Gordon, did you have any comment that you wanted to make?

• (1025)

Prof. Robert Gordon: Yes, if I could, just very briefly, just to endorse the idea of crime reduction strategies. Probably what's required in Canada is an organized crime reduction strategy that follows some of the similar characteristics, where you have high levels of cooperation in components of the system.

At the moment the criminal justice system, at least in British Columbia, is faced with a number of silos, and I think that doesn't produce effective law enforcement or prosecution of organized crime.

The other issue relates to resources, that there is no point in blindly throwing resources at this particular issue. I think any new resource allocations to deal with organized crime in Canada have to be focused and there has to be accountability and there have to be some reasonable deliverables at the end of the day and it needs to be a planned process.

We've suggested in the progress board report that ten years is not an unreasonable time to be applying resources and applying a national strategy or at least a regional strategy to deal with organized crime. If you just throw money at it, it's not going to produce a greater return.

The Chair: Thank you, Mr. Gordon, good point.

Mr. Bagnell.

Hon. Larry Bagnell (Yukon, Lib.): Thank you.

Thank you very much for coming today. Certainly I want you to know you have the support of all committee members in the dangerous work you do with dangerous smart offenders, and we want to give you as many tools as we can.

Just before I start, in your answers, if there's anything you would like to tell us in camera at the end of the meeting, when there's no one else here except us and where you don't want the information to get out to organized crime or whatever, let us know during your testimony and we can do that at the end.

Related to municipalities, there's nothing to stop us legally giving money to municipalities. We do it all the time, but there may be other reasons we don't do it. This is not my question, though.

Chief Jamie Graham: You and I should talk afterwards.

Hon. Larry Bagnell: We'll talk after, yes.

Related to the tools, this has been fantastic today, this much work. In our party we don't think Bill C-10 is going to help you because the judges already have the same maximum penalties now that they can give and this doesn't increase that, but you've given all sorts of great examples. I would suggest that with the arbitrary search related to the warrants, the wiretaps, the proceeds of crimes, there are lots of things we could do.

It might be helpful if, like the Hells Angels, you got your lawyers together to come up with.... Rather than waiting for us, because we and the Department of Justice often get sidetracked on things, propose some draft laws and work with the human rights groups to make sure it's acceptable so they don't come here and trash them. Get the whole package together, present it, and lobby us and the Department of Justice on that with the wording of the laws and everything. You might be able to move faster than by waiting for us. There are all sorts of discussions we could have on that. I'd love to, but we don't have time today. Hopefully we'll do it in the future.

I have a question for Mr. Gordon.

It's interesting talking about crime as a business and the deterrents to this business. I'd like to know from yourself or any of the witnesses if there are international examples of laws that we don't have in Canada now that have successfully provided this deterrent to crime and made it unpalatable so that they've moved to other countries. Obviously a lot of these things don't work in the United States. But are there laws that other countries have that actually have caused organized crime and street gangs to move because it's an unpalatable business decision to stay there?

Prof. Robert Gordon: I can't give you specific examples off the top of my head at the moment.

Sgt Larry Butler: If I may—and I'm sorry I keep going back to biker stuff, because that's what I do—we meet and we speak frequently with OMG investigators throughout the world. There's a tool they use in Australia, which is not specific to bikers and I won't be able to be specific here, but they have a threshold they meet with certain levels of drugs. Once you're found in possession of a certain level of a drug, and it varies with respect to the drug, you are deemed a drug dealer. At that point the government takes everything you own—gone. We hear this from the Australian biker cops all the time. They try to snare their criminals with in excess of this threshold and then they drive over and take their home, their cars, this, and that. You create a whole new animal because you create layering, nominee holdings, and guys are hiding stuff in other people's names, but it's obviously a very powerful deterrent. It's a piece of their narcotics legislation, as opposed to gang legislation. But it certainly has a powerful effect in Australia.

• (1030)

Hon. Larry Bagnell: I have one last question.

The Chair: A quick question.

Hon. Larry Bagnell: Is there anything else we could do? These criminals obviously have all sorts of money sitting around. Is there anything we need to do to strengthen catching them related to avoidance of income tax or to seizing their assets more easily and readily so it's less profitable for them? Are there hindrances in catching them for those reasons or taking away their assets and their wealth?

Chief Jamie Graham: We and the RCMP do that already. When we multi-task and go after offenders we don't just do it in isolation. A lot of times, depending on the seizure and the product, it will depend on who gets called. We have a huge problem at the moment with street-level drug dealers in Vancouver of a certain ethnic persuasion—Central American. We work hand-in-hand with a strike force from immigration. The provisions in the Immigration Act are that if you are a convicted offender and caught with drugs you can be deported very quickly. They don't get a lot of good press about what they do, but they do some marvellous stuff with us—really good stuff. We can have offenders and they're gone. The problem is they come back three times and then we use those provisions.

They got Capone by using income tax legislation, they tell me. We do that effectively through a number of agencies where offenders we know have funds but, believe it or not, just don't pay income tax. There's joy in the police circles when we hear that the income tax people are looking at somebody, because that's a powerful tool. We do work pretty closely with them.

Sgt Larry Butler: If I could add to that, one thing that's happening in British Columbia—and we've been doing this for a year or two now—is that we're on board with Revenue Canada. They have made it a priority and they have served all the Hells Angels in British Columbia with audit notifications. We've gone around with Revenue Canada and personally served documents to people in their shops or their homes. We've even offered to attend Hells Angels' church meetings to pass out the necessary documents.

We very much see a cause and effect. We've noticed that some of these individuals haven't filed tax forms for seven or eight years, but they're driving around in Escalades. Their lawyers and accountants are advising these people that they had better get something to justify this. So we're seeing them buying dump trucks and backhoes, something to justify a business and some income.

Revenue Canada has also gone to a certain number of the Hells Angels—the more affluent ones—and served them with asset demands, basically demanding to be told what they own and what they owe so they'll be able to have a base net worth of this individual. That has been challenged before the Supreme Court. I have to give evidence next month on behalf of the Solicitor General with respect to the Hells Angels and this pursuit. They're saying it's unconstitutional and that they're being targeted because they're a member of a club. They're trying to avoid this microscopic examination of their financial standings.

The Chair: Thank you, Mr. Butler.

Ms. Freeman.

[Translation]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Good morning.

Thank you for the quality of your presentations.

A number of questions that I would have liked to ask have already been asked. I'm nevertheless going to put two to Mr. Bourduas.

Earlier my colleague talked about the reversal of the burden of proof, under Bill C-53, in the case of property acquired by gangs associated with organized crime. Could you tell us why you haven't made more use of that provision?

D/Commr Pierre-Yves Bourduas: Your question is a relevant one. The act entered into force in November 2005. Since then, the Department of Justice has had to administer the act, under which the burden of proof is reversed, but not enough. It doesn't go far enough. The Crown nevertheless has to prove criminal activity, as well as the connection between the material acquisitions and the criminal activity, before the reversal of the burden of proof applies.

At the time debate on the bill was taking place, we asked that an individual's involvement in criminal activities be proven. Once the proof is made, we rely on the principle that no one may benefit from crime. The reversal of the burden of proof is applied, for example, where an individual has to explain to the court how, with an annual income of \$10,000, he was able to own three expensive residences. It's in that sense that the act doesn't go far enough, and that's why the Department of Justice laid no information before the courts under this act to date.

We talked about — and Sergeant Butler mentioned this as well — the increasingly frequent use of the services of the Canada Revenue Agency. Ten investigators from that agency worked on the last case, Project Colisée, and I can tell you one thing: if you want to discourage organized crime people and let them know clearly that Canada is not a good place to do business, seize their assets. These people get involved in organized crime above all to acquire assets. If tough laws are applied and these assets are seized, the message is clear.

As regards the reversal of the burden of proof, the Department of Justice is waiting for an airtight case in order to establish well-settled case law. Then it will be possible to build around this act. Our investigators are trying to provide the Justice Department attorneys with the necessary evidence, precisely in order to begin a prosecution under Bill C-53. Unfortunately, that has not yet occurred, madam.

•(1035)

Mrs. Carole Freeman: Earlier this week, we heard from the witnesses from the Province of Quebec. We were told that the exchange of intelligence between police departments was fairly deficient. You seem to say that these exchanges are going very well. I'd like to know whether this exchange of intelligence is as efficient as you seem to say.

D/Commr Pierre-Yves Bourduas: As police chief Graham said, in British Columbia and in Quebec, the entire police community realizes that, in order to combat organized crime, intelligence sharing also has to be organized. We can do that through the Canadian Security Intelligence Service. We can say that, in Quebec, for example, the partnership among police departments has matured, which has made it possible to improve the practice.

This best practice is called Project MINERVA. As part of this project, each of the major police forces, that is the RCMP, Sûreté du Québec and the Montreal Police Department, is responsible for certain criminalized groups. Intelligence and staff are shared by the services. For example, a number of agencies worked together as part of Project Colisée. I'm going to ask Inspector Aubin to talk about that.

Insp Michel Aubin (Director, Organized Crime Branch, Royal Canadian Mounted Police): The Montreal Police Department, Sûreté du Québec, the Customs Agency, the Laval Police Department and the RCMP were all involved. We had a team of approximately 100 investigators plus some 10 investigators from the Canada Revenue Agency. Here we're talking about highly integrated groups. I can even tell you that, within the team, there was an intelligence group formed by the various police forces. In this way, we made sure we had access to available intelligence in all the agencies. It was the Project MINERVA report that gave rise to this practice.

Mrs. Carole Freeman: You're going to look for the information that could...

[English]

The Chair: Thank you, Ms. Freeman.

Quickly, Chief Graham.

Chief Jamie Graham: Mr. Chairman, if I found out that members of my organization weren't sharing appropriate information with other agencies, heads would roll. People would be out of a job. So it's just not an issue where we are.

The RCMP have taken over a program that was started in B.C., where a street cop can be in his car with a computer and run a name, query a name, birthdate, and address, and through what's called LEIP, the Law Enforcement Information Portal, it will check databases from records management at a wide variety of Ontario police agencies. So that is records management. On an officer's screen, it will say, you know, he was the subject of inquiries or of a case in Ontario, or Quebec, or whatever it is.

The information flow and exchange is hampered only by the information technology, which we're moving ahead, and as you know, that can be very costly.

But I just want to emphasize that there's no reluctance on sharing information at all, and the RCMP has been very open. On national security levels, we are even at a stage of final agreement with some further information sharing. So it's very productive.

• (1040)

The Chair: Mr. Breitkreuz.

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Thank you very much.

I really appreciate you coming before the committee today. I think this has been very helpful.

I just want to emphasize a few things. I have three major questions here.

Mr. Graham, you talked about non-returnable warrants. I'd like you to emphasize that a little more. I was not aware of this. It seems absurd that that can happen here in Canada, and it seems like it's something that could be easily fixed. Would you mind commenting on that?

Chief Jamie Graham: Sure. There are provincial and federal ministers, I know, who are looking at the issue. It's a jurisdictional, territorial issue.

A warrant is a warrant anywhere in Canada. So if you're wanted on a criminal matter, in theory you can be arrested.

Say you commit a crime in Vancouver and you're hiding out in Ottawa and they find you here. I send officers to Ottawa and you are detained. They take a copy of the original warrant, it's backed by a justice, and you're on the plane and you are escorted back.

The reluctance is on the part of many governments to pay for the escort costs. That's all it is. So if you're wanted on causing a disturbance—not you, but if there was a bar fight or something and there were warrants issued for you, would it be cost-prohibitive for us to return you to Vancouver to appear on that? Well, as soon as we say that, the whole administration of justice is called into disrepute, because you're never held accountable. So we've proposed “con air”; we've proposed going by train. At the RCMP, we even looked at regular scheduled runs of aircraft across Canada. Then we thought, with the video hookup programs, there has to be a way that, if you're arrested in Winnipeg, you don't get a choice; you appear in court on video and witnesses can come before you. It's really hard to get traction for this issue.

I have reports I could share with you. We did research the first three months of 2005. Then, in March 2006, I think there were four

large urban police departments and we did research to see just the volume and how bad the problem is. It's absolutely staggering.

Mr. Garry Breitkreuz: We've got to fix that. Let that be on the record.

You've also made the comment, several of you, that the biggest deterrent to crime is the fear of getting caught, but then you said somebody gets a sentence for five years and is out in eight months. There's a real disconnect here. Do we have a problem with our courts? How do we fix this?

Chief Jamie Graham: These are statutory issues dealing with parole and mandatory releases. You can—

Mr. Garry Breitkreuz: Is that legislative? Mandatory minimums but—

Chief Jamie Graham: There's very little you can do, and you'll get a mixed view from police officers about this. I know many inmates, and a lot of these fellows go to jail, and they're going to try to turn themselves around. If you remove any hope at all of perhaps some good time when you're in jail, it's a problem. But I'll tell you it's staggering to see someone with a five-year sentence be out in six to eight months. That's a little unusual. It happens.

D/Commr Pierre-Yves Bourduas: May I add to this? It's the new legislation. However, what you have to bear in mind is if you're involved in criminal activities and you're proven guilty under 467.11, 12, or 13, then you have to serve half your term, which is a deterrent. At one point it's also being used by the criminal elements and some prosecutors as a negotiating tool to secure a guilty plea on a lesser charge, and that's something to bear in mind.

Chief Jamie Graham: The bail provisions need strengthening. In Canada there are only two grounds to detain an offender, and that's if you are a danger to the public—and that's a very high bar, and you have to prove that danger—or if you have a record for failing to appear. Many jurisdictions don't pursue failing-to-appear charges. If you don't appear in court either on an appearance notice or for fingerprinting, they just let it go. It's not pursued separately. It's just capacity.

Sgt Larry Butler: I think the chief covered it all. In the case of the person who was out after eight months of a 55-month sentence, we provided a ton of documents and federal corrections system supported it all and recommended the same thing, no bail, and then it came under the control of the National Parole Board, which did a 180 on what we recommended. They didn't believe what we had provided, and everyone—

Mr. Garry Breitkreuz: That has to be fixed.

Last question. We're politicians and we deal a lot with the big picture. You introduced this by saying that organized crime affects all Canadians. How do we explain that, that we have to fix some of these problems? We have to convince most Canadians. How does it affect them? How can you make that blanket statement that it affects all Canadians?

• (1045)

D/Commr Pierre-Yves Bourduas: It does, and we're talking both from experience and also from looking at its impact on our society. And we've seen symptoms over the last 20 years. If you recall, we're talking about organized crime and prime examples, because I've lived through it in the province of Quebec, innocent people, an 11-year-old kid dying in the streets of Montreal, culminated in this ongoing war. And that has affected Quebec society and then Canadians as a whole. We've reacted with pieces of legislation.

You look at the evolution of society and do the parallel with organized crime. If you look at major conglomerates doing mergers and associations and using the world as their staging ground, organized crime is doing exactly the same things.

The reason we're here—and we're pleased you're taking the time to hear our concerns—is we simply want to reinforce the legislative tools. But also keep in mind what Professor Gordon has indicated. There's the education piece, the awareness piece, and the public has to be sensitized, but most of the public are reactive and they're saying it doesn't concern my immediate family, therefore it's not a problem. We have to educate the public and we also even have to educate our own police officers who are working the streets.

Prof. Robert Gordon: Canadians are the consumers of the goods and services provided by organized crime. A lot of people don't make the connection between the joint they buy or the drugs they buy or the other illegal services they acquire and the supplier. There simply is a disconnect. No one has so far been terribly successful in persuading the population they should think about that.

On the issue of the non-returnable warrants, the consequences issue, this is possibly one of the reasons why crime rates are higher in British Columbia than in other parts of Canada, why there was this drift westward and certainly probably why crime rates are higher in B.C. than they are in Ontario. It's because their population of offenders tends to drift to the west, knowing they're not going to be returned to Ontario.

The Chair: Thank you, Mr. Gordon.

I know there's a desire to respond further to Mr. Breitkreuz's question, but I do have two other people, and our time is running short.

Mr. Lee, would you like to pose your question, please?

Mr. Derek Lee (Scarborough—Rouge River, Lib.): I always wondered where all these bad guys go once they get to Vancouver. Is it Hawaii or Hong Kong...?

Anyway, in fairness to all the parties, I also note that there seems to be lack of precision or some confusion among these different terms of release. You've got bail release, conditional sentence, probation, conditional release, statutory release, and you've got other terms as well. It's not helpful to the conversation to have all of these terms mixed and misapplied.

In any event, I want to address a macro issue.

Our American friends realized over 40 years ago that organized crime was such. It crossed state boundaries. There was a federal interest in it and a federal constitutional jurisdiction to take steps to criminalize organized crime and the associated activity.

In Canada, I think we're still siloed. I know that police forces at all levels share information, share all manner of police intelligence, and that's been reasonably well done for 20 or 30 years. Vancouver actually appeared to lead the way back in the 1960s or 1970s with what I think was called a coordinated law enforcement unit, CLEU. I don't think that still exists, but—

Chief Jamie Graham: It does; it's just that we've renamed it three times.

Mr. Derek Lee: That's great—but what if organized crime crosses provincial boundaries, which it does? I direct the question to the RCMP.

To help our friends in the municipal police forces who find themselves prosecuting organized crime, which reaches right across the country and across the continent and around the world, is there not an argument that there should be some more robust structural federal inputs, investments, including the kind of money that's needed to tackle organized crime?

There is no federal jurisdictional thumbprint on this. If there's an organized crime prosecution, it happens because a municipal police force or a provincial force undertakes an investigation prosecution.

Is the RCMP even close to recommending that the force itself have access to funds that allow it to go in and partner and fund and macro-investigate and macro-prosecute, even with federal prosecutors, organized crime operations that cross interprovincial boundaries?

• (1050)

D/Commr Pierre-Yves Bourduas: The RCMP recognizes the importance of partnerships, and I agree wholeheartedly with your statement that organized crime permeates different areas of our country.

What's important to realize is that we've put together infrastructures with our partners at both the municipal and provincial levels to create these CFSEUs, these combined force special enforcement units, and IROC in Alberta. We've looked at the top layers of criminal organizations and we've targeted them, but there's a price tag to this.

What you have to bear in mind is instances like Projet Colisée. The Rizzuto family syndicate has been operating in Canada since the 1950s and has implications in all parts of the world; when you tackle these types of organizations, there's a price tag, and if I quoted the price for Colisée, it would be in the millions of dollars. It's staggering, but it's a price we all have to pay.

As Inspector Aubin indicated, we have partners sitting around the table and we're all focused in the same direction. What's important is to prioritize at the appropriate level and ensure that we stay focused on these criminal organizations.

The problem, though, is that we need additional funding, and of course the latest report from CISC spoke of 792 criminal organizations operating in our midst, in our country. We just can't tackle all of them, but we have initiatives taking place at the municipal, provincial, and federal levels, and it's by combining all our resources, having a structured format like the Canadian law enforcement strategy to combat organized crime, addressing the gaps, and working with our partners that we'll be able to tackle this.

You've talked about the Americans and the model they've adopted and the RICO Act that was enacted. What you have to bear in mind, though, is that our charter is different from the charter south of the border, and that has an impact on the way we proceed. We have to work within the Canadian charter.

Mr. Derek Lee: What about the money? You have partners out there who may not have money. Does that impede your ability to put together a packaged cross-provincial boundary investigation? Are we bringing more than manpower to these investigations? Are we also bringing money?

D/Commr Pierre-Yves Bourduas: As I indicated earlier, we have received additional funding in relation to our core program within the RCMP, but we would need additional resources, of course. Working hand-in-glove with our partners at the municipal level, we all had to prioritize, knowing full well that we can go only so often to the trough to get additional funding. Therefore we also have to have a certain accountability framework.

As Professor Gordon indicated, we can't just spend money; we have to be accountable for the amount of money that we receive and what we're doing. If you are asking—and I'm sure that Chief Graham would have something to say about money—the fact of the matter is yes, we would need more money, but for the time being we have the money that we have, and we're trying to prioritize and target at the appropriate level.

The Chair: Thank you very much, sir.

D/Commr Pierre-Yves Bourduas: I'm sorry, Mr. Chair, but I have another committee to attend at eleven, if you'd allow me.

The Chair: You're allowed, for certain.

And Mr. Aubin?

D/Commr Pierre-Yves Bourduas: Mr. Aubin will stay here to address the other questions.

The Chair: Okay. Thank you.

Mr. Petit, go ahead, please, quickly.

[Translation]

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): I don't have a lot of time left.

My question is mainly for Larry Butler. I'd like to hear your view on the following question.

The Province of British Columbia and the Province of Quebec have adopted what, in politics, are called socialist assistance

measures. In Quebec, all kinds of preventive measures are in place in an attempt to eliminate organized crime and participation in organized crime. We have free street workers, free psychologists, free psychiatrists, free social workers, shooting galleries where they give out free needles, free arenas and gymnasiums, volunteers to help people, free primary and secondary schools. There are all kinds of things that your province, like our province, provides in order to help the public.

However, barely three weeks ago, in Montreal, a person was walking with a red scarf on. One group, the Blues, shot at him. During the same period, barely three weeks ago, a number of youths who had exchanged songs through YouTube fought each other with guns because one didn't like the other one's song. You're familiar with the same kind of problem in British Columbia.

In my province, there's also a firearms problem. As you know, we've had the three biggest killings, the one at the École Polytechnique de Montréal, the attack on Valéry Fabrikant and what happened at Dawson College. We've really had our quota.

Recently, however, a Bloc québécois member published a very good book on street gangs. I don't know whether you've had the opportunity to read it. This book shows that, despite all the free resources for helping youths to avoid getting involved in street gangs — we're told that youths of 12 or 13 belong to street gangs, as is the case in your province — you can currently buy weapons in Montreal in less than half an hour. You can even rent weapons there and return them afterwards. That tells you how big a problem this is.

We're considering Bill C-10. The problem this bill attempts to solve is that there are now 34 active street gangs in Montreal. We were unable to get rid of them, and, in addition, they're growing.

Today there are two philosophies. Either you pardon criminals and find all kinds of explanations, or you try to defend the victims and future victims. Bill C-10 may be the least costly measure that can help you.

I'd like to hear your comments on Bill C-10. You no doubt know that that's why you are here. In your opinion, could Bill C-10 prevent people from being shot at in the street?

We have to know what position to adopt. I don't want to find out tomorrow morning that someone was killed in the street because I made the wrong decision. That's my problem; it's a matter of conscience.

I'd like to know whether you think that Bill C-10 could help you.

• (1055)

[English]

The Chair: Thank you, Mr. Petit.

Could we please have a direct and short reply?

Sgt Larry Butler: I'm not sure if any piece of legislation is going to stop anything anywhere. Street gangs, from my experience, are fuelled by a number of things, and I think one of the largest things fuelling it is ego. You can't legislate ego.

I think Bill C-10 is an improvement on the firearms legislation out there now, but as far as street gangs go—and I'm sure Mr. Gordon will agree—the street gang phenomenon goes back to social and economic bases. You spoke about the red and the blue scarves. That's a phenomenon from the L.A. street gangs, the Crips and the Bloods.

As far as a piece of legislation is concerned, I think things can be done in Parliament that will help. I don't think anything's going to stop it.

As far as feeling guilty about somebody getting shot, speaking for Vancouver only, there is such a possibility of that every single night out in the nightclub scene that if you gave us a piece of legislation to arrest and lock up and throw away the key on anybody we think has a gun, I still don't think we'd stop it. The flow of guns into Canada—and I can only speak for British Columbia—is out of control. We are

taking offloads of guns in the numbers of 200 and 300 at a time, and they're just going out there on the street. They are expensive, but the drug trade gives people the money to buy these things.

Without getting into a whole lot of other philosophical discussions, I don't think we're going to stop it. We just need some tools to help curb it, but it's going to keep going on. It's a socio-economic thing and largely an ego thing, unfortunately.

The Chair: Thank you very much, Sergeant Butler.

I would like to thank all of the witnesses who came to testify here. I think this has been a very open and frank discussion, and we really appreciate it as committee members. It has been valuable information for us, and hopefully we can glean from it some very specific points that we can build into some legislation here. Thank you, gentlemen.

We will suspend for 30 seconds and then we'll get to some committee business.

[Proceedings continue in camera]

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