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TOUGHER PENALTIES FOR CHILD PREDATORS BILL

Bill to Amend—Third Reading of Bill C-26

Speech by:

The Honourable Larry W. Campbell

Thursday, June 11, 2015

THE SENATE

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BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Plett, seconded by the Honourable Senator Fortin-Duplessis, for the third reading of Bill C-26, An Act to amend the Criminal Code, the Canada Evidence Act and the Sex Offender Information Registration Act, to enact the High Risk Child Sex Offender Database Act and to make consequential amendments to other Acts.

Hon. Larry W. Campbell: Honourable senators, before I start today, I would like to advise that you that, yesterday, Senator Plett approached me, and I apologized to Senator Plett for my outburst during Bill C-2. There are 1,500 people who live in Landmark, Manitoba. There is not a depression in the soil, and it is a proud community. I apologize for taking his remarks personally.

Hon. Senators: Hear, hear.

Senator Campbell: At the outset, nothing is more important than the protection of our children. Like everyone here, I would err on the side of that protection.

Senator Plett mentioned a person — I was going to say “gentleman,” but that’s not who he is — named Gordon Stuckless. Mr. Stuckless worked at Maple Leaf Gardens. He pled guilty to 103 sex-related charges involving 18 people over 20 years. He was sentenced to five years in prison, which, in my world, is not enough.

Having said that, the Crown can and does appeal sentences when they believe they are not in keeping with the proper judicial processes. I note that was not done, so perhaps some of our focus may want to be on that. But I can state to you categorically that there is a special place in Hell for people like Stuckless.

Nevertheless, there are not thousands of Gordon Stucklesses roaming around. I read both of Senator Plett’s statements, and I came to this realization — and it might just be me — that we refer to sex offenders as if they are a homogeneous group and are all the same. We know that is not true. While no sexual offence can be condoned, the severity ranges from your garden-variety Peeping Tom up to people like Gordon Stuckless. It’s simply beyond comprehension how we can throw everyone into the same category. Although I do know, as a police officer, that there is a direct correlation between that Peeping Tom and other offences within the sexual-offence realm.

I would like to deal with three issues: the increase in mandatory minimum sentences, the elimination of judicial discretion through mandating of sentences for a variety of crimes to be served consecutively, and the establishment of a publicly accessible database of offenders that would include detailed personal information.

I thank Michael Spratt, a criminal defence lawyer in Ottawa, who has spoken many times before committees regarding these issues.

With regard to minimum sentences, the evidence suggests that minimum sentences do not make communities safer, they do not

deter the commission of offences, they impede rehabilitation and they are costly. All of these have to be taken into consideration, given prison populations, our ability to house them, and our ability to give proper treatment and care within those facilities vis-à-vis our economic situation.

Second, in regard to the limits on judicial discretion, there already exists a presumption that sentences for offences without a reasonably close nexus should be served consecutively. We find that in the judgment of Sopinka, J. in *R. v. McDonnell*, 1997, where he says:

... the decision to order concurrent or consecutive sentences should be treated with the same deference owed by appellate courts to sentencing judges concerning the length of sentences ordered. The rationale for deference with respect to the length of sentence, clearly stated in both *Shropshire* and *M. (C.A.)*, applies equally to the decision to order concurrent or consecutive sentences.

There is little evidence that Canadian courts are imposing lenient sentences for sexual offences perpetrated on children. Sentences for those types of offences routinely exceed the minimum sentencing mandated by Bill C-26.

Last, the sex offender registries, Bill C-26 creates a registry that would require an offender to provide at minimum their name, birth date, gender, physical appearance, photograph and area they reside. I don’t find that particularly onerous, but it has to be shown to protect communities. When I went back over the research, there are nine studies, all independent, starting from about 2002 up to about 2011. They say that they do not make communities safer. In fact, they put the sex offender in the position of being on the run all of the time, which then leads to them going off and committing more offences.

As I said before, sex offenders are not all the same. Pedophiles stand out due to their high recidivism rate. Senator Plett asked me a question, suggesting that the recidivism rate was 50 per cent, and I stated I didn’t believe that. I still don’t believe it, but I believe it is sufficiently high, whether it’s 30, 40 or 25 per cent, that we should be concerned.

I also believe, as stated in a Harvard medical journal and stated by Senator Plett, that there is no cure for pedophilia. I accept that, and I have accepted it for a number of years. That being said, there are steps that can be taken to ensure compliance with the law and protect the public.

Prime Minister Harper said: “We do not understand why child predators do the heinous things they do and, in all frankness, we don’t particularly care to.” Stating that we don’t care about why people commit unspeakable acts goes to the crux of this matter. We cannot keep locking up people for longer and longer periods of time without studying and understanding the reasons behind why they commit offences. Unless you want to lock up every pedophile for life or find an island someplace and put every pedophile on it, we have to make decisions on how we are going to treat them.

This bill does not do that. In fact, it will probably result in more harm against society.

For these reasons, I will not support this bill.