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Chair

Mr. Ed Fast

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•(1105)

[English]

The Chair (Mr. Ed Fast (Abbotsford, CPC)): I call the meeting to order. This is meeting number 17 of the Standing Committee on Justice and Human Rights. For the record, today is Thursday, May 13, 2010.

You have before you the agenda for today. Pursuant to the order of reference of Monday, May 3, 2010, we're continuing with our review of Bill C-4, Sebastien's law, which is an act to amend the Youth Criminal Justice Act and to make consequential and related amendments to other acts.

To help us with our review, we have a number of witnesses. First, we have Dr. Tim Croisdale, assistant professor at California State University. We also have Arlene Gaudreault, president of Association québécoise Plaidoyer-Victimes. I hope I got that right. Representing the Association des centres de jeunesse du Québec, we have Madame Goyette, the director.

Welcome here.

I think you've been told that each of you has ten minutes to present and then we'll open the floor to questions.

Anybody here who doesn't know the rule, if you have a cellphone, please turn it to vibrate or shut it off completely, so we don't have any disturbances.

Dr. Croisdale, if you'd like to start, you have ten minutes.

Dr. Tim Croisdale (Assistant Professor, California State University, As an Individual): Thank you.

Good morning, Chair Fast and honourable members of the committee.

Thank you for the opportunity to speak here today. My name is Tim Croisdale. I'm an assistant professor at California State University in Sacramento. I'm also adjunct professor in the School of Criminology at Simon Fraser University in Burnaby. Also, I'm senior scholar and international visiting professor at the Institute of Canadian Urban Research Studies, also at Simon Fraser University.

I am here today to speak about research related to Bill C-4, which seeks to address concerns about dangerous violent young offenders and young offenders with patterns of repeated offending. My statement will provide an overview of the research on persistent offending and report findings of research on persistent offending and violent offending I have been involved with as they relate to Bill C-4.

Persistent offending is commonly defined as repeated offending. It is not, however, simply more offending, but should also be considered and examined as an individual's failure to stop offending. Persistence also means, then, failed responses to offending that may lead to violent offending.

Persistent offender research is conducted within the topic of criminal career research and includes the areas of onset, frequency, seriousness, and duration.

Onset refers to the age at one's first offence, often measured by arrest. Ages for youth onset are the teen years, from 13 to 17 years. Early onset occurs at 13 or 14 years of age.

Research findings revealed two findings regarding onset. First, the earlier the onset age, the more frequently an offender will offend. Second, the earlier the onset age, the longer the offender will continue to offend. Early onset, therefore, is a good predictor of future offending. Research indicates that persistent offenders begin offending early in life. That is, they have early onset.

Frequency of offending refers to the amount of offending by individuals and is most commonly measured by number of arrests. For youth, as age increases through the teen years, so does the amount of offending, producing an increasing trajectory from the early onset ages through the late teen years.

Examination of the number of arrests of youth, by age, reveals an age-crime curve that illustrates that the number of arrests are initially lower in the early teens, increasing through the mid-teen years, peaking at ages 18 and 19 years, before beginning a decline in the early twenties and continually declining throughout the twenties. Persistent offenders not only begin offending early in life, they continue offending at higher rates through their teens and twenties than other offenders.

While persistent offenders are numerically a smaller group than other offenders, they account for a disproportionately large amount of crime. An analysis I conducted on arrest data in British Columbia found that between July 2001 and June 2006, a small group, 9.2% of all offenders, accounted for 36.2%, or over one-third, of all arrest charges in the province.

When considering persistent offenders, we should not only refer to seriousness as the severity of the crime, but also we should discuss seriousness in terms of the total amount of harm caused by numerous repeated offences.

While most often engaging in non-violent offences, persistent offenders are a drain on criminal justice system resources. When one considers the vast amount of resources that are necessary to respond to persistent offending, even persistent nuisance offending increases in seriousness.

Persistent youth offenders do not specialize in one type of crime over time. However, for persistent offenders, offending leads to more offending and in some cases it leads to violent offending.

Desistance is considered to be the end of the criminal career, the cessation of offending. Career length for offending is often calculated by the duration between onset and last arrest. True desistance, however, cannot be determined until an offender can no longer engage in crime. Persistent offenders not only begin offending earlier and offend more often than other offenders, they also offend for a longer duration. That is, they have longer criminal careers.

My own research has focused on persistent offenders, the existence of persistent co-offending, and patterns of persistent co-offending networks.

Two studies I have conducted in California analyzed long-term offending. Examining offending over long terms, 14 years in one study and 18 years in the other, greatly increases significance of findings as short-term variations in offending patterns are reduced. Both studies also followed large populations of youth offenders, further increasing the significance of the findings.

Research on persistent offenders and co-offending networks I have conducted in British Columbia examined offending over four years and included an examination of over nine million records of data. Some important findings from my research on persistent offending are as follows: youth had an average of 10 arrest charges before admission to a correctional institution; the age-crime peak of persistence is 16 to 17 years, two years earlier than crime normally peaks for youth offenders in general; the average age at first incarceration into a youth correctional institution was 17; a small percentage of youth persistent offenders is responsible for a larger percentage of crime; persistent offenders have been found to co-offend in co-offending criminal networks; persistent offenders with 10 or more arrest charges are less likely to actually be charged than offenders with single arrest charges.

Why are persistent offenders different from other offenders?

Most offenders cease offending after their first encounter with the criminal justice system. With additional encounters, more offenders cease to re-offend. In fact, most first-time juvenile arrestees are not

arrested again, and the majority of those arrested twice are not arrested a third time.

Persistent offenders are resilient, in that they resist informal interventions and formal sanctions at all levels, even as they increase in severity. Persistence is fundamentally a measure of an offender's resistance to intervention, to rehabilitative efforts, and in some cases to punishment. Repeated arrests, then, equal repeated failures to desist offending. As such, in an examination of persistence, arrests no longer can be considered as simply arrests but as active interventions attempted yet resisted by the offender.

While many persistent offenders offend non-violently, some begin to commit more serious crimes and violent crimes. Increasing offence severity is another indication that prior interventions have failed and been resisted. Persistent offenders start early, offend often, and offend longer, leading to a high likelihood to offend throughout their lifespan. Persistence is a precursor to later offending. Measures must be in place to protect the public from the worst persistent offenders and violent offenders.

What should we expect, then, from youth who persist to offend? We should expect to see long and active criminal careers. It is true that they account for more offending and offend for a longer time than other offenders. It is true that they offend at a higher rate into adulthood than other offenders.

For example, for the youth persistent offenders in our study, following release from incarceration and discharge from the subsequent parole the number of arrest charges peaked again at age 21. Further, our study in California found that arrest rates for persistent offenders aged 21 to 24 were eight times higher than the national average arrest rate for the same age group.

Persistent offenders, however, do not continue to offend at a high rate throughout adulthood. Persistent offenders' number of offences do gradually decline with age, although they still offend at a higher rate than do other offenders.

The facts surrounding persistent offenders tempts the conclusion that criminal justice sanctions are ineffective. However, studies have found crime reduction effects of sanctions.

• (1110)

Our study found that during post-release parole arrests remained relatively low, suggesting that supervision under the criminal justice system reduces criminal behaviour. And even with the post-release spike at age 21 in arrests, criminal behaviour was lower after youth incarceration than it was before.

For those persistent offenders in our study who subsequently were incarcerated in adult correctional facilities, arrest rates declined with age after release from those facilities. The re-arrest rates of those incarcerated again as adults were about half the level prior to that incarceration.

How does Bill C-4 help? Society needs protection from persistent and violent young offenders. Bill C-4 proposes amendments to certain provisions of the Youth Criminal Justice Act, welcomed by Canadians, based on the experiences of victims of persistent and violent young offenders. The amendments are also consistent with research on persistent and violent young offenders, and as such offer the criminal justice system an evidence-based and appropriate response to these types of offenders.

There are a small number of dangerous offenders and re-offenders causing a disproportionate amount of crime and harm in Canada. In conclusion, I offer my belief that the amendments to the clauses of the YCJA target that small number of dangerous and repeat offenders from which Canadians should be protected.

Thank you.

• (1115)

The Chair: Thank you very much.

We'll move on to Ms. Goyette. You have ten minutes.

[*Translation*]

Mrs. Michèle Goyette (Director, Special services and Services to Young Offenders, Centre jeunesse de Montréal - Institut universitaire, Association des centres jeunesse du Québec): Good morning. I would first like to thank the committee for inviting our association to come and present our views on Bill C-4.

My name is Michèle Goyette. I am a criminologist. I have worked in the youth offenders network in Quebec for over 30 years. I am currently the Director of services to young offenders at the Centre de Jeunesse de Montréal. I am a member of the board of directors of the Société de criminologie du Québec and of the Quebec section of the

Child Welfare League of Canada. I am here today to represent the Association des centres jeunesse du Québec, to convey our position on Bill C-4.

The Association des centres jeunesse du Québec is an organization of 16 youth centres in the 16 administrative regions of Quebec. Each of the centres offers services for children, youth and their parents, under the Youth Protection Act, the Youth Criminal Justice Act and the provisions of the Civil Code relating to adoption.

There seems to be a problem with the translation.

[*English*]

The Chair: Yes, I am hearing the English interpretation. We can hear English now, yes.

Please continue. If we have a problem, I'll stop again.

Mrs. Michèle Goyette: Do I have to start back at the beginning?

The Chair: No.

Mrs. Michèle Goyette: Okay, I'll continue.

[*Translation*]

We have about 13,000 employees, nearly 900 of whom specialize directly in working with young offenders. Note also that the Directors of Youth Protection who are in charge of the youth centres are also provincial directors under the Youth Criminal Justice Act. This means that we are very interested in the decisions that will be made in this Parliament, because working with young offenders is our stock in trade and our day-to-day work.

Before talking about Bill C-4 itself, we would like to point out that we were expecting a real revision of the Youth Criminal Justice Act in 2008, as promised, with real consultation with organizations that work with young offenders. That broad and open consultation did not take place, and we hope that it will be done seriously, with intensive involvement by the groups that work with young offenders everyday, as well as in research, and by organizations that advocate on behalf of victims.

That being said, we have read the changes proposed by Bill C-4 and we have several major objections, which I would like to explain.

The first objection relates to clause 3 of the bill, which amends section 3 of the Act. We believe that the change proposed in clause 3, placing the principle of the proportionality of the sentence above everything else, including prevention, rehabilitation and reintegrating the offender, amounts to going 100 years backwards in terms of legislation about young offenders. Whether it be the victim of the offence or society as a whole, everyone benefits if the offender makes a positive change in their behaviour. Some mathematical formula for proportionality is not going to do that, what will do that is intervention strategies tailored to each young person, of course based on aspects of the offence, but also on the unique characteristics of each young person.

On that point, the Quebec model for intervention advocates a differential approach, the right measure at the right time. That model has stood the test when it comes to results, since the youth crime rate is lower in Quebec than in most other Canadian provinces.

The other clause that raises problems for us is clause 7 of the bill, where denunciation and deterrence are added to the decision-making criteria. Every study that has been done to date shows that these strategies do not work to prevent youth crime; the contrary is true. These are principles imported from the adult criminal system, that do not take into account the unique characteristics of adolescents.

What are those unique characteristics? Young people's maturity level is different from adults'. That means two things. First, what stops them before they commit a crime, and what stops them afterward, is different. Second, in the case of young offenders, the right measure at the right time means that the situation will be examined by competent people who are capable of understanding the unique situation of each young person. This is not a mathematical formula, it is a matter of doing a psychosocial and criminological assessment of the young person. Measures relating to young people must also involve the parents and demonstrate concern for the victims. Those are the principles that we stress in the Quebec model.

The other clause that raises major problems, in our opinion, is clause 20 of the bill, which amends section 75 of the Youth Criminal Justice Act to allow the judge to lift the ban on publication of the name of a young offender who is found guilty of a violent offence. In our opinion, that does not help anyone, because it seriously limits the possibility of reintegrating a young offender into society.

What is the advantage in ostracizing a young person, depriving them of the opportunity to take positive control of their lives through work or education? Is this not a way of reducing their options and keeping them on the road to crime, and thus creating new victims?

The Association des centres jeunesse and the provincial directors are sensitive and empathetic toward victims, and say that the government is on the wrong track when it claims that society will be better protected by implementing more coercive measures.

• (1120)

The present act already allows for these situations to be dealt with and public safety to be protected. In fact, the situation of Sébastien, to which the bill refers, clearly illustrates what is possible under the act, since the young offender in question in that offence has already been sentenced as an adult, on the recommendation of the provincial director to the Youth Division of the Court of Québec. Today, the

young person who murdered Sébastien is serving his sentence in an adult prison.

This example clearly illustrates that the legislative tool for protecting society is already available and the people responsible for administering the act take their responsibilities seriously and protect society.

To summarize, we are very concerned about the long-term effects of the proposed changes. The loss of the protection of young people's identity, exemplary sentences based on denunciation and deterrence and proportional to the offence above all else, are the opposite of what we have constructed as the model for dealing with youth crime.

That model is in fact the envy of many countries, who come to visit our facilities, or who invite us to train their personnel. It has also proved itself through its success in terms of preventing youth crime and rehabilitating offenders and thus effectively protecting society.

Instead of finishing the job of dismantling a model that works, why would the government not invest more in concrete measures to reduce poverty and social misery, particularly among aboriginal people, and to promote access to education, employment and housing, instead of pursuing this get-tough, enforcement approach, which in our opinion leads nowhere?

Thank you for your attention.

• (1125)

[English]

The Chair: Thank you very much.

We'll move to Ms. Gaudreault. You have ten minutes.

[Translation]

Ms. Arlène Gaudreault (President, Association québécoise Plaidoyer-Victimes): Mr. Chair, ladies and gentlemen, my name is Arlène Gaudreault. I am here as President of the Association québécoise Plaidoyer-Victimes. I am a founding member of the association and I have been its president since 1988. I have been very involved in the field of victimology for about 30 years. I have taught at the École de criminologie since 1993. My work has been recognized by the ministère de la Justice, which awarded me the Prix de la justice. I have also received an award for my work from the Commission des services juridiques du Québec and the Canadian Criminal Justice Association. As an expert, I am a member of the advisory committee to the Policy Centre for Victim Issues of the Department of Justice of Canada.

I would like to thank you, on behalf of the Association, for inviting us and hearing our views in this consultation. I am simply going to tell you that since 1984, the Association québécoise Plaidoyer-Victimes has been working to create a justice system that is fairer and more humane to victims of crime. In all these years, in everything we have done and said, we have always been concerned with the difficult balance that must be struck between protecting victims and rehabilitating offenders. We have always kept respect for fundamental rights, both of victims and of offenders, in mind. For these reasons, it is difficult to support the aims of Bill C-4, C-4, An Act to amend the Youth Criminal Justice Act and to make consequential and related amendments to other Acts..

It is our opinion that this bill marks a backwards step in relation to the practices and expertise that Quebec has developed, in rehabilitating young offenders and reintegrating them into society. It is also a significant break from the philosophy for the treatment of these young people. It opens the door to an undesirable shift toward incorporating measures modeled on the adult criminal justice system into the youth criminal justice system.

We wanted to meet with the committee primarily to express our concerns and questions regarding this bill, in response to the needs of victims of crime. Protection of society is a fundamental value that must be preserved. In light of our mission, we are particularly concerned about victims' safety.

We do not believe that calling for a more enforcement-oriented justice system will automatically translate into greater protection for society in general, and victims in particular. We are not the only ones who think this. Other organizations and people who advocate for the rights of victims in Canada share our belief. In his recent report entitled "Toward a Greater Respect for Victims in the Corrections and Conditional Release Act", Steve Sullivan, who is the Federal Ombudsman for Victims of Crime, wrote:

Victims understand, better than most, that nearly all offenders will eventually be released from prison. Given their personal experiences, they know the impact violence can have, which is why many victims sincerely hope that offenders will be rehabilitated while in prison. The best protection victims, their families and the community will have is if the offender can learn to modify negative behaviour before he or she is released.

I think those comments are relevant if we consider them in relation to the bill currently being considered. What do victims want? If victims still feel marginalized in the criminal justice system, if they are still disillusioned, that cannot be explained solely and primarily by the fact that sentences are not harsh. Responses to the needs of victims must be addressed from a much broader perspective than sentencing. That is what we would hope to hear.

In 1988, the report of the Standing Committee on Justice and Human writes entitled "Victims' Rights, A Voice, Not A Veto", summarized the legitimate aspirations of victims this way. They ask to be able to participate at all stages of the proceedings, they ask for information about how the justice system functions and they want to know about the programs available to them. They are critical of the uneven availability of programs and services and they want the imbalance they see in the criminal justice system restored.

The question is, when we are talking about the needs of victims where the offender is a minor, how do we meet those needs, when we know that a large proportion of victims, 52%, are young people,

and that 20% of those victims are family members? Those figures are taken from Juristat statistics. How do we deal with victims of serious violence and victims who have lost a loved one at present? How much support are they offered in the process, in Canada?

● (1130)

What services are they offered in the courthouses and in the community? How can victims in Canada learn about the what progress a young person is making in closed custody or on probation? How can they know whether that young person has made progress in their program?

I would say that we do not have a good understanding of the special needs of victims who are dealing with the youth criminal justice system and how they are treated. We have no answer to the questions I have just asked, even though they relate to the well-being and physical and psychological security of the victims and the people close to them. Nor do we have data about the services and programs that enable victims to recover. As well, we don't know, in Canada, how we are meeting our obligations to them, and that is a matter of some concern.

The committee noted the imbalance between resources for offenders and resources for victims. We wonder to what extent that imbalance will continue or even worsen, when we see the budgets that are going to be allocated to enforcement as compared to the resources spent on initiatives to help victims of crime.

Victims are not a monolithic group, nor do they follow the same process or have the same needs or the same expectations of the justice system. When we listen to them we must respect their differences. To argue otherwise is reductive.

Unfortunately, victims are often associated with enforcement programs. Victims' cause is increasingly exploited and used as a tool for partisan purposes by political parties of all stripes. Victims' rights are used to legitimize more crime control, but that discourse does not express the position of all victims, with the nuances that must be recognized. It does not serve the cause of victims, and we reject Canada's decision to take this path, in particular in this bill.

As noted by Allan Young, a professor and eminent legal expert who did a study for the Department of Justice of Canada in 2001, there is no evidence to support the hypothesis that victims want harsher sentencing. In fact, studies show the opposite. Initial research involving victims done in the early 1980s highlights the fact that victims are not excessively punitive, any more than people who are not victims. That is also the case among victims of violent crime.

In a letter sent recently to Prime Minister Stephen Harper, Mr. Sullivan recalled that measures that focus on enforcement and harsher prison sentences do not, and I quote, make any real difference in victims' lives.

In fact, every day we receive telephone calls telling us that responding to victims' needs does not just mean keeping offenders in prison longer. In our associations and our groups, we hear victims saying the same thing. They are really looking for services to help them and information to support them in the process, particularly when they are dealing with the compensation scheme or other programs.

We reject the fact that Bill C-4 has been proposed without any real consultation being undertaken with a broad range of people, victims themselves and organizations that have been involved with them for at least three decades and have taken up their cause everywhere in Canada.

The present government still has a lot to do, to give effect to victims' rights, to guarantee them more participation in the criminal justice system and access to services.

Even more effort has to be made in the youth network, particularly to develop a pro-victim culture among all actors in that network. Victims of an offender who is a minor are still being neglected. By trying to toughen sentences for some categories of offenders, the reassuring message is supposed to be that victims are being taken care of and what becomes of them is a matter of concern, but in reality neither the root problems nor the solutions are being tackled. It is a way of salving their conscience.

Initiatives for victims and offenders must be based on a long-term vision and must not be developed for political gain. It is easier to amend legislation than to fund services.

The Association québécoise Plaidoyer-Victimes submits that measures to help parents and families reduce poverty and inequality are essential to combat and reduce criminal victimization. We can restore confidence on the part of victims and the public in general by other means, by other solutions, than enforcement.

• (1135)

Thank you for your attention.

[English]

The Chair: Thank you.

We'll move to questions now. Ms. Mendes, you are the first one.

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

[Translation]

I would like to thank all three of you for your testimony. I don't think you have to work very hard, Ms. Goyette and Ms. Gaudreault, to persuade us of your position on the bill, and particularly on the flaws it demonstrates rather plainly. In the Liberal Party, we are quite supportive of the questions and problems you raise.

There are victims when crimes are committed. If we prevent those crimes, the probability of there being victims is much lower. That equation really is pretty simple. We need to put more emphasis on prevention and on combating poverty, among other things. Ms. Gaudreault, Ms. Goyette, you both said that. In my opinion, the best way to avoid having victims is to prevent crimes.

Regarding what you said, in particular about clause 3 and measures proportional to the seriousness of the offence, what are you relying on when you say that what is proposed in the present bill goes against prevention, that it does not guarantee a better outcome for victims?

Mrs. Michèle Goyette: In my experience as a worker on the ground, and that is really how I define myself, when a decision is made by a judge about an offence, the nature and circumstances of the offence are important, but we want the decision to be one what will give the young person an incentive to change their behaviour, we have to take all of the circumstances into account. We cannot simply apply a mathematical formula.

Take the example of two similar offences committed in very different circumstances by young people who have very different needs. In one case, there has to be fairly harsh punishment, because the young person's entire profile and record indicate persistent criminal behaviour, somewhat as the gentleman said. That kind of situation calls for time. Persistent delinquency involves time. But if the same offence is committed by a person who actually acted in accidental or unique circumstances, for example because of mental health reasons, we are not talking about the same needs.

In those circumstances, if judges are required to apply a principle that results in them automatically doing legal math, that is, ruling that this crime means that sentence, they cannot take individual differences into account. That is why we use the differential approach as a tool when dealing with young offenders. We want to determine who we are dealing with, what the needs are, why that young person, specifically, is committing crimes. We can then tailor interventions that will bear fruit, that will really lead the young person to get out of crime. In that situation, everyone wins.

Mrs. Alexandra Mendes: I think the prevention policies and measures applied by Quebec have proved this for several years. The issues are being addressed.

Mrs. Michèle Goyette: Yes, the youth crime statistics show that our model is the right one, if I may say so.

Mrs. Alexandra Mendes: Ms. Gaudreault, do you think that all these prevention measures, particularly for youth crime, are much more effective in the long term than the strict application of punishment?

Ms. Arlene Gaudreault: Clearly we have to focus our efforts on programs that will prevent youth at risk from getting trapped in antisocial behaviour. We have to help disadvantaged families. We have to work on access to education. There is a lot of crime or delinquency in the schools. We have to work on programs that focus on dispute resolution. We also have to teach young people how to react to and identify violence. There have been very interesting experiments on this subject. We have to allocate the resources.

When you work with victims, you are also concerned with what is called prevention, how can I put it... In fact, it isn't really prevention, because we are at a third level. In other words, when a person has already been a victim, we have to ensure that the consequences and impact of the victimization are not aggravated. That is why I stressed the importance, in my presentation, of humanizing the justice system, of supporting victims and giving them information.

A lot of things have been done in the adult justice system, for example with the Conditional Release Act, in the entire correctional system, to provide more information, to make sure that victims know what is happening. In terms of prevention, one concern is the victim's psychological state. We know that the justice system often victimizes the person again. There is a lot of secondary victimization because the job is not done well and we don't know how to treat victims. If the job is done better, we will avoid victims having as negative a view of the justice system. They have to feel that they are being treated better and they have to be able to continue their process. Victimhood is a temporary status. A person should not remain a victim all their life. A victim stops being a victim when they separate themselves from the offender. To help them separate themselves, we have to do our job well at every stage. That is what organizations that assist victims keep hammering away at. The job has to be done well at every stage. The problem of victims of crime is not going to be solved by locking people up and doing nothing, because the victims will be even more enraged. We also have to address the question of safety.

•(1140)

Mrs. Alexandra Mendes: I agree with you completely, Ms. Gaudreault. You said that you don't have all the answers to the questions victims ask. You also talked about the lack of resources for finding the best possible answers to those questions.

Do you think that if the federal government put more resources into finding ways, the best way to meet victims' expectations, that could be one way of meeting their...

Ms. Arlene Gaudreault: I am practically running to the mic to answer that. Yes, indeed. No assessment is done of victims who go through the youth justice system.

Yesterday, as I was preparing for this consultation, I spoke with Ms. Kane, who was the director of the Policy Centre for Victim Issues. No research is being done on the questions I have raised. However, I will say that the Policy Centre for Victim Issues is doing excellent research work. Recently, there was a study on the subject of compensation and victim impact statements, but there has been no research on the questions I have raised. There are no program evaluations. There are not a lot in Canada, but particularly when we're talking about the youth system.

I would point out that where the offender is a minor, victims are further marginalized. We are even less concerned about our obligations to those victims. I have to qualify my words. In Quebec, in the case of diversion programs, for example, we are starting to get more experience in mediation with victims. We are starting to give information, but the fact remains that this is 2010 and we still have a lot of work to do.

[English]

The Chair: Merci.

We'll go to Monsieur Ménard for seven minutes.

[Translation]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Thank you, Mr. Chair.

You have realized how little time we have to question you. Let me say very quickly, to all three of you, how much I appreciated your

presentations. I am going to have to limit myself to a few things. I hope others will understand what we already understand when we have lived in Quebec and are familiar with the system for dealing with youth crime.

Mr. Croisdale, you have, in a way, become an expert on persistent offenders. Is that correct?

[English]

Dr. Tim Croisdale: Yes, it is.

[Translation]

Mr. Serge Ménard: These persistent individuals represent what percentage of overall youth crime—excuse me, "youth crime" isn't a good way of putting it—all young people who commit crimes?

[English]

Dr. Tim Croisdale: In British Columbia, we found that about 5% to 10% account for about one-third of the crime, and that is consistent in all the research over about 50 years. You'll see percentages varying from about 5% to 15% accounting for about 30% to even 70% of the crime for youth.

[Translation]

Mr. Serge Ménard: Did I understand correctly that in your analysis you think that Bill C-4 may be useful for dealing with these 5% to 6% of offenders?

•(1145)

[English]

Dr. Tim Croisdale: Yes, I do.

[Translation]

Mr. Serge Ménard: But you have no opinion about the other 95% of the young people who go through the system.

[English]

Dr. Tim Croisdale: Those youth are generally helped by interventions, by sanctions, by first and second arrests, and they drop out. They're not in need of what I support are the punitive sanctions that it will enable for violent and serious offenders.

[Translation]

Mr. Serge Ménard: You may have followed—I noticed that you kept the translation device—what was presented by the other two witnesses. From what you understand, is their approach a good one for that 95% of young people?

[English]

Dr. Tim Croisdale: Yes, it is.

I have a strong conviction for rehabilitation and treatment. I grew up in western Canada. I worked in CSC. I conducted research for CSC. I was a correctional officer at one of the low-medium-security federal facilities. Coming out of the academy, I was assigned to this facility because of my conviction and dedication to treatment.

In Canada, we do treatment well, or we attempt to do it very well. So yes, that approach helps a lot. But there's still a need for that serious violent small percentage who continually resist the lower-level sanctions and interventions.

[*Translation*]

Mr. Serge Ménard: Ms. Gaudreault, I think you, and maybe Ms. Goyette also, talked about people from foreign countries who come to study the Quebec way of dealing with young offenders. Can you give us more detail about that? Can you tell us what countries they come from, how often, and so on? And can you tell us a little more about that?

Mrs. Michèle Goyette: We regularly receive delegations at the Centre jeunesse de Montréal, as do other youth centres in the province, from European countries, South America and Africa. They come to see exactly what we do in dealing with young offenders, in terms of rehabilitation.

Last March, I went to Brazil myself, where we gave training on our intervention model. There is a lot of respect and keen interest in what we are doing here, because that approach, which is valid for Quebec, can also be transposed to different countries. It is a model that is the envy of a number of countries. In fact, some countries, in the work they are doing to amend their legislation, and I am thinking of Chile and Peru, among others, come to consult people in Quebec. So we are recognized abroad for what we are doing.

Mr. Serge Ménard: Since I have no time, can I say that we are better known abroad than in the rest of Canada?

Mrs. Michèle Goyette: We are starting to make ourselves known a little outside Quebec. I think a lot of people outside Quebec, in Canada, have the same opinions as us, particularly people who work with youth offenders. We are in contact. I have realized, through my role in the Child Welfare League of Canada, that a lot of colleagues in Canada, outside Quebec, think as I do. It is not just in Quebec that people who work with offenders every day and who work in this field think this way.

However, I think Quebec has invested a lot in treatment. The youth centres come under the ministère de la Santé et des Services sociaux. We do not come under correctional services. There is a lot of difference in how the services are organized and that reflects the investment that each province makes in relation to young offenders.

Mr. Serge Ménard: Ms. Gaudreault or Ms. Goyette, can you tell us about the efforts that have been made so that young people understand that they have to do something to remedy the wrong they have done to the victims?

[*English*]

The Chair: Make it a very short answer.

[*Translation*]

Ms. Arlène Gaudreault: I will let Michèle speak. I am familiar with the program, but it relates more to the Association des centres

jeunesse du Québec, although I am aware of the pilot projects underway.

• (1150)

Mrs. Michèle Goyette: In Quebec, there is a framework agreement between the youth centres and alternative justice organizations. The framework agreement provides for diversion measures. So these are sanctions imposed outside the justice system. The first measure that must be considered is victim compensation. All victims of each young person are contacted. We want to know what damages they have suffered, in physical and psychological terms, and whether they are prepared to meet with the young person and be compensated by them. Victims are contacted systematically.

I would like to note another point, relating to pre-decision reports. As the law requires that we do, all victims are contacted in order to obtain, and provide to the judge, all the information relating to the victims. I agree with Ms. Gaudreault, we could be doing more. Since I am in a youth centre, I see victims every day who don't have enough support and help. I completely agree with Ms. Gaudreault, we have to invest in helping victims.

[*English*]

The Chair: Thank you.

We'll move on to Ms. Leslie for seven minutes.

Ms. Megan Leslie (Halifax, NDP): Thank you, Mr. Chair.

Thank you very much for your presentations. They've been very helpful.

We heard from Ms. Goyette that she had some problems with clauses 20 and 24 concerning the publication ban. I am wondering if Madam Gaudreault and Mr. Croisdale have any comments about the publication ban.

Mr. Croisdale, when it comes to persistent offenders, would a publication ban do anything? Would it be helpful? Would it be harmful?

Dr. Tim Croisdale: I haven't considered that fully philosophically. I can argue it both ways, or see both points of view. I don't know.

Ms. Megan Leslie: That's fair.

Madam Gaudreault, do you have any thoughts about the publication ban?

[*Translation*]

Ms. Arlène Gaudreault: We are not comfortable with this measure and we do not support it. We don't believe that publishing the names of young people in the media will do anything more for victims, whether in terms of safety or in terms of feeling that the justice system is more humane or fairer to them. This measure stigmatizes young people and we do not see what use it is. It is a punitive measure that produces no results.

We had a similar position, for example, when the question was about posting the names of pedophiles in public places. Victims' rights groups as a whole, in Quebec, take a relatively nuanced and moderate position. They always keep in mind the balance between the rights of victims and offenders. These are young people and we have to think about the future and the repercussions this might have. If they were our own children, would we want them to be stigmatized for life? Would we not rather want to give them a chance to return to society as good citizens?

Ms. Megan Leslie: Thank you.

[English]

As you know, we have these amendments. They came in large part from the Nunn commission—a situation in Nova Scotia that involved a young man who showed a pattern of offences. The recommendations are specifically for these persistent offenders.

This young man in Nova Scotia had several charges but no convictions, and that was one of the main problems. Nunn's recommendation 22 was that when looking at pre-trial detention, consider patterns of offences versus patterns of guilt. So that's a recognition of these persistent offenders.

Mr. Croisdale, you said in your opening that sanctions are ineffective on those persistent offenders, but evidence shows that supervision by the justice system can actually reduce the number of subsequent offences. Based on your research, do you have any thoughts on what this new clause about denunciation and deterrence would do to reduce repeat offences?

• (1155)

Dr. Tim Croisdale: They've resisted all attempts before. Labelling them or stigmatizing them won't have much of an effect either. I think considering prior arrests and not just convictions is important for these offenders, because it shows a history of offending, even if it's not violent. Numerous offences create a drain on resources and are harmful to society, so they should be included.

Ms. Megan Leslie: Thank you.

My next question is for Madame Goyette, and it is about the difference between serious and violent offences. In the Youth Criminal Justice Act there's a presumption in favour of releasing a young person until sentencing, but that presumption doesn't apply in a few cases. One of those cases is if the young person is charged with a violent offence.

So with these amendments, "violent offence" would be changed to "serious offence", and "violent offence" wouldn't include property offences. "Serious offence" would include property offences, and I think most Criminal Code offences are "serious offences", with five or more years as a maximum sentence, and they're indictable.

In your day-to-day working with youth, if we shift it to "serious" instead of "violent", what will the impact be?

I will also ask you to comment on whether you think there is still enough flexibility in the system. The crown has to prove on a balance of probabilities, and the judge has discretion, so with these changes, are there any red flags that we should worry about? Is there still enough flexibility?

[Translation]

Mrs. Michèle Goyette: Personally, I advocate as much flexibility as possible, the greatest possible discretion for judges, and focusing on factors other than just the type of offence, regardless of whether we change it from "serious violent offence" to "serious offence". I don't think the act necessarily makes the actor, rather, it is the young person's entire situation.

I think the bill should not constrain judges in terms of what they can do. The situation that led to the Nunn Commission in Nova Scotia is a good example. Under the law as it had been written, the judge could not have the young person detained. Formerly, the Young Offenders Act struck a good balance, in my opinion, between the needs of young people and the need to protect society. Under that act, the young person could have been detained.

So the more we narrow judicial discretion, which is appropriate in a system where great attention is paid to the individual who is brought before the judge, the more we drive the system into a corner, and the less able we are to react appropriately to each particular situation.

[English]

The Chair: Thank you. That was seven minutes.

We'll move on to Mr. Woodworth for seven minutes.

[Translation]

Mr. Stephen Woodworth (Kitchener Centre, CPC): I would like to thank you all for being here today.

I would like to ask some short questions, and I would like to get short answers, because I only have five minutes.

[English]

Ms. Goyette, in proposed subparagraph 3(1)(a)(ii) of the bill there is an emphasis as follows:

[Translation]

(ii) promoting the rehabilitation and reintegration of young persons who have committed offences...

[English]

May I find out whether your organization supports this bill's continuing emphasis on rehabilitation and reintegration, as stated in that subparagraph?

[Translation]

Mrs. Michèle Goyette: My answer is this. If we create a hierarchy of principles and put proportionality on the top rung, the judge will have to look first at proportionality and then at prevention, in making decisions. I know that prevention, rehabilitation and reintegration are always included in the principles stated by the legislation. But as soon as the hierarchy is changed, the landscape in which judges are making their decisions changes.

• (1200)

[English]

Mr. Stephen Woodworth: Unfortunately, clause 3 does not set out a hierarchy but merely states three principles equally.

The third one, by the way, in regard to the intent of the act, reads:

[Translation]

(iii) supporting the prevention of crime by referring young persons to programs or agencies in the community to address the circumstances underlying their offending behaviour...

[English]

Is this introduction of a new element, a requirement to refer young persons to programs or agencies in the community, something that your organization would welcome?

Mrs. Michèle Goyette: I don't think it's new. I think it was already in the previous act.

Mr. Stephen Woodworth: I'm sorry to interrupt. This is in fact an addition. Paragraph 3(1)(a) was not there previously.

[Translation]

Mrs. Michèle Goyette: The act already allowed for young people to be referred to agencies in the community, and in fact that is something that is done quite frequently in Quebec.

[English]

Mr. Stephen Woodworth: So it gives you no comfort that now we are requiring it specifically and explicitly.

[Translation]

Mrs. Michèle Goyette: There is no problem.

[English]

Mr. Stephen Woodworth: There is no problem.

Ms. Gaudreault, are you able to estimate for me how many victims of crime there are in Quebec in a year, for example?

[Translation]

Ms. Arlène Gaudreault: There would be about 50,000 cases in Quebec.

[English]

Mr. Stephen Woodworth: I understand from your website that your organization has 275 members, some of which are other organizations and some of which are individuals. Is that correct?

[Translation]

Ms. Arlène Gaudreault: Yes.

[English]

Mr. Stephen Woodworth: Of those 275 members, how many are individuals rather than organizations?

[Translation]

Ms. Arlène Gaudreault: Frankly, I don't know what proportion.

[English]

Mr. Stephen Woodworth: What is your position with—

[Translation]

Ms. Arlène Gaudreault: About 80% of the members of our association are organizations. All of the major groups in Quebec that work with women victims of violence and centres to help victims of crime are members. There are police, people who work in crime prevention, private therapists.

[English]

Mr. Stephen Woodworth: I will interrupt you for a moment because I have such short time.

What I think I heard you say is that 80% of your members, generally speaking, are groups, and the converse is that 20% are individuals. Is that correct?

[Translation]

Ms. Arlène Gaudreault: Yes.

[English]

Mr. Stephen Woodworth: Of those 20% of people who are individuals and members of your group, how many are victims of crime?

[Translation]

Ms. Arlène Gaudreault: They represent a very low proportion, since we are not an association of victims. We are a coordinating organization, an victims' rights advocacy organization. So we work on a daily basis with women victims of spousal violence, with children, with victims' families. We are not an association of victims. A majority of our members are organizations.

[English]

The Vice-Chair (Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.)): Mr. Woodworth, we'll have to leave it there. Thank you.

Mr. Stephen Woodworth: Are we out of time? Is it five minutes?

[Translation]

A voice: Seven minutes.

[English]

The Vice-Chair (Mr. Brian Murphy): I'm very sorry. I just took the chair and I thought this was the next round.

You have two minutes. I apologize.

Mr. Stephen Woodworth: Thank you. That's quite all right.

Can you tell me, to your knowledge, how many victims of crime have received from your organization a copy of Bill C-4? Do you know?

[Translation]

Ms. Arlène Gaudreault: I can't answer that kind of question. All the members who are part of the association receive the newsletter and so they have been informed about this bill. They receive information through their own organizations, and like any member of the public, they take an interest in what is going on in Canada. However, they have their own responsibility to inform themselves.

[English]

Mr. Stephen Woodworth: You don't know whether your organization sent out a copy of Bill C-4, which we are here to discuss today, to any victims of crime.

[Translation]

Ms. Arlène Gaudreault: This information is available on the Internet and in our electronic newsletter that we send to members.

• (1205)

[English]

Mr. Stephen Woodworth: Are you able to tell me how many submissions your organization received from individual victims of crime regarding Bill C-4?

[Translation]

Ms. Arlène Gaudreault: I don't think victims of crime are following the debate about Bill C-4 otherwise than in the media. The same is true in all organizations when there are bills in other contexts. Victims are members of the public who read the newspapers and listen to what is said on television. We send out the information we have.

[English]

Mr. Stephen Woodworth: I'm just trying to discern whether your comments today were informed by any submissions from any individual victims of crime.

[Translation]

Ms. Arlène Gaudreault: Our board of directors works with large networks, whether for victims of spousal violence, children who are victims of sexual assault, the Human Rights Commission, youth centres. So we reach the major networks. We are in daily contact through our members and our board of directors. We are also in contact with victims of crime. We work on a daily basis with agencies like youth centres and other agencies in the correctional system.

[English]

Mr. Stephen Woodworth: May I ask one last question? Am I out of time?

The Vice-Chair (Mr. Brian Murphy): No, you can't. Time is up, this time for real. Sorry.

[Translation]

Ms. Mendes, you have five minutes.

[English]

Mrs. Alexandra Mendes: You could have given him that one extra minute so I could swallow.

[Translation]

I would like to pursue what Mr. Woodworth was trying to get you to say. If I understand correctly, you represent what we call in English an advocacy group, as you did say. So you do not have a direct clientele of victims. That is not the purpose of your organization. I imagine that when you tell us you are an umbrella organization and you have organizations that represent victims of violence against women, the directors of those organizations will deal with people who are victims. Is that correct?

Ms. Arlène Gaudreault: I work with a clientele of victims every day. We also do rights advocacy on request. We regularly work with victims as they deal with compensation and the correctional systems.

Mrs. Alexandra Mendes: So you offer services?

Ms. Arlène Gaudreault: Certainly we do.

Mrs. Alexandra Mendes: You offer services to victims directly.

Ms. Arlène Gaudreault: Myself, as a volunteer, I do it every day and all the time. I provide support for victims.

Mrs. Alexandra Mendes: They are not necessarily members of the organization, but they are users of the organization.

Ms. Arlène Gaudreault: Not necessarily.

Mrs. Alexandra Mendes: There is in fact a distinction to be made.

Ms. Arlène Gaudreault: I think that in Canada, there is some difficulty in understanding what victims' rights advocacy organizations are, if we judge by the way women's groups have been...

Mrs. Alexandra Mendes: It is advocacy, plain and simple. It is unfortunate and sad to say, but this government has a very hard time understanding the concept of advocacy.

Ms. Arlène Gaudreault: Absolutely.

Mrs. Alexandra Mendes: So I will come back to the question of the users who come to your centre, but also who go to all the other member organizations. You told us that the public and even victims do not spend their days following the debates in the House and the bills that come before us, but still there is some interest generated by the media in these subjects.

Have any of the victims who call on your services, or your member organizations, conveyed any disturbing reports or even comments in support of this bill?

Ms. Arlène Gaudreault: What we are presenting today is based on the work we do with coordination groups.

Mrs. Alexandra Mendes: That is the formal part of your organization, but what is the situation among the victims, for example, the ones you offer support? I'm asking you the question.

Ms. Arlène Gaudreault: No victims have called us to tell us they are happy that the government is introducing a bill that will toughen the Young Offenders Act. When victims call us—as I said in my presentation—it is because they have problems with services and compensation. I would also recall that the federal government stopped funding the provinces for compensation schemes in 1993. That is a huge problem in Canada.

I would also like to recall that the federal government has no legislation that defines what victims' rights are, the concept of victims. There is a lot of work to be done in that regard. When victims come to us, it is because they are having difficulty in their applications, they are not represented by counsel and they are battling against the justice system or the compensation system. It is not to tell us keep them all in prison. Certainly some people are not happy from time to time, but that is not the reason why they call us.

Mrs. Alexandra Mendes: Thank you, Ms. Gaudreault. You have answered my question.

• (1210)

The Vice-Chair (Mr. Brian Murphy): Mr. Lemay, you have five minutes.

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Thank you, Mr. Chair.

Mr. Croisdale, I listened to your testimony carefully and I need some additional information. You say that you have analyzed statistics. How many years have you done that for?

[English]

Dr. Tim Croisdale: On prolific and repeat offenders, it has been since about 2004. It has been for five or six years.

[Translation]

Mr. Marc Lemay: Were these statistics provided by British Columbia only or did you use the ones for Canada as a whole?

[English]

Dr. Tim Croisdale: No. In Canada the data was from the RCMP for British Columbia.

[Translation]

Mr. Marc Lemay: Do you have the figures with you? Do you have a document about the studies you have done on repeat offenders since 2004 or 2005?

[English]

Dr. Tim Croisdale: I don't have them with me, no.

[Translation]

Mr. Marc Lemay: Can you provide those statistics to the committee members? I want the numbers to be made to say what one wants, but I want to have the exact figures.

I am going to ask you a question. You talked about repeat offenders being 10% to 15%, maybe even 5%, we don't really know. Exactly how many does that represent in relation to the total number of crimes committed by young people?

[English]

Dr. Tim Croisdale: Yes. I can provide that. A lot of those percentages come from the research, in general, around the world on prolific offenders.

[Translation]

Mr. Marc Lemay: What interests me is the figures in Canada.

[English]

Dr. Tim Croisdale: That's the report I will put up.

[Translation]

Mr. Marc Lemay: So you will be able to send us those figures, the ones you have used since 2004-2005? Does that relate solely to what I would call habitual criminals, the ones who are difficult to reintegrate?

[English]

Dr. Tim Croisdale: That is correct.

[Translation]

Mr. Marc Lemay: Thank you.

Ms. Gaudreault, you talked about the Kane report, is that correct?

Ms. Arlène Gaudreault: I talked about Catherine Kane, who is now senior counsel at the Department of Justice, but until very recently she was the Director of the Policy Centre for Victim Issues.

Mr. Marc Lemay: Perfect. So Ms. Kane produced a report that your presentation drew on today? Do you have notes? Can we locate the document you are relying on?

Ms. Arlène Gaudreault: No. The document I referred to, Mr. Lemay, was not written by Ms. Kane. I referred to two documents, the one from the Federal Ombudsman for Victims of Crime entitled "Towards a Greater Respect for Victims in the Corrections and Conditional Release Act", published in March 2010, and the Report of the Standing Committee on Justice and Human Rights entitled "Victims' Rights—A Voice, Not A Veto", published in 1998.

Mr. Marc Lemay: That last one was published in 1998.

Ms. Arlène Gaudreault: That's right.

Mr. Marc Lemay: Mr. Clerk, could you make a note of the fact that we would like to get those documents? I would very much like it if they could be sent to the committee members.

What you are saying is very important.

Ms. Goyette, I practised criminal law for 30 years, at least 15 of those years in youth protection. I challenge you to send us statistics. Do you have any? I know that you represent the Association des centres jeunesse du Québec, but do you have statistics? I don't want names, I want statistics. Mr. Petit thinks we are incapable of getting any. Personally, I think you have some. I would like to have statistics about failures for young people placed under protection, who have committed crimes. Do you have those figures?

Mrs. Michèle Goyette: Unfortunately, I don't have them with me today. However, they are figures that we could provide to the committee from the studies that have been done all across Quebec.

Mr. Marc Lemay: Ms. Goyette, can you send us those figures as soon as possible? In fact, I am speaking to all three witnesses. We are going to use those figures to question other witnesses. You can imagine how we are going to use them.

Ms. Goyette, you have long experience with the situation in Quebec. In your opinion, the failures... With Mr. Croisdale, we talked about repeat offenders that it is impossible to put a stop to. In Quebec, how many might there be in a year?

•(1215)

Mrs. Michèle Goyette: That is difficult to determine, first, we have to know what is meant by "failure". To us, the fact that a young person becomes a productive member of society, whose situation improves, does not mean that they won't have other problems at some point. So we have to specify what is meant by "failure" and "success". That is the first question.

Second, as the gentleman said, the situation is very difficult in the case of some young people. I would say that about 10% of the young people we work hard with still end up continuing down their criminal path and moving into the criminal network. I believe these young people are already being treated as harshly as possible.

I am going to give you an example. In the case of the victim whose name was given to this bill, the young offender is in custody in an adult prison at this moment. It is impossible to do more than that to protect society. It is being done within the existing legal framework. When it comes to young people whose cases are very serious, we already have everything we need to protect society.

I share the gentleman's point of view on the fact that a percentage of young people—and we could talk about the numbers for a long time—are much less amenable to our intervention. The fact is that there are already tools for dealing with those young people.

The Vice-Chair (Mr. Brian Murphy): Thank you, Mr. Lemay. I would also like to thank the witnesses.

[English]

Just as a reminder on the documents that were asked for, particularly Professor Croisdale, if you are sending articles you've written and that are copyrighted, we need your summary of them. We can't have copyrighted documents translated and distributed. So if we're going to get that information, it has to be your written summary so we can have it translated and distributed.

[Translation]

Mr. Serge Ménard: Could I add, Mr. Chair...

The Vice-Chair (Mr. Brian Murphy): Is this a point of order?

Mr. Serge Ménard: Yes. When the documents are available in electronic form, could they be sent to us in that form too? That way we will be able to consult them at any time.

The Vice-Chair (Mr. Brian Murphy): That is a question of copyright that will be settled between the clerk and the professor. The clerk will receive the documents and the analyst's opinion.

[English]

You understand what we're saying here. Great.

We'll go to Mr. Norlock, for five minutes.

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

And thank you to the witnesses for appearing today. I have just a few quick items, if possible.

Mr. Croisdale, I always ask questions under the assumption that the people at home are listening. In this case, they would read it.

Would I be correct in saying that your studies were done in a dispassionate way—in other words, you looked at the numbers, as opposed to injecting your philosophical view on the criminal justice system, or for that matter, the youth part of the criminal justice system?

Dr. Tim Croisdale: Yes, that's very accurate. It's all unbiased, academic-type research. It's not biased one way or the other.

Mr. Rick Norlock: So you don't belong to any political party or subscribe to any type of—

Dr. Tim Croisdale: I don't.

Mr. Rick Norlock: Okay, thank you.

I'm wondering if your studies indicated the other side of the equation. We're dealing specifically with the repeat prolific offender, that 5% to 10% of the youth who commit series crime. In the studies you have looked at, the overview, did you come away with any feeling as to the other end of the spectrum—in other words, how the community feels or community perceptions?

Dr. Tim Croisdale: No, I did not. This was an analysis of lots of data. We didn't make assumptions on how victims were involved or community effects.

Mr. Rick Norlock: Okay, so the statistical data that you provided us is predominantly from British Columbia.

Dr. Tim Croisdale: Yes, the numbers examining prolific offenders, how they generally co-offend in networks, are from British Columbia. Two major studies on youth prolific offenders were both done in California.

•(1220)

Mr. Rick Norlock: Do the numbers for California appear to be similar to those in British Columbia?

Dr. Tim Croisdale: Yes. Even though they're for youth versus general offending, they're consistent, and they're consistent with all the research through history that's been done on prolific offending.

Mr. Rick Norlock: So would I be correct in saying that your studies indicate that the numbers for that particular portion, youth prolific offenders, even though we're in two different countries—because the perception is that in the United States people are much more prone to crime than in Canada—are quite similar numerically?

Dr. Tim Croisdale: Yes, I think they're similar.

Mr. Rick Norlock: Of course, you are an academic, and you do try to be specific to your studies, but would it be a stretch to therefore imagine or to therefore extrapolate that your numbers, since they're correct in two jurisdictions—although they happen to be on the Pacific coast—would probably be the same or similar to those in the rest of Canada?

Dr. Tim Croisdale: I would expect that to be true in Canada and anywhere you did studies on prolific offenders. The findings are that consistent.

Mr. Rick Norlock: At the beginning of your evidence you said that you believe Bill C-4, this particular legislation, as it relates to the prolific offender appears to address the individual concerned—in other words, the person who appears to require more concentrated institutional or behaviour-amending treatments. Would that be correct? Does it sound as though that's going towards where you were...?

Dr. Tim Croisdale: Yes. I think it focuses and allows for more sanctions for those who have persisted despite everything at a lower level.

Mr. Rick Norlock: So the sanctions would indicate that they need more institutional... Because we're talking about incarceration.

Dr. Tim Croisdale: Yes, they would need more institutional supervision. In Canada, with a full awareness, there is treatment. That's in contrast to the situation in the United States, in which there has been effective incarceration of persistent offenders with a very limited amount of treatment, if any at all, in comparison with what one could hope for in Canada.

The Chair: Thank you.

We'll move on to Mr. Murphy for five minutes.

Mr. Brian Murphy: Thank you.

My questions are for Professor Croisdale. You got your PhD from Simon Fraser in 2008, I read. What was that in? What was your thesis? What did you write on?

Dr. Tim Croisdale: The PhD was in 2007, and the dissertation was the second study I did on persistent young offenders in California.

Mr. Brian Murphy: I guess you do hold yourself out also as someone who muses on issues of modelling crime analysis in complex systems, applied data analysis, metadata computational criminology, geo-spatial crime analysis, offender mobility and crime pattern routes, and routes to crime. To me, those are all fairly technical academic terms. They seem to be focused on more than just persistent youth repeat offenders.

Has what you're testifying on here today been the crux of your work since you joined the faculty in 2008 and since you got your PhD in 2007?

Dr. Tim Croisdale: Yes, it has. Those other terms you read there—computational criminology, all that other stuff, modelling new systems, computer systems, and stuff like that—describe means to analyze huge amounts of data in the various data sets that have to be merged and manipulated so you can analyze them. The topic that I have applied all of those methods to is prolific offending, and now networks.

Mr. Brian Murphy: Just to better say that this is your concentration, the other day the minister made it clear that he feels this act visits specific deterrents on young offenders, on youth. While I understand what he's saying, what I think you're saying is that these persistent offenders present a public security risk, a public safety risk, and should be incarcerated with a view to programming having an effect. I may have missed it, but I don't think I heard you

say that the effect of this bill, further incarceration, will be a specific deterrent.

In fact, I thought the theme of your talk—correct me if I'm wrong—was that this small group of persistent young offenders is deterrent-proof. They're very difficult to deter, specifically. Is that not right?

• (1225)

Dr. Tim Croisdale: They are because they've resisted everything and continue to resist, but there's also a very low certainty of incarceration. So without that certainty of incarceration, you're going to have low deterrence. I think having a more certain incarceration will help some deterrence.

Mr. Brian Murphy: My impression of your testimony is that you paint a picture of a fairly intelligent—which may be too strong a word—savvy offender who will only be specifically deterred if he understands he will be removed from society. Yet what we heard across Canada is that youth in particular, because we have a separate act for them, are unable to form, as we do in civil laws, the same sort of mature, specific intent for anything. That's certainly the case in civil law. You can't be liable in many events because of that diminished ability to form an intent. So square that for me.

Dr. Tim Croisdale: I agree that any type of offender is not highly intelligent or complex.

Can you restate your second point?

Mr. Brian Murphy: We heard across the country that the specific case in youth is that they're unable, diminished—I won't say capacity, but they're not adults. They don't have the same ability to form intent. That's the point of having a separate YCJA, having civil law not creep into their liability. So if that's the case, how can they have this specific intent and be quite savvy in the system as it is? How can the specific deterrents the minister speaks of work?

Dr. Tim Croisdale: They may not have specific intent, but they are creatures of opportunity. They're impulsive, so they may not engage in more complex crimes that require absolute intent and planning. They're more...

Sorry, time.

The Chair: Yes. Thanks.

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

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

Thank you, ladies and gentlemen, for being here today and sharing your views with us.

On the point my honourable friend was just raising, I think we also heard—if my memory serves me correctly—from a number of witnesses, especially police officers but also from others, that a number of organized crime organizations such as gangs actively recruit young people. They do this specifically because they know there's a different regime for young offenders and that they will get lighter sentences. There have been many cases of young offenders who have said they wanted to experience this type of offence, and they knew if they did it before they turned a certain age, they'd get a lighter sentence. So I think there's a range of views on that.

Specifically, Professor Croisdale, I wanted to refer to the paper you co-authored entitled "Persistent Criminality and Career Lengths", which I believe was published in January 2007 in a publication known as *Crime & Delinquency*. You mentioned in that that some of the data you reviewed, and other studies that have been done to which you referred, showed that criminal behaviour as measured by arrests was found to increase dramatically prior to sanctions and was found to be considerably lower after incarceration than before incarceration.

I wonder if you could explain that a little more fully for us and tell us what your view is on the impact of longer incarceration terms on persistent offenders.

• (1230)

Dr. Tim Croisdale: Quite obviously, persistent offenders begin offending and increase their offending activities to a point where they're increasing at a peak, and that's the cause of the incarceration. There's less offending afterwards, hence the effect of some incarceration. I think a lot more studies need to be done. There's really a lack of studies on the effect of incarceration and future offending, but we have seen in a couple of instances that there is an effect. There may be re-offending afterwards, but it's at a lower rate. I think in that case, it was half the rate that it was for youth offenders prior to incarceration.

Mr. Bob Dechert: Okay, thank you.

Did your study examine young offenders who start with a relatively less serious crime and then escalate over time to more serious or more violent crimes? Did you look at that?

Dr. Tim Croisdale: It included young offenders charged with any type of crime. We didn't focus on cases that increased in severity.

Mr. Bob Dechert: Can you give us any guidance on patterns of behaviour? Do young people who start with a relatively violent offence tend to progress to even more violent offences as their career continues?

Dr. Tim Croisdale: We didn't look at the types of offence over the career. What we found in the data is that prior to incarceration in a youth facility, those who committed violent offences had far fewer offences prior to incarceration than those who were repeat offenders.

Mr. Bob Dechert: Did many of the persistent offenders in your study participate in rehabilitation programs in the early years, when they were perhaps incarcerated for shorter terms in the earlier stages of their careers?

Dr. Tim Croisdale: That we don't know. We don't know what was done in the community. We just had arrest data on them and then the actual incarceration with the state-level youth correctional facility.

Mr. Bob Dechert: You stated earlier that in Canada at least there are significant rehabilitation programs within our penal system. What would you expect to find in that regard with respect to longer terms of incarceration; that is, the longer they're in the programs. What impact would you expect that to have on the rate of recidivism once they're released?

Dr. Tim Croisdale: I expect that more and better treatment is going to reduce re-arrests. It's a negative relationship, so you're going to have fewer arrests and less recidivism with more treatment and better treatment.

Mr. Bob Dechert: Okay.

Did your findings in the B.C. study differ significantly from the findings in the California study?

Dr. Tim Croisdale: No. The B.C. studies were looking at just exploring the huge amount of data for what is prolific offending, to a point that I recommended we should define "prolific offending" for research purposes in British Columbia. But again, subsequent studies and looking at networks and mapping networks of co-offending are consistent with everything you keep seeing elsewhere.

The Chair: We'll move on to Monsieur Petit, for five minutes.

[Translation]

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

Good afternoon, Ms. Goyette and Ms. Gaudreault.

Ms. Goyette, you were asked a question earlier about the statistics you are going to send us, I think. You know about the Uniform Crime Reporting Program. It is done by Statistics Canada, and it provides information about young offenders, among other things.

Did you know that in the uniform crime reports, anything referred to as drug trafficking is not included? Did you know that all drug-related crimes are not included in the uniform crime reports?

Mrs. Michèle Goyette: No, I didn't know that.

Mr. Daniel Petit: Did you know that no crime relating to offences in the Criminal Code or the highway traffic code, for example leaving the scene, impaired driving, dangerous driving causing death, is counted in the uniform crime reports?

I would refer you now to another document. Do you have the "General Social Survey on Victimization" at hand?

•(1235)

Mrs. Michèle Goyette: Can I ask you a question?

Mr. Daniel Petit: Yes.

Mrs. Michèle Goyette: The same thing applies everywhere in Canada, I imagine. If it isn't counted in Quebec, then it isn't counted elsewhere either.

Mr. Daniel Petit: I don't know. I'm asking you the question. I'm getting to the important question.

Mrs. Michèle Goyette: Right.

Mr. Daniel Petit: In the "General Social Survey on Victimization", we learn from Statistics Canada that most police systems or organizations that deal with offenders, adults or minors, do not make all the reports they are required to make under the law.

According to the "General Social Survey on Victimization", only 34% of cases involving victims are reported. So 66% are missing. Do the statistics for Quebec include that missing 66%?

Mrs. Michèle Goyette: I can't answer that question.

Mr. Daniel Petit: Is that because you don't know or is it because you don't have it.

Mrs. Michèle Goyette: I don't have it.

Mr. Daniel Petit: You don't have it.

Mrs. Michèle Goyette: In fact, I don't know how the statistics are made. I know they come from Statistics Canada and I imagine it is the same thing everywhere.

Mr. Daniel Petit: When you state an opinion about the fact that there is a difference between the system in Quebec and the system in Canada, what statistics are you using?

Mrs. Michèle Goyette: I base it on Juristat. I have a version that dates from 2006 and that states that the crime rate in Quebec per 100,000 population is approximately a quarter of the province with the highest rate. I base it on that, it comes from Statistics Canada.

Mr. Daniel Petit: If I understand correctly, that is the same document as I have. That document is called "Youth court statistics, 2006/2007". That may be what you have in hand, which is based on Statistics Canada's uniform crime reports.

Mrs. Michèle Goyette: Probably.

Mr. Daniel Petit: Thank you.

As well, could you go to clause 21 of the act? You have it in front of you?

Mrs. Michèle Goyette: I have it in front of me, yes.

Mr. Daniel Petit: I'm talking about clause 21 which is amended.

Mrs. Michèle Goyette: So this is Bill C-4.

Mr. Daniel Petit: Yes, I'm talking about Bill C-4 and clause 21.

Mrs. Michèle Goyette: We are not talking about the act.

Mr. Daniel Petit: It says, and I quote: "No young person who is under the age of 18 years is to serve any portion of the imprisonment in a provincial correctional facility for adults or a penitentiary."

You understand what that sentence means.

Mrs. Michèle Goyette: I understand very well.

Mr. Daniel Petit: Has there ever been a person in Quebec under the age of 18 years who has gone to a provincial prison or a penitentiary? To your knowledge, has there been?

Mrs. Michèle Goyette: I may have happened, but if it is the case, there have really been very few. It depends on how many years you want to go back. I could go back 30 years. I have seen minors, but there were very few, perhaps four or five, sum total.

Mr. Daniel Petit: That was in Quebec. Are you certain of that?

Mrs. Michèle Goyette: I am fairly sure.

Mr. Daniel Petit: Have you checked?

Mrs. Michèle Goyette: In Quebec, since 2003, so we are talking about the last seven years, we have recommended that 20 young persons be sentenced that way. There is nothing that says that those 20 young persons were under the age of 18 years. The only information I can give you is that they committed their offence before they were 18 years old, but they may have been over 18 years at the time when the recommendation was made.

Mr. Daniel Petit: Are you talking about a decision that a judge makes after the young person reaches the age of 18 years? They appeared, the trial dragged on, they turned 18 and a half, and you are saying that they were sentenced by the judge to adult prison?

Mrs. Michèle Goyette: That is not entirely how it works. I can explain it for you. When a young person commits an offence, sometimes they are arrested some time after the offence, sometimes immediately after the offence. Crown counsel can ask that adult sentencing apply. The proceedings may last some time and that is what sometimes means that the judge makes their decision after the young person reaches the age of 18 years. That is why it is very rare for a person under the age of 18 years to be sentenced as an adult, in Quebec in any event. I can't speak for the rest of Canada.

The Chair: Thank you.

[English]

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

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

My thanks go to all the witnesses for your attendance and for your presentations.

I'm going to focus my questions on Ms. Gaudreault and Ms. Goyette. I understand that in Quebec you have a unique model that deals with young persons. In English it's called the "Quebec rehabilitative model". And I certainly suspect that both of you agree wholeheartedly with that approach. Is that correct?

•(1240)

[Translation]

Mrs. Michèle Goyette: That is entirely correct.

[English]

Mr. Brent Rathgeber: Thank you.

The stated purposes of Bill C-4 are that the protection of society is the principal goal, and the secondary goal is to make it easier to detain—

[Translation]

Mr. Marc Lemay: We are having problems with the translation.

[English]

Mr. Brent Rathgeber: Are we okay?

[Translation]

Mr. Marc Lemay: That's fine, it's like the Supreme Court.

[English]

Mr. Brent Rathgeber: The primary stated purpose of Bill C-4 is the protection of society, and the secondary is to make it easier to detain violent and reckless youth. Is it safe for me to assume that you disagree with these philosophical objectives of Bill C-4?

[Translation]

Mrs. Michèle Goyette: No, on the contrary, I think protecting society is a very laudable goal. It is better ensured by rehabilitation measures than by punitive measures, that's the difference.

[English]

Mr. Brent Rathgeber: But if you heard me correctly, I said the “primary” goal is the protection of society. What I'm getting at... Under the Quebec rehabilitative model, it's the rehabilitation of the young person that you believe ought to be the primary objective. Is that fair?

[Translation]

Mrs. Michèle Goyette: In fact, I think the primary goal of rehabilitating the offender is to protect society. We don't rehabilitate offenders for the joy of doing it, we rehabilitate them because we think crime is something we should combat. Crime jeopardizes protection of the public and that is why we work to get these young people back on the right track. We think it makes no sense for the public to feel threatened by young offenders. The public will be better served, in terms of safety, if we are able to get these young people away from crime. As well, we will make them productive and positive members of society.

[English]

Mr. Brent Rathgeber: Ms Gaudreault.

[Translation]

Ms. Arlene Gaudreault: What the victims we meet want is for the young offender to get help, for there to be programs and for the victim to get treated, that is often the verb the victims will use. I have accompanied many victims to parole hearings in the case of very violent offences. The victims wanted to be there, to attend the hearing, to see whether the offender had changed and whether they had been involved in programs. I think it's the same thing that they want for young people. When those offenders are released, the

victims want assurances that there will be no reprisals against them or other victims. That is why reintegration and treatment programs are better guarantees.

[English]

Mr. Brent Rathgeber: Thank you.

Ms Goyette, I understand that collectively the youth centres of Quebec have 105,000 clients.

[Translation]

Mrs. Michèle Goyette: No, we handle 15,000 young offenders.

[English]

Mr. Brent Rathgeber: Your letter applying to come here today says that the mission of these youth centres is providing psycho-social and rehabilitation services to 105,000 Quebec children, young people, and families. Is that incorrect?

[Translation]

Mrs. Michèle Goyette: We also offer services for young people in need of protection and young people for whom adoption is being considered. So that makes more children. Young offenders account for 10% of the total number.

[English]

Mr. Brent Rathgeber: My final question is, how are you funded? How are the youth centres funded in Quebec?

[Translation]

Mrs. Michèle Goyette: We are funded entirely by the government of Quebec.

[English]

Mr. Brent Rathgeber: Is it per client?

[Translation]

Mrs. Michèle Goyette: Obviously, a proportion of funding is based on our clientele, but it is not solely that. I can't explain exactly what total funding for youth centres is composed of. Obviously, each youth centre gets different funding, depending on the number of clients. But that is not the only thing counted, there are also other factors.

[English]

Mr. Brent Rathgeber: Sure, but part of your funding would be lost if you had fewer young people attending them. You'd agree with that?

[Translation]

Mrs. Michèle Goyette: I'm sorry, I didn't understand the translation.

[English]

Mr. Brent Rathgeber: Fewer clients equals less money, isn't that right?

[Translation]

Mrs. Michèle Goyette: For me personally, I don't think so, no. I would be getting the same salary, maybe more.

[English]

Mr. Brent Rathgeber: I mean for the individual youth centres.

[Translation]

Mrs. Michèle Goyette: The goal of the youth centres is to exist as little as possible. Our hope in life is that there were be as few young people as possible in need of protection, and as few young people as possible in difficulty. However, it is a reality. Personally, if there were no young offenders, I would be very happy to do something else.

[English]

Mr. Brent Rathgeber: Thank you.

• (1245)

The Chair: Thank you.

We're at the end of our round. Is there an appetite to keep going, or would you like to adjourn? I'm in your hands.

An hon. member: Let's adjourn.

The Chair: All right, hearing nothing else, then we'll adjourn.

I want to thank the witnesses for coming in; it's very worthwhile. Your testimony will form part of the public record, and likely your input will form part of the report that we issue.

Thank you.

We're adjourned.

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