



Demand Safer Communities

**The Conservative plan for Canada's
criminal justice system**

**Hon. Stephen Harper, PC, MP
Leader, Conservative Party of Canada**

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Demand Safer Communities:

Introduction

All Canadians should be able to feel safe and secure in their homes and streets. Our justice system must ensure that crime has consequences. It is the victims of crime who have the first claim on our compassion, and our justice system must put more emphasis on responding to victims than catering to criminals.

While crime rates may be below their peak of the mid-1990s, they are still unacceptably high. Declining average rates are no comfort at all to somebody who has been robbed or lost a family member to murder.

A Conservative government will bring accountability and balance to Canada's criminal justice system.

We will ensure that law enforcement agencies have more resources to do their job by redirecting all funds that would have been used on the federal gun registry towards front line law enforcement.

We will protect our children from predators by ensuring that a new national sex offender registry includes all persons who pose a threat to our children, and removing all defences for possession of child pornography.

We will ensure truth-in-sentencing through sentencing reforms, such as eliminating statutory release, ending conditional sentencing for serious offences, and eliminating the "faint hope clause".

We will protect our national security by clearing the backlog of persons ordered deported but not removed, focusing on those deemed to be criminal or national security risks.

Canceling the Gun Registry

The current firearms law, including its firearms registration provisions, should be replaced with a practical firearms control system that is cost effective and respects the rights of Canadians to own and use firearms responsibly.

Stronger penalties should be imposed on persons convicted of using a firearm to commit a crime.

Liberal Record

The gun registry cost taxpayers \$941.9 million by the end of March 2004. If you add the costs of enforcement, which many provinces have refused to pay, the cost rises to about \$2 billion.

In December, 1999 the RCMP stated that it had diverted resources from law enforcement to employ 391 people on firearms registry.

Toronto Police Chief Julian Fantino: "We have an ongoing gun crisis including firearms-related homicides lately in Toronto, and a law registering firearms has neither deterred these crimes nor helped us solve any of them. None of the guns we know to have been used were registered, although we believe that more than half of them were smuggled into Canada from the United States. The firearms registry is long on philosophy and short on practical results considering the money could be more effectively used for security against terrorism as well as a host of other public safety initiatives." (Jan. 03)

Former Ontario Public Safety Minister Bob Runciman: "The gun registry thing was meaningless on its impact on crime. It focused on the wrong people and it had no effect on the street. It was all politics." (Aug. 03)

Conservative Commitment

A Conservative government led by Stephen Harper will repeal the wasteful long-gun registration legislation.

Savings from repealing the gun registry will be redirected to law enforcement.

We will work with the provinces on cost-effective gun-control programs designed to keep guns out of the hands of criminals, while respecting the rights of law-abiding Canadians to own and use firearms responsibly.

Measures will include:

- Mandatory minimum penalties for the criminal use of firearms and their illegal possession
- Strict monitoring of high-risk individuals
- Crackdown on gun smuggling
- Safe storage laws
- Firearms safety training
- A licensing system for all those wishing to acquire and use firearms legally
- Putting more law enforcement officers on our streets
- A registry of convicted criminals who have been prohibited by the courts from owning firearms.

Increased Resources for Law Enforcement

Liberal Record

Paul Martin's budget cuts led to severe underfunding of the RCMP and other law enforcement agencies in the late 1990s (including the complete abandonment of Canada's Ports Police). Even the RCMP's training academy in Regina was forced to temporarily close in 1999. Millions of dollars and years of officer staff time have been diverted by work on the Liberals' failed gun registry. Only after the increased attention to national security after September 11, 2001 did the RCMP start to receive significant new funding – although it is still inadequate to deal with the challenges posed by national and international scale threats such as organized crime, terrorism, people smuggling, and cybercrime including child pornography and child luring.

The government has allocated \$25 million per year for the ongoing maintenance of the gun registry. However, last year, the registry cost at least \$48 million, and with the hidden costs of diversion of resources in other departments, the true ongoing cost of the gun registry may be closer to \$100 million per year.

Conservative Commitment

A Conservative government will immediately cancel the gun registry which should make available between a minimum of \$25 million and up to \$100 million each and every year to put into improved law enforcement. This would allow us to fully and properly fund a national sex offender registry, at a cost of about \$2 million to establish and \$500,000 per year to maintain and monitor.

\$25 million a year would also allow us to hire and train 200 new RCMP officers. We will ensure that new officers be put into front line law enforcement in such areas as:

- tracking child pornography and child predators on the Internet
- preventing gun smuggling at Canada's border crossings
- protecting Canada's ports from smuggling and potential terrorism
- cracking down on gangs and organized crime.

National Sex Offender Registry

Liberal Record

For years, opposition parties, police forces, victims and provincial governments pushed for the creation of a national sex offender registry that would proactively provide police with information about all known sex offenders living in a community. The Liberals stonewalled, saying the existing Canadian Police Information Centre (CPIC) system was sufficient, even though it did not contain up-to-date personal and address information for previously convicted sex offenders.

Finally, in a last minute rush before the election, the Liberals tabled and passed sex offender legislation. Canada will finally have a national sex offender registry by the fall of 2004. However, the new bill still contains flaws:

- It is not fully retroactive, as it will only contain information about sex offenders who are still under sentence or who had previously registered in the Ontario sex offender registry. Sex offenders considered likely to reoffend who have already completed their sentences will not be included
- It will not include sex offenders convicted in youth courts
- It will not include Canadian sex offenders committed of sexual offences in other countries, who are transferred to Canada
- Crown counsel must apply to enter the sex offender in the registry, rather than this inclusion being automatic
- Sex offenders can appeal their registration and be removed from the registry by judges.

Conservative Commitment

A Conservative government led by Stephen Harper will fully fund the national sex offender registry using part of the proceeds of canceling the Liberals national long gun registry.

We will eliminate the loopholes in Bill C-16 and amend the legislation to ensure mandatory registration of all sex offenders, regardless of when, where, or how old they were when convicted.

Eliminating Legal Loopholes for Child Pornography

The federal government said in its submission to the Supreme Court of Canada in the case of *R. vs. Sharpe* that child pornography, however it is created, is harmful to children. “The fundamental and overriding importance of protecting children from all forms of sexual abuse far outweighs any possible benefit from permitting people to possess child pornography.” “Possession of child pornography, whether visual or written, fuels the sexual fantasies of pedophiles and will lead some pedophiles to act upon their fantasies and abuse.”

Yet the revised child pornography legislation, Bill C-20, which was introduced after the *Sharpe* decision, replaced the previous “artistic merit” defence with a new legal loophole: for the “public good”.

Liberal Record

Dec. 5, 2002: Justice Minister Martin Cauchon said that he will not ban possession of child pornography outright because he fears it could violate the Charter of Rights and Freedoms guarantee to freedom of expression.

Oct. 28, 2003: Martin Cauchon: “Bill C-20 is consistent with the Supreme Court decision. It is intended to simplify and reduce the number of defences that now exist, merging them into one defence based on the public good.”

Conservative Commitment

A Conservative government led by Stephen Harper will eliminate all legal loopholes that justify the criminal possession of child pornography, including the “public good” defence.

We will invest in a national strategy to crack down on child pornography.

We will prohibit conditional sentences for child sex offences to ensure that all of those charged with these offences will serve prison time and be removed from the community.

Truth in Sentencing Reform

Liberal Record

According to Correctional Service Canada's own statistics last year, convicts on parole committed 6 murders, 10 attempted murders, 60 major assaults, 33 rapes and 102 armed robberies.

In 1997, Michael Pelletier broke into a house and killed Anna Lippucci, 83. Pelletier, a 21 year old drug-user, was serving a six-month conditional sentence in a halfway house for dangerous operation of a motor vehicle, two counts of theft over \$1,000 and breaching the terms of a previous sentence.

In 2002, while out on day parole, violent repeat killer Conrad Brossard was arrested for the rape and murder of Cécile Clément.

In 2003, after serving only 7 years of three life sentences for three murders, Darcy Bertrand was transferred to a minimum security prison. The transfer happened without a word to the surviving family members of the victims, who live 20 minutes away from the minimum security prison.

In July, 2003, the Correctional Service of Canada released a serial sex offender to a halfway house in the same Toronto neighbourhood from which 10-year-old Holly Jones had been abducted and murdered a few months earlier.

In July, 2004, notorious rapist, arsonist, and armed robber Martin Ferrier, diagnosed as an “incurable psychopath” and considered likely to reoffend by the National Parole Board, is scheduled to be released, despite repeated requests that he be declared a dangerous offender.

Conservative Commitment

A Conservative government led by Stephen Harper will:

- Ensure that conditional sentences (“house arrest”) shall not apply to serious, violent, weapons, sex offences, or major drug trafficking
- Repeal section 745.6 of the Criminal Code – the so-called “Faint Hope Clause” that allows an offender serving a life sentence to apply for parole after only 15 years
- Ensure mandatory “dangerous offender” designation for a third violent or sexual offence
- Enforce mandatory consecutive sentences (instead of concurrent sentences, as is usually the case) for multiple violent offences.
- Replace statutory release (the law entitling a prisoner to parole after serving only two-thirds of the sentence) with earned parole.

Clearing the Backlog of Deportation Removals

The Auditor General noted in her 2003 report: “over the last six years about 36,000 removal orders have not been executed. The Field Operations Support System shows about 30,000 outstanding arrest warrants for removals, some of which date from 1997.”

This is an unacceptable threat to our internal security.

Liberal Record

Security analysts have warned that Canada is at risk of becoming a “safe haven” for criminals and terrorists. RCMP and Canadian Security Intelligence Service (CSIS) reports have warned of organized international criminal organizations and terrorist groups operating in Canada. According to CSIS, there are over 50 terrorist groups operating in Canada. Yet, the Liberals refuse to enforce the laws already on the books against criminals and national security risks who are abusing our system.

For example, the federal government has been trying unsuccessfully to have Malkiat Singh deported since 1991. Singh was convicted of murder in India and identified by fingerprints here in Canada.

O’Neil Grant, convicted in the 1994 Just Desserts killing of Georgina Leimonis, and Clinton Gayle, convicted in the 1994 shooting of Toronto police officer Todd Baylis, had both been ordered deported from Canada but not removed.

Conservative Commitment

A Conservative government led by Stephen Harper will address the backlog of outstanding deportation orders, putting priority on individuals with criminal records or connections to organized crime or terrorist organizations.

Summary of Commitments

Cancelling the Gun Registry

A Conservative government led by Stephen Harper will repeal the wasteful long-gun registration legislation. Savings from repealing the gun registry will be redirected to law enforcement.

We will work with the provinces on cost-effective gun-control programs designed to keep guns out of the hands of criminals, while respecting the rights of law-abiding Canadians to own and use firearms responsibly. Measures will include:

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Ensure mandatory “dangerous offender” designation for a third violent or sexual offence

Enforce mandatory consecutive sentences (instead of concurrent sentences, as is usually the case) for multiple violent offences

Replace statutory release (the law entitling a prisoner to parole after serving only two-thirds of the sentence) with earned parole.

Clearing the Deportation Removals Backlog

A Conservative government led by Stephen Harper will address the backlog of outstanding deportation orders, putting priority on individuals with criminal records or connections to organized crime or terrorist organizations.