



DEBATES OF THE SENATE

1st SESSION • 41st PARLIAMENT • VOLUME 148 • NUMBER 42

SAFE STREETS AND COMMUNITIES BILL

Second Reading of Bill C-10—
Debate Continued

Speech by:

The Honourable Claudette Tardif

Wednesday, December 14, 2011

THE SENATE

Wednesday, December 14, 2011

[Translation]

SAFE STREETS AND COMMUNITIES BILL

SECOND READING—DEBATE CONTINUED

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I rise today to speak to Bill C-10, the government's omnibus crime bill. It is a very controversial measure, as we have heard, because of its purpose and the method used by the government to ram it through Parliament.

As we have heard, Bill C-10 incorporates nine measures that were being studied by Parliament before the spring election. The government combined all these elements, which were covered by rather lengthy bills, in a brick of a bill that is more than 100 pages in length, its omnibus crime bill, in order to pass these measures post-haste.

Honourable senators, Canadians expect Parliament to carefully study all bills that are introduced. Unfortunately, the government seriously impeded the other chamber from doing so. As my colleague, Senator Cowan, said in his speech yesterday, I hope that this chamber will have the time required to scrutinize this bill in a responsible manner.

[English]

Honourable senators, there is an utter absence of evidence-based reasoning in the Conservative government's entire approach to criminal justice. For years now, this government has been spreading fear and anxiety about the safety of our society. Truly, they would have us believe that there is mass chaos in the streets. I regret to inform the other side that this is not the case. This year, Statistics Canada reported that police-reported crime, which is statistically representative of the overall volume of crime, has been in continuous decline for 20 years through to 2010. In fact, last year, crime was at its lowest level since 1973.

• (1600)

Looking specifically at violent crime, we are now seeing the lowest levels since 1999. Last year, the Violent Crime Severity Index was down 6 per cent — four straight years of decline — and now the largest drop in more than a decade.

Among the specific violent crimes that have declined are attempted murder, down 14 per cent; homicide, down 10 per cent, and this is a 44-year low; robbery, down 7 per cent; serious assault, down 5 per cent; and youth crime, always one of the most worrisome indices, is 11 per cent lower than it was a decade ago.

Like many of the government's crime bills previously studied in this chamber, this omnibus bill takes the misguided approach of putting more people in jail for longer periods. Good public policy is based on evidence. I am in favour of evidence-based public policy. Honourable senators, this is not evidence-based public policy.

Comparable justice policy methodologies were enacted decades ago in jurisdictions around the world — most notably, the United

States, Britain, and Australia — and have been unequivocally discredited and abandoned. Why? It is because these policies had a disastrous impact in terms of public safety and economic and social costs on the states that employed them, bankrupting public coffers and, indeed, rendering communities less safe.

Policy-makers, judges, and criminologists in those countries who once looked to Canada as the model of an effective and balanced criminal justice system are bewildered by our sudden shift to an imprisonment-focused approach.

If one were to approach an average Canadian on the street in Halifax, Rimouski, Thunder Bay or Lethbridge, or any other corner of this country, and one asked that Canadian, "Are you in favour of safe streets and communities?" of course that Canadian would answer "yes." Thus we, as legislators, are tasked with determining how to achieve that end.

The problem, honourable senators, is that with Bill C-10, neither our streets nor our communities will be safer. In fact, as you have heard in the remarks of many of my colleagues yesterday and today, this bill could very well make things worse.

The United States, after several decades with "lock 'em up and throw away the key" policies, has a recidivism rate reaching as high as 70 per cent in the state of California. A study by the Pew Center on the States found that state and federal spending on corrections in the United States has grown 400 per cent in the past 20 years, from nearly \$12 billion to \$60 billion.

Honourable senators, when we learn from the mistakes of others, we can avoid making those same mistakes ourselves.

What is the actual cost of Bill C-10 for Canadians? We do not know. The government has consistently refused to supply Parliament with a detailed cost analysis of any of their crime bills, this one included. What we do know is that the Parliamentary Budget Officer — a Conservative-appointed, independent officer of Parliament — has stated that this government is responsible for a total obfuscation of the financial implications for provinces and territories. The budget officer found that the bill's estimated cost, according to the Conservatives, was backed up by no methodology and no supporting information.

Honourable senators, when we are saddled with the largest national debt in our history, and the Minister of Finance has recently admitted that he will not be able to meet his deficit-reduction targets, how can we contemplate, never mind afford, this kind of reckless spending on policies that have proven themselves ineffective and dangerous?

I do not need to remind you how many provincial governments have stated publicly that they cannot and will not pay for the implementation of this bill. Every province has its own unique situation, the parameters of which create new and compelling reasons why the Conservative government's approach to this legislation, and to justice policy in general, is so very flawed.

In my own home city of Edmonton, the municipal government has serious concerns with respect to the costs that will be downloaded on to the city when this legislation is passed.

Unfortunately, the federal government has yet to respond to these concerns in any constructive way. On November 29, Mayor Stephen Mandel asked the federal government to stop building prison cells in Edmonton due to the unmanageable costs the municipal government, especially the police service, would be forced to absorb. As Mayor Mandel said:

We believe we have more than our fair share of prisoners in our city. We don't want any more. If the federal government wants to expand prisons, do it elsewhere.

The mayor is absolutely correct. In addition to our 298-inmate maximum security prisons, we also sustain the Edmonton Institution for Women, an Aboriginal-focused institution, a downtown minimum security facility, and another Aboriginal facility built for women. The government has already legislated a new 96-bed maximum security facility and 44 more inmate spots at the Edmonton Institution for Women. Now, with this bill, the number of local inmates stands to grow further.

As has been pointed out ad nauseam, crime, both petty and serious, has been falling nationwide for decades. While there is no doubt that many types of convicts do need to be incarcerated, there is reason to believe that this Conservative initiative to build more and bigger prisons will, in fact, result in our community being less safe, all while leaving the economic costs and social consequences for the local government in Edmonton and other municipalities to deal with.

We have talked about the cost of these policies, but I would like to delve further into their failure to enhance public safety. History has proven that mandatory minimum sentences — and Senator Banks has spoken eloquently to this — leave fewer tools for prosecutors to use when laying charges and strip judges of the discretion to take mitigating factors into account during sentencing. Statistics show that in the jurisdictions where these policies have been in play, the mentally ill, whose plight was so aptly presented in Senator Cordy's eloquent and impassioned speech last evening, those struggling with addictions, the poorly educated, and racial minorities crowd the prison system. The most marginalized and most vulnerable are already disproportionately represented in our correctional system, and these "tough on crime" policies will affect these groups most harshly.

Shawn Atleo, Grand Chief of the Assembly of First Nations, stated recently that Canada's Aboriginal children are more likely to go to jail than to graduate from high school.

• (1610)

Correctional investigator, Howard Sapers, showed in his 2009 report that the rate of Aboriginal incarceration is nine times higher than for non-Aboriginals. In 2007-08, Statistics Canada revealed that Aboriginal people accounted for 22 per cent of our prison population, despite only making up 3 per cent of the actual population. Persons of Aboriginal descent now account for more than one in five new admissions to federal corrections institutes. Among female inmates, this overrepresentation is even more stark. One in every three women inmates is Aboriginal.

Bill C-10 does not so much as acknowledge this glaring disproportionality, let alone offer sentencing solutions that might alleviate it.

The territory of Nunavut has the highest crime rate in the country, according to Statistics Canada. Recently Nunavut deputy justice minister, Janet Slaughter, said that while other provinces can expect to see an increase in their prison population in the area of 15 per cent as a result of Bill C-10, these numbers would be much higher in her territory.

Where will all these new prisoners go? Nunavut's only prison, the Baffin Correctional Centre, is already plagued by chronic overcrowding, and a new 40-person facility is set to fill up immediately when it opens in early 2012. Last year, Nunavut's fire marshal said that the Baffin centre is so overcrowded, rundown and badly built that sending inmates there amounts to criminal negligence. The territory cannot deal with the additional burden that Bill C-10 will create.

Honourable senators, the root of most crime in Nunavut, as in many other jurisdictions, is people with addictions, histories of abuse and mental health problems who need treatment. These issues will not be cured by incarceration.

Iqaluit mayor, Madeleine Redfern, has been pleading with the government to assist with funding for a permanent addictions treatment centre, but to no avail. Instead, the Conservative government will hand off the additional burden of more inmates without the tools or support necessary to address the root causes of their problems.

Could I ask for five more minutes?

The Hon. the Speaker *pro tempore*: Is leave granted for an additional five minutes?

Hon. Senators: Agreed.

Senator Tardif: Thank you. The government has decided to ignore the overwhelming evidence and even the growing number of conservatives around the world who are speaking out against this failed and discredited approach to criminal justice that characterizes Bill C-10. This is all while data show that Canadians currently enjoy, for the most part, the greatest level of safety in our history, with violent and other crime rates in sharp decline.

Honourable senators, no one denies that there is crime that takes place in Canada, but I stand in favour of crime prevention. I stand shoulder to shoulder with victims of crime.

I stand in favour of putting more resources into the root causes of crime, to make things better and safer for every man, woman and child in this country. Effectively, this means that I cannot stand in favour of Bill C-10.

The government's obsession with punishment is misdirected. If it really wants to make our communities safer and make the justice system more responsive to victims of crime, then it needs to abandon the tough-on-crime rhetoric, the counterproductive mandatory minimum sentences and the costly prison expansion plan, and instead concentrate on fixing the real problems afflicting our justice system right now.

[*Translation*]

Honourable senators, our justice system is already in crisis, and prosecutors and judges are overworked. According to the Canadian Association of Crown Counsel, if the government does not provide the additional resources that will be required as

a result of the added pressure the bill will place on the system, public safety will be seriously compromised.

What additional resources are set out in Bill C-10 to assist our overtaxed justice system? There are none. The government simply expects prosecutors and judges to do more with less, while asking the Department of Justice, including its prosecutors, to reduce its current budget by 10 per cent.

Bill C-10 will result in more court time since offenders facing mandatory minimum prison sentences tend to choose a trial over pleading guilty in the provinces and territories that are already so busy that they do not have time for more trials.

If the justice system is overtaxed, we can expect more recourse to the Charter to stay proceedings because, under the Charter, litigants have the right to have their case heard within a reasonable period of time. We can also expect an increase in plea bargaining since offenders are less likely to plead guilty to charges that carry mandatory minimum sentences.

I repeat: since the waiting list for court time is long, prosecutors will have no choice but to charge offenders with crimes that are not punishable by mandatory minimum sentences.

How can we say that the increasing number of out-of-court settlements caused by long waiting lists for court time and the fact that offenders plead guilty to less serious charges improve public safety or help victims of crime?

Honourable senators, clearly such is not the case. According to the President of the Ontario Crown Attorneys' Association, if the justice system does not receive financial support, most new criminal laws will be of no use.

[English]

Last week Senator Boisvenu spoke at length about Bill C-10 and community stewardship of the rights of victims. He even implied that members of our caucus were more concerned with the welfare of criminals than victims. To be quite frank, honourable senators, I am surprised at my colleague's insinuation, especially when there are so few improvements for victims of crime in this piece of legislation.

I am certainly not an expert in this particular area of justice policy, but the former Federal Ombudsman for Victims of Crime, Steve Sullivan, certainly is, and he has been a vocal advocate for victims of crime for decades. He has stated that this bill will likely make things worse, not better, for victims of crime.

I see my time is up, honourable senators. I will simply say that one cannot justify bad policy through the repetition of a mantra about a mandate. Safe streets and safe communities are the shared aspiration of all Canadians and the common objective of all parliamentarians and parties.

No political party can claim that it alone speaks or cares for the safety of all Canadians.

(On motion of Senator Dyck, debate adjourned.)
