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# **Standing Committee on Justice and Human Rights**

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**EVIDENCE**

**Tuesday, March 30, 2010**

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**Chair**

**Mr. Ed Fast**



## Standing Committee on Justice and Human Rights

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● (1405)

[English]

**The Chair (Mr. Ed Fast (Abbotsford, CPC)):** I call the meeting to order. Today is March 30, 2010, and this is meeting nine of the Standing Committee on Justice and Human Rights. We are continuing our study on organized crime.

As most of you know, we've been travelling across the country seeking input on how to address organized crime, at least from a federal perspective. We've visited cities such as Halifax, Montreal, Toronto, Edmonton, and Vancouver. Winnipeg is the last place we're visiting.

We expect we'll be issuing a report sometime over the next two to three months. Hopefully that will help Canada move forward in fighting organized crime.

We're so glad you've taken this opportunity to appear before us.

For the record, we are pleased to welcome the Canada Border Services Agency, represented by Kimberly Fussey.

Correctional Service Canada is represented by Robert Bonnefoy, Christer McLauchlan, and Tim Van der Hoek—no relation to Ted Vanderhoek, who used to be the chief of police in Abbotsford, British Columbia.

We will also hear from Inspector John Ferguson and Inspector Robert Bazin of the Royal Canadian Mounted Police.

From the Saskatoon Police Service, we have Clive Weighill.

Lastly, we have Constable Nick Leone and Inspector Jim Poole from the Winnipeg Police Service.

Welcome to all of you. I think you know the process. Each organization has ten minutes to present, and then we'll open the floor to questions.

Let's start with the Canada Border Services Agency.

Ms. Fussey, you have ten minutes.

**Ms. Kimberly Fussey (Director, Inland Enforcement, Prairie Region, Canada Border Services Agency):** Thank you.

Mr. Chairman and honourable members of the committee, thank you very much for inviting Canada Border Services Agency to participate in today's hearing.

The prairie region of CBSA is responsible for securing the prairie, NWT, and Canada's borders at our ports of entry, which consist of 37 land borders, five airports, and two marine locations.

As the director of inland enforcement mainly responsible for the immigration program for the prairie regions, I'm responsible for both programs in enforcement and hearings in Manitoba, Saskatchewan, Alberta, and Northwest Territories.

The inland enforcement operations, which are responsible for the investigation, detection, and apprehension of violators of the Immigration and Refugee Protection Act, or IRPA, are located in Winnipeg, Regina, Saskatoon, Calgary, Lethbridge, and Edmonton.

The hearings operation, or hearings program, is located in Winnipeg, Calgary, and Edmonton. This is responsible for representing the interests of both the CBSA and the citizenship and immigration minister before the Immigration and Refugee Board. This includes the immigration division, the immigration appeal division, the refugee protection division, and, in some instances, Federal Court proceedings.

The inland enforcement or immigration officers in this region work in unison with our port of entry operations, criminal investigations, and intelligence division both regionally and nationally to meet the program mandate.

The mandate for inland enforcement—

**The Chair:** Sorry to interrupt. Somebody has a Blackberry on the table.

Could you take those BlackBerry's off the table and put them into your pocket or holster? Thank you.

Please continue.

**Ms. Kimberly Fussey:** The mandate for inland enforcement includes conducting lengthy and complex investigations of suspected war criminals, national security cases, and organized crime groups. The officers locate and remove foreign nationals who enter Canada illegally or individuals, including permanent residents, whose admissibility status changes after they have entered Canada.

This activity involves investigations in cooperation with other law enforcement agencies, which includes the RCMP and Canadian municipal police departments. Many of the people or individuals removed from the prairie region have been deemed inadmissible due to criminal activity committed in Canada or overseas. Some of those individuals have been or are currently members of various recognized organized crime groups, including, to name a few, the outlaw motorcycle gangs, Afrikan Mafia, MS-13, Clippers, Fresh Off the Boat, and Fresh Off the Boat Killers.

Enforcement related to organized crime is of great importance to our division and to CBSA. There is a specific section in IRPA that describes membership in an organized crime group as making one inadmissible to Canada. For your reference, this is section 37.

Section 37 refers to both permanent residents and foreign nationals who are inadmissible on the grounds of organized criminality:

(a) being a member of an organization that is believed on reasonable grounds to be or to have been engaged in activity that is part of a pattern of criminal activity planned and organized by a number of persons acting in concert in furtherance of the commission of an offence punishable under an Act of Parliament by way of indictment, or in furtherance of the commission of an offence outside Canada that, if committed in Canada, would constitute such an offence, or engaging in activity that is part of such a pattern; or

(b) engaging, in the context of transnational crime, in activities such as people smuggling, trafficking in persons or money laundering.

CBSA helps to ensure that Canada's population is safe and secure from border-related risks.

I understand that the focus is not so much on the statistics or on our case-related information. I have some of those, if you are interested. Otherwise, I would be pleased to answer whatever questions you may have.

**The Chair:** Thank you.

I think what we're interested in is whether there are any federal initiatives, legislative or otherwise, that would be helpful to you as you do your work in addressing organized crime. You can think about that, and we'll come back with questions.

• (1410)

**Ms. Kimberly Fussey:** Okay.

**The Chair:** We'll move on to Correctional Service Canada.

Mr. Bonnefoy.

**Mr. Robert Bonnefoy (Warden, Stony Mountain Institution, Correctional Service Canada):** Good afternoon.

I am Robert Bonnefoy, warden of Stony Mountain Institution, situated north of Winnipeg, Manitoba. I am here with Christer McLaughlan, security intelligence officer at Stony Mountain Institution, and Tim Van der Hoek, former security intelligence officer at Stony Mountain Institution and current senior national project manager, preventive security and intelligence, at national headquarters.

Thank you for the opportunity today to provide you with information on gangs and gang management in our federal correctional facilities.

Criminal organizations pose a serious threat to the safe, secure, orderly, and efficient operation of Correctional Service of Canada institutions. There are approximately 54 different types of gangs operating inside our institutions, with the majority of their members having had gang affiliations prior to their incarceration. As of January 2010, approximately 29% were serving time for drug-related offences.

CSC is taking a multi-pronged approach to aggressively combat the complex problem of gangs and organized crime and to manage,

in particular, high-profile offenders who are involved in organized crime.

As Ms. Fox indicated to you yesterday, CSC is using an intelligence-led risk management model in which intelligence serves as a guide to operations. It focuses on preventive and proactive initiatives. We are working closely with our criminal justice partners, and we are ensuring complete, clear, and timely information sharing with our local, national, and international partners, stakeholders, police agencies, and communities.

The management of gangs is a complicated matter that will require further investments to improve effectiveness. CSC is seeing increased numbers of members and associates of gangs and criminal organizations due to an integrated approach to gang management adopted by law enforcement groups and agencies.

CSC's gang population inside our correctional facilities remains consistent with the gang demographics found in the community. That is to say that we face a myriad of gang types, such as traditional organized crime groups, outlaw motorcycle gangs, and street gangs. However, with the emergence of street gangs and similar types of groups, such as aboriginal gangs, the service has seen quite a change in its offender population, and more specifically in gang demographics.

As of January of 2010, 2,019 offenders under CSC's jurisdiction were identified as members or associates of a criminal organization, including gangs. Of those offenders, 65% were incarcerated and 36% were under community supervision. As of December of 2009, 491 were identified as members or affiliates of aboriginal gangs, the largest group type in CSC today, with the prairie region managing 87% of these aboriginal gang members.

The growth of gang members has created a number of challenges for the Correctional Service of Canada. They include issues of power and control through intimidation, extortion, and violence; incompatibility and rivalries between various criminalized groups; drug distribution within institutions and continued criminal links with outside criminal organizations; recruitment of new gang members and individuals to pursue extremist ideologies; the potential for intimidation, infiltration, manipulation, and corruption of staff; and gang leaders, through financial resources or external networks, attempting to interfere with correctional operations.

Although CSC normally promotes integration among offenders, the complexity of gang dynamics and the variations in their actual structures do not allow for a one-size-fits-all gang management strategy. Existing gang rivalries and incompatibilities sometimes mean that the service has to segregate or separate certain types of gangs.

The service assesses each situation individually and develops approaches and interventions at the local level that will be most effective. These include providing all gang members with an opportunity to disaffiliate from their gangs and taking appropriate measures to prevent gang members from exercising influence and power in our institutions or in the community.

The service is focusing resources on enhanced training of CSC staff in gang dynamics and awareness and in motivation-based interviewing techniques, particularly in relation to aboriginal gang members. In the prairie region, we are collaborating with our unions and law enforcement partners in the province of Manitoba to address aboriginal gang issues.

• (1415)

As the warden of Stony Mountain Institution, I am responsible for approximately 550 incarcerated offenders. In terms of our population profile, 204 inmates, or 38% of our prison population, are gang members; and of those, 158 inmates, or 77%, are members of aboriginal gangs. Compared with other institutions in the prairie region, we have the highest number of gang members at a medium-security site, the highest number serving time for violent offences under the age of 30, the highest number of aboriginal offenders under the age of 30—in fact, they account for one-third of our population—and the highest number of offenders under the age of 30 serving short sentences of two to three years.

Given the scope and complexity of our offender profile, population management has been an incredibly important tool in managing our gangs. Stony Mountain Institution is divided into five operational units—including four sub-populations—that are used to house incompatible gang members. Managing large numbers of gang-affiliated offenders becomes a daily challenge given its impacts on our operational routine. We need to ensure that we closely monitor throughout our institution the movement of incompatible gangs. Scheduling of programming and recreational activities also proves difficult, as we cannot integrate incompatible gangs with one another in programs or work assignments.

That said, through effective population management, we have been successful this past year in reducing the number of institutional incidents.

When managing gang dynamics, it is important to realize that the intelligence information we receive is fluid and constantly changing. It is imperative that we continue to monitor our institutional trends and ensure that we continue to gather and analyze intelligence information on a daily basis, both locally and regionally. As a result of this, two population reorganizations have taken place at SMI this fiscal year.

By staffing a third security intelligence officer, we have been able to focus on intelligence-led risk management. In addition to the local work on both gang management and population management, our security intelligence officers also work very closely with our provincial counterparts and local police agencies. This helps to ensure that we are looking at issues of gangs and gang dynamics in collaboration with one another, as opposed to operating in isolation. We are able to quickly share information and take an integrated approach to dealing with issues as they emerge.

In addition to the management strategies outlined above, SMI has also targeted correctional interventions to assist with gang management. We established the first Pathways unit in the country. Our Pathways unit houses 78 offenders and is devoted to providing a healing and traditional environment for offenders dedicated to following an aboriginal healing path.

The operational framework of the unit adheres to the principles of healing, as guided by elders and spiritual advisers. We offer aboriginal-specific initiatives, interventions, case management, and offender services. All unit staff receive cultural awareness training. The team takes a multidisciplinary management approach and it has been an effective intervention for offenders wanting to disaffiliate from aboriginal gangs, resulting in many offenders making a safe transition to minimum security institutions and healing lodges.

Thank you very much for your time today.

**The Chair:** Thank you.

I will go now to the Royal Canadian Mounted Police, and Inspector Ferguson.

**Inspector John Ferguson (Officer in Charge, Drugs and Integrated Organized Crime, D Division, Royal Canadian Mounted Police):** Thank you, Mr. Chairman.

My name is John Ferguson. I'm the inspector in charge of drugs and integrated organized crime for the province of Manitoba. Joining me today is a colleague, Inspector Robert Bazin, the officer in charge of border integrity. Inspector Bazin will speak more to his background during his presentation.

Before commencing, we would like to thank the committee for inviting us here today and giving us the opportunity to speak about organized crime in Manitoba and the impact it is having on our community. We are hopeful that after our appearance the committee will be better informed on the state of organized crime in Manitoba, is aware of some of the initiatives that have been taken to combat organized crime, and has been alerted to some of the challenges that impact our ability to investigate organized crime.

As the officer in charge of drugs and integrated organized crime, I am specifically responsible for all major RCMP drug investigations in the province of Manitoba and for co-monitoring the Manitoba Integrated Organized Crime Task Force, MIOCTF.

**The Chair:** Inspector, I'm just going to get you to slow down a little so that our interpreters can keep up.

**Insp John Ferguson:** All right.

For the committee members not familiar with MIOCTF, it is a provincially funded task force comprised of the Winnipeg Police Service, the Brandon Police Service, and the RCMP. MIOCTF's mandate is to target organized crime at the highest level.

Like most regions in Canada, Manitoba has had to face the reality that organized crime in this province is continuing to evolve and flourish. Through the advancement of technology and increased partnership amongst criminal groups, we have seen a number of organized crime groups evolve into more sophisticated criminal networks. No longer is their criminal activity restricted to one particular activity. Although the drug trade is typically the cornerstone of their criminal enterprise, organized crime groups in Manitoba have also become involved in other criminal activities such as counterfeiting and smuggling, just to name two.

With this evolution comes increased levels of threats and harm. As the stakes become higher, organized crime groups have adopted more extreme measures to protect their interests. With an increased propensity to commit violence, organized crime groups are also more aggressive in their attempts to infiltrate and corrupt personnel in law enforcement, government agencies, and businesses associated with finance and transportation. As an example of their propensity to commit violence, between 2007 and 2009, the province of Manitoba had 179 homicides. Of this total, 61 were associated with the three largest street gangs in this province. By our estimates, during this period, approximately 30% to 35% of the homicides committed were associated with organized crime.

Despite the fact that organized crime groups in Manitoba are evolving, the law enforcement community is responding. Capitalizing on key partnerships and focusing on integrated and structured investigations, law enforcement agencies in Manitoba have developed a number of proactive initiatives that have led to some success in the fight against organized crime.

In 2007, law enforcement agencies in Manitoba established the operational priorities steering committee as a means to communicate and assess all organized crime investigations in the province. Comprised of mid-level managers representing intelligence and operational units from the largest police services in Manitoba and Canada Border Services Agency, the committee meets quarterly to discuss current and future enforcement initiatives and to identify and rank organized crime groups according to potential threat. Based on the information that is provided, intelligence gaps and investigational opportunities are identified. Without question, the establishment of the committee has been key to our efforts in the fight against organized crime. Aside from assisting in the targeting of certain groups for enforcement, the committee has also allowed for open discussion, facilitated better information-sharing, and created an environment of trust and cooperation between agencies.

Two excellent examples of the increased cooperation amongst partner agencies in Manitoba relate to the work of MIOCTF and the integrated gang intelligence unit, or IGIU.

Arguably the two groups that have the most negative impact on our community are the outlaw motorcycle gangs and street gangs. Between February 2006 and December 2009, MIOCTF completed three very successful investigations that resulted in the arrest of five “full patch” members of the Hells Angels and 57 associates, including all members of their “puppet club”, the Zig Zag Crew. The third investigation is still before the courts, but of the 31 persons arrested in the first two investigations, 29 have been convicted and received a total of 190 consecutive years of incarceration; that's an average of six and a half years per person.

IGIU is an intelligence unit comprised of law enforcement investigators and correctional officers working under the mandate to gather intelligence on the 26 known street gangs in Manitoba. In the past two years, information gathered by IGIU has led to the arrest of 23 street gang members, involved in 12 separate murders. In addition, information gathered by IGIU was instrumental in the Winnipeg Police Service initiating an investigation into the government-funded anti-gang initiative known as Paa Pii Wak Safe Haven for Men. In that investigation, members of Manitoba's highest-ranking street gang infiltrated the organization and employed

fellow gang members. Under the guise of being program workers, gang members assisted other gang members in being released from custody to the Paa Pii Wak facility, where they were able to continue with their criminal activity. This integrated investigation led to the arrest of several street gang members, but also resulted in the withdrawal of all government funding for the facility and program.

Although law enforcement in Manitoba has had a number of successes in the fight against organized crime, we are also cognizant that we too need to evolve and continue to change in certain key areas. Building on our best practices, such as the operational priorities steering committee, we need to continue to develop and strengthen our partnerships and strive to work more collaboratively. In short, we need to adopt a provincial law enforcement view as opposed to an agency view. As the illicit activities of criminal organizations transcend judicial boundaries, so too should the efforts of law enforcement.

● (1420)

In this vein we need to continue with the expansion and growth of integrated units, and develop and implement a new intelligence model that better ensures that our intelligence sharing is structured, continuous, and, above all, relevant. Looking at best practices in other jurisdictions, we see the advantages and benefits of developing a centralized body that is responsible for the collection and dissemination of all intelligence throughout the province, and for assessing the risks and identifying investigational opportunities based on one provincial threat assessment.

Our goal is to establish an intelligence structure that facilitates and expands the free flow of information and intelligence, ultimately leading to a more enhanced and coordinated investigational model. In Manitoba, we understand where we need to go and we will take the steps to get there.

Mr. Chairman, Inspector Bazin and I were informed that we were to be given 10 minutes each. I understand that is not the case. I was going to speak to some of the issues that we in law enforcement face in targeting organized crime. It is included in my written submission, so I will stop at this moment and allow Inspector Bazin to continue.

● (1425)

**The Chair:** Thank you.

Go ahead.

**Inspector Robert Bazin (Officer in Charge, Border Integrity, D Division, Royal Canadian Mounted Police):** Thank you, John.

Thank you to committee members for inviting us here today to discuss the important issue of organized crime in our communities.

I'll keep my comments very brief. I just want to touch on a couple of key areas.

I'm the officer in charge of border integrity. It's one of the federal programs of the RCMP here in Manitoba. I have the pleasure of working in my home province, having transferred here in 2008 following postings in Ottawa and throughout Saskatchewan. I've been working in the organized crime intelligence field since 2002.

As my colleague Inspector Ferguson has referenced, organized criminal groups are very active in Manitoba, and present us with incredible challenges in keeping our communities safe. I would, however, like to reference my opening comments in relation to organized crime's activities through our shared border with the United States.

As you no doubt have heard from others, organized crime impacts all communities in this province, from the city of Winnipeg to our smallest of communities. The vast rural areas of our province are not immune to this threat. In fact, organized crime has evolved, and effectively operates in many of our small rural communities, hamlets, and villages.

A good example of this was in 2005, near the southern Manitoba community of Sundown, which is but a few kilometres north of the U.S. border, just south of Winnipeg here, where our Red River integrated border enforcement team uncovered a significant organized crime network operating near the community. The resulting investigation—code-named Project Determine—was conducted jointly with our American colleagues, and resulted in the dismantling of a sophisticated very large-scale marijuana grow op being run by a nation-based organized crime group from Ontario with ties to British Columbia. The resulting investigation resulted in 37 arrests, with the seizure of over 28,000 marijuana plants and 5,500 pounds of marijuana bud, all valued at over \$39 million.

While the need to integrate our investigations with our domestic and international colleagues is necessary, working within an integrated or sharing environment is not without its challenges. Specifically, certain legislative restrictions and the interpretation thereof are having a negative impact on our ability to share information with both domestic and specifically international partners. We require a legislative scheme that is clear with respect to the sharing of criminal intelligence so as to facilitate more effective and efficient investigations against organized crime.

In Manitoba, our shared border with the United States is a vast area, spanning 460 kilometres, with a sprinkling of small communities, lakes, swamps, and forests. Organized criminal groups recognize the advantage of operating in this area, as the risk of detection to their activities is minimal. In addition, the close proximity to the U.S. is attractive to them, given its large population, the many potential consumers of their illicit goods, and, more importantly, the ready access to all types of firearms, which is the number one tool of organized criminals.

It's in this area that the RCMP in Manitoba operates an integrated border enforcement team jointly with Canadian Border Services Agency, as well as the U.S. Border Patrol, U.S. Immigration and Customs Enforcement, and U.S. Customs and Border Protection. Together we are searching to identify and disrupt criminality and national security threats at and between our ports of entry.

Organized crime exists for one purpose, and that's for money. It's about greed, corruption, and the power that comes with it. Many organized crime groups are diversifying away from high-risk, high-return activities, such as drug trafficking, to low-risk activities while still maintaining the high returns.

• (1430)

**The Chair:** One moment; we have some side conversations happening here.

Given the fact that some of these individuals have come from as far away as Saskatchewan, let's give them the attention they deserve.

Thank you.

**Insp Robert Bazin:** Thank you, Mr. Chair.

The importation and selling of counterfeit goods is one such activity, and it is gaining significant momentum in Manitoba and across the country. Almost anything manufactured can be counterfeited, including sunglasses, batteries, automotive parts, to name but a few. Also included in this list, however, are pharmaceuticals, which by their nature present enormous risk to public safety.

The risk of apprehension in counterfeiting and trademark violations is extremely low. Investigations, often crossing international boundaries, can be very complex, and involve victims in multiple jurisdictions and countries, making prosecution difficult and in some cases impossible.

Several organized crime groups in Manitoba have expanded in the trafficking and distribution of contraband tobacco, which mostly originates from southern Ontario. The resulting loss of federal and provincial tax revenues has significant impact on the economic integrity of this country, including that of this province.

When speaking to the threat of organized crime in Manitoba, I would be remiss if I did not make brief mention of the port of Churchill in Manitoba's far north. The port of Churchill is the closest ocean port to the vast grain-growing area of western Canada. While this port is currently open about five months of the year, global warming is having a significant impact on the area. Government and other estimates report that ocean access into Hudson's Bay could become ice-free sometime between 2013 and 2050.

For example, in October 2007, the first vessel from Russia arrived in Churchill directly from the port of Murmansk. While there is currently little intelligence to suggest that organized crime is targeting this port, the opportunity for organized crime to gain relatively easy access into North America through this route should not be overlooked. As a result, it's an area that remains a high priority for the border integrity program of the RCMP.

I will speak very briefly about one specific challenge to our investigations. That's the issue of technology in our laws and the need for updated and "lawful access" provisions in our legislation, about which I'm sure you may have heard before.

Organized criminals are adept at using the newest technology available to avoid or delay the interception of their communications by law enforcement. As an example, they often use pay-as-you-go cellphones as a means of avoiding police wiretaps, changing them frequently. There is no legislative regime that currently exists compelling persons to show proof of identification, as an example, when purchasing a pay-as-you-go cellphone, nor is there any requirement on the part of the cellphone dealer to maintain a record of subscriber information.

Updated lawful access legislation is critical to enhancing our ability to intercept private communications, a keystone of organized crime investigations.

It has been my pleasure to highlight a few points relating to our organized crime situation. Together with my colleagues, I'd be happy to answer any questions you may have.

**The Chair:** Thank you.

We'll move on to the Saskatoon Police Service.

Chief Weighill, you have 10 minutes.

**Chief Clive Weighill (Chief of Police, Saskatoon Police Service):** Thank you very much, Mr. Chair.

My name is Clive Weighill. I'm the chief of police for the city of Saskatoon.

For those of you not familiar with Saskatoon, it's the largest city in the province of Saskatchewan, with a police service of over 600 sworn and civilian staff. I'm very pleased to provide information to the committee regarding gang and organized crime in the province of Saskatchewan, and in particular in the city of Saskatoon.

Generally, Saskatchewan is not facing many of the organized crime issues that some provinces are encountering, or the larger cities such as Vancouver, Toronto, Montreal, or Winnipeg. We have chapters of outlaw motorcycle gangs in Regina and Saskatoon, and in recent years, because of the booming economy, we have seen the beginning of gang activity coming to the province from British Columbia and Alberta.

Most of our gang activity, however, is predominantly attributed to local aboriginal street gangs. Gang activity started in the early 1990s, with inmates within the correctional centres who, upon release, remained affiliated.

I would suggest to the committee that the primary reason for enticement to gang life is the marginalization faced by the aboriginal population in our province. A large percentage of the aboriginal population is living in poverty in poor housing, facing racism and the continued fallout from the residential schools and the restrictive Indian Act.

Prior to the formation of street gangs, the inner city sex trade and drug activity was run by family lines to protect their turf. This has now changed dramatically, such that we now have approximately seventeen confirmed street gangs in the province of Saskatchewan, with seven known gangs in the city of Saskatoon alone.

Most of the gang structures are very fluid, with cross-membership on occasion when alliances are beneficial. They have not reached the sophistication of traditional organized crime, but they have a hierarchy with enforcers. Drug trafficking is a prime motivator.

If I may, I'd like to provide the committee an image of a very general, stereotypical lifestyle that entices youth to join the gangs.

A youth wakes up one morning wondering where his brother is; he may have been picked up by the police the night before. The youth goes downstairs for breakfast. He finds no parents home, or possibly he has a single parent with many children to look after. He looks for breakfast and finds little or no food in the house. He begins to get

dressed but finds little clothing, or little clothing that's been laundered properly, so he picks the best he can and goes off to school. He looks around for his school books. He may not have done his homework the night before.

On his way to school, his biggest worry is that somebody will stop him and try to steal his lunch money, or maybe just chase him around for the fun of it.

When he arrives at school, he may not be prepared for the day. He may not have studied for the upcoming exam, may not have done his homework, and is probably not doing very well academically. And he doesn't feel as though he really is welcome or fits in.

He leaves the school and meets a few guys who suggest they might want to rob somebody on the street for some beer. He starts to find that violence, drugs, and alcohol provide some excitement and power. He gets enticed by gang members to join their gang, to start running drugs, enforcing debts, intimidating victims and witnesses.

Soon he has a position of power and belonging that the family or the school cannot compete with.

The gangs have become far more structured and violent in nature. In 2006 there were four homicides linked to gang activity; in 2007 three homicides; in 2009 four homicides.

We've also seen a steady increase in the number of home invasions linked to drugs and gang affiliation, as well as assaults and robberies. Most recently, we've experienced innocent people not associated to any criminal activity being stopped on the street and having their faces cut by broken beer bottles by youth attempting to show their bravado in order to be accepted into a gang.

Unfortunately, intimidation is occurring on two fronts: criminal and social. In relation to criminal activity, victims of crime are threatened with harm if they report their crime to the police. Witnesses are threatened not to cooperate with the police. It's not uncommon to witness someone giving testimony in our court, only to have a few gang members sitting in the back of the audience gesture in a shooting motion to their head or a motion that their throats are going to be slashed. It doesn't make one want to cooperate with the police, and quickly one's memory fails. Our investigators spend countless hours reassuring witnesses and protecting them prior to and after their testimony.

● (1435)

On a social side, there are many excellent citizens living in the inner city. When they come forth to provide some social activism to enhance the community, and possibly point out some gang problems, their house are broken into, they may be assaulted or intimidated, and now they're afraid to come forward and promote a healthy community.

Our service works with the Federation of Saskatchewan Indian Nations, the Saskatoon Tribal Council, the Central Urban Métis Foundation, Saskatchewan justice, social services, health, and education, and community-based organizations to create strategies of prevention, intervention, and enforcement to reduce the level of gang activity and involvement.

I must say, Mr. Chair and committee, that hiring more police is not the solution to this problem. Three strikes and you're out is not going to solve the problem. Longer jail sentences aren't going to solve the problem. Until we can tackle the social problems that are the contributors to crime—poverty, poor housing, racism, addiction, and abuse—gang activity will flourish and gangs will remain a viable option for those who are marginalized. We can lock gang members away, but if, when they are released, they return to the same environment they came from, it's very probable that they will once again re-enter their former lifestyle.

You know, from time to time I go out on patrol with the patrol officers. I take off my rank—I just look like the oldest cop in Saskatoon—and go out on day calls. Not long ago, we were working in the inner city and we had just pulled to the side, writing up some reports. A group of about 17 or 18 little kids came running up to our police car. They were in the range of eight, nine, ten years old. Some young fellow in their neighbourhood had been chasing them around with a BB gun and shooting them.

We looked around at the neighbourhood and I thought to myself, God, who is going to help these little kids? There were 17 or 18 of them there, most of them aboriginal, some non-aboriginal, very shabbily clothed. You could see the houses they were living in, and the torment of the lives they were living. You wonder: how is this ever going to change?

Those are the problems we're facing in Manitoba, Saskatchewan, northern Alberta, and the northern territories. We have a problem with a large marginalized population.

I talk about this time in and time out, Mr. Chair. If we cannot tackle the social problems that are driving this, a million cops aren't going to fix it.

Thank you very much for allowing my comments.

• (1440)

**The Chair:** Thank you.

We'll move on to the Winnipeg Police Service, to Inspector Poole.

You've been in front of our committee before, have you?

**Inspector Jim Poole (Winnipeg Police Service):** Once—in the fall of 2008, I believe—on stolen auto issues.

**The Chair:** At any rate, please proceed. You have 10 minutes.

**Insp Jim Poole:** Good afternoon, Mr. Chair and panel. On behalf of the Winnipeg Police Service and Chief Keith McCaskill, thank you for the opportunity to present this information today.

My name is Jim Poole. I'm an inspector with the police service, overseeing a number of units, including our street crime unit. With me is Constable Nick Leone, from our organized crime unit, a relative subject-matter expert.

The history of street gangs in Manitoba, and Winnipeg in particular, is that of a violent nature. In 1988 Winnipeg saw the appearance of the first structured street gang, which was quickly followed by the formation of rival gangs. The rivalry over colours, turf, and the drug trade quickly escalated. The street gang stage continued to evolve with the emergence of immigrant-based street gangs over time.

Cooperative working relationships have developed between some of these groups. Currently many of the street gangs and organized crime groups based in Winnipeg have developed interprovincial connections to further facilitate their criminal activities.

At any given time, there are a minimum of 12 street gangs operating within the city of Winnipeg, and this number grows as you factor in various splinter groups and rurally based gangs that have close criminal ties with Winnipeg-based gangs or that travel to Winnipeg to conduct criminal activity.

A common thread found in all street gangs in Winnipeg includes the use of violence and intimidation, as spoken to before by our colleagues. Street gangs maintain discipline within their own gangs and resolve disputes between gangs by the use of violence, which includes the extreme of murder. Street gangs will not hesitate to do bodily harm to their own members to set an example for the rest of the gang.

Street gangs rely upon intimidation and fear to prevent witnesses and victims from reporting incidents to the police and testifying in court. In Winnipeg, intimidation has reached the level of threats and violence being carried out against members of law enforcement and the justice system. It should be noted that gang-related activity is one of the most underreported crimes, due to the gangs' subculture philosophy of non-cooperation and fear of retaliation.

The acquisition and use of firearms by street gangs continues to escalate, with shooting incidents becoming more and more commonplace in the streets of Winnipeg. Increased violence between rival gangs has a significant impact on public safety, as well as officer safety.

Many Canadian citizens would be surprised to know that child soldiers are found in many of our cities. This is a disturbing trend employed by high-ranking gang members to recruit preteens and young teenagers into the gang, with the sole purpose of using those individuals to carry out violent acts, up to and including murder. Higher-ranking gang members are doing this to exploit the weakness of the Youth Criminal Justice Act and to insulate themselves from prosecution. The belief is that a young person will receive only a light punishment for a crime that an adult could potentially receive a life sentence for. Between 2007 and 2009, 12 of the 30 gang-related homicides in Winnipeg were carried out by young offenders.

In addition to the premeditated acts of violence and intimidation, there continues to be an escalation of random violence used by gang members against unsuspecting victims of robberies and assaults. Car thieves, many of whom in Winnipeg are related to the various gangs, operate stolen vehicles with reckless disregard, instigating pursuits and deliberately ramming police cruisers. Two deaths of innocent civilians have been attributed to this type of wanton disregard and reckless activity in the recent past.

Due to the successes of the Winnipeg auto theft suppression strategy, or WATSS, the number of stolen vehicles in Winnipeg has shown significant decline over previous years. Though a success, this strategy will not claim victory, as any one stolen vehicle presents an extreme risk to the citizenship of Winnipeg.

In addition to movement between Winnipeg and surrounding rural areas, even the smallest and least sophisticated street gangs are expanding their criminal operations interprovincially. This movement between jurisdictions creates challenges for law enforcement in terms of ability for multiple law enforcement agencies to carry out effective investigations, and enforcement is often hampered by differences in policy, budget, and enforcement objectives.

● (1445)

The investigation of gang members who conduct criminal activities interprovincially can be difficult, as meaningful and timely information and intelligence is sometimes not effectively exchanged.

Investigations involving street gangs and organized crime tend to be more complex than traditional police investigations. They involve multiple accused who take part in various crimes and in differing degrees. These investigations can result in dozens of arrests, hundreds of charges, and thousands of exhibits. These crimes often span a myriad of specialized police investigative techniques, such as commercial or financial crime that crosses international borders, technological crime, drug crime, gang crime, human trafficking, and homicide.

It then becomes necessary that law enforcement adapts and forms specialized units of investigators who can work together. Law enforcement must realize that the philosophy of investigators being the “jack of all trades, but the master of none” will not effectively combat street gangs and organized crime.

Due to the enormous scale of their illegal activities, organized crime groups and street gangs are employing the latest and most sophisticated electronic technology available. The reasons are twofold: one is to avoid detection by law enforcement; and secondly, like any profitable business, it is necessary to facilitate the movement of large amounts of product—in this case contraband—and currency from place to place.

Organized crime groups are using encrypted BlackBerry technology, e-mails, and text messaging, making it increasingly difficult for law enforcement to conduct conventional wiretap intercepts. The use of remote off-site servers to store illegal data has become more commonplace, making it difficult to retrieve information for evidentiary purposes.

These technologies make conventional undercover, wiretap, and other police techniques obsolete. Law enforcement's ability to monitor this technology is limited due to the costly nature of these types of investigations. Organized crime groups are well aware of this and they use the latest technology to their benefit.

For the individuals and groups involved in organized crime and street gangs, it is a lifetime endeavour, with the goal being success that is measured in large sums of money and power. To achieve this goal, groups and individuals treat their criminal activities as a business that is operational 24 hours a day, 7 days a week. Put simply, law enforcement cannot be expected to undo in months what organized crime and street gangs have built over years.

Law enforcement, too, must set long-term goals, through ongoing use of the Privacy Act and undercover and surveillance operations. These operations need months, sometimes years, to see their investigative goals through to fruition. It is for these reasons that

law enforcement requires special tools and dedicated resources to fight organized crime, because it is a specialized fight.

Within Winnipeg, in an effort to further crack down on violent gang activity that saw a steep rise last summer, the Province of Manitoba and the Winnipeg Police Service joined forces together with the criminal organization and high risk offender unit of probation services, under Corrections, as well as with the crown's office. They are targeting Winnipeg street gang members through the gang response and suppression plan, or GRASP. This is partially funded by the province, which is supplying some staff members for support to our processes.

Many of the aspects of GRASP are intended to mirror the Winnipeg Police stolen auto unit's WATSS strategy. It's a proven tool against auto theft, and we want to implement it in the gang realm. The WATSS program focused on stolen autos and it garnered success.

GRASP will be a collaborative effort, which, in addition to quelling gang violence in Winnipeg, is anticipated to enhance communication among law enforcement bodies and increase generated intelligence on gang members. Implemented in January 2010, GRASP ensures accountability of those released under court ordered conditions through intense supervision. A minimum of two checks will be conducted per week on these GRASP members. If breaches are discovered, intense follow-up will take place to bring the gang members back before the judicial system.

● (1450)

GRASP includes those offenders who have the highest likelihood of reoffending in a violent manner. People who are on our program will be, and are, on CPIC. For both officer safety and intelligence purposes, it identifies a person as a GRASP subject. The Winnipeg Police Service street crime unit has been tasked with this initiative.

To determine supervision priorities under GRASP, an integrated assessment team, comprising Manitoba justice officials and Winnipeg Police Service members, conducts a review of the gang members' past. Based on specific criteria, they are ranked and put into our program. The priority list of gang members will be reviewed regularly, as individuals of higher interest may be released from custody and added to the initiative.

That is just one of the things we have done recently regarding the gang situation in Winnipeg.

At this point, I would like to say thank you. We are open to any questions you may have.

**The Chair:** Thank you.

We will open the floor to questions from our members.

Mr. Murphy, you have 10 minutes.

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** I want to thank you all for coming. We've heard an awful lot of good testimony from various groups throughout the country, and there seems to be emerging agreement among lawmakers and witnesses. What I've heard is that in these instances, the kingpins, the masterminds, have ways of insulating themselves from culpability. Whether they use child soldiers or other pawns, it is a trend. We all agree that those kingpins should be punished with the full weight of the law, with the harshest sentences possible, to remove them from society.

We also agree, I think, that in terms of youth criminal justice—the chief from Saskatoon put it so well, about the torment of the lives they are living—and in terms of general concepts of YCJA, they are pawns. They will not be deterred or changed by lengthy sentences. Nor, as children, should they necessarily be put away without treatment. I think there is virtually universal agreement on that. There is agreement on early intervention. There is agreement on lawful access, on keeping up with technology, and on getting the money out of organized crime and counterfeiting. Those are all things that are agreed upon.

The grey area, the difficult area, is where the pawn and the kingpin become closer in their actions. It is where people in Canada are expecting that, regardless of age, people who kill someone should be meted out sentences that remove them from society for a time, that deter other people from doing the same, and that hopefully have some rehabilitative aspects.

What can you say, as a panel, to help us in that grey area? As you know, we're going to be looking at amendments to the YCJA to change the focus of it, really, to meet the needs of society. What can we say about helping the situation with respect to organized crime in your cities? There is a vast part of rural Canada that this doesn't affect, but that's why this organized crime study is taking place in the largest cities in Canada. It's an urban thing that draws on the hinterland.

What legislative tools in sentencing can we use that will keep in mind a balance? They've talked about putting away the kingpin and protecting the pawns who are retrievable.

Let's start with the chief—not because of age, Chief, but because of your articulate line about the torment of their lives that caught my attention.

• (1455)

**Chief Clive Weighill:** You just wanted the youngest guy to go first.

**Mr. Brian Murphy:** That's it.

**Chief Clive Weighill:** I would agree that we need some legislative change. I'm certainly not a guy who is soft on crime, but when you talk about the Youth Criminal Justice Act, I find that one of its pitfalls is that....

You know, it allows the police to use other methods rather than putting people into the criminal justice system. We can divert youth on minor offences, and when people are getting involved with gangs, they are starting out with minor offences. The problem with the Youth Criminal Justice Act is that there is no infrastructure. It's nice

to say that the police can give official warnings, and we work with that, to start, when it is a minor offence. But as their crimes increase, where do we put these youth? Show me where there are addictions centres for the youth who need help. Show me where the programming is for the youth who need help.

It's fine to write a Youth Criminal Justice Act that allows the police to divert, but we have nothing to divert them to. So once again, we push our youth back into the criminal justice system. Then they are sent to the youth detention centres, where they come out better criminals than when they went in.

I know I sound like I'm soft, and almost academic and theoretical, but I truly believe that if we don't get to the beginning of this, legislation is not going to end it, in my humble opinion. As I said earlier, you can lock people up for as long as you want. You can threaten people if you want. But if they are living in a terrible situation to start with, and if we have no mechanisms to deal with youth without having to shove them into the criminal justice system, then this is the outcome we're going to get time and time again, in my humble opinion.

**Mr. Brian Murphy:** There are about two minutes left, so a minute each from maybe RCMP and Winnipeg.

**Insp John Ferguson:** I agree completely with Chief Weighill. The key is to have a strong enforcement strategy, but equally you have to have a strong prevention strategy as well.

You have to develop and look at programs that are going to be meaningful. I have had the ability or the luxury to be involved in a number of youth justice committees just policing here in Manitoba. Unfortunately, if it were not for the police in that community, those committees typically would not get off the ground. You know, we do recognize that if we can solve the problem at the front end it will make our job a lot easier at the back end. I don't think any one of us here would disagree that prevention is key to this.

I don't know if that answered your question. I've just more or less given a few comments.

**Mr. Brian Murphy:** In Winnipeg and specifically on the grey area, for the people in the middle between pawns and kingpins, what do we do?

**Insp Jim Poole:** I went to Regina last week, actually, and took part in a very small conference put on by the Regina anti-gang strategy, or RAGS, which is funded by the youth criminal justice fund. They are a self-referral group. People who are trying to get out of the gangs have to go to them. From speaking with some of those people, I've learned that they see the groups that we have to be looking at as the kids who are in that 10-year-old range right now.

I know I'm not really speaking specifically to the issue that you had between the kingpins and the younger ones doing the dirty work, as it were. Kids who are at grade 10 are the ones we have to target right now to try to keep them from falling into this path. I was quite enlightened by the Regina anti-gang strategy, having just a brief look at it over a couple of days. It's a piece that I could see potentially working here.

**The Chair:** Thank you.

We'll move on to Ms. Mourani, seven minutes.

[Translation]

**Mrs. Maria Mourani (Ahuntsic, BQ):** Thank you, Mr. chair.

Thank you, witnesses, for being here today.

My questions are for the representatives of the Correctional Service of Canada. Since I do not have too much time, I would appreciate brief answers to my questions.

I understand that the aboriginal gang Native Syndicate was created at the Stony Mountain institution. Is that true?

• (1500)

[English]

**Mr. Robert Bonnefoy:** I believe that's the case, yes.

[Translation]

**Mrs. Maria Mourani:** I have been told also that this gang has expanded not only across Manitoba but also in Ontario, in Saskatchewan and a little bit in Alberta. This would have been the result not only of the migration of its members but also of inmates being transferred by the Correctional Service in order to manage its population in case of violence.

First, I would like to know if there are other prison gangs, as they are called, that is to say gangs that were created in prison. Who are their members? What do you do to solve this problem? Why do you continue transferring inmates and gang members to other provinces and cities?

[English]

**Mr. Robert Bonnefoy:** I'll try to address all your questions.

With regard to what gangs originated in Manitoba and how they spread, that's something off the top of my head I can't answer, but we can get you that technical data at our earliest opportunity.

In terms of how do we solve the problem of aboriginal and street gangs, we use intelligence-led risk management. We try to gather information to work with our partners to share information within the service, give our staff the tools necessary to recognize gang behaviour, and we basically put our energy into trying to disaffiliate. We utilize our risk management strategy information to try to disaffiliate gang members. We've improved our programming and our interventions, and we have put a lot of energy and effort into that.

[Translation]

**Mrs. Maria Mourani:** Several gangs have spread out across Canada because of inmates being transferred. Another example is Indian Posse. Why do you continue this practice?

In Quebec, we have gang members originating from the Prairies and elsewhere and they contaminate other provinces. Why do you continue transferring members of street gangs who are sometimes well known? Is it because you're unable to manage that situation in your institutions? Why have you not developed another strategy?

[English]

**Mr. Robert Bonnefoy:** Part of what we do—I'm a warden of a medium-security facility—is that as we gather information.... All criminal organizations have a risk inherent in our facilities. We assess risk. When some of the offenders are assessed as maximum

security, they will be transferred to a penitentiary suited to managing their risk. That is the reason for some of the transfers.

Some of the other transfers we do are for programming purposes. A lot of the time people will try to drop their colours, or disaffiliate from a gang. We will try to do that locally, but a lot of times we will transfer an offender to another institution to give him a start so that he can break away safely from his gang.

Those are a couple of the ways gang members can spread throughout the penitentiary system.

[Translation]

**Mrs. Maria Mourani:** If I am not mistaken, when an inmate is classified as maximum security in Manitoba, he will be transferred to a maximum security institution. However, why would he be transferred to Quebec or elsewhere? Do you not have any maximum-security institution in Manitoba? Is that the explanation?

[English]

**Mr. Robert Bonnefoy:** Yes, sometimes we will transfer an offender to the SHU, the special handling unit, because his risk can't be managed safely or effectively in a maximum security unit. That's one of the reasons we may transfer an individual from Manitoba to Quebec.

Does that answer your question?

[Translation]

**Mrs. Maria Mourani:** So, there is no maximum security institution in Manitoba? Is that correct?

[English]

**Mr. Robert Bonnefoy:** No, we do not have a maximum security facility in Manitoba.

[Translation]

**Mrs. Maria Mourani:** So, that is the issue. Inmates sometimes have to be transferred to other provinces because there is no maximum security institution in your own province of Manitoba?

• (1505)

[English]

**Mr. Robert Bonnefoy:** In addition to that...

Go ahead, Tim.

**Mr. Tim Van der Hoek (Senior Project Manager, Preventive Security and Intelligence, National Headquarters, Correctional Service Canada):** To answer Ms. Mourani's question, that's correct.

[Translation]

**Mrs. Maria Mourani:** I have been told that, in order to be able to set up a prison gang, the population has to be somewhat concentrated. For example, in order to set up an aboriginal gang, there has to be a concentrated aboriginal population. In other words, there has to be in the institution a significant number of potential members to be recruited and they have to be in close proximity to one another.

Is it possible that aboriginal overcrowding in federal institutions has contributed to the creation of those prison gangs?

[English]

**Mr. Robert Bonnefoy:** I guess our gang populations mirror many of the gang populations in the community. So if we have a lot of street gang members of various ethnic origins in the community, offenders are often already affiliated with a gang prior to their incarceration. So we will try to manage those groups.

Something else that is related to your question of why we would move individuals around is the option of segregation, which is an extreme option for us. When we have an inmate who's in segregation, we try to devise a plan to return him to the general prison population, so he can participate in rehabilitative functions such as programming and employment. That's another reason we will move offenders around to various penitentiaries.

**The Chair:** Thank you.

We'll move over to Mr. Comartin for seven minutes.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Thank you for being here.

Inspector Ferguson, in that incident you described of a gang penetrating an NGO, was that a street gang?

**Insp John Ferguson:** Yes, it was, sir.

**Mr. Joe Comartin:** Was the agency a legitimate agency originally, or was it set up to...?

**Insp John Ferguson:** Yes, it was a legitimate agency that was receiving its funding through, I believe, a church here in Winnipeg.

**Mr. Joe Comartin:** You said it was government funded.

**Insp John Ferguson:** That's correct. The funding was coming from the government.

**Mr. Joe Comartin:** But it was based in a church...?

**Insp John Ferguson:** I don't know if Constable Leone might have a little bit more information, because I'm not exactly sure of its structure. It was an agency developed to help gang members. Their funding was received from the federal government through a local church. How they established themselves, I'm not quite sure.

**Mr. Joe Comartin:** Do you have any idea how long they functioned before they were infiltrated?

**Insp John Ferguson:** It was quite a while. I don't have the information with me, but it was a year, possibly, if not longer.

**Constable Nick Leone (Winnipeg Police Service):** I have to agree. I think the initial funding was coming through a legitimate organization, and then this group set up their own committee to handle the funds themselves. That's where there were issues.

**Mr. Joe Comartin:** How long did it go on before they were caught?

**Insp John Ferguson:** At least a year, if not longer.

**Mr. Joe Comartin:** Is there any evidence, or other investigations currently going on, of a similar type of attempted infiltration, or successful infiltration?

**Insp John Ferguson:** Not to that scale, no, not that I'm aware of.

**Mr. Joe Comartin:** Inspector Poole, you raised it as well in terms of corruption of criminal justice figures. We've heard both in Toronto and in Edmonton in these last two days of meetings that there are

either investigations going on or suspicions that there may have been penetration into police forces or the criminal justice agencies and staff. Have there been any charges here of criminal justice people, or other investigations going on?

**Insp Jim Poole:** I'm not sure I raised that.... Infiltration into the government?

**Mr. Joe Comartin:** I thought you did. Oh, maybe it was intimidation.

**Insp Jim Poole:** Yes, it was intimidation.

**Mr. Joe Comartin:** Has it been successful? Were there investigations that were compromised, or practices compromised, as a result of intimidation of those figures?

**Cst Nick Leone:** I can say we've conducted investigations into members within the Winnipeg Police Service who we believe were corrupted by organized crime and were using their influence as police officers to further these organizations, yes.

**Mr. Joe Comartin:** What about on the intimidation side?

**Cst Nick Leone:** That's always an issue for us. We have difficulty in getting our witnesses to come forward. That's always a problem.

• (1510)

**Insp Jim Poole:** But against the judiciary, we've laid charges in some incidents where they've been intimidated.

**Cst Nick Leone:** Absolutely.

**Mr. Joe Comartin:** All the way up to judges.

**Cst Nick Leone:** We've had crown attorneys who've had home invasions and that sort of thing by gang members.

**Mr. Joe Comartin:** Mr. Bonnefoy, have any of your corrections staff been threatened or in some other way intimidated?

**Mr. Robert Bonnefoy:** Yes, we have had staff threatened, but we have an employee protection protocol and we have policy to help our staff to understand what to do in the event that they're threatened.

**Mr. Joe Comartin:** Has that been just within the institution, or in their home settings or community settings?

**Mr. Robert Bonnefoy:** I'm not aware of anything outside of the institution.

**Mr. Joe Comartin:** Do you normally lay charges when there's that kind of intimidation?

**Mr. Robert Bonnefoy:** Within the institution?

**Mr. Joe Comartin:** Yes.

**Mr. Robert Bonnefoy:** Yes, if it warrants criminal charges. We work very closely with our local RCMP detachment.

**Mr. Joe Comartin:** Now, when did Pathways start?

**Mr. Robert Bonnefoy:** I don't have an exact date for you. We started Pathways approximately 10 years ago.

**Mr. Joe Comartin:** How successful has it been, or do you have a monitoring system in place?

**Mr. Robert Bonnefoy:** We do have a monitoring tool, and it has been very successful. It is one of our key tools to give offenders an opportunity to disaffiliate from street gangs—

**Mr. Joe Comartin:** I'm sorry for interrupting, but is it specifically geared just to the aboriginal community, or is it broader than that?

**Mr. Robert Bonnefoy:** It is geared towards the aboriginal community. It's based on an aboriginal holistic model, but other offenders who are not aboriginal are able and welcome to participate in the programming and the initiative as well. It's been effective for aboriginal offenders and non-aboriginal offenders.

**Mr. Joe Comartin:** In terms of no recidivism or at least disaffiliation from the gangs, do you have any percentage numbers or absolute numbers?

**Mr. Robert Bonnefoy:** I don't have numbers in front of me right now. We can get you those numbers, but I do know, for example, this last fiscal year we had transfers to minimum security and transfers to healing lodge. We had 119 the previous year and we had 145 this year, so we continue to see success in that regard.

**Mr. Joe Comartin:** Do you track the prisoners after their release who have come out of that program?

**Mr. Robert Bonnefoy:** Yes. As a service we track statistics for a certain amount of time post warrant expiry.

**Mr. Joe Comartin:** In terms of disaffiliation, can you give us any numbers as to how successful it's been?

**Mr. Robert Bonnefoy:** I can't comment on that right now. I don't have those numbers with me, but we'd be happy to try to get those for you.

**Mr. Joe Comartin:** I'm left with the impression from your brief and the comments you made, if I understand, that if individual prisoners are identified as being part of a gang, they are kept together, and then the gangs are kept apart. Is that how it's working?

**Mr. Robert Bonnefoy:** Locally, as I said, it's a really rapidly changing environment and that is why we use an intelligence-led risk management approach. We are continually gathering information, and we try to make sure we mitigate the risk that criminal organizations present in our institutions. So we do have certain groups that are kept apart from other groups because they are unable to get along together and they provide a safety risk to each other and to other inmates.

**Mr. Joe Comartin:** But those groups are kept together.

**Mr. Robert Bonnefoy:** Yes. There are some groups that are kept together. That is part of our population management. We keep certain groups together because they can't get along with any other groups. We also want to minimize their impact as far as the drug trade and recruiting are concerned, the impact on other offenders as well.

**The Chair:** Thank you.

We'll go to Mr. Norlock for seven minutes.

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Thank you very much, Mr. Chair.

Thank you to the witnesses for coming today.

I just want to speak to the two police representatives from municipal policing.

Inspector Poole, you mentioned changes to the YCJA. The changes that have been made were specific to violent repeat offenders. I wonder if you would comment on those changes, or proposed changes, and then follow through with the services that may be available.

On the second part of it, I would ask Chief Weighill to weigh in on some of the issues surrounding what you do when.... You say that you have nowhere to turn these young people over to, but this morning we had not quite as many ladies here as the number of gentlemen now, but they provide services, and we've been to other places in Canada where there are places and there are entities within the community that actually do take care of, or assist parents with, wayward kids.

So perhaps you would just expand, Inspector Poole, on what you meant by that. Were you referring to repeat violent offenders when you mentioned the young offenders?

• (1515)

**Insp Jim Poole:** I'm trying to think back to which portion it was.

**Mr. Rick Norlock:** You mentioned the problems associated with it.

**Insp Jim Poole:** Just in regard to the YCJA, and I guess it's....

In the realm of the stolen auto world, there were lots of kids who were going in and then being released, breaching, and continuously breaching, and going back in. It was just basically a revolving door in terms of how much time they might be going back in for.

Even under the electronic monitoring process that they have here in Manitoba, with the bracelets, there have been a number of people who are called "cut and runs". A number of different times that has occurred with the same individuals, yet it keeps happening. So there are things like that. I guess that's what I was getting at in particular regarding the stolen auto side of things.

We don't have those types of programs so much for the street gang members. Right now we're hoping...and our province is taking a stance on the breaches being significant, and they're opposing bail as vehemently as they can, with the adult side of things, that we're dealing with under this program of GRASP.

**Mr. Rick Norlock:** Thank you.

Chief Weighill.

**Chief Clive Weighill:** I'd like to comment on the serious repeat offenders. That is a problem, I think, for all the policing agencies. I think it's a problem for the courts as well, because we do have some youth or young adults, unfortunately, who do need an intervention, because they just will not stop the activity that they're in. Those are people who are past the remedial actions that I talked about earlier.

In relation to your question about having had other people here who said they did a lot of programming, yes, there is some programming that's happening within the communities, but a lot of it's run through community-based organizations such as the John Howard Society, the Elizabeth Fry Society, and some of those agencies, who spend, I would hazard a guess, 60% of their time trying to get their funding every year so they can keep going. I think any community-based organization that you talk to would tell you that's one of the pitfalls.

It's hard for the police to partner with a lot of agencies that don't know if they're going to have funding again the next year. It doesn't bring good credibility when you're trying to do mediation with some victims along that line.

So I think we need some real good, solid government programming that we know is going to be in place that we can count on every time and try to achieve some results here.

**Mr. Rick Norlock:** Thank you very much.

Warden Bonnefoy, you mentioned that your institution, Stony Mountain, is medium security.

In my riding, we have Warkworth, which is a medium-security institution. Thank goodness we have the Pathways program that started there, and it's actually functioning very well.

I wonder if you could explore that further, because in another committee that I sit on, the public safety and national security committee, we talk about the programs available for folks who are in institutions.

Of course, in Warkworth we have everything from cabinetry-making to repair of large military vehicles; they will be finishing up on their 200th very shortly.

What other programs do you have available for people to earn a living once they get out? Of course, we know being able to provide for yourself and your family is a great part of it. So could you tell us what services you provide, on top of education, that help provide people with a living after incarceration?

**Mr. Robert Bonnefoy:** Starting with Pathways, in and of itself, we have a holistic healing approach. We have elders dedicated to that particular unit, elders' helpers, aboriginal liaison officers, and aboriginal correctional programs officers. We have nine aboriginal-specific programs we're running.

Then, throughout the institution, as you said, there's the focus on GED, our educational component. We do a lot of vocational certificates, vocational training, and try to give people work skills to prepare them upon their release to garner meaningful employment.

Then we have a whole host of our core programming to address things like substance abuse, violence, and those types of things as well.

• (1520)

**Mr. Rick Norlock:** In terms of some of the vocational training, what I'm looking for is do they get a ticket? In other words, are they qualified in Manitoba to become a carpenter or a plumber, something like that?

**Mr. Robert Bonnefoy:** Yes, we do offer red seal certifications. We have done programs in the past, tickets for food preparation, for forklift operation. CORCAN is a big part of our mandate to provide those vocational skills and training for our offenders.

**Mr. Rick Norlock:** You mentioned you track them. In the tracking area, those that get their ticket and the red seal, do they tend to stay out?

**Mr. Robert Bonnefoy:** I'm not sure. I don't have that information at hand, I'm sorry.

**Mr. Rick Norlock:** Thank you.

**The Chair:** Thank you.

We'll go back to Mr. Murphy for a second round of five minutes.

**Mr. Brian Murphy:** Thank you, Mr. Chair.

We've talked about money. We understand that money makes this system work. We've talked about gangs and youth and intervention and all those things.

We've passed by the issue of guns. There was some evidence here today that was, to me, new, and worse, on the prevalence of guns.

Mr. Bazin, I think it was you who was talking about the proliferation of guns in the effecting of criminal activity.

So as a short snapper to the three police agencies represented here, is our problem with guns getting worse in your communities? Do the laws that exist—please don't talk about the long gun registry—help? There's a much older regime with respect to handguns under the Criminal Code, restricted weapons, etc. What could we do, legislatively or otherwise—and maybe the border is an issue—to help the situation with guns? That's unless it's okay and getting better.

We can start any way you want. Why don't we start from left to right; it's sort of our penchant here on this side.

**Insp Jim Poole:** I'll make just one comment and I'll let Nick have a say in here as well.

On some of the additional charges, whether it's an extra year on a firearms offence or something along those lines, I'm not sure that's really going to make the difference in somebody utilizing that weapon or that firearm in that specific incident. That's just a quick hit on that point.

Nick, do you have anything?

**Cst Nick Leone:** From an investigative point of view, I see the mandatory minimums for firearms offences as being a bonus. They may not be preventative in such a way that a gang member will go, "I could go to jail for four years if I'm caught with this handgun", but what they will do is take that particular gang member off the street, unable to recommit any crimes during the time he's in custody. And that may seem obvious, but that's very important.

**Mr. Brian Murphy:** Is the amount and the effect of weapons in your city worse or the same?

**Cst Nick Leone:** Worse. And in terms of the type of firearms we're seeing, traditionally, because there are a lot of rural areas in Manitoba, we saw the sawed-off shotguns and the sawed-off rifles. Now we're seeing high-end or expensive semi-automatic pistols—

**Mr. Brian Murphy:** Where are they coming from?

**Cst Nick Leone:** British Columbia—but then further investigation through the ATF will show that they're coming from the United States.

**Mr. Brian Murphy:** Chief.

**Chief Clive Weighill:** Yes, there is definitely an increase in firearms in the city of Saskatoon. The weapons of choice are still baseball bats and knives, there's no doubt about that, but we're seeing a lot more weapons coming in—sawed-off shotguns, sawed-off 22s, and a lot of handguns.

A lot of the weapons luckily are so far being used only for intimidation. They carry them, they have them with them, and they use them to intimidate people right now. But we know what the next step's going to be. You can only intimidate for so long.

**Mr. Brian Murphy:** What can we do about it?

**Chief Clive Weighill:** I think along the lines we have now; we have good laws that restrict the weapons. It's a matter of the enforcement onus. It's to try to keep them off the street.

They're easy to get, because they come across borders easily. I don't know if we need more legislation or not. I can't think of anything we could write into law that would help us with that, because we are quite restrictive with our weapons.

I'm sorry, I haven't got an answer for you on that one.

**Insp Robert Bazin:** I can speak briefly about the guns.

In my work along the border we do see a lot of guns moving across the border. We have a lot of intelligence on guns moving across the border. A lot of it...for lack of a better word, the B.C. bud, or the marijuana, goes south, and the guns come north. In some of the vast areas where we work, it's very easy to get guns across. It's not difficult at all, and there are various methods. That's where we're seeing those more expensive semi-automatic pistols and the like; for the most part, they're coming from the U.S.

In terms of laws, I think we have some pretty good laws on the books. I think we should maybe expand a little bit in terms of allowing absolutely no latitude for sentencing if you're a known gang member and you're caught carrying a concealed pistol. It should be crystal clear.

I suppose the question then will be how to prove he's a gang member. That's where the listing and all the rest of it come in, which I'm sure you've heard about, but if we can get to the point that if you're a gang member and you're carrying a pistol for intimidation.... As Chief Weighill rightly points out, it's for intimidation. They pull them out and they point them in people's faces. They probably don't intend on using them, but they will if they have to, so it goes from there. That would be my take on it.

I don't know, John, if you want to add something—

• (1525)

**The Chair:** Thank you.

We'll move on to Madam Guay for five minutes.

[Translation]

**Ms. Monique Guay (Rivière-du-Nord, BQ):** What is happening here is very interesting because we have seen that it is very different in Edmonton. It is also different in Toronto. Here, you have specific problems because of a significant aboriginal population.

This morning, we heard a number of ladies — that was surprising, by the way, because there was no man in that panel of witnesses — who work in various organizations to help young inmates. We heard of grandmothers trying to help them.

I would like to know if you work in cooperation with them and their organizations? Are there links between them and the various penitentiary and police institutions of Manitoba, Winnipeg, Saskatoon? I would like a short answer, please.

Anyone of you can answer, but briefly, please, because I only have five minutes.

[English]

**Insp Jim Poole:** On the Winnipeg front, our GRASP initiative with the province has the opportunity to make all of those referrals to the different groups. They're the ones more in tune with the preventative measures that we have available out there, and we are—

[Translation]

**Ms. Monique Guay:** Do you work with those persons?

[English]

**Insp Jim Poole:** Our people in probations do, yes.

**Insp John Ferguson:** We have very strong cooperation and good relationships with child and family services and probation in this province as well. We have an RCMP member who is with the Assembly of Manitoba Chiefs and with the Manitoba Métis Federation and is working with them.

[Translation]

**Ms. Monique Guay:** Thank you.

Mr. Bonnefoy.

[English]

**Mr. Robert Bonnefoy:** We also put a major emphasis on our engagement with our partnerships. We partner with the community parole offices and with external organizations such as the Assembly of Manitoba Chiefs, various aboriginal organizations, and the John Howard Society. We partner very strongly with our local police. We try to have a continuum of care from the institution out to the community.

**Chief Clive Weighill:** Yes, we do also. I have just one comment, which is that we find that they're very good organizations to work with because they're close to the people they work with. As a result, there's trust in those organizations from the people they work with, so it's very important for us to partner with those CBOs.

[Translation]

**Ms. Monique Guay:** That is exactly what we were told this morning.

Mr. Weighill, you were saying earlier — and I was pleased to hear it — that the problem will not be solved by more punitive legislation, more jails and more youth in jail. You said we should rather look at the root causes of the problem.

Am I to understand that this view is shared by all of you at the table? We know that amendments to the Young Offenders Act will soon be tabled in the House of Commons because the government wants to establish 10-year minimum sentences for young criminals. What do you think of this proposal?

[English]

**Insp Nick Leone:** Ultimately, we can't lose sight of the victims. If a particular incident or crime suits a 10-year sentence, or a mandatory minimum, for a youth, then I think we have to realize that's an absolute possibility.

[Translation]

**Ms. Monique Guay:** That is already in the legislation. Should we be more punitive, with longer sentences? Under the Act, judges already have the option to impose 10-year sentences. With the amendments, this would not be an option, it would be compulsory.

• (1530)

[English]

**Cst Nick Leone:** I didn't think that mandatory minimums were at that point of 10 years, unless I didn't understand the question.

[Translation]

**Ms. Monique Guay:** All right, thank you.

[English]

**Insp Jim Poole:** I'm not totally up on all the different changes that are being proposed in amendments to the Youth Criminal Justice Act, so I wouldn't be able to comment.

**Chief Clive Weighill:** I think, in certain situations, we need long terms, and I think that's up to the judges to make those decisions. Probably there's a backlash from the public because they don't think the judges are doing that, but the legislation, for the most part, is there. The judges do have the authority to do something if they so wish.

**Insp Robert Bazin:** I can't really speak to the Youth Criminal Justice Act. I'm not totally up on it.

I don't know if John wants to comment.

**Insp John Ferguson:** No, unfortunately, I'm not that versed in the Young Offenders Act either.

However, speaking generally of mandatory sentences, there has to be that balance. If I could just comment very quickly on the example Inspector Bazin gave in his opening remarks of a large marijuana grow op that was roughly \$39 million in value, 31 people were arrested in that operation. All of those people were immigrants, some in the country illegally and some not. But at the end of the day, they were all very desperate people just trying to do well for their families.

Now, would it have been fair to give them a minimum sentence for their involvement? Well, I think my compassionate side would say probably not. For the person organizing it, should there have been a minimum sentence? Absolutely. So there's that balance that we must find.

**Chief Clive Weighill:** There's one amendment I would like to comment about, that of releasing the names of youth. I'm fully supportive of that. If you have a youth of 14, 15, 16, 17 years of age who is intimidating people and causing chaos in the community, I cannot find a good, solid reason why we can't release that youth's name.

If we're looking for them, we need the...[Inaudible—Editor]... arrest them.

**The Chair:** Chief, do you also support making the protection of the public a primary purpose of the act?

**Chief Clive Weighill:** Absolutely.

**The Chair:** Right.

We'll move on to Mr. Dechert, for five minutes.

**Mr. Bob Dechert (Mississauga—Erindale, CPC):** Thank you, Mr. Chair.

Thank you, ladies and gentlemen, for your comments and information this afternoon.

We've spoken about witness intimidation a number of times. If you had been here this morning, you would have heard a rather heart-wrenching story from Mr. Floyd Wiebe, whose son, T.J. Wiebe, was murdered here in Winnipeg some years ago. One of the things that struck me about what he said was that the mastermind criminal who convinced the other three to murder his son was acquitted because the witnesses were intimidated and wouldn't testify or give the testimony necessary to convict that individual.

You mentioned, Chief Weighill, your concerns about witnesses being intimidated. My question to you is this: what can we do about that? What changes to the law or changes to witness protection can we make to solve that problem so that more witnesses will be prepared to come forward and give the testimony necessary to convict some of these very dangerous criminals?

**Chief Clive Weighill:** In my personal opinion, that has to be one of the strictest legislative angles in our criminal justice system, because it's the cornerstone. If you have people who are intimidated and too scared to come forward, our whole criminal justice system is down the drain. Anyone who is tampering with the system, intimidating witnesses, threatening witnesses has to be dealt with to the full extent of the law.

**Mr. Bob Dechert:** So we should perhaps have harsher sentences for anyone who is doing that?

**Chief Clive Weighill:** Absolutely, because without it we're in pandemonium.

**Mr. Bob Dechert:** Do you agree with that, Inspector Poole?

**Insp Jim Poole:** Yes, I do.

**Mr. Bob Dechert:** All right.

We talked about guns earlier but didn't hear from the Canada Border Services Agency. I'd like to hear their views on what more resources they need to help stem the flow of these illegal handguns and other weapons coming across the border.

**Ms. Kimberly Fussey:** I can get the information for you, but unfortunately my program deals specifically with IRPA and not with the Customs Act.

**Mr. Bob Dechert:** Okay, but obviously that is something CBSA is involved in.

Inspector Bazin, do you have a view on that?

**Insp Robert Bazin:** Yes. We work very closely with CBSA for obviously the smuggling of weapons across the border. Some of them come through the ports, but the vast majority come between the ports. So within our—

• (1535)

**Mr. Bob Dechert:** Unprotected border crossings, that's where they're coming across?

**Insp Robert Bazin:** Some of them do come through manned border crossings, smuggled into vehicles and various other methods, but the vast majority come in between the ports, where you smuggle them across an unmanned part of the border. We have many more miles of unmanned than we do of manned borders.

So we work very closely with CBSA, who is also a member of our integrated border enforcement teams, as well as the Americans, to try to find out the intelligence, to work with the legitimate gun stores on the U.S. side to find out who's buying large quantities of guns. They generally have straw purchasers, and there are methods by which to do that—

**Mr. Bob Dechert:** That's one way, but it's very hard to stop them right at the border, whereas—

**Insp Robert Bazin:** Exactly. And sometimes, you know, if they feel that they're really going to be questioned at a port of entry, then they'll go a mile off the port of entry and try to sneak across in the middle of the night.

**Mr. Bob Dechert:** Can I ask you to describe for us just briefly how these weapons are distributed and sold? How do they get from the importers into the hands of the street gangs?

**Insp Robert Bazin:** A lot of the smuggling is coordinated by the gangs themselves. So they make the contact on the U.S. side with the movement of contraband. And the general supplier of contraband... they have a source on the American side who they coordinate the shipment with. They make the exchange at the border, or in fact the Canadian gang member will sneak across the border, go into the U.S., make the exchange, and actually bring the weapons and the guns, and that's where they end up in the cities. They bring them into the cities and usually distribute them from there. But there are various ways to do it and there are various methods they use—perhaps too long to get into here—but it's not terribly difficult given the vastness of our border with the U.S.

**Mr. Bob Dechert:** Okay. Thanks.

I have just one quick question for Mr. Bonnefoy. What percentage of the offenders in your institution are members of gangs before they come to your institution versus what percentage joined while they were in your institution?

**Mr. Robert Bonnefoy:** I don't have that information.

**Mr. Bob Dechert:** We've been told by some other people earlier today that a lot of young people go into the institutions and that's where they actually join some of these gangs, especially in the case of aboriginal gangs.

**Mr. Robert Bonnefoy:** And we focus a lot of our energy on preventing recruitment. It's more difficult, when someone comes in who is already a member of a criminal organization, to disaffiliate them. If they come in and we can prevent them from joining a gang... which does happen; there is recruitment in the penitentiaries. I just don't have the actual number for you.

**Mr. Bob Dechert:** All right. Thanks very much.

**The Chair:** Thank you.

Ms. Mendes, five minutes.

**Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.):** Thank you very much, Mr. Chair.

Thank you to all for being here.

I'm going on a totally different track, if I may. I'm very fortunate to have chosen Canada as my country. It wasn't my country of birth, and I absolutely love this country.

Now, starting with that, in the past 20 years or so, have criminal numbers, criminal incidents, increased, decreased, stabilized, changed in any way in a manner that really threatens our security, our youth's security? Is that really what is at risk here? I'm referring especially to organized crime.

**Insp Jim Poole:** I think with regard to the increase in firearms offences, now it's the norm versus the exception. When we review our nightly incidents from the day before at our morning meeting, when we review major incidents and arrests, the number of weapons offences has dramatically increased. Whether some are shooting at people or at houses, the likelihood of an innocent bystander being hit has really increased. So it's a threat to the general population of the cities.

**Chief Clive Weighill:** There's absolutely no doubt in my mind about that. We see youth carrying machetes on our public streets. We see youth carrying knives. We see knives in the schools. You know, crime has come down in the last 15 years or so, overall across Canada. Property crime has come down, and the numbers of violent crime have come down. But the amount of violence used in the crime that is still left is much more severe than it ever was, much more severe.

**Insp John Ferguson:** I think it may be more a question of the impact. Crime is having a greater impact today than, possibly, in years past.

With respect to organized crime groups, the challenge we have is that they've become more sophisticated. They've insulated themselves. They're using the law and technologies to make it more difficult for us to investigate them and to go after them. That's the challenge we have with organized crime groups.

● (1540)

**Mrs. Alexandra Mendes:** One thing mentioned to us yesterday concerned the whole process of disclosure; precisely, that it provides criminal organizations with information they otherwise wouldn't have.

Is that something you yourselves have faced?

**Insp John Ferguson:** Absolutely; the revealing of certain techniques is always an issue. The problem we have with disclosure is the threshold: we don't know what it is. If you ask us what relevant disclosure is, I'd be hard-pressed to give you an answer. I'm speaking figuratively, not literally, of course, but there are a lot of times when it's almost opinion-based: the defence will say this is something that should be disclosed; the crown will say no; the judge will decide. That's for that case. In the next case, with the same set of circumstances, there's a different decision.

The threshold has to be determined. We have to know what the expectations are with respect to disclosure.

**Mrs. Alexandra Mendes:** Do you find the same thing, Chief Weighill?

**Chief Clive Weighill:** Absolutely. Disclosure is bogging down the system. When you get a major investigation, you probably spend as long getting your disclosure ready for court as you did on the investigation.

I don't know how we're going to get away from that. I think disclosure is fair, but it really is onerous.

**Mrs. Alexandra Mendes:** It's also providing information to the criminal gangs on how to go around the system; that's one of the points.

**Chief Clive Weighill:** Absolutely, yes; it's like watching TV shows. That's where a lot of crooks learn their stuff—and through disclosure.

**Mrs. Alexandra Mendes:** Okay. Thank you.

**The Chair:** Thank you.

Before we go on to Mr. Woodworth, I want to ask Ms. Fussey something the analysts have asked about. In your initial presentation you talked about two marine ports in British Columbia that you're concerned about. Is that correct?

**Ms. Kimberly Fussey:** No, one would be in northern Manitoba—

**The Chair:** Two marine locations, then.

**Ms. Kimberly Fussey:** —yes—and the second would be in the Northwest Territories, I believe.

**The Chair:** The one in Manitoba would be Churchill, is that right?

**Ms. Kimberly Fussey:** Yes.

**The Chair:** And the one in the Northwest Territories...?

**Ms. Kimberly Fussey:** I believe it's Inuvik.

**The Chair:** All right. Thank you.

Mr. Woodworth, you have five minutes.

**Mr. Stephen Woodworth (Kitchener Centre, CPC):** Thank you very much.

There are two things I'd like to inquire about. The one I'll leave for the end is for Inspector Bazin, who talked about legislative restrictions on sharing intelligence.

But before I get to that, I'd like to ask Chief Weighill about the amendments to the Young Offenders Act. There are two you've already expressed support for, one of them making protection of society a primary goal of the legislation and the other requiring the court to consider publishing the names of violent young offenders when necessary for the protection of society.

There's a lot of misinformation out there around these amendments, but there are only three other things that the amendments to the legislation would do, and I'd like to get your view on these. One is to simplify the rules to keep violent and repeat offenders off the streets while awaiting trial, when necessary to protect society.

Do you have any comment on that? Does it sound like a reasonable thing?

**Chief Clive Weighill:** I completely agree with it.

**Mr. Stephen Woodworth:** All right. Thank you.

Another is to require the crown to consider seeking an adult sentence for youth convicted of the most serious crimes: murder, attempted murder, manslaughter, and aggravated assault. The crown would also be required to simply inform the court, if it chose not to apply for an adult sentence.

So it's limited to the most serious crimes, does not require an adult sentence, and just requires the crown to consider whether it might be a good idea. Would that, in your view, be reasonable?

**Chief Clive Weighill:** Yes.

**Mr. Stephen Woodworth:** Thank you.

Then, the last thing these amendments would do is enable the courts to impose more appropriate sentences on other violent and repeat offenders as necessary in individual cases, to use existing sanctions in a way that would discourage an individual from offending again, to use a pattern of escalating criminal activity to seek a custodial sentence when necessary, and to impose a custodial sentence for reckless behaviour that puts the lives and safety of others at risk.

Do you have any comment on that one?

**Chief Clive Weighill:** That one's a little more complex. I agree with some of it; some of it I don't. Any time you make something punitive hoping that nobody will do it again, I don't think you're a winner. But I do think you have to make some interventions with serious repeat offenders.

**Mr. Stephen Woodworth:** Thank you very much.

Inspector Bazin, you mentioned legislative restrictions on sharing intelligence. Are you referring to PIPEDA, the Personal Information Protection and Electronic Documents Act?

● (1545)

**Insp Robert Bazin:** That's part of it. There are some restrictions under the Privacy Act as well.

There are also restrictions under various acts. The Customs Act, for example, is one of them. When you're dealing with international agencies, or in our case with those in the U.S., there are certain restrictions about what we can and can't share. Overall, in this country, there's still a bit of a chill on our ability to share, especially when we're talking with the Americans.

We need to carefully look at what those restrictions are, and to the extent that we can, lift some that I don't believe are necessary in most cases.

**Mr. Stephen Woodworth:** Are there any existing exemptions that allow the sharing of information and that might serve as a model across the board?

**Insp Robert Bazin:** Not that I know of.

**Mr. Stephen Woodworth:** That will do it for me.

Thank you very much.

**The Chair:** Thank you.

We'll go on to Mr. Petit for five minutes.

[Translation]

**Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC):** During two or three days, and previously in other cities, we have looked at the issue of organized crime. Our government is going to table several pieces of legislation. The words we hear all the time are intelligence and information. Information is useful for rehabilitation but also for deterrence, because we need to know who we are dealing with.

We have heard representatives of various law enforcement organizations such as the police, the border agency, etc. As far as a young offenders are concerned, information is difficult to obtain. As a lawyer, I know how difficult it is. I wonder how you can succeed because, in many cases, when a young person receives an alternative sentence, you do not have the information you need to deal with him. If he is recorded for the first time in the system, he is considered a first offender. If the judge wants to have specific information about him, he cannot get it. If he does not have it, you do not either. So, you do not know how that young person is going to react and even if he is a member of organized crime or not.

There is also much information that we do not have. This morning, for instance, several aboriginal witnesses referred to the damage caused to their communities by residential schools. We know that there have been many problems with pedophiles in the residential schools but that does not appear in official statistics. Even I was not aware of it. I am discovering this little by little.

So, I need to know what you know and how I can help you or how you can help us because we do not have enough information. You work on the ground. You work hard and I encourage you to continue. However, there is a lack of information. I need information. How does organized crime control young people? We were even told that, in some cases, disclosing information helps organized crime because they can then exact revenge on those who betrayed them. So, there is a problem with disclosure of evidence. In many cases, it is dangerous.

Do you have any suggestions for us? We need you because you are our eyes on the ground, whether it be in institutions, in the RCMP or in municipalities. We need information because information relating to crimes — not to people... Improvement is not possible because you do not have information and neither do I.

My question is for Mr. Ferguson and for the gentleman from Winnipeg. What would you suggest we do?

[English]

**Insp John Ferguson:** I'm sorry, I'm not quite clear on specifically what it is you're asking. There was quite a bit of information in your intervention.

I'll just talk. If I'm off-topic, please let me know.

Chief Weighill, especially, and Inspector Poole both talked about, in their opening remarks, social impacts, and about trying to find out exactly what some of the social causes are. When you ask what the hold of organized crime groups is on young people, it's basically that they're offering them a better life than they perceive themselves as having, either through giving them things or giving them a sense of importance or a sense of belonging.

In that respect, it's incumbent upon us to develop the programs that the chief is talking about, to work with community groups to get these youth more interested in just getting on with their lives, getting straight in their lives, instead of being influenced by their outside groups.

Is that part of what you were looking for?

•(1550)

[Translation]

**Mr. Daniel Petit:** Mr. Ferguson, statistics indicate that the number of murders has decreased in Canada. However, about 500 aboriginal persons are missing. We do not know what to do about them. Should we consider them as missing women or as murdered women? We do not know. However, those 500 persons exist but we do not know... They have not been found. We do not know if they are just missing or have been murdered. What do you see on the ground? What would you suggest?

[English]

**Insp John Ferguson:** Well, in this province we have developed a missing and murdered women's task force in cooperation with the Winnipeg Police Service. As you correctly pointed out, we don't know what has happened with these missing women. The first step is to try to determine that.

I'm not sure, Constable Leone, whether you may have some comment on this.

**The Chair:** We're out of time for that question, unfortunately.

We'll have Mr. Rathgeber for one last question, for five minutes.

You can certainly give Mr. Leone time, if you wish, to answer the question.

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Thank you, Mr. Chair.

Thank you to all the witnesses for your appearance this afternoon and for the good work you do in keeping Canadians safe.

I have a couple of specific questions for the members of the two police services.

First of all, Inspector Poole, you appeared before our committee in Ottawa last fall.

**Insp Jim Poole:** Yes.

**Mr. Brent Rathgeber:** Was that specifically on Bill C-26, the trafficking in property crime bill?

**Insp Jim Poole:** Yes. It was with regard to the violent aspects of stolen auto offences here in Winnipeg.

**Mr. Brent Rathgeber:** I don't remember if I asked you then, but do you know what the estimated value is of stolen vehicles in this city? I understand it's quite a problem in Winnipeg.

**Insp Jim Poole:** It spiked in 2006, and that's when WATSS, the Winnipeg auto theft strategy, was put in place jointly with the province. Now our successes are there, to the point where the numbers are way down. They've gone from 40 stolen cars in 2006 to now single digits, sometimes zero, sometimes four, a day, at times.

Again, I'm not about to declare a victory, because even one is a threat.

**Mr. Brent Rathgeber:** Do you support the reintroduction of the bill—I think it was Bill C-26—that made it an offence to alter a VIN number and provided for a mandatory jail sentence upon a third conviction?

**Mr. Joe Comartin:** It died at prorogation.

**Mr. Brent Rathgeber:** My question, Mr. Comartin, was whether he supported the reintroduction of the bill.

**Insp Jim Poole:** I'm not up on the reintroduction at this point. I'd like more time to comment on something like that. At the time, Winnipeg was most concerned about the violent aspects, but it would certainly go along with other offences.

**Mr. Brent Rathgeber:** Chief Weighill, your province, as I understand it, introduced some fairly innovative legislation with respect to the banishment of gang members wearing colours. Am I correct?

**Chief Clive Weighill:** We did, but it didn't meet the lawful challenge, and it was repealed.

**Mr. Brent Rathgeber:** Was it repealed or was it struck down by the courts?

**Chief Clive Weighill:** I'm sorry; it was struck down by the courts. They're rewriting it right now.

**Mr. Brent Rathgeber:** In the very limited time that the bill was in force and in effect in the province of Saskatchewan, did it, in your view, have some benefit in preventing members from joining gangs or somehow impeding their activity?

**Chief Clive Weighill:** The strongest reason that we liked it was that it prevented a lot of intimidation. If you came into the bar wearing Hells Angels colours, the bar owner had to make you take them off and leave. Now if you come to the bar, because it has been struck down it puts the bar owner in a tough spot. It looks as if he's fighting the Hells Angels by himself if he asks them to take their colours off, since it's no longer against the law.

Before, the bar owner didn't have to say to them, "Take your colours off, I don't want you to have them in here." By law they had to take them off. So it kind of got the bar owners off the hook. Now they're intimidated. Now the Hells Angels can walk in all they want with their colours on, and nobody is going to say anything, because it's not against the law. Now they're sitting in the bars and intimidating people.

• (1555)

**Mr. Brent Rathgeber:** On the topic of intimidation, does Saskatchewan offer witness protection for individuals prior to enduring trial, similar to that in the legislation that was passed by Alberta recently?

**Chief Clive Weighill:** Yes, we just had legislation in the last year, and it helps specifically to pay the police agencies for the costs we were incurring for witness protection. We're not talking about occasions when you go away and get a new identity—the federal government still takes care of that—but the province does give some stopgap funding for the municipal agencies to take care of this.

**Mr. Brent Rathgeber:** And quickly, Manitoba.

**Cst Nick Leone:** We also work with the Department of Justice. Once they officially become witnesses, the Department of Justice foots their bill for their relocation, any movement or anything like that.

**Mr. Brent Rathgeber:** Thank you so much.

**The Chair:** Thank you. We're at the end of our time.

I'll ask Chief Weighill one last question.

The testimony you gave in your initial statement seemed to indicate you weren't in favour of any tougher sanctions against gang members, organized crime members. You put a lot of emphasis on the provision of resources for the social services that would allow young offenders, the ones who have been integrated into the low-level gangs, to get out or prevent them from getting in because we'd provide alternatives.

Is that a correct reflection of the impression you left? Or would you support tougher targeted sentences against the high-level gang members provided sufficient resources were applied to the entry level?

**Chief Clive Weighill:** I support some stricter measures. There's no doubt about that. The point I was trying to make earlier is that the social contributors are driving a lot of this, and as a society, we have to spend some resources on this.

There's no doubt that some criminals need these interventions. We need some stricter penalties for those who are involved in the trade already. My hope is that in the future we can restrict many people from getting involved in gangs. But there's no doubt that we do need strict measures for some of these gang members who are already in gangs. We have to react to it now, and we have to take measures.

**The Chair:** We've heard from panel after panel that we have to learn how to distinguish between those who need tougher sentences and those who need guidance early on in their lives, who need to be given opportunities in order to avoid a lifetime of crime. So thank you for all of that.

Thank you to all of our witnesses. In the next couple of months we'll likely produce a report, which I hope will include numerous recommendations on how Canada can move forward in terms of fighting organized crime.

Again, thank you to all of you.

The meeting is adjourned.





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