

72 24 99 008

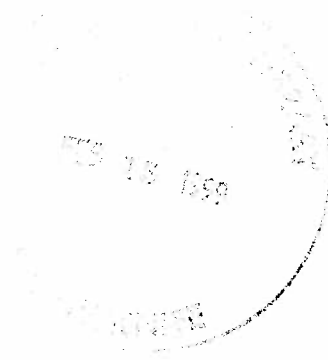
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- v -

DENNIS KLENGENBERG,
D. F. A. (A YOUNG PERSON),
M. I. (A YOUNG PERSON),
and A. K. (A YOUNG PERSON)



Transcript of the Reasons for Sentence
held by The Honourable Judge R. M. Bourassa,
sitting in Kugluktuk, in the Northwest Territories,
on Friday, the 4th day of December, A.D., 1998.

APPEARANCES:

Ms. B. Schmaltz:	Counsel for the Crown
Mr. J. Brydon:	Counsel for the Accused Dennis Klengenber and the Young Persons D. F. A., M. I., and A. K.
Ms. K. Payne:	Counsel for the Young Person D. F. A.

1 THE COURT: Thank you. Well, I thank counsel
2 for their submissions in this matter for these four
3 boys, and I certainly thank Ms. Houseman for the
4 thorough predisposition reports with respect to the
5 young offenders.

6 Here are four young men who are all facing lengthy
7 terms of imprisonment and are all the product of
8 dysfunctional homes riddled with alcohol abuse and
9 violence. Can no one in this community take a lesson
10 from that? Can no young fathers or young mothers take
11 a lesson from that? Do they want to raise children in
12 that kind of environment -- nonstop alcohol abuse and
13 violence?

14 For the whole week, we have been on circuit in
15 both Gjoa Haven, in Cambridge Bay, and it is the same
16 thing. Children are conceived without a thought, and
17 raised without any effort. The parents spend more time
18 fussing and fighting about their alcohol and jealousies
19 between themselves than they do about raising their
20 children. Small wonder they grow up right out of
21 control. These four boys through no fault of their own
22 have all had dysfunctional families with alcohol abuse
23 and violence. It is the only thing they know so they
24 grow up without controls, without limits, and that is
25 what we have to face today.

26 What I find, and I share the Crown's concern, is
27 that these boys are not thinking. Even in the

1 predisposition reports, there is no real indication
2 that these boys think they have done anything really
3 wrong. The indication is that these boys are upset
4 that they were caught. There is no real empathy or
5 compassion or understanding for the losses suffered as
6 a result of the break-in at the Co-op. The Co-op is
7 there to serve its members, as I understand the
8 organization. When there is a profit, that profit is
9 shared with Co-op members. When there is a loss, the
10 prices have to be raised to make up the loss, and
11 everybody in the community that shops at the Co-op has
12 to pay more. Now, the Co-op has a loss of \$10,000, so
13 for the next six months or a year, the prices of just
14 about everything in the Co-op store are going to go up,
15 and why? They have got to go up to pay for that loss.
16 These boys cannot pay \$10,000 to the Co-op, or the
17 \$2600 for the truck. This isn't a hope in heaven that
18 they will ever pay that. People wonder why the costs
19 are high in the north? It is because of these four
20 youths, at least with respect to the Co-op in this
21 case.

22 My observation and from the predisposition report
23 is that all three of these youths do not have a sense
24 of reality. This is very unfortunate. Every one of
25 the young men before me today has been to court before,
26 every one of them for property offences. They have all
27 been told the same thing I am telling them now. Do not

1 do it. If you do it, things will go hard on you.
2 There are other ways of solving problems or dealing
3 with issues other than breaking into other people's
4 property. They have all been told that. There is no
5 understanding. There is no absorption of life's
6 lessons.

7 These boys are out of control, and it is a serious
8 matter. Over \$12,000 to \$13,000 of losses occur as a
9 result of what these youths have done. Looking for
10 money to buy drugs, stealing money to gamble, to buy
11 junk food, to give away to friends... so for one or two
12 nights they have a big thrill, but now they have got to
13 pay the price.

14 There is a lack of reality to these boys'
15 understanding of the life. I read in the
16 predisposition reports that they are hoping for
17 probation. They are dreaming. You do not get
18 probation for this kind of crime. In fact, Dennis is
19 lucky the Crown attorney is not asking for four years
20 in the federal penitentiary because four years in the
21 federal penitentiary has been imposed and will be
22 imposed for safe attacks. This is not a pop and chip
23 break and enter. I do not know what has to be done for
24 these youths and other youths like them in the
25 community for them to recognize reality and to start
26 thinking in real time and in real terms. This is not a
27 game. This is a serious crime with serious losses.

1 Whatever troubles these youths have had in their
2 lives, going to jail is not going to make things better
3 for them, but there is no alternative. I do not see
4 that any of these offenders before me will respond in a
5 positive way, that is to say change their ways as a
6 result of a probation order. It has to be understood
7 that these crimes are serious and will not be tolerated
8 under any circumstances. This is too great a loss.
9 Really, these youths need a strong dose of reality and
10 understanding.

11 I am going to ask the court reporter to prepare a
12 transcript of my reasons and I want a copy to attach to
13 each boy's file so that it can be dealt with when and
14 as appropriate by the corrections authorities or
15 others.

16 In my view, the paramount sentencing principle
17 here is deterrence. This community has the worst crime
18 rate in the Kitikmeot. The highest crime rate and the
19 worst crime rate for violence and the worst crime rate
20 for break and enters all related to alcohol and drugs.
21 It has to stop. There have been too many suicides,
22 murders, and destroyed families in this community for
23 this kind of conduct to keep going. There has to be a
24 sense of responsibility, a respect for the law, and I
25 am going to try and encourage that.

26 Stand up, Dennis. Is there anything you want to
27 say before I impose sentence?

1 THE ACCUSED: No.

2 THE COURT: In your case, on the two charges
3 of break and enter, 19 months in jail concurrent. On
4 the charge of failing to comply with your undertaking,
5 one month consecutive.

6 A. K., stand up. Is there anything you want to
7 say before I impose sentence?

8 THE YOUNG PERSON A. K.: (NO VERBAL RESPONSE)

9 THE COURT: 15 months in jail, eight months
10 secure custody followed by seven months open.

11 M. I., 15 months in custody, eight months secure
12 custody followed by seven months open custody.

13 D. A., on the break and enter, six months secure
14 custody; on the take vehicle without consent, two
15 months open, two months open custody consecutive;
16 failure to comply with the undertaking, one month open
17 custody consecutive.

18
19 Certified pursuant to Practice
20 Direction #20 dated December 28, 1987.

21
22
23
24
25 *Tara Taylor*-----
26 Tara Taylor, CSR(A), Court Reporter
27