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## SAFE STREETS AND COMMUNITIES BILL

Ninth Report of Legal and  
Constitutional Affairs Committee Adopted

Speech by:

The Honourable Larry W. Campbell

Thursday, March 1, 2012

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### SAFE STREETS AND COMMUNITIES BILL

NINTH REPORT OF LEGAL AND CONSTITUTIONAL  
AFFAIRS COMMITTEE ADOPTED

**Hon. Larry W. Campbell:** Honourable senators, I rise today to speak on Bill C-10, the safe streets and communities act. Before I start, I will have to invite Senator Nolin and Senator Runciman to the province of British Columbia so that I can show them that, on Galiano Island at least, we are safe and that the crime rate has not risen substantially over the past few years.

As I have stated previously on many occasions, this legislation is not good for Canada. Like many of the speakers, I am saddened that I cannot vote for portions of this bill that I support wholeheartedly, including the portion on terrorism.

• (2200)

This bill is grounded on ideology and political bias. The manner in which all scientific evidence to the contrary has been blatantly ignored while the government has pushed this bill forward has, quite frankly, been nothing short of ridiculous.

One would think that our government would objectively examine the mountain of evidence which shows that this will not create safer streets and communities. This evidence indicates that Bill C-10 will accomplish a number of other things that are not quite as positive, such as benefiting organized criminals and sending the wrong message to drug traffickers, wasting taxpayers' money and precious police resources, as well as over-filling already crowded prisons and putting additional pressure on already strained court systems.

We do not have a real assessment from the government on what exactly this bill is going to cost. I understand that, because it is like looking into a crystal ball and trying to figure out what will happen down the road. However, rest assured, we do know that there will be a financial impact. If we go by what is happening in the United States, we know that when they started their mandatory minimums they estimated that the cost would be \$55.2 million over five years. In fact, it was \$3.216 billion — 58 times the original estimate over the same five years.

We also know that the prison system in the U.S. is currently 38 per cent over capacity and we also know that states such as California have faced bankruptcy due to mandatory minimums filling up their prisons.

This bill does nothing to address the underlying causes behind drug crime in Canada, which will inevitably only worsen the situation for our already marginalized citizens. Our prisons are already disproportionately filled with specific populations such as Aboriginal people, the mentally ill and women.

The Correctional Investigator of Canada, Howard Sapers, has come forward saying that the legislation will worsen this problem and the Canadian Psychiatric Association has stated that this bill will exacerbate issues relating to the “warehousing” of prisoners as a last resort when treatment is not available to them.

One witness from an advocacy group representing the First Nations in Manitoba aptly summarized the negative effect this bill will have on First Nations, when he told the committee that:

Bill C-10 will perpetuate the cycle that often begins when First Nations children are removed from their families and mothers and placed in foster care. Our children are more likely to be placed in youth detention centres and to wind up in jail as adults. . . .

Bill C-10 will further the legacy of the Indian residential school system in Canada.

I will not plow this fertile field for any great length of time, and I am not going into the deeper problems related to prohibition, because I believe Senator Nolin spoke about that very eloquently.

The people who are advocating change here are politicians who live in countries that are directly affected by the supply and demand system created by the United States and their insatiable demand for drugs. That is the problem. It is an economic issue, and so we see Colombia, Guatemala and Mexico, and we will see the rest of Central America and South America joining into this and recognizing that they cannot stop this. They cannot stop the drugs from coming from their country as long as the demand is there. We know, because of the monies involved here — the huge amount of monies — and the poverty involved in many of these countries, that it is just irresistible. They cannot stop and it escalates gang violence and contributes heavily to drug-related deaths.

According to a 2011 report of the Global Commission on Drug Policy — and I think this is important because in Vancouver we had a huge increase in HIV due to drug transmission among intravenous drug users — many countries that have relied on repression and deterrence as a response to increasing rates of drug-related HIV transmission are experiencing the highest rates of HIV among drug-using populations.

The supervised injection site opened in Vancouver and clean needles were supplied. The HIV rate and the hepatitis rate dropped and they have continued to drop to this day.

There is more to drugs than simply enforcement. There is prevention, there is harm reduction, and there is treatment. In this country we are not giving proper focus to the other pillars involved. In fact, this government denies harm reduction, period. It is not mentioned anywhere in their drug policy.

Conversely, countries that implemented harm reduction and public health strategies — i.e. Canada — have experienced consistently lower rates of HIV transmission among people who inject drugs.

Witnesses from our own police associations are telling us that, while this bill is measured, in and of itself it will make no difference. According to the representative from the Canadian Association of Chiefs of Police, sentencing is not the silver bullet that will bring us out of this. We will not arrest our way out of this problem. We will not incarcerate our way out of this problem. We have to approach this with a balanced approach across all of the

continuums. Bill C-10 is part of that balanced approach. On its own, though, I fear it will make no difference.

Additionally, the arbitrary numbers included in this bill are not grounded in any real evidence and only serve to motivate small-time crooks to expand their operations. I do not want to go into any detail here for fear that honourable senators may think that I have learned this from something other than books and police experience, but when you put in a scale of 6 to 200 plants, and I am looking to make some money, I am not going to grow 6 plants and get 6 months. I will grow the 200. If you make it 200 to 500, I will not do the 200 either; I will do the 500. If you go to 1,000 and give me a deuce less a day, that is where I am going, because that is where the money is. Instead of a disincentive here, we have said, "Well, 6 will get you in trouble, but you are not going to get any more for 200."

The fact of the matter is that, as a police officer, I do not care what the number is. You can be a trafficker and only grow 6 plants. You would be a stupid trafficker, and I probably would not spend much time chasing you around, but you could do that. I, as a police officer, could investigate, and I could get the evidence, and I could take you to court, and I could get a conviction.

Numbers mean nothing, other than giving you lazy police. Why would you have to work at it? Find 200 plants and I would just take you and drive you. I could convict you of possession for the purpose of trafficking. No work, or very little work.

We should not be using numbers when it comes to setting criminal standards. Often they are way too low and, at the end of the day, the sentences that go with them do not mean anything.

In a recent article published in the *Ottawa Citizen*, Eric Sterling, who was a key player in the drafting of the U.S. federal mandatory minimum sentencing laws, stated that the quantities of plants identified for various minimum sentences in Bill C-10 are ridiculously low and suggest that most federal politicians have no understanding of the structure of the criminal industry they are trying to curb.

In the last incarnation of this bill, those who are on the committee will remember there was a criminologist from the University of the Fraser Valley. I said to him, "We are both from British Columbia. What do you think would be personal?" He said, "Well, I do not know. What do you think would be personal?" I said, "I do not know. One hundred plants?" He said, "One hundred plants?" I said, "Well, you have Christmas, New Year's, Hanukkah, Easter, birthdays, weddings, and funerals. By the time summer rolls around, there would be nothing left." He said, "Well, I might go with 30."

How do we know what the numbers are? We do not. It has to be proven.

Honourable senators, if scientifically-based research, hard facts or warnings from subject matter experts are not enough to sway this government, then surely the negative outcome of similar policies in the U.S. would cause them to reconsider. It is not that we are becoming the United States when it comes to our criminal justice system or our penal system. They are going the other way. They realize how much grief they have on their hands, what it costs to society, and what it costs in money. We are way beyond

them; we are going in the opposite direction as they are coming out of it, and we do not seem to learn.

• (2210)

This government is blatantly ignoring recent events in the United States that clearly show how flawed this type of approach is. I have to say right now that I am not against all minimum sentencing. If it was the Liberals that passed it, then they were probably wrong too. I am not against all minimum sentencing. All I am saying is that if you are going to do it, there has to be a reason. It has to be proven, and there has to be real evidence that it will make a difference.

In addition, the government is turning a deaf ear to pleas from legal and judiciary experts in the U.S., who urge us not to make the same mistakes. I ask you, when are you ever going to see politicians from the United States apologizing? It does not happen. They know how bad this is. They know how much trouble they are in.

A letter recently signed by over 25 experts, including judges, lawyers, police officers and drug investigators, stated that when it comes to harsh minimum sentences for offences dealing with marijuana, these policies have bankrupted state budgets, as limited tax dollars pay to imprison non-violent drug offenders at record rates instead of to run programs that can actually improve safety. Many American states and districts have since reversed their policies, and 14 states are currently moving towards decriminalization of marijuana possession.

In closing, honourable senators, there is just an ignorance in the drafting of this bill. It has no common sense to it. Scientific evidence, common sense, and recent history all tell us this bill will not accomplish its goal to create safer streets and communities. In fact, it could make them worse.

To quote Mr. Sterling one last time:

Countless lives have been ruined due to incarceration and criminal records for non-violent drug offences. Based on this irrefutable evidence . . . I can see only one reason why Canada's federal government and some provincial governments would want to go down this wasteful route: the belief it is good electoral politics to parade as tough on drugs or crime.

This is neither tough on drugs, nor tough on crime. Ten years from now, we will be here taking a look at this and reversing it.

The bill is not in the best interests of Canadians, and I cannot support its passage. Thank you.

**The Hon. the Speaker *pro tempore*:** I think Honourable Senator Martin had a question. Honourable Senator Martin, did you have a question?

**Senator Martin:** Yes, I have a question for Senator Campbell.

With all due respect, I am a Vancouver resident. When the honourable senator was mayor, I lived in Vancouver. I still am there. What do we say to the Chinatown Merchants Association who, because of the drug issue and the problems that exist in our city, are faced with trying to protect their cultural legacy, 125 years in the city? What do we say to a young boy by the name of Trenton, about whom I spoke in Abbotsford, who lived on the

same street as the infamous Bacon Brothers? Jonathan was killed last summer. He was a student of mine in grade 11. Trenton lived on this street and was held captive for months. The police resources in Abbotsford were exhausted because they had to somehow protect the criminals. His friends could not visit. He did not understand, and he spoke so passionately in his speech. What do we say to Eileen Mohan, one of the mothers of the victims in the Surrey Six case? She had only one son, and he was killed.

I understand that there is science and that there are experts and statistics, but I think about the victims and about so many innocent and law-abiding Canadians who need protection. My question to the honourable senator is this: What would we say to these victims and the families who are impacted so directly and so seriously?

**The Hon. the Speaker *pro tempore*:** Honourable senator, before you reply, your allotted time for speaking has expired. Are you prepared to ask the chamber for more time to give a response to Senator Martin?

**Senator Campbell:** Yes.

**Some Hon. Senators:** Five minutes.

**The Hon. the Speaker *pro tempore*:** Five minutes. Proceed.

**Senator Campbell:** For 20 years, I spent my life dealing with dead people, and, for 20 years, I spent my life dealing with victims. Someone said here today — I believe it was Senator LeBreton — “Who would possibly wish to walk in Senator Boisvenu’s shoes?” I agree totally. There is nothing I can say, nothing I can do.

In answer to the Chinese question, when I ran for mayor, I went to them and told them I was going to put in a supervised injection site. I promised them it would not be in Chinatown. They voted for me. That is all I can say. Chinatown has always been under pressure in Vancouver because of its location. I support it totally. The Bacon Brothers and gangs like the Bacon Brothers are a product of our society. They are a bunch of sociopaths and losers who got together outside of high school. They got together and, by violence and probably with a lot of steroids going on board, have turned into this issue.

What do I say to the people who live on their street? I do not know. I have no answer to that. The Surrey Six is exactly the same thing. There is no way to say to someone who has lost a loved one that there is an answer out of this.

Would putting the Bacon Brothers in jail for the rest of their lives make me happy? Absolutely, no question about it. However, this is still part of society, and we have to deal with it. We cannot deal with it by saying, “Just lock them up, lock them up, lock them up.” British Columbia does \$7 billion a year in the trade of marijuana, unregulated and untaxed. I say tax the hell out of it. Take it away from the gangs, and they will go to something else. Do not ignore it. Take it away from them and make them go somewhere else.

I feel for victims. As I said, for 20 years, I spent my life, on a daily basis, talking to people who had lost loved ones, and I have to tell you that I never got very good at being able to answer their questions.

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