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Chair

Mr. Ed Fast

Standing Committee on Justice and Human Rights

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• (1110)

[English]

The Chair (Mr. Ed Fast (Abbotsford, CPC)): I call the meeting to order.

This is meeting 15 of the Standing Committee on Justice and Human Rights. For the record, today is Thursday, April 29, 2010.

You have before you the agenda for today. We're continuing our organized crime study. We have with us Larry Motiuk as a witness. He is a special adviser to the infrastructure renewal team from Correctional Service Canada.

Some of you may be wondering where the other witnesses are. We contacted the witnesses who were discussed at our last meeting, from Sweden, the U.K., and the U.S. Unfortunately, none of them were available on short notice. Some declined and some said they needed more notice. We're still trying to work with the clerk to arrange a few more witnesses to close off our study, and when they are available, we'll let you know.

Mr. Motiuk, I think you know you have 10 minutes to present. Then we'll open the floor to questions from our members. Please proceed.

Dr. Larry Motiuk (Special Advisor, Infrastructure Renewal Team, Correctional Service Canada): Thank you, Chair and members of the Standing Committee on Justice and Human Rights, for inviting me here today to talk about research conducted by the Correctional Service of Canada in the context of your study on the state of organized crime.

My name is Dr. Larry Motiuk. Currently I am a special advisor, on assignment, with others, on an infrastructure renewal team in CSC. Also, I am an adjunct research professor in the Department of Psychology at Carleton University. I have a doctorate degree in psychology and a master's degree in clinical psychology.

I began my correctional career at the maximum security Ottawa-Carleton Detention Centre and was an employee of the Ontario Ministry of Correctional Services until 1988. During this period, I provided direct clinical services to remanded and sentenced offenders, and I conducted research and have co-authored publications on restitution, halfway house selection, and inmate classification. Until recently, I served as the director general of offender programs and reintegration, from 2006 until 2010, at CSC national headquarters. In this position I provided advice on policies, planning, and legislation relative to institutional, community, and operational management of offenders. As an employee of CSC for the past 22 years, I have served as director general of research for 13

years, having supervised and evaluated operational research projects on a national scale. These include mental health, offender intake assessment, risk management, offender reintegration, substance abuse, security, and health care. Over the years, I have published widely, and I have worked directly with various departments of corrections in jurisdictions abroad.

In 2005, the corrections policy unit of Public Safety and Emergency Preparedness Canada requested assistance and offered support to the CSC research branch to conduct focused research on federal offenders admitted with criminal organization offences.

In collaboration with Mr. Ben Vuong, a CSC research officer at the time, we developed a research framework and conducted preliminary analyses of available information related to exploring the impact of organized crime legislation in general and offenders who are required to serve sentences for organized crime offences in particular. Consequently, I was intimately involved in the research and co-authoring of two research briefs on federal offenders with criminal organization offences and as such have knowledge of the matters hereinafter deposed to.

Basically there were two studies. The first study was done in 2005 and was entitled "Federal Offenders with Criminal Organization Offences: A Profile". By way of a little bit of background, in 1997, the Government of Canada took action against organized crime by amending the Criminal Code to make participation in a criminal organization an indictable offence, and it enhanced the investigative powers of police. On December 18, 2001, strong new legislation to fight organized crime, Bill C-24 at the time, received royal assent. Bill C-24 further amended the Criminal Code and introduced three new offences and tough sentences that targeted various degrees of involvement with criminal organizations. Criteria used to construct the specified population to be studied involved the selection of all admissions to federal corrections serving sentences for organized crime offences since 1997, both pre-Bill C-24, which was 1997 through to 2001, and after Bill C-24, from 2002 to 2004. Admission data were drawn from the service's automated offender management system, known as OMS, over an eight-year period. Admission trends, sentence lengths, related offences, demographics—gender, age, ethnicity, criminal background, correctional history and criminogenic factors, such as criminal associations, drug abuse, etc.—were explored.

Here are some highlights from the study, and these studies are both available on the CSC Infonet or Internet site.

A total of 220 cases met the initial criteria for selection into the study using the Criminal Code descriptions for organized crime offences in the offender management system. As previously noted, Bill C-24, in 2001, introduced three new Criminal Code offences—and I won't go into the sections—that replaced the one offence that was in place at the time. More specifically, 134, or 61% of the sample, were identified for participation in a criminal organization; 16, or 7.3%, were identified for participation in activities of a criminal organization; 62, or 28.2%, were identified for the commission of an offence for a criminal organization; and there were 8, or 3.6%, identified for instructing the commission of an offence for criminal organizations.

In this study we observed that the Quebec region had the largest number of new admissions serving sentences for organized crime, over 80%. Interestingly, there were no cases admitted at that time with organized crime offences in our Pacific region.

• (1115)

It was observed that new admissions with criminal organization offences also received additional sentences for other offences, resulting in the majority of cases serving sentences of more than three years. So 80% of that group were serving sentences greater than three years in federal custody.

As a group, federal offenders with criminal organization offences were serving medium to long-term sentences for a new set or category of offences, coupled with other offences, mainly drug offences. Eighty percent of them were serving sentences for that as well, and in some instances, for other serious crimes, such as attempted murder and robbery. They presented with prior criminal records and strong attachments to family and criminal groups.

Particularly noteworthy, however, was the finding that offenders with criminal organization offences demonstrated more lifestyle

stability. That means they were more likely to have been married, employed, and healthy than their correctional counterparts.

The second study was a follow-up of this group. Initially we wanted to profile the population that had been convicted of these offences. We then wanted to observe what happened to them while they served their sentences in federal custody. So the second study was entitled "Prison Careers of Federal Offenders with Criminal Organization Offences: A Follow-up".

By October 2005, a total of 114, or roughly 50%, of the 220 cases who had met the initial criteria for selection in the study—using those Criminal Code descriptions of organized crime offences—had been released from prison. Therefore, we could capture the whole period of time they served while in federal custody. To construct a matched group for comparison purposes, we got 114 released offenders with those organized offences and then applied criteria to set another sample.

We used a sampling population that was created for federal offenders who had been released between 1997 and 2005 without organized crime offences or any gang affiliations. For each federal offender with an organized crime offence, a similarly situated federal offender without an organized crime offence was identified based on year of admission, sentence group, admitting region, gender, and aboriginal status. The average age for both groups was 33 years of age at that time.

Here are some highlights from the study. A follow-up of prison careers found that federal offenders with criminal organization offences were not significantly more likely than their matched correctional counterparts to be involved in security-related incidents, to be placed involuntarily or voluntarily in segregation, or to be transferred upward in security level. However, these observations may be an artifact of their being placed at relatively higher security levels than their matched counterparts. Therefore, there was more control of their movements.

Similarly, the finding that this group did not participate in programming to the same extent as their matched counterparts may be due to the fact that they do not present as broad a range or array of criminogenic factors. This is deemed to be consistent with their general lifestyle stability apart from organized crime affiliations.

As a group, those with organized crime offences were found to be statistically more likely to be released later than their matched group without organized crime offences. A closer examination of these released organized crime cases revealed that 55% had been granted a discretionary release versus 66% of the matched group.

Not surprisingly, a higher percentage of the organized crime cases had been released on statutory release than their matched group: 45% and 33% respectively. The added time served in custody might explain why a higher percentage of them had been granted escorted temporary absences, and they were significantly more likely to be granted an unescorted temporary absence simply because they had a longer length of stay. Again, the aforementioned may be due to longer periods of stay.

In conclusion, taken together, these two studies suggest a group of offenders who at time of admission are likely to present themselves as good risks from a traditional corrections perspective and whose prison experience would be remarkably uneventful.

The key issue is any interpretation of these findings has to be prefaced with a caveat concerning the limitations associated with available data on which waves of analysis were conducted.

As one might appreciate, the three years since the legislation had come into effect was recent at that time, so definitive statements were difficult to ascertain about the full impacts of the legislation that may be occurring in the long run. Nevertheless, there continues to be limited research on Canadian legislation that places people convicted for organized crime offences into prison. To date, there is only one study profiling the federal offenders convicted for organized crime offences. There is one other study that I'm aware of that follows the sample, and it was the one just referenced, of federally incarcerated offenders who were convicted of organized crime offences during their stay in federal custody. Finally, a longitudinal post-release follow-up is required before such a conclusion can be drawn about their correctional careers.

● (1120)

What is the research impact? CSC policy directives were modified and scoring options for offender classification tools were revised to take into account involvement in criminal organizations for which a conviction has been registered. More specifically for organized crime, ratings of street stability, which are found in many of the classification tools, were adjusted, and the conviction for a criminal organization offence was duly noted.

I would like to conclude by saying that Canadians have always been able to take pride in being international leaders in corrections research and rehabilitation. From the creation of scientifically derived assessment tools for security classification, program assignment, and release risk, to the development and delivery of state-of-the-art rehabilitative programs, Canadian researchers and correctional practitioners have always been at the vanguard of best practices. Canada's advantage is primarily due to the talents and efforts of researchers and practitioners themselves. Building on our correctional technology and research advantage is more important than ever.

I look forward to the discussions here today. It is important that the correctional perspective is represented at these kinds of meetings and that all components of the criminal justice continuum work together to achieve an effective and positive public safety outcome.

Thank you.

The Chair: Thank you.

We'll move on to questions.

Mr. Murphy, do you want to go first? You have seven minutes.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Sure.

I'm just trying to get the bookends of the study. By October 2005 you were looking at 220 cases, and you were reviewing legislation in 2001, Bill C-24. Is that right?

Dr. Larry Motiuk: The timeframe was that the research was conducted in the year 2005. The new legislation came in, in 2001, and the final sample frame was taken up to 2004. So it was within three years of the implementation of that law that we were starting to do the research.

Mr. Brian Murphy: Is this the most recent type of study we have on organized crime at this point?

Dr. Larry Motiuk: Yes. It's the most recent research on those serving periods of federal custody for criminal organization offences.

Mr. Brian Murphy: Okay. Through this OMS, you don't have any up-to-date information? I mean, you built the model through this. Is there up-to-date information? There have been a few changes in the law since 2001.

Dr. Larry Motiuk: That's correct, in 2008 in particular. I'm aware of ongoing research. It hasn't been completed yet. Initially, it was planned to do three studies. The first one was the profile of the population. The second was what happened while they were in prison, and the third was a community follow-up.

By virtue of doing a community follow-up, they can extend the sample up until 2009. I understand that the research branch is doing that work now and will expand the sample, as well as conduct the outcome, because at the time it was premature to look at that. Now we have enough of a sample.

I would estimate that we have about 450 to 500 cases who have been convicted of these offences over a 12-year period.

● (1125)

Mr. Brian Murphy: I'm looking at page 3 of your remarks. If I could just understand these highlights from study 2...I'm trying to get the ballpark idea of what we're talking about. Organized crime offenders tend to be placed at higher security levels, as opposed to the group that weren't convicted of organized crime offences. Is that because of the nature of the conviction?

Dr. Larry Motiuk: It's coupled with the fact that they come in with criminal histories as well.

Mr. Brian Murphy: So they're in a different situation. You say they seem to be less of a risk within the institutions probably because of that. Would you say that it's also probably because of some of the...? You talk about the structure they had in their own lives before they got into prison, such as family groups and backgrounds and so on.

Dr. Larry Motiuk: Correct.

Mr. Brian Murphy: So then you go into that bullet to say that they would be less likely to be released earlier, but when they are released, they are more likely to get a voluntary or discretionary release. Is that correct?

Dr. Larry Motiuk: They're more likely to serve a longer period of time in custody and more likely to be released later in their sentences.

One of the impacts—

Mr. Brian Murphy: That's really what I wanted to get at. I read it, so I understand it. You said it, so it's good.

There seems to be a little disjoint for me in that they get out later, they serve longer sentences, and they're better risks inside. Is the reason they serve longer times than their non-criminal organization counterparts because the crime they were convicted of garnered a longer sentence? Is that purely the reason?

Dr. Larry Motiuk: It's not purely the reason; it would be part of it. It's usually a combination of a number of factors. One is that they had other offences they were convicted of at the same time, which changes the profile of that individual. The eligibilities for release were changed in the legislation as well. They were eligible for parole halfway through their sentence. It changed the actual eligibility timeframe for them, and that would delay their release as well.

Mr. Brian Murphy: But their later release has nothing to do with their behaviour in the institution. In fact, their behaviour shows lower risk. Is that right?

Dr. Larry Motiuk: Actually, behaviour has a lot to do with whether or not somebody gets released.

Mr. Brian Murphy: Okay, explain it.

Dr. Larry Motiuk: There are a number of criteria for discretionary release decision-making. The ultimate one is public safety risk, which is assessed by an independent group: the National Parole Board. Part of that risk appraisal incorporates criminal history background, as well as what they did while they were in prison, whether or not they behaved, they got involved in security-related incidents or caused more disturbances—

Mr. Brian Murphy: I don't have all that much time. I think your general thesis is that they're better behaved than the control group, if you like, but maybe because of the presentation of security risks when they get out, their antecedent history, and what they might do when they get out because of who they are, it keeps them in longer. Is that right?

Dr. Larry Motiuk: It can be, yes.

Mr. Brian Murphy: There's a bullet in here, on page 2, which says "The Quebec region had the largest number of new admissions serving sentences for organized crime offences." This may take you beyond your study, I guess, but why is that?

Dr. Larry Motiuk: We would hypothesize that there had been a long history, with some new legislation response to issues in the late 1990s in terms of some of the organized crime groups that were engaged in Quebec at that time. They received sanctions in the courts and found themselves later in custody. We know that over 70% of the sample were serving sentences, had motorcycle gang affiliations, and that was predominantly in Quebec during those years. And it took a number of years to work through the courts.

Mr. Brian Murphy: I also noted the anomaly about the Pacific region. It goes to prove what I think we found going across the country, that presentation is different in each part of the country.

For my final question, with respect to comparative analysis with other jurisdictions, is there any other study on any similar type of...? I think of American RICO statutes, etc. Is there anything comparative?

• (1130)

Dr. Larry Motiuk: Not that I'm aware of.

Mr. Brian Murphy: Okay. Thank you.

The Chair: Monsieur Ménard, seven minutes.

[Translation]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): There is not so much a rumour but rather a perception concerning the influence of organized crime within the prisons—and this may be due to American movies. We are given the impression that members of organized crime groups have a tendency to take control of what happens inside the prisons.

[English]

Dr. Larry Motiuk: You're correct that the potential for taking control inside prisons and exerting influence is a primary concern for our security intelligence people, as well as the safe and secure management of our correctional facilities. We're always very vigilant about that, and I'm aware that other people from our service have made presentations to this committee that have probably made attestations to the amount of effort that's put towards ensuring that they don't express that kind of influence to the extent that they have control. We are ongoing in our vigilance in terms of various strategies, approaches, and techniques in managing for the eventuality of that or the potential for that and in minimizing those influences within our correctional environments. This is a common theme in most correctional jurisdictions internationally as well.

You're correct. In the United States they have been engaged in this activity much more than we have in the past. There is some variability in our organization. This is a fairly new phenomenon in terms of the magnitude of it within our own correctional environments in the recent decade, for example. To reiterate, it is a prime concern for risk management. This group is a unique sub-population within our broader correctional custodial populations and requires particular attention. This is the primary reason that we did focused research on this group, and we will continue to do so to ensure that the kind of influence they could exert in terms of destabilizing the environment and continuing on with criminal activity, both in the institutional environment, in terms of recruitment and other kinds of activities, and extending out into the broader community.... We're continuing to work on this and to invest considerable resources. We know we've had, for years, a changing offender profile, and this is a significant aspect of our characteristic in terms of organized crime and gang affiliations in our population. We've been very actively engaged in enhancing our security intelligence functions in order to account for that.

[Translation]

Mr. Serge Ménard: Does this make you segregate them from the rest of the prison population, so that there is less contact?

[English]

Dr. Larry Motiuk: There are many approaches to handling the issue. It depends on the group or the individual. We don't use one particular approach for all. That can be one option, and it is one option that is used in certain circumstances in terms of separation or displacement to that population. That comes with other impacts inside the prison environments. We're very cautious about those kinds of things, and there are many strategies.

[Translation]

Mr. Serge Ménard: Currently, there are rival gangs in prison, particularly in Quebec. I imagine this is also the case elsewhere in Canada, but I am most familiar with what happens in Quebec, obviously. I know that we take care that they not be in contact, otherwise there are fights, and even attempted murders targeting prisoners from the other groups. Could you tell us a bit about what you do to separate these groups?

• (1135)

[English]

Dr. Larry Motiuk: Within the correctional environment, there has been, as mentioned, some growth in the numbers and also the variety of various groups and organizations that are affiliated with organized crime and gangs. It's become very complex in terms of managing that population. Most of the strategies that are used are very intelligence-led. Compatibility is a primary concern in terms of assignment for a security-level placement and location in institutions and for control of movement. It's dependent on a very thorough threat-risk analysis for those groups or those individuals, and placement considerations, according to their security needs, are done appropriately.

[Translation]

Mr. Serge Ménard: Have you found that there are attempts made by the criminal organizations in the institutions to recruit young people who come, for example, from street gangs, or perhaps attempts to recruit from the general prison population?

[English]

Dr. Larry Motiuk: We've had reports of attempts to do those sorts of things. There have been descriptions of environments in which others have been approached and recruited. Some will have made claims that this is where they were actually recruited. Having seen that, we're aware of that potentiality. We're reducing those opportunities for recruitment, particularly for those in the population who are more vulnerable to becoming engaged in those activities. We're also providing opportunities to disengage from those activities. Again, it is a very complex environment in terms of managing compatibility, the intentions of others, and the influences—imagine the interpersonal influences—on those offenders. Reducing their ability to recruit and direct others is a major case management function as well as a security function in our organization. It requires quite a lot of vigilant surveillance as well as direct supervision and intervention on our part.

[Translation]

Mr. Serge Ménard: I imagine you should—

[English]

The Chair: Thank you.

Go ahead, Mr. Comartin.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Thank you, Mr. Chair.

Dr. Motiuk, thank you for being here.

I'm going to go on a different tack, although those were, I think, very important questions from Mr. Ménard.

I wasn't quite clear about the studies. I'm interested in the rate of recidivism between the two groups. If I understood, from reading your brief and from what you said today, it's still too early for us to get any kind of accurate assessment of the rate of recidivism for the organized crime group.

Dr. Larry Motiuk: That was a third study, which I am aware is being undertaken by our research branch. It's to follow up on post-release, shall we say. It's an outcome study, which investigates criminal reoffending post the period of incarceration and sentence expiry. I'm not aware of what the rates are yet for that group. However, we would expect it to be quite low, given that our overall rates of reoffending while under supervision are quite low to begin with. As a group, these people require that kind of longitudinal research to see how they fare in the long run.

Mr. Joe Comartin: Dr. Motiuk, let me stop you for a moment. In terms of what you would expect and why you say that, I can see two possible explanations. One is that the organized crime group members are rehabilitated and don't commit further crimes. The other is that they're not rehabilitated, but they are more sophisticated and are less likely to be caught and convicted again. What is the thinking as to why you don't expect the recidivism rate to be as high as that of their counterparts?

Dr. Larry Motiuk: I think if you re-examine what we know traditionally about the predictors of criminal reoffending, these individuals don't present a large volume of those things, such as unstable employment, family dysfunction, and mental health challenges. They will fall outside the ambit of, perhaps, detection. We don't know. Maybe they do desist.

That's why we require that kind of long-term, focused study to disentangle those two areas they are hypothesizing. We could hypothesize that they are rehabilitated. It would appear that they are. But how do you confirm that? How do you actually prove that, other than by the fact that they don't become involved again with the criminal justice system? That's the only measure we usually use: an officially recorded new conviction for crime.

• (1140)

Mr. Joe Comartin: I suppose it would be a breach of their parole if they were associated with other members of the original organized crime gang. Is there any other way of assessing whether they are involved in criminal activity but are escaping detection? I'm really asking about the methodology being used to follow them.

Dr. Larry Motiuk: One could approach them to volunteer to participate in research. Whether that would happen and how valid that would be is another matter.

Mr. Joe Comartin: Could you address what methodology is being used? Is it just subsequent convictions?

Dr. Larry Motiuk: That is the methodology being used. It will traditionally be used, simply because it's so rarely accessible to us.

Mr. Joe Comartin: When do you expect the results of that study?

Dr. Larry Motiuk: I expect they will be out this year.

Mr. Joe Comartin: Okay.

I want to go back to when you categorized them when they first came into the institutions. Can you give us any indication of what percentage were from traditional organized crime gangs versus the newer street gangs? Do you make that kind of breakdown?

Dr. Larry Motiuk: Yes, we do.

Mr. Joe Comartin: Was there any difference in their pattern of behaviour in the institutions?

Dr. Larry Motiuk: There was no difference, from what we understood. There was very little representation of those who were convicted of criminal organization offences who came from street gangs.

Mr. Joe Comartin: So it's a very small number for street gangs.

Dr. Larry Motiuk: Yes, and there was a very large number of those who were in what was described. That made them an artifact of what was happening historically in the courts for motorcycle gang members. Subsequent to that, there were the traditional...

Organized crime was about 17% to 20% of that sample at the time. So the numbers were very small to do a definitive kind of comparative analysis on how they were appearing. There is a small group of those who are convicted on organized crime offences and are also engaged in street gangs. You can't conclude anything from that until you get a robust or large enough sample size.

We are probably approaching that now over time. You just have to build it up. We probably admit around 50 to 60 cases a year of new admissions who have those kinds of criminal organization offences. From a methodological perspective, we're now approaching a sample of around 450 to 500 cases, and that will be enough from which to draw some better conclusions.

Mr. Joe Comartin: Will the longitudinal study be made public when it's completed?

Dr. Larry Motiuk: Yes, we expect so. It was part of the normal production of research reports on various aspects of the correctional population. The first two reports—the profile of them and the prison career follow-up—are already available on the Internet and in the public domain and translated.

Mr. Joe Comartin: Thank you.

Those are all my questions, Mr. Chair.

The Chair: Thank you.

We'll move to Mr. Dechert for seven minutes.

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

Dr. Motiuk, thank you for your appearance here today and for sharing your expertise with us.

You mentioned in your presentation this morning that there were several changes to the Criminal Code in the late 1990s, early in 2001, in 1997, and in Bill C-24 in 2001 that, among other things, increased the sentencing for certain kinds of offences.

In your view, did those changes to the Criminal Code result in an increase in the prison population?

Dr. Larry Motiuk: They did to some extent, but not by much really. If you look at the early years, under 50 cases represented about 1% of our new warrant committal admissions in a year federally. So there was an impact and a small increase.

• (1145)

Mr. Bob Dechert: So there were some additional persons, and the people who were there were incarcerated for longer periods of time.

Dr. Larry Motiuk: Exactly. So there was the cost of extra days of incarceration.

Mr. Bob Dechert: There were extra costs due to their housing and the programming they received during that period.

Dr. Larry Motiuk: That's correct.

Mr. Bob Dechert: I know it's a little beyond the scope of the study you presented to us this morning, but I also note that you're a trained psychologist. You seemed to indicate that these types of prisoners were better behaved while in the institutions and more willing to follow the rules in prison. Wearing your psychologist's hat, why would that be the case?

Dr. Larry Motiuk: There are a number of reasons. They don't present with the same range of problems as the regular population. They come with backgrounds of more stability in their families. They have supports like that.

Mr. Bob Dechert: Are you talking about their personal family or their criminal organization family?

Dr. Larry Motiuk: Either—but they have support, like family support, domestically or otherwise.

They don't present the same range of difficulties in what we would call the "cognitive functioning area", in terms of their thinking. They're better at planning. They're better at goal-setting. They're better at understanding the consequences of certain actions.

Mr. Bob Dechert: These are the more successful criminals.

Dr. Larry Motiuk: Yes, and they're less impulsive. Self-regulation is a huge component of prison adjustment, that is, the ability to regulate one's thoughts and behaviours. They distinguish themselves compared with the other group in having fewer difficulties in these areas. Also with mental disorders, they present less than 1% of those with these kinds of issues.

Mr. Bob Dechert: So, perversely, the more organized the criminal, the more of a model prisoner he or she may be.

Dr. Larry Motiuk: Could be.

Mr. Bob Dechert: Could it be because if you don't follow the rules in the Hells Angels organization, you might suffer severe consequences?

Dr. Larry Motiuk: Well, it could be. There are those possibilities as well.

Mr. Bob Dechert: Internal discipline and—

Dr. Larry Motiuk: The antecedents and consequences of various behaviours are contingent on what those would be.

Mr. Bob Dechert: What kinds of special rehabilitation programs were developed, or should be developed, to address the special needs of a hardened criminal, such as a 20-year full-patch member of the Hells Angels?

Dr. Larry Motiuk: We know there are two primary areas or targets, or “criminogenic factors”, as we call them, for intervention. One is their criminal associations and their social interactions. They have strong attachments. How to disengage them emotionally or in any other way from those affiliations is a major problem and a target for intervention—and a great challenge from a rehabilitation and correctional treatment perspective. The other area is attitudes, values, and beliefs, particularly those areas that are supportive and have a high tolerance for violations of the law.

So these two primary areas are common in many of our violence prevention or substance abuse programs, as well as any other kinds of focused or targeted rehabilitation programs we have.

Mr. Bob Dechert: Are these types of criminals more or less likely to have substance abuse problems compared with the other prison population?

Dr. Larry Motiuk: Less likely. In comparison with the other group, it's not to say they don't have some, but if you compared them with the matched group, they're less likely to.

Mr. Bob Dechert: You mentioned they tend to spend longer terms in prison but that once they achieve parole they're more successful as parolees.

Dr. Larry Motiuk: I'll put a caveat on that. I've not published or done research on the post-release follow-up, in terms of how successful they were in the community post-release from prison. That's the next longitudinal study we would do.

Mr. Bob Dechert: What would you expect?

Dr. Larry Motiuk: I expect they do very well, relative to any other group, and demonstrate a very low rate of return.

Mr. Bob Dechert: And is that possibly because they were in the institution and in programming longer and therefore received the benefits of those programs?

Dr. Larry Motiuk: That would have to come out in the research, which can control for those effects of whether they were exposed to, or participated in, that programming relative to those who didn't. That would have to be tested.

Mr. Bob Dechert: Do you have any idea what percentage of them return to their crime family or the organization they belonged to before they went to prison?

Dr. Larry Motiuk: No, I don't have that information.

• (1150)

Mr. Bob Dechert: Do I have more time, Mr. Chair?

The Chair: You have a minute and a half.

Mr. Bob Dechert: I'd like to defer to my colleague, Monsieur Petit.

[Translation]

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Thank you.

Good morning Mr. Motiuk.

As we are carrying out a study on organized crime, there is a question I would like to ask you. We have seen that drugs are the main source of income and returns for organized crime. You told us, or in any case we know, that there is a drug trade inside the federal penitentiaries or even, in certain cases, in the provincial institutions. What would you suggest as a solution to prevent organized crime from selling drugs in the penitentiaries, even though these are facilities that are closed and monitored by guards? Organized crime is selling drugs inside the prisons, which means that they also are on the inside.

[English]

Dr. Larry Motiuk: The whole issue of eliminating illicit drugs from our institutional environment is a major task that we undertake constantly. We pour many resources towards interdiction as well as intervention. In recent years, we've been making focused efforts to eliminate drugs inside our institutional environments, by improving our technology, our intelligence, and everything from dealing with enhanced scrutiny during visits and at our principal entrances, to engaging more detector dogs, to searching and seizing contraband, and even to our intervention strategies to detect the presence of drugs, and also by reducing demand for drugs through our treatment programs. Probably the heaviest participation rate in our correctional programs is in the area of substance abuse. As we know, a significant portion of our population comes in with issues regarding alcohol and drug abuse, and we provide direct interventions to reduce the demand for those as well.

So it's a major focal point for correctional efforts, both in terms of security and case management and correctional rehabilitation and community supervision afterwards. This is always an area where we constantly need to work. To achieve results, we need to continue to strengthen our efforts in this regard and continue to look for new ways of tackling this problem.

The Chair: Thank you.

I'll move back to Mr. Murphy for five minutes.

Mr. Brian Murphy: Thank you.

I think we're seeing a bit of a dichotomy between organized crime offenders and gang offenders. We know it takes a lot to obtain a conviction under the organized crime portions of the Criminal Code. Your study is very useful and very interesting in that regard.

I'll throw the following out to you, not so much from the point of view of your study but your overall background in corrections and your academic training. The picture you paint of organized crime offenders is far different from what we saw in our tour of western Canada, in particular, with respect to gang members and the way they might behave in institutions. A whole different set of tools might be needed in the institution for them.

I think the kernel of the question, though, concerns issues of rehabilitation and deterrence, which are in parts 7 to 18 of the Criminal Code. We often hear that youth, in particular, and maybe gang members, are not going to be deterred as much by the sentences as regular offenders might be. What I'm hearing is that setting rehabilitation goals for members of organized crime units isn't really going to work either.

Will rehabilitation tools applied to gang members, and I'm thinking mainly of younger offenders, be more effective than those used within the institution for organized crime members—as much as you can separate the two types of offenders?

Dr. Larry Motiuk: Yes, I think you're correct in recognizing that there appears to be a dichotomy between the two groups. The group here that we studied were those who were convicted for a particular kind of offence in the Criminal Code in conjunction with other kinds of offences. As a population, they probably set themselves apart from the broader-based gang member, street-type individual we see in individuals who present more levels of dysfunction in their lives in terms of educational deficits, family dysfunction, cognitive problems, health issues, and addiction issues as well. So the broader-based correctional reintegration programs that we use to target substance abuse and violence prevention and expressions of that can address some of their issues, certainly, and have been, and we've been seeing some results in that regard.

As for this group that has uniquely distinguished itself in the level of sophistication it presents, and which demonstrates relatively less the broader array of criminogenic needs or deficits that we would be tackling in a traditional way, we may have to look at a different approach in terms of how we address these concerns.

Again, I'll liken it to completing some further research and doing the longitudinal outcome areas, so we can actually get a good understanding of what happened in the long run with these individuals, in order for us to make some changes in our approaches.

For now they participate in programs to some extent, but to a lesser extent than the other group. How they are doing will be borne out in terms of the results. We know they're doing relatively well inside the prison environments. We know the other group poses some unique risks in terms of managing within the institutional environments as well. But you are correct, they are turning out to be different, in terms of a group, from the ones you would observe traditionally involved in street gangs and other kinds of gangs that are out there.

• (1155)

Mr. Brian Murphy: Just briefly, if they're not convicted under the organized crime sections of the code, is there even a tracking of gang members, because it would be a value judgment, I guess?

Dr. Larry Motiuk: Yes, they are. It's built into our assessment processes at intake and at admission—any gang affiliation or gang membership. Then it's verified with our security intelligence people, and we monitor that. There has been other research conducted on characteristics of interventions that work with those groups, and evaluations as well.

Mr. Brian Murphy: Great. Thank you.

The Chair: Thank you.

We'll move on to Madame Bonsant.

[Translation]

Ms. France Bonsant (Compton—Stanstead, BQ): Thank you very much. I am neither a lawyer nor a criminologist, but I would like to know something. When you carry out your studies, do you have these people undergo psychological testing in order to see if they are psychopaths or anything?

[English]

Dr. Larry Motiuk: Some of them may have been. As part of our intake assessment process, some offenders are referred for psychological assessments and evaluations. It would be up to the psychologist to determine what tools or instruments they would use, whether it would be the psychopathy checklist or other kinds of instruments.

We didn't go into that level of detail in terms of the psychological evaluations of each one of these cases. I suspect that many of them, for one thing, may not participate in the administration of these things, or may have. But I don't have any knowledge of any research on psychopathy or that kind of research.

[Translation]

Ms. France Bonsant: That brings me to my next question. Earlier on, you said that some members of street gangs—let us call them "prison gangs"—have a family and others do not. Are those who do have a family, either a spouse or children, easier to rehabilitate than those who are alone in life?

[English]

Dr. Larry Motiuk: In a general sense, for offenders—and I'll couch it by saying pro-social family supports—pro-social family supports are a very significant factor in successful reintegration for offenders.

[Translation]

Ms. France Bonsant: All right.

Prisons are more and more often over-populated. Can that be an obstacle or can it slow down the rehabilitation when people are crammed into a prison like sardines? Can that have a psychological effect on the offender?

• (1200)

[English]

Dr. Larry Motiuk: The issues of growth in numbers and the size and composition of the prison population can have impacts if the programs and services aren't there.

[Translation]

Ms. France Bonsant: That is what I was going to ask you, whether or not there are many prisons who have a shortage of professional staff to guide inmates toward studies in order to complete their education, or towards some trade. Do you feel there is a shortage of professionals in the correctional institutions to help them? At times, it is easier to just jail someone rather than help them, is it not?

[English]

Dr. Larry Motiuk: Yes. One of the challenges that corrections will face is recruitment and retention of qualified staff with the skill sets to deliver those kinds of programs and services, and doing so is a challenge even if the resources are there. We know we have a challenge in recruiting forensic psychologists in the correctional systems, because they can work in other systems, depending on their choice of career. We're very actively engaged. Personally, I'm involved in some of that too with the academic institutions, recruiting psychologists and training them, to feed the correctional system and attract them to work in our environments to provide those kinds of services.

[Translation]

Ms. France Bonsant: Do I have any time left, Mr. Chairman? Thank you.

Do your studies deal only with men in prison or have you also done studies on women offenders?

[English]

Dr. Larry Motiuk: The study included everybody, both men and women. Women were very underrepresented in the sample, and so were aboriginal offenders.

[Translation]

Ms. France Bonsant: We are seeing more and more native women, aboriginal women, in the prisons, and I wanted to know if a study had been done on the subject of women who are poorly represented and who are almost automatically put in jail.

[English]

Dr. Larry Motiuk: There are studies available that profile the federal correctional institutions population, both men and women, in terms of gang membership or involvement in gang activities over and above their convictions for organized crime offences.

I need to reiterate that this study was very focused on only those who were convicted of an organized crime offence. The sample size is very small relative to the broader group, whether that is aboriginal people or women, who may have involvement or affiliations with gangs.

[Translation]

Ms. France Bonsant: All right.

[English]

The Chair: We'll go on to Mr. Norlock for five minutes.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Thank you very much for being here, Doctor.

I was just doing some word association as you were giving your evidence, because I find that helps hone down who we are dealing with here. For dealing with the organized criminal, I wrote down some word association. You can comment, vis-à-vis the average person in jail. Then we'll go on to a discussion of that, because some of us belong to public safety and we're engaged in a study of our prisons.

One of the first things, of course, when you deal with organized crime has to do with control. On the outside they have to be people who control—especially their leaders—so I wrote down some word

associations, and I'd just like you to confirm that I'm on the right path here: are intelligent, have leadership abilities, are organized—obviously—are knowledgeable, have access to money, and, in and of that, have excellent legal advice and representation. Then when we're dealing with both the crime and the punishment as well as the organization itself, the consequences of disobedience are harsh and/or terminal, especially when you deal with people like bikers.

Would some of those word associations be correct when describing the average person who comes in as part of an organized crime group?

Dr. Larry Motiuk: I would say the first set of terms you used to describe them would be a pretty good description of those who come in and are convicted of an organized crime offence.

Mr. Rick Norlock: Would I be correct in saying that one of the problems we have in Canada's jails, as well as in most of the jails in western countries, has to do with the closing down in the 1970s and 1980s of the so-called mental institutions, meaning that many of the people who fell through the cracks—in other words, who needed the other social services and institutions that might have been of assistance—are ending up in jail? As a matter of fact, according to our preliminary studies—and Mr. Ménard will, I think, agree with me—80% of the folks in jail suffer from some kind of substance abuse and a very high percentage of inmates have some degree of mental issues, whereas individuals involved in organized crime may fall into that but tend not to because they are the purveyors of drugs and prostitutes and those other things, and while they may use the substance, they probably use it recreationally rather than otherwise. Would that be fairly accurate? If not, perhaps you could identify the areas in which it may not be.

• (1205)

Dr. Larry Motiuk: I think the way you're describing it is pretty consistent with the profile that we did on them, in the sense of the characteristics you describe.

Mr. Rick Norlock: And now for the cure, because you deal with this more than we do. If you're dealing with a person who's very intelligent, knowledgeable, has access to dollars, etc., and they are very cognizant about what they're doing—they know exactly what they're doing and why they're doing it—rather than with a person who's been deprived, from a socio-economic perspective, the crime should be punished far more severely. In other words, these people are motivated by the Pavlovian sort of psychology. In other words, the incentive is making lots of bucks, but the disincentive is you're going to jail for a long time. Am I heading down the right path, in your opinion?

Dr. Larry Motiuk: Well, there are consequences for being prosecuted and convicted for these criminal organization offences, and it would appear that they will serve longer sentences. If that's a consequence unto itself and has an impact on whether or not they would desist from further criminal activity, that still needs to be tested out. That's why I would recommend further research on that very matter, because you're talking about consequential learning in a particular sub-population. How will you know?

Mr. Rick Norlock: Well, if they're very intelligent, knowledgeable, and all those other things, and don't fit the profile, then we have to use pretty basic human disincentives, I would think, other than if a person has a problem with regard to some mental illnesses. You really shouldn't, I suppose is the appropriate terminology, use the same disincentives. The socio-disincentive is jail, or the person who's addicted.... However, we're dealing specifically with the smart organized crime person, the person who has those word associations that I attach to them.

I guess the next question is—

The Chair: Mr. Norlock, you're out of time, so there's no next question.

Mr. Rick Norlock: Okay. I'll save that for next time.

The Chair: All right. Thank you.

We'll move on to Mr. Murphy.

Mr. Brian Murphy: Very briefly, on the 220 subjects, did we get a breakdown? Did you say anywhere about male/female, franco-phone/anglophone, aboriginal at all, that kind of thing? I didn't read any of that. What's the gist of that?

Dr. Larry Motiuk: Yes, 98% of them were men, 2% were women, 5% were aboriginal, and the average age was 36.

Mr. Brian Murphy: Francophone/anglophone?

Dr. Larry Motiuk: We don't have that. Well, given that 80% of them were in Quebec, the majority....

Mr. Brian Murphy: Yes.

Thank you. That's it.

The Chair: Thank you.

Mr. Woodworth.

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

And thank you very much, Dr. Motiuk, for attending.

I am really quite intrigued by today's evidence, because as I was making my points, people around the table were asking you the same thing. So either your report was very well prepared and explicitly set out with things that interest us, or else great minds think alike.

I want to pick up on what Mr. Norlock was saying, because I think he was on the right track. What we're hearing from you is that the organized crime provisions, as they presently exist, actually are catching organized criminals. It's an interesting dichotomy. Organized crime happens to be run by organized criminals, and therefore, perhaps, we should be treating them differently.

If I understand you correctly, the majority of them receive sentences of three years or more. Is that correct?

•(1210)

Dr. Larry Motiuk: That's correct.

Mr. Stephen Woodworth: So at least we're getting them off the streets for those three years.

And your expectation, based on general knowledge, is that there will likely be a low recidivism rate. Is that correct?

Dr. Larry Motiuk: That's correct.

Mr. Stephen Woodworth: All right.

The converse, then, from what you've said, is that the people who are caught by the organized crime provisions are not those who are the lower-level dysfunctional offenders. Is that a fair statement?

Dr. Larry Motiuk: That's a fair statement.

Mr. Stephen Woodworth: Okay. So they're not in jeopardy, it seems, for whatever reason, enforcement or otherwise.

I would like to be clear. I think this was touched on. Your criteria did allow you to distinguish between street gangs and motorcycle gangs and more traditional organized crime. Is that correct?

Dr. Larry Motiuk: That's correct.

Mr. Stephen Woodworth: And of the street gangs, it was a small percentage of your subject population that originated there. Is that correct?

Dr. Larry Motiuk: That is correct as well, less than 1%.

Mr. Stephen Woodworth: Thank you. I'm trying to pick up on a few things here and there.

I'm not sure, but I think one of my colleagues asked you about this. I didn't quite catch the answer, but one of your observations was that the organized crime offenders were more likely to be released later. I wasn't sure if that was comparing similar sentences, and saying that even with similar sentences they would not be released as early, or if it was simply a function of longer sentences.

Dr. Larry Motiuk: Methodologically, we control for sentence length, so you have an equivalent group. What would distinguish the two? Well, one would be where they started off first. Most of them started off initially at higher security levels, medium security, relative to the other group. That can be part and parcel because of the nature of the offences they were convicted of, such as drug offences plus attempted murder plus organized crime offences. They are very serious offences, and the severity of that drives upward your security level placement, combined also with the issue that there are some provisions for eligibilities later, if you're convicted for a criminal organization offence. In general, then, they would stay longer to begin with.

Mr. Stephen Woodworth: Thank you.

I wanted to be absolutely clear. On your last page, under the heading of "Key Issue", referring to limited research, one study profiling and one study following, those two studies you're referring to are the studies you're here to talk about today. Is that correct?

Dr. Larry Motiuk: That's correct.

Mr. Stephen Woodworth: I wanted to be sure of that. Then, regarding the longitudinal post-release follow-up, are you suggesting...? That is the study that is currently being undertaken. Is that correct?

Dr. Larry Motiuk: That is correct.

Mr. Stephen Woodworth: Is it focused exclusively on the issue of recidivism, or are there other aspects of post-release that are being looked at?

Dr. Larry Motiuk: I'm not clear on all of the aspects of post-release, other than that they would probably look at how long till they came back into custody and for what reasons. It could be for violations of various conditions of conditional release while under supervision. They would also look at the type of crime they were involved in as well. They would also extend the analysis. This sample was 220 cases; I would estimate it's close to 450 or 500 cases by now. That would be a more robust sample, and they could replicate the profile to see if these characteristics continued to demonstrate....

Mr. Stephen Woodworth: Do you have any inside track on the timeline for that report?

Dr. Larry Motiuk: The timeline on that would be this year, because they're moving to those stages of near completion, and usually they want to verify data and challenge it for some review. I have offered to do a peer review of it myself, even though I'm out of there, and assist with that.

Mr. Stephen Woodworth: You made a reference to something being available on the Internet. Were those your two studies—

Dr. Larry Motiuk: That is correct.

Mr. Stephen Woodworth: —or are there pieces of this longitudinal study that are already out there?

• (1215)

Dr. Larry Motiuk: No, pieces of the longitudinal study wouldn't be out there. These two reports are research briefs. They're available on the research section or component of the Correctional Service of Canada website.

The Chair: Thank you.

Mr. Rathgeber, no questions?

Monsieur Petit, you didn't have a full question period. You're okay. Is there anybody else?

Mr. Norlock.

Mr. Rick Norlock: Mr. Chair, I did have a follow-up that I wanted to pursue.

We are at the point where we know we're dealing with some pretty sophisticated, intelligent individuals. We now know that they're serving longer sentences. Three years, as far as I'm concerned, for a 33-year-old makes him—generally, it's a “he”—still young enough to be able to do the things that bikers like to do, but at 50 years old you're not too likely to return. That's a discussion for another date.

What kind of programming do you think, as a psychologist dealing with human behaviour, dealing with a human being who is intelligent, organized, all those other things...and is more likely to have learned how not to get caught, because it took a rather expensive, sophisticated police...and the courts had to be given.... The courts are even becoming more sophisticated and able to deal with these people. So they've gone through that whole stage of the cutting edge of policing, the cutting edge of courts, of the judicial process, and now you have them in your institution. What kind of program can turn around that kind of individual with that kind of lifestyle, given that they're not your average prisoner?

Dr. Larry Motiuk: To answer that question, I look forward to the longitudinal follow-up of who didn't succeed post release to the

community, and to start looking into that group of individuals who got re-involved with criminal activity—that was officially recorded. At least then we know. In that group, I would probably delve in deeper, and some of that was mentioned at table in terms of looking in other constructs, maybe psychological evaluations as opposed to the traditional kinds of things that we look at, measure psychopathy, get an understanding of cognitive functioning in terms of how they think and how they operate in the sense of what changes you can make there.

You also have to get a very deep understanding in terms of what is the personal, interpersonal, and community reinforcement for their behaviour. Some of those personal characteristics can be emotional. Some of those interpersonal things can be emotional as well. And understanding the rewards and costs for the behaviour...I think for this group, in particular, the density rewards for engaging in the behaviour are uniquely different than for other offender populations. That requires a fair level of investigative effort and research effort.

Fortunately, in Canada, there are people in the academic community as well as in the correctional organizations who have the skill sets to undertake that kind of research activity.

Mr. Rick Norlock: Thank you.

I have one other item. We always come across the fact that we're really not looking for or for some reason there seems to be an inability to attract the experts such as clinical persons like yourself, psychologists, people who treat people. Would I be correct in saying that...? At least when I watch the news, I hear hospital administrators, people who operate clinics, say they have a hard time attracting professionals into their institutions in order to do the increase in workload they have? Is that a fairly accurate statement?

Dr. Larry Motiuk: I don't know about externally in the health care system. I do know that in the correctional system, the recruitment, retention, and the development of correctional psychologists that we see has been an ongoing challenge, and it's been a very good one.

Corrections Canada has been very fortunate and is a large employer of clinical psychologists in its organization. I think we're almost the largest single employer of psychologists in Canada in the public sector. That's put the caveat around that. We still need more. It has a lot to do with the nature of the kinds of challenges and the populations we're dealing with. We have many sub-populations of offenders to deal with that present unique challenges for risk management, assessment, programming, supervision and estimating release risk, all with the goal of enhancing public safety.

So are there challenges? Certainly. A lot of it has to do with the rewards for somebody engaging in this kind of work and how you retain them. It takes a long time to develop a qualified professional in our system, and it takes many years of education and internships, and there are many hurdles to climb in order to become a qualified practitioner. The investment has to start not only in the academic institutions for training of health care and mental health professionals and whatnot, but should also carry over for opportunities and support while they're within the various systems.

• (1220)

The Chair: Thank you.

Anyone else? Yes, Mr. Ménard.

[Translation]

Mr. Serge Ménard: What percentage of the correctional population would be people who were convicted as members of criminal organizations?

[English]

Dr. Larry Motiuk: If we use this study, we'd have an underrepresentation of the full extent of that. It depends, again, on the definition of what organized crime is or gang membership and gang affiliation. From our estimates of that, we have seen numbers that would range from about 8% of the population upwards to about 14%, and of course there's regional variability across the board on that. I would say that within that range, from 8% to 14%, there are individuals who are affiliated or who have been members at point of admission with organized crime or gang groups. That number has been increasing over the past decade.

[Translation]

Mr. Serge Ménard: Of those that you have studied, how many were found guilty for offences other than participation in organized crime? I am referring obviously to specific offences, which is to say being a member of a criminal organization or having committed a crime as a member of a criminal organization. In fact, what I want to know is whether or not this legislation is helping us or, at the end of the day, given that organized criminals will commit crimes, we should perhaps not limit ourselves, as they do in British Columbia, to finding them guilty of the crimes that they commit.

[English]

Dr. Larry Motiuk: We know that the majority of them were convicted of other kinds of offences. About 80% of them were convicted of drug offences. That's a pretty substantial proportion. Another substantial proportion was convicted of attempted murder on top of that. That speaks to the nature of criminal involvement of these individuals.

I hope that answers your question.

[Translation]

Mr. Serge Ménard: Yes, but if you ever come back, be aware also of our concern. It is very complicated to prepare a case against a criminal organization. It is also generally very expensive. But many people involved in those cases commit very serious offences. An attempted murder is very serious, and a murder is even worse. Is it really worth it to charge those people? Do judges take into account, when they decide on a sentence for an attempted murder, that the offence was committed for a criminal organization, and not by a

rejected or jealous husband trying to kill the fellow who replaced him in the arms of his partner?

[English]

Dr. Larry Motiuk: I'll answer that question in a couple of ways. First and foremost, there used to be only one criminal organization offence in the Criminal Code. Once there were three, it opened up the door to different levels of involvement and analysis. It's going to be very helpful in the long run to see people who are simply participating in a criminal organization, versus those who are doing an activity for an organization, versus those who are leading or influencing that organization. I think we'll have an ability to look at that more carefully to answer some of those broader questions in the long run.

So has it been worth it? There has certainly been an impact on the criminal justice system. We have people who have been identified. As we know, if you are identified as somebody who was convicted of a criminal organization offence, it's taken quite seriously. It impacts on things like classification, decision-making, release risk, and awareness of that population. Dealing with a unique group of the population who have had these offences has enabled us to examine more closely who they are, what they are like, and how they distinguish themselves from the rest of the population. We have been able to bring to bear more knowledge and better strategies and understanding of what it will take to manage this population effectively.

We're dealing with offenders after they are apprehended and convicted. The issue of how we can prevent this will come out as well. How can you influence this so it doesn't manifest itself in the long run? It is costly, and the social cost of crime is huge. They contribute to this. Anything we can bring to bear from our knowledge and understanding of how to impact on that will certainly contribute to public safety in the long run.

• (1225)

The Chair: Thank you.

Does anybody else have questions?

Madame Bonsant.

[Translation]

Ms. France Bonsant: If I understood correctly, Bill C-24 was divided into three parts for statistical purposes. Does that mean that if someone is charged with gangsterism, they will be sentenced for one of the three offences, or will their sentence be tripled, or... Do you see why I don't understand why you say that to divide an act in three is good, since we do not add up sentences, as far as I know, right? As I was saying, I am not an expert, I know more about telecommunications.

[English]

Dr. Larry Motiuk: To explain again, as a result of that change there are three offences now in the Criminal Code as opposed to just one. That gives more specificity to their involvement in that activity and allows you to analyze the population.

I'm going to take it from a research perspective. Do these groups distinguish themselves in any meaningful way? Are there some meaningful characteristics that distinguish somebody who simply participates versus somebody who acts on behalf of that organization? Will they allow us to do risk assessment, security classification, program placement, and release-risk prediction once there are enough cases to look at? That's why my plea is for more research in this area. That would be very helpful to gain a better understanding and raise awareness of who these individuals are.

[Translation]

Ms. France Bonsant: Okay, thank you.

[English]

The Chair: Thank you.

I'm looking forward to reviewing the portion of your study that relates to the post-release offender experience. I think that's something this committee would be very interested in seeing. Would it be possible to get a copy of that once you've released it?

Dr. Larry Motiuk: Yes. I want to be clear that I won't be the author, but I will certainly endeavour to work with the people in the research branch to make sure it's a very good product. When it is released, the committee can rest assured it will be made available to you.

The Chair: Is there something you would like to share with us on how we could most effectively deal with organized crime, specifically from your broader experience with the corrections system and organized crime?

Dr. Larry Motiuk: Some of that was raised here. There is a dichotomy, and I really see that in this information. There's a difference between those who are the organizers and leaders, who are fairly sophisticated and running organizations, versus the rest. How we delineate the two, become aware of the two, and manage the two groups is very important for understanding.

It's a fairly new phenomenon for us in Canadian corrections. I know in some regions it's been around for a long time; other regions are experiencing it now. It has been manifested in the correctional systems in the U.S. for a long time.

Colleagues who have done research in this area have given us some insights on the level of embeddedness of somebody in an organization. It's a critical factor that we need to gather for the research as well. Our ability to disengage somebody from an organization is usually contingent on the amount of embeddedness they have within that group.

They have developed new tools and techniques, and we can learn from others internationally as well. So I would implore you to continue to support advanced research in this area and focused research on this topic, because very little has been done.

● (1230)

The Chair: Thank you very much. Your testimony has been very helpful.

We're going to suspend for a couple of minutes and then we will go in camera.

[Proceedings continue in camera]

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