

From: Whitehouse, Donna [<mailto:Donna.Whitehouse@leg.gov.mb.ca>] **On Behalf Of** Justice, Minister **Sent:** Thursday, 29 December 2011 15:58 **To:** Irvin Waller **Subject:** RE: Reducing crime and the deficit (oops imprisonment) and "All I want for Xmas"

December 29, 2011, Irvin Waller, Ph.D., iwaller@UOTTAWA.CA

Dear Irvin Waller:

Thank you for your recent e-mail regarding Bill C-10, the Federal Safe Streets and Communities Act.

Crime and public safety are issues are taken very seriously by the Manitoba Government. We believe that building safer communities requires a thoughtful, balanced multi-pronged approach, with strong legislation being one aspect of Manitoba's strategy.

Criminal law falls within the exclusive jurisdiction of the federal government. Manitoba has urged the federal government to make changes to the Criminal Code, the Youth Criminal Justice Act (YCJA) and the Controlled Drugs and Substances Act to address crime and enhance public safety.

In regard to Bill C10, there are several provisions that Manitoba has long advocated for and supports, including:

- Stiffer penalties for youth who are violent and repeat offenders.
- Increasing the minimum penalties for those who sexually exploit children and widening the definition of sexual exploitation to include new technological realities.
- Eliminating house arrest (conditional sentences) for serious offences like manslaughter, arson, sexual assault, drug trafficking and impaired driving cause death.
- Increasing the maximum and minimum jail times for drug trafficking for the purpose of organized crime.

We have a number of concerns with provisions related to Bill C10 as well.

- It's just as important to prevent crime and invest in youth-at-risk as it is to catch and prosecute criminals. We would like see the federal government commit to stable, long term funding for the Youth Gang Prevention Fund. There is a risk that most of the five programs currently funded in Manitoba will close due to a serious lapse in funding next year. The fund will run out on March 31, 2012 and it will take six to eight months for new funding to be approved. This could

lead to a major gap in preventing youth-at-risk from turning to a life of crime. We are calling on the federal government to make a greater, long-term commitment to crime prevention.

- While we support the amendments to remove the opportunity for pardons for convicted child sexual predators, we also have some concerns regarding the proposed changes to the federal pardon legislation. These changes could impair the ability of offenders that have served their sentence to find employment and re-integrate into society. Our government remains worried that longer wait times for pardon eligibility will lead to a higher risk of re-offending. For the vast majority of offenders the availability of a pardon where they have ceased involvement in criminal activity is an important incentive to stay on the right path as well as helpful for obtaining lawful employment.
- Manitoba would like to have a firm commitment that the federal government will remain dedicated to funding the Winnipeg Drug Treatment Court, including considering an expansion in the months ahead. This court is a vital problem-solving court that aims to break the cycle of crime by providing drug treatment for those struggling with addictions. The Drug Treatment Court combined with the new Mental Health Court can successfully deal with less serious drug and other crimes by offering treatment to offenders. With further investments the Drug Treatment and Mental Health Courts can provide more treatment for offenders who need it and prevent repeat contacts with the justice system.
- Finally, we expect, as one consequence of Bill C-10, that we will have an increased demand on our provincial Legal Aid system. Once again, we urge the federal government to increase its legal aid financial commitment. When Legal Aid was first created in Canada, the federal government was an equal partner with the provinces in this system. Currently, the federal government pays less than 20% of legal aid costs. We encourage a return to 50-50 funding, particularly in light of the increased pressures we expect with Bill C-10.

Bill C-10 will address certain concerns raised by Manitoba. However, we recognize that comprehensive responses are necessary to assist at risk youth and adults in avoiding criminal activity. Manitoba has undertaken a combination of direct initiatives, complementary efforts and partnerships with law enforcement agencies and community organizations that target the prevention, intervention, and suppression of criminal activity. The following are just few examples of the initiatives and programs that help create safer communities throughout Manitoba:

- Funding for police officers

The Government of Manitoba has substantially increased the amount of funding it provides for Manitoba police agencies to hire additional police personnel. Since 1999, we have more than doubled our funding and provided resources to support the hiring of 255 additional officers throughout Manitoba, and we have redirected federal funds to support the hiring of 30 additional police officers. We will continue to work with Manitoba communities and Chiefs of Police to add officers and increase community-based policing in Winnipeg. The Manitoba Government has committed to funding 100 additional police officers in Manitoba, funding 25 additional cadets for downtown Winnipeg and expanding the cadet program to northern and rural communities with 25 new cadets.

- Lighthouses

This is a youth crime prevention program that provides safe and productive settings for youth outside of school hours. Activities range from recreation activities, workshops on topical issues and skill development programs. A strong element of the Lighthouses program is that youth are encouraged to participate in decision making at all levels of the operation. Manitoba Hydro provides funding for one Lighthouse while the remainder are funded by the Province. The recent addition of five new Lighthouse sites brings the total number to 71.

- Spotlight Program

This program relies on community partners such as the Native Addictions Counsel of Manitoba, Ndinaw, Ka Ni Kanichihk and the Aboriginal Centre. The program is designed to work with 60 high-risk gang-involved male youth in Winnipeg with goals of reducing recidivism and assisting youth in leaving the gang lifestyle. The youth are intensely monitored. Community resource partnerships have been developed and are utilized. Structured and supervised activities are coordinated to interrupt and provide an alternative to illegal activities on the street.

- Turnabout

This is the only province wide program in Canada that works to get young people who are too young to be charged under the YCJA (children under 12 years of age) back on the right track. Turnabout operates with the co-operation of police agencies who notify the program when someone under 12 breaks the law. Turnabout provides the community, law enforcement, child welfare and school systems with a consistent way to deal with children too young to be charged for acts that might otherwise be prosecuted. It helps support families while preventing a child from having further involvement with police, which improves community safety.

- GRASP

GRASP involves the intensive monitoring of up to 100 adult high-risk offenders who are gang associated with a history of violence, who are in the community on either bail orders or probation orders with a view to ensuring that court-imposed conditions are followed. Breaches of any of those conditions are vigorously enforced with early arrests and prosecution.

- Drug Treatment Court

Manitoba participates in and provides in-kind support to the Winnipeg Drug Treatment Court program, which takes a therapeutic justice approach by diverting drug-addicted offenders away from incarceration and towards an extensive supervision and treatment program.

- CHOICES Youth Program

CHOICES is an initiative of Manitoba Justice, Winnipeg School Division #1 and the Winnipeg Police Service to address the rise of gang activity, truancy, drug use, academic failure and school dropout rates of youths. CHOICES is a resiliency-based prevention and early intervention program serving youth at high risk for gang and criminal involvement and substance abuse.

- The Safer Communities and Neighbourhoods Act (SCNA) and The Fortified Buildings Act

The SCNA targets properties that are habitually used for drug use or trafficking, prostitution and related activities, unlawful sale of liquor and unlawful use or sale of intoxicating substances including non-potable and solvent-based products. This legislation was the first of its kind in Canada and supports the safety and security of neighbourhoods. On April 13, 2011, amendments to the Act were introduced to allow investigators to take action in properties where criminal organization offences occur or offences that facilitate or benefit a criminal organization take place. As of November 2011, 521 drug, prostitution, sniff and bootlegging operations have been closed.

The Fortified Buildings Act deals with fortified buildings that pose a threat to public safety. Buildings could include any building fortified for use by those involved in criminal activities that disrupt peace and safety of a neighbourhood, including gang houses. As of November 2011, 62 inspections have led to the removal of fortifications that pose a threat to public safety at 56 buildings.

As well, in the coming year, we will be launching a new after-school program modeled on the successful Chicago After School Matters program to give kids safe, structured after-school activities and help them develop marketable job skills.

The Manitoba government has also looked at the underlying causes of crime. ALL Aboard: Manitoba's Poverty Reduction and Social Inclusion strategy is grounded in the belief that all people deserve a high quality of life and should have the opportunity to realize their potential. Our government recognizes that we need to set the conditions that allow people to participate fully in society as valued, respected, and contributing members. Many of the initiatives under ALL Aboard help to prevent crime, as they work to provide people with the supports they need to participate fully in their communities. This year, Manitoba has committed over \$1 billion to initiatives to reduce poverty and increase social inclusion.

Outside of these initiatives by Manitoba Justice, our government continues to invest in our education system, training opportunities, higher education (universities, colleges and apprenticeships), recreation, and poverty reduction measures, all of which help to build stronger and safer communities.

Manitoba will continue to address public safety and crime issues with a balanced, multi-faceted approach.

I appreciate you taking the time to share your concerns.

Yours truly,

Andrew Swan
Minister of Justice
Attorney General