

*Penitentiaries*

treatment of crimes and criminals are one of the most unflinching tests of the civilization of any country. By any measurement, this country fails that test completely.

Why do I say it fails that test? All I have to do is refer to the judgment of Mr. Justice Heald in the case of Darrell versus Heald.

**Mr. Hnatyshyn:** Darrell was his name.

**Mr. Leggatt:** The inmates of the penthouse at the British Columbia penitentiary decided to test whether the standards under which they were kept met anybody's level of civilization. I want to quote some of that judgment. It may tell us how low we have gone in terms of the way we are administering our prison system.

In that case, one of the famous or infamous inmates was Andrew Bruce. The other was John McCann. Before going into that particular case, I apologize to Mr. Justice Heald for including him in the style of cause.

**Mr. Hnatyshyn:** I hope it is not profanity.

**Mr. Leggatt:** I hope it will not affect my future in the law business. In any event, one of the individuals in that particular case was Andrew Bruce. Andrew Bruce has been in trouble all his life. He, out of a large family, is the one who has had the most trouble. He spent time in juvenile homes. By the time he got to be 17, he was sent to the B.C. Penitentiary as a result of some serious property crime. Then he got his first taste of the penthouse. He was subsequently released.

In 1970 Andrew Bruce committed a particularly vicious murder. He went back to the B.C. Penitentiary and spent some two years in a cell which, if I recall correctly, is about four by six. He has spent most of his adult life in that particular cell.

I do not say this to justify for one minute any of the vicious and horrible crimes that Andrew Bruce has committed against society. However, I do ask members of parliament and members of the public to ask themselves whether we have reduced the risk of repetition of crime by the way we have treated Andrew Bruce? Is he any less likely or more likely to commit a crime?

Let us look at John McCann who spent 754 days in that cell continuously, with a half hour of exercise. If you bring a man in as a bank robber and put him in the hole, you cannot release him. You can hang him, but you cannot release him. If you release him, he will come out a murderer.

We sit here worrying about rates of recidivism. That is where the rate of recidivism comes. We are not rehabilitating these people, but turning them into dangerous, vicious killers, every day that we allow these conditions to prevail in the solitary confinement areas of our maximum security prisons.

There is no question that this is a difficult subject in terms of the public. The public is rightly concerned and upset with the rate and viciousness of crime. However, I plead with members of parliament and the public to understand that when you get on the wheel of punishment, you do not reduce

[Mr. Leggatt.]

the rate of crime. You increase the rate of crime and the viciousness of it.

I recall visiting a prisoner in the psychiatric section of Laval. For two weeks this prisoner had pleaded for psychiatric help. He was in for bank robbery. We always get conned when we go through a prison. However, he said he felt he could kill someone when he gets out. We got him his psychiatric treatment, but I really worried about that particular individual.

You cannot examine the prison system just with statistics. You have to examine it in terms of the people living in the cages and what you are going to do with them when they get out, because most of them get out. One way or another, they find their way to the streets. The public is not protected. What is our answer, and what is the answer of the government?

One of the major recommendations we made in this was that we have to start diversion programs with regard to those who are convicted of criminal offences, particularly with regard to property crime. Fifty per cent of those who live in maximum security institutions such as the B.C. Pen, Laval or Millhaven, are there as a result of property crime, not violent crime. However, we have seen no changes to the Criminal Code which would give the courts the kind of flexibility to allow them to sentence prisoners to work in the community to pay off their debt to society, or to pay the victim and thereby work off their debt to society or, indeed, through fines.

We have to be more flexible than just putting people in cages and saying, "Now you are paying your debt to society". They are not paying their debt to society. We are paying \$17,500 a year to keep them. That is the current price to keep an inmate in prison.

**Mr. Nielsen:** It is \$20,000.

**Mr. Leggatt:** The hon. member for Yukon says it is \$20,000.

**Mr. Deputy Speaker:** Order, please. It being one o'clock, I do now leave the chair until 2 p.m.

At one o'clock the House took recess.

**AFTER RECESS**

The House resumed at 2 p.m.

**Mr. Leggatt:** Mr. Speaker, this morning I was discussing whether the Solicitor General should have responded to the assertion in the subcommittee's report that a crisis existed within the penitentiary system. I referred to the famous judgment of Mr. Justice Heald with regard to the infamous penthouse at the B.C. Penitentiary and I want to read into the record a portion of it which describes an area in the prison known as the penthouse. This is what the judge said after examining the conditions there:

These cells with concrete walls, floors and ceilings have a steel door with a six-inch peephole that opens only from the outside. The prisoners sleep on a concrete pallet covered by a four-inch thick foam-rubber mattress. They have a foam-rubber pillow and a couple of sheets. A 116-watt bulb burns until about 10