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# **Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities**

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**Chair**

**Ms. Candice Hoepfner**



## Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

Tuesday, October 26, 2010

•(0850)

[English]

**The Chair (Ms. Candice Hooppner (Portage—Lisgar, CPC)):** Good morning, everyone. I would like to bring to order meeting number 28 of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities.

Today we are continuing our study of Bill C-31, an act to amend the Old Age Security Act.

We're very pleased today to have witnesses from Correctional Service Canada. Welcome, Mr. Don Head and Mr. Ian McCowan.

I understand that one of our witnesses will be making a presentation, and then they'll be answering our questions. What we'll do is begin with the presentation.

Is it Mr. McCowan or Mr. Head who will be presenting?

Mr. Head will be giving the presentation. You have approximately ten minutes, sir, to make your presentation. At this time, we will turn the floor over to you and ask for your presentation. Thank you.

**Mr. Don Head (Commissioner, Correctional Service Canada):** Thank you, Madam Chair.

Good morning, and thank you, Madam Chair and committee members, for the opportunity to discuss how the proposed bill would affect CSC operations, that being Bill C-31.

First I'd like to address how many federal offenders may be impacted by this bill and then I will provide you with some information about how we manage offenders' moneys while they are incarcerated. The Correctional Service of Canada is currently housing about 13,700 offenders in our institutions across the country. Of these, approximately 850, or 6%, are 60 years of age or older. And approximately 1,160, or 8%, of the 8,600 offenders supervised in the community are 60 years of age or older.

However, we are unaware of how many are actually receiving benefit payments, as some offenders who are receiving the payments may have the funds deposited to a bank or a credit union in the community rather than having it sent to them at an institution.

By way of background, I would like to describe how offenders' money is handled while they are incarcerated. Institutions manage two forms of accounts for offenders, a current account and a savings account. Offenders can receive a maximum of \$6.90 per day for participation in work, training, or intervention programming.

Offenders who refuse to participate in all programs and assignments receive one dollar per day. These funds may be subject to a number of deductions at source, including indebtedness to the crown, room and board, and contributions to the inmate welfare fund. Offenders may receive income from other sources, such as the sale of hobby crafts or government pensions such as old age security benefits, and they would until the coming into force of this bill.

Offenders are allowed to keep in their current account no more than 90% of any income received after deductions, to a maximum of \$69 for a two-week pay period. This can be used for items such as telephone calls, canteen purchases, and the purchase of certain approved personal property items. Anything above the \$69 per two-week period is placed in the inmate's savings account, which is only accessible for approved purposes and in support of his or her correctional plan.

Offenders are allowed to transfer funds from their savings account to their current account no more than four times per year and the total annual transfer may not exceed \$500. Furthermore, they are required to maintain a minimum balance of \$80 in their savings account. This, in part, is intended to ensure funds are available to them upon their release.

When an offender is released on day parole, full parole, or statutory release, all funds in the current and savings accounts are made available to him or her. As such, any offender who may currently be in receipt of their old age security benefits would not normally be able to access any funds in excess of \$69 per two-week pay period while incarcerated. The exception to this is the transfers I mentioned earlier. So an offender's discretionary funds in his or her current account can be supplemented by a maximum of \$500 per year.

These mechanisms are in place to ensure that offenders can properly budget for their release, to control the flow of money inside institutions, to ensure the safety and security of staff and offenders, and to support inmate welfare funds that assist with both the welfare of offenders and contribute to outside charitable contributions.

I'd like to come back quickly to the issue of room and board. In the case of an offender receiving a pension from a private or government source, commissioner's directive number 860 on inmate's money allows, at the discretion of the institutional head or warden, the deduction of up to 25% of an inmate's total income for the cost of room and board. This is to a maximum of \$25 per week, which does not represent full cost recovery.

As my final point, I would like to address the mechanics of how Correctional Service Canada would help implement the withholding of old age security benefits. We have developed a draft information-sharing agreement with Human Resources and Skills Development Canada that would permit the disclosure by CSC of information on federal offenders age 60 years or older. This would include information on those who are incarcerated in order to facilitate the suspension of payments, as well as information on those who are recently released by virtue of parole or statutory release, so that payments can be reinstated.

This information would be provided to officials at HRSDC on a monthly basis, and again annually, to ensure data reliability. Correctional Service Canada will absorb all costs related to the enactment of proposed Bill C-31 and we are confident that we can put these mechanisms in place quickly.

• (0855)

Madam Chair, in closing, I wish to thank you for the opportunity to speak to the committee. I welcome any questions you may have today.

**The Chair:** Thank you very much.

We will begin our first round of questions. You will have seven minutes each, including the question and answer.

Mr. Savage, do you want to begin, or Madam Folco?

**Ms. Raymonde Folco (Laval—Les Îles, Lib.):** The questions I wanted to ask have already been answered.

Thank you, Mr. Commissioner.

**The Chair:** Mr. Savage.

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Thank you, Madam Chair.

Thank you, gentlemen, for appearing today.

As you probably know, all the parties have indicated support for this bill thus far. We want to find out if there are any hidden issues that might be problematic. I appreciate your coming before us, and your point of view on this is important.

Were you involved in any way in the drafting of the legislation?

**Mr. Don Head:** No. We provided advice to HRSDC staff on impacts, number of offenders, and processes that could be used for information sharing.

**Mr. Michael Savage:** Before the bill was finalized you were involved in explaining how this might impact Correctional Service Canada.

**Mr. Don Head:** Yes.

**Mr. Michael Savage:** Are you satisfied that this bill is workable?

**Mr. Don Head:** As far as the expectations on Correctional Service Canada, it's workable. In terms of sharing the information with HRSDC, we can make this work. We have similar types of information-sharing agreements with other government departments for other reasons. We can make this one work just like we make the others work.

**Mr. Michael Savage:** Did you flag any specific concerns about this that would require extra effort on your behalf as part of the drafting of the bill, the way it's going to be carried out?

**Mr. Don Head:** We looked at it in detail, particularly what's required to collect the information that's needed to share with our counterpart agency, and nothing of significance arose in that assessment.

**Mr. Michael Savage:** Will there be any cost to Correctional Service Canada to implement this bill?

**Mr. Don Head:** There will be nothing that we can't absorb. It's basically getting the information-sharing agreement in place, which really has no cost; setting up the query run on our database; and then producing the report. So the costs are nil, for all intents and purposes.

**Mr. Michael Savage:** That's good. I gather from the comments that Correctional Service will assist in ensuring that payments are cut off when people are incarcerated, and will be involved in the reinstatement of payments after an offender leaves the system.

**Mr. Don Head:** We will provide the information to HRSDC. The people who make those decisions over there will be informed about individuals who come into the system and are within those various age parameters, and they will initiate all action. There will be no action on our part to stop or collect payments.

On the way we read the bill, an individual who comes in will get their payment for the first month, but then it will be stopped for subsequent months. When an offender is released—the way the legislation is written and the way we interpret it—they must notify the minister or the minister's designate that they're out in the community so that benefits are reinstated. Other than us providing the data to HRSDC, there are no other actions required on our part.

• (0900)

**Mr. Michael Savage:** We heard some testimony earlier—I think it was from the department—about employment insurance. Are there people incarcerated in Canadian prisons who are receiving employment insurance?

**Mr. Don Head:** I couldn't give you an answer to that. It may be possible, but similar to the discussions around old age benefits, if an offender receives any kind of compensation like that and the moneys are deposited in a community bank account, we would never know about it unless the offender disclosed it to us.

**Mr. Michael Savage:** If somebody is on EI and they're sent to prison, is there anything you know of now that stops those payments from flowing to prisoners?

**Mr. Don Head:** I'd have to go back and check the rules around that, but nothing comes to top of mind.

**Mr. Michael Savage:** Do you have information on the average length of time that prisoners affected by this bill would spend in prison?

**Mr. Don Head:** Yes. About 46% of the individuals who are age 65 and older are serving sentences for either murder one or murder two, so those are life sentences that come with varying parole eligibility dates. About 32% are serving time for sex offences. The majority of those seem to be offences in the range of four to five years. But the vast majority of offenders who are over 65 are serving life sentences of ten years or more.

**Mr. Michael Savage:** Do you have any records—I'm not sure who keeps them—on whether there are wives or dependants of the inmates, outside of prison, who would be affected by this bill?

**Mr. Don Head:** We don't have data on dependants per se, but we know that about a quarter of the offenders I was mentioning are married or in some kind of common-law relationship.

**Mr. Michael Savage:** Would some of them have dependent children at that age?

**Mr. Don Head:** It's possible. We can't confirm that. Our database doesn't collect that information. We could only do that by having a file-by-file manual review.

**Mr. Michael Savage:** You've given us some information here about the Correctional Service and how much prisoners can actually make. I'm not a member of the justice committee and this is kind of new information to me. What is the most amount of money that a prisoner can take when they leave after the age of 60, after having saved it in jail?

**Mr. Don Head:** Minimally we strive for them to have \$80 when they go out the door. That figure was determined many years ago and is not necessarily consistent with the cost of anything today. We are reviewing our entire inmate stipend regime to see whether that figure is appropriate.

On your specific question, it really is dependent upon what the offenders are engaged in, other than the inmate remuneration pieces I talked about. If they have outside funds coming from a private or government pension, or moneys that they've saved through selling hobby crafts, obviously the number would be higher than \$80. So it varies, but we strive to ensure that they have a minimum of \$80 when they leave custody.

**The Chair:** Thank you very much.

We'll now go to Mr. Lessard.

[Translation]

**Mr. Yves Lessard (Chambly—Borduas, BQ):** Thank you, Madam Chair.

Thank you for being here today. It will help us clarify a number of questions.

Since you are in charge of the release of offenders, could you tell me how long an offender can live in society with \$80?

[English]

**Mr. Don Head:** No. We're re-examining our entire inmate stipend regime. That number has been in place for many years. We all know that, for example, it would be hard to secure a hotel room for one night for that amount of money. So we are currently looking at restructuring our entire inmate remuneration regime.

• (0905)

[Translation]

**Mr. Yves Lessard:** In your earlier presentation, you said that, among the offenders concerned—currently there are 13,750—850, or 6%, are aged 60 years and over. How many are there over 65 years of age?

[English]

**Mr. Don Head:** It's around 400.

[Translation]

**Mr. Yves Lessard:** There are about 400, as a matter of fact.

Last week, we received several witnesses in this committee, among them was Ms. Ruth Gagnon, member of the board of directors of the Association des services de réhabilitation sociale du Québec inc. Perhaps you know her or perhaps you know about her testimony. It was the first time that someone put us face-to-face with section 78 of the Corrections and Conditional Release Act. You know this section.

[English]

**Mr. Don Head:** Very much—yes.

[Translation]

**Mr. Yves Lessard:** She maintained that it would have been enough to amend this section whereby you can take 25% of the offender's income. Do you agree with this?

[English]

**Mr. Don Head:** Section 78 allows us to actually take up to 30% of the moneys in relation to the prescribed sources of income in the regulations. Section 104 allows us to take up to 30% for room and board. That's meant to offset the costs of food, accommodation, and work clothing. I think the discussions around section 78 and this bill are two different things.

[Translation]

**Mr. Yves Lessard:** I think that the section is very clear with regard to the use that can be made of the money that is collected. We studied this section carefully and, unless I am mistaken, you have also studied it carefully. It seems to us that a very small amendment would have been enough to make sure that you have the power to enforce this provision and to get the same result that we want to obtain through Bill C-31. Do you share my opinion?

[English]

**Mr. Don Head:** Right now, based on the five prescribed sources of income in the regulations, we will apply that, unless the institutional head or the warden makes a determination for an exception.

[Translation]

**Mr. Yves Lessard:** This is not the question that I am concerned with. I understand that you want to enforce the legislation.

According to our reading of it, section 78 of the Corrections and Conditional Release Act, if it was amended, could give us exactly the same result as Bill C-31 and it would allow you to collect the entire sum.

[English]

**Mr. Don Head:** My understanding is that the legislation is to stop the payment of these benefits to incarcerated offenders. The room and board provisions don't address that specific issue.

[Translation]

**Mr. Yves Lessard:** I understand very well, Mr. Head, and I think that you understand my question very well. We would simply amend the legislation to let you collect the entire payment.

Besides, we agree with the principle of this legislation. We are not contesting it, but the government is always talking about balance in legislation, and I think that you clearly intend to make sure that the offender can also have a little bit of money. You said that you were working on that.

What would be the most appropriate measure, in a bill, to allow an offender who is returning to society to have a sum of money to help him do that? Does he have to manage that money by himself, or must there be a follow-up, some kind of tutoring from you, once he has returned to society?

• (0910)

[English]

**Mr. Don Head:** There are several pieces to that question.

If an offender follows through with their correctional plan and is involved in the interventions that are laid out in it, including programming and skills development, they will earn a maximum of \$69 every two weeks. If they manage that money properly, depending on the length of the sentence, it would afford them a decent amount of money at the time of their release. It's obviously not going to take the place of any other kinds of incomes, such as if they had full-time jobs in the community. But it really is dependent upon the offender's involvement and engagement in their correctional plan.

We know, for example, that about 40% of offenders who are 65 years and older are fully engaged in their correctional plans and earning the maximum \$69 every two weeks. Whether they have other sources of income—money donated to them by family members, money from private pensions, or money from selling hobby crafts—those will depend on any other life situation that exists for each of those individuals.

When they are under our supervision in the community, we work very closely with the offenders in their engagement in work and earning of money.

**The Chair:** Thank you very much.

Mr. Comartin.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Thank you, Madam Chair.

Thank you, Mr. Head and Mr. McCowan, for being here.

I want to go back to the stats. Let me just be clear that the 800 figure you gave us was for those 60 and older.

**Mr. Don Head:** Yes, sir.

**Mr. Joe Comartin:** Are all of those in a penitentiary, as opposed to being in a halfway house or out on parole?

**Mr. Don Head:** That's right. Those 850 people are in federal penitentiaries.

**Mr. Joe Comartin:** And 400 of them are 65 years of age and over?

**Mr. Don Head:** That's correct.

**Mr. Joe Comartin:** I just want to be clear on what we don't know. We don't know how many of them are receiving old age pensions.

**Mr. Don Head:** That's right.

**Mr. Joe Comartin:** We don't know how many of them have even applied for an old age pension.

**Mr. Don Head:** That's right.

**Mr. Joe Comartin:** We don't know how much money this is actually going to save the federal treasury. It's not possible to say that with any kind of certainty at this point.

**Mr. Don Head:** I would have to defer that to my colleagues in HRSDC; that's not a calculation we would be involved in.

**Mr. Joe Comartin:** But they have no figures, other than what you give them, as to how many people are incarcerated in the penitentiaries in this country. You're the source of that information.

**Mr. Don Head:** That's right. We can tell them the numbers, and I assume they would do their calculations based on what they would project those individuals would get when they reach the certain ages for the allowances and benefits they're entitled to.

**Mr. Joe Comartin:** Okay. Just so we're clear, though, because you're not entitled to share that information with them at this point, they don't know who those 400 people are and whether they're receiving OAS. They can't check to see who they are.

**Mr. Don Head:** That's right. They just know *grosso modo* the number we've provided: the 400 number for age 65, and the 850 number for ages 60-plus.

**Mr. Joe Comartin:** So they've made the assumption that all of those people are receiving old age payments at this point?

**Mr. Don Head:** I think you would have to ask them, in terms of their calculations.

**Mr. Joe Comartin:** With regard to the bill, in terms of the way they've defined or use the term "incarceration", if they are in a halfway house—you've been released from the penitentiary and you are in a halfway house—is it your understanding that once they're released to a halfway house the pension would be reinstated?

**Mr. Don Head:** Yes. In order to get to a halfway house, you're being released either on day parole or statutory release. That meets the definition of "released" in the proposed bill. Therefore, the offender would notify the minister and the payments would recommence, or start.

**Mr. Joe Comartin:** In terms of the halfway houses, are those all operated by Corrections Canada, or are most of them run by non-profit corporations?

• (0915)

**Mr. Don Head:** The vast majority are run by NGOs. We operate 16 community correctional centres across the country—what you would call halfway houses—and then there are a couple of hundred that are operated by NGOs, such as John Howard, Elizabeth Fry, and St. Leonard's.

**Mr. Joe Comartin:** With regard to the ones you operate, do you charge the residents?

**Mr. Don Head:** We charge them room and board, yes.

**Mr. Joe Comartin:** And if they can't afford to pay?

**Mr. Don Head:** It's waived.

**Mr. Joe Comartin:** In terms of the funds you take now, do you have a dollar figure for how much is taken from the inmates?

**Mr. Don Head:** We haven't rolled up the final figures for the last fiscal year, but in the last couple of years it's been \$600,000 to \$650,000. That includes room and board for those in the institutions and in the community.

It's between \$500,000 and \$650,000 for room and board. All that money goes to the consolidated revenue fund; it does not come back to the Correctional Service of Canada.

**Mr. Joe Comartin:** And it has been that way since the inception of this seizure of the funds, if I can put it that way. It has always gone into the general fund; it doesn't go directly to Corrections Canada.

**Mr. Don Head:** Yes, sir.

**Mr. Joe Comartin:** And you would be continuing that program. This Bill C-31 is not going to change your practice in that regard.

**Mr. Don Head:** No, it will not change the room and board provisions.

**Mr. Joe Comartin:** One more quick statistic for the people who are currently incarcerated and the crimes they have been incarcerated for. Is it 46% for murder one and two, and 32% for sex offenders who have sentences of four to five years? Do I assume that the balance of the inmates are in for ten years plus?

**Mr. Don Head:** Oh, no. Sorry, I should clarify that. The 46% are murder one and two, which are life sentences, as you know, and 32% are sex offenders. The majority of them have sentences that are around four to five years. But there are sex offenders who are doing indeterminate sentences, including life, in that number as well. There are about 13% who are in for robbery offences, and about 10% for drug offences.

**Mr. Joe Comartin:** In the robbery and drug offences, the term of incarceration would be...?

**Mr. Don Head:** Anything from two years to several years.

**Mr. Joe Comartin:** Okay.

I want to go back to Mr. Lessard's questions about section 78 of the corrections act. In subsection 78(2) there's a term used, "a prescribed source". I understand there are regulations that define what a prescribed source of revenue is. Can you tell us what that regulation encompasses?

**Mr. Don Head:** Yes. The prescribed sources include income from private and government pensions, operating an offender-based business, the sale of hobby craft, income from.... There are two other sources. I can give you that. They are prescribed in the regulations, section 104.1.

**Mr. Joe Comartin:** That's the regulation?

**Mr. Don Head:** Yes. So employment in the community while on work release or conditional release, and the employment in a penitentiary provided by a third party. We've had a few examples of that in the past where we've had third-party operations within our facilities. They actually employ the offenders to do the service and they pay them, so then that income is deemed to be part of the five prescribed sources of income.

**Mr. Joe Comartin:** In terms of section 78 and of that \$650,000 last year, how much of that was these small amounts, and was any of it from these other sources?

**Mr. Don Head:** That I don't know. I don't have the breakdown as to what the sources were; all I have is the total number of room and board collected. We'd have to go back and do a manual file review of all the cases to determine what the prescribed source of income was that led us to the deduction for room and board.

**The Chair:** Thank you very much.

We'll go to Mr. Komarnicki now.

**Mr. Ed Komarnicki (Souris—Moose Mountain, CPC):** Thank you, Madam Chair.

Thank you, Mr. Head.

Reading your initial comments and the notes, you talk about the fact that commissioner's directive 860 on inmate money allows, at the discretion of the institutional head, a deduction of up to 25% of the inmate's total income for the cost of room and board. Is that discretion exercised very often, and to what extent?

• (0920)

**Mr. Don Head:** I'll just quickly explain the process. Normally what happens is that if an offender passes that \$69 threshold, there is an automatic deduction made on the moneys above the \$69 per two-week period. That's unless the offender makes written application to the institutional head, to the warden, for consideration for hardship reasons or whatever the case may be. So it is an automatic deduction. The number of—

**Mr. Ed Komarnicki:** The discretion would be exercised exceptionally.

**Mr. Don Head:** That's right, yes.

**Mr. Ed Komarnicki:** Thank you.

Now, I know Madame Gagnon referenced section 78 considerably in terms of saying that this is a way of deducting the cost of room and board, but there are a couple of things that section 78 doesn't do. I want to get into those, if I could.

First of all, when we talk about the vendor having to pay the crown an amount not exceeding 30% of the amounts being received for offenders' participation in a program, would that relate to 30% of what they get for participating in a program that does not relate to pension in itself?

**Mr. Don Head:** Yes, the 30% applies to those five prescribed sources that I just mentioned.

**Mr. Ed Komarnicki:** Okay, the sources of income. The sources of income are set out in section 104 of the regulations.

**Mr. Don Head:** Section 104.1 of the regulations.

**Mr. Ed Komarnicki:** In fact that is a sort of the governing portion about what gets deducted.

**Mr. Don Head:** Yes, in terms of what we could determine as sources of income for the purpose of applying section 78 of the act.

**Mr. Ed Komarnicki:** Okay, so how a source of income is defined is important.

Let me go down to paragraph 104.1(c), which talks about room and board. It says that this deduction will amount to 25%—and it qualifies that—of the inmate's total income, which exceeds the top offender's pay rate of \$69 per pay period. Now, what does that mean? What does the \$69 per pay period mean in a month?

**Mr. Don Head:** The \$69 per pay period, so there are two. Their pay periods are every two weeks. So if you were at the top inmate remuneration, or at the top level of the inmate remuneration scale, which is \$6.90 a day times 10 days per pay period, that's how we come up with the \$69. In terms of calculating moneys above that....

So those are moneys that an offender can earn by following through with their correctional plans if they're at the top level of pay in the institution.

**Mr. Ed Komarnicki:** Without deductions.

**Mr. Don Head:** Without deductions.

**Mr. Ed Komarnicki:** So what does that amount to in total per month?

**Mr. Don Head:** It's \$138 a month.

**Mr. Ed Komarnicki:** So anything over \$138 is subject to withholding 25%.

**Mr. Don Head:** If the moneys come from one of those five prescribed sources in section 104.1 of the regulations. For example, if a family were to send in \$500 to an offender, we would have no way of determining the source of the money other than it came from a family member, and that would just go into their savings account. So their room and board does not get applied against that \$500 gift.

**Mr. Ed Komarnicki:** So what we have is a deduction of 25% over and above the amount we just talked about.

**Mr. Don Head:** Above the \$69, yes.

**Mr. Ed Komarnicki:** Then it's further limited by saying notwithstanding that you're taking 25% of the amount over and above that, that amount can't exceed \$25 per week, which would mean you would never deduct more than \$100 per month for room and board.

**Mr. Don Head:** As it stands at the moment, yes, the way we've described it in the commissioner's directive. The act and the regulations allow us to go further, but the commissioner's directive, which has been in effect for quite a number of years, has contained it to those figures you've described.

**Mr. Ed Komarnicki:** Back to Ms. Gagnon, when she says section 78 would address the issue of withholding old age security or supplement with respect to room and board, it really doesn't do that, because it's limited by regulation to \$100 per month. So it's ineffective if you wanted to deduct the whole portion.

**Mr. Don Head:** As the commissioner's directive stands right now, you're absolutely right.

**Mr. Ed Komarnicki:** So the only way to achieve that would be to proceed as we have with this particular bill, which addresses it completely, 100%.

• (0925)

**Mr. Don Head:** Yes. The intents of the room and board and the intents of this bill are two different things, but your logic is right.

**Mr. Ed Komarnicki:** So section 78 wasn't designed specifically for the purpose of withholding old age security or guaranteed income supplement?

**Mr. Don Head:** No, it was intended to address the issue of the costs associated with food, accommodation, and work clothing.

**Mr. Ed Komarnicki:** Okay. Those are all the questions I have for this witness.

**The Chair:** Did you want to share your time? You have one minute.

**Mr. Ed Komarnicki:** Okay.

**Hon. Rick Casson (Lethbridge, CPC):** Thank you.

This commissioner's directive 860 on inmate's money, is this a pretty comprehensive document, or is it pretty simple? Is this something you could share with the committee?

**Mr. Don Head:** Yes, I have a copy. We'll leave it with the committee for copies to be made for the committee members.

**Hon. Rick Casson:** What kinds of items can a prisoner purchase in prison? Just give me an idea.

**Mr. Don Head:** Sure. In the canteen they can buy pop, chips, food items, some basic health care items such as toothpaste, antacid. They can use their moneys to buy additional clothing above and beyond the clothing we provide them.

**Hon. Rick Casson:** But do you not supply them with items like toothpaste and soap on a regular basis?

**Mr. Don Head:** We provide them a \$4 credit that allows them to purchase those items. It saves us the procurement costs of having to go out and buy these things.

**Hon. Rick Casson:** This discretionary ability to pick and choose who you charge—what are the criteria for who pays and who doesn't?

**Mr. Don Head:** It really boils down to the issue of whether it will create some kind of hardship in terms of the offender following the correctional plan. Our goal is to have offenders follow a correctional plan, which is to get them involved in interventions and programs and skills development that will help prepare them for release back into the community.

**The Chair:** Thank you.

We'll have a second round of questions, and this round will be five minutes each.

We'll begin with Madam Minna.

**Hon. Maria Minna (Beaches—East York, Lib.):** Thank you, Madam Chair.

I wanted to go back to you, Mr. Head, with respect to an issue I've raised here before. I know you said the numbers we have now give a clear idea of how many people in prison would be over 65. But you mentioned earlier that we do not know how many of them have family, either wives or children, who are still dependent. Why don't we?



We're implementing the bill, and I presume your office knew this bill was coming. Would we not need to know that, to see whether or not this measure is going to be causing some hardship for family in some cases? Obviously this bill is intended to make sure prisoners are not benefiting from double-dipping, if you like, because they're being looked after. But if there's family involved and there's hardship there then we need to make sure we don't create the other imbalance. Would that information be forthcoming sometime soon or at some point?

**Mr. Don Head:** To be honest, Madam Chair and committee members, it's not a piece of information we collect. We know the status of offenders in terms of married, common law, divorced, separated. We know that information. But in terms of dependants they have, we do not collect that information in terms of—

**Hon. Maria Minna:** May I ask why not?

**Mr. Don Head:** Well, again, in terms of delivering on our mandate under the Corrections and Conditional Release Act, it's not critical that we gather that information. We would take it in account when working with individual offenders in terms of their correctional plans, but it's not something we collect in an automated way. If the committee wanted that information I would have to have my staff do a manual file review of all these offenders, and that would take some time.

**Hon. Maria Minna:** Mr. Head, I understand that. But given that we have a bill and that this bill was going through the House, and I think your office knew this was coming, I think it would be necessary for us to know and for the government to know and for you to know, really, if there are consequences or problems. And then we need to know that information. I'm surprised that you wouldn't have started that process. I'm just saying that because I think it's important.

We have all asked the same question, and I don't see why we still don't have any answers. And while I think everyone in this room is.... I can't speak for everybody, but there is strong support for the bill. Certainly I want to make sure there aren't unintended consequences for some of those prisoners' families, and there are families and children who are dependent. That's all.

I'll move on, but I think it's important. And maybe, Madam Chair, you might want to give time for the department or the commissioner's office to do the work, but I think this committee should know. At some point I would like to know if my actions are also hurting children or someone else somewhere and how we mitigate that.

I'll move on.

• (0930)

**The Chair:** Before I would make that request I would ask Mr. Head what kind of timeframe he anticipates that would take, because we are probably looking at this bill clause-by-clause a week from now. So I'm not sure if that would give him sufficient time to be able to go through each file to determine....

**Mr. Don Head:** To be honest, Madam Chair, I'd probably need a couple of months to do this in order to do the file reviews, to go back and ascertain specifically the dependants. And we'll need to get some clarification as to what you mean by "dependants". If we're talking about spouses, as I said, I can tell you how many offenders now are

married, how many are in common-law relationships. I can give you those numbers right now, but if you're talking about other dependent family members, it's going to take some time for me to ask my staff to go out and do these file reviews.

**Hon. Maria Minna:** My definition would be obviously spouses, and children who may be under a certain age. If you have the spouses, maybe you can provide that information, as you already have it, and then hopefully later we can get the rest. I just think that's important, because this bill affects not just the prisoners but the families.

**The Chair:** My only concern is that we are asking for a report and these may not be the people who have all of the resources and they may have to actually go to other places to get that information. It's an interesting point, and something that would be very interesting. I don't know if it's realistic that this committee, in looking at this bill, can get that information in a timely manner. My concern is sending them on a big assignment that they can't fulfill, to actually help us.

**Hon. Maria Minna:** Maybe you could answer this question. Why do we ask if they have spouses but not if they have children? I don't see why there is only the one question in the collecting of data.

**Mr. Don Head:** Again, we ask the individuals at the time of admission their marital status—married, common law, separated, divorced, other—so we collect that information at the time of admission. We do not collect the information about dependants because it's not immediately relevant to administering our mandate.

**Hon. Maria Minna:** I'm going to be running out of time very quickly, so I'd like to ask you a very practical question. How would we be able to get this information most quickly? Would it be through HRSDC, and is there a confidentiality problem there? Is there a relationship that creates problems there?

**Mr. Don Head:** Well, I'm not sure how HRSDC would have the information.

**Hon. Maria Minna:** They wouldn't have it either. Well, that's fine. Okay, it's through your office that we have to get that.

I'll move on, because—

**The Chair:** Your five minutes is up, but we'll probably have time for a third round. So you'll have another chance.

**Hon. Maria Minna:** Okay, thank you.

**The Chair:** We'll go now to Mr. Casson.

**Hon. Rick Casson:** Thanks, Madam Chair. I just have a short question and then I'll split my time with my colleague Mr. Lobb.

If an inmate chooses to work and gets paid \$6.90 a day and if the commissioner or whoever makes the decision to take the maximum back from him or her, my math says they'd still end up with \$500 after that for their own personal use.

We're talking about people who are incarcerated for two years or more, I believe, and over the age of.... On the issue of children, I'm not sure there'd be a lot of children. There could be, of course, but I'm not sure there would be a lot. Among inmates of that age, are there many of them—you might not even know this—who are being trained, or are they taking any kind of a formal education to better themselves when they get out? I think of things like doing income tax or accounting or maybe carpentry and all those of types of things. Is there a pretty wide range of things that these folks can engage themselves in while they're in there?

• (0935)

**Mr. Don Head:** Yes, that's a very good question. The programs that are available to all offenders include offenders 65 years of age or older as well. We've got a full range of what we call criminogenic programs, so substance abuse, violence prevention programming, programs like that. We also have skills development opportunities for offenders. We have the full range of education programs that we offer. There are adult basic education programs, including education opportunities to achieve up to grade 12. Individuals could even go beyond that. Most of the time they have to pay for that themselves out of their own pocket. So if they want to pursue university credits, they could do that, but they mostly pay for that out of their own pocket. There's a plethora of opportunities from a programs, education, and skills development perspective that are available to all offenders, including the group we're talking about.

**Hon. Rick Casson:** So the opportunity does exist to prepare yourself. It also exists to make a couple of bucks. You have a system in place whereby this money can be put into a trust for them for when they are released. So the opportunity exists if the will is there to prepare oneself not only financially but otherwise for release.

**Mr. Don Head:** That's right, yes.

**Mr. Ben Lobb (Huron—Bruce, CPC):** It's a pleasure to be on this committee here for a short while.

I have a question for you. In your notes it mentions that it's up to the institutional head's discretion to deduct up to 25% of the inmate's potential pension, but it's capped at \$25 a week. Is what you're telling me that if somebody is making \$40,000 a year on a pension, they would be charged only \$25 a week for their housing?

**Mr. Don Head:** Under the current policy that's the way it stands. As I mentioned earlier, that's one of the things we're reviewing as part of our overall inmate remuneration regime.

**Mr. Ben Lobb:** Okay, thanks. The second part of my question was on that.

The amounts that they receive, which is \$69 every pay period, do they have to reconcile that with anybody inside the institution to make sure that it's being used for the purposes it's deemed for—like you said, maybe buying a can of pop and a bag of chips? Do they have to reconcile that with receipts? How do you verify that they're using that money for the right purposes?

**Mr. Don Head:** We have a couple of different avenues for doing that. One is through just the ongoing monitoring of the moneys in and out of the inmate's current account through our finance department. We maintain ledgers in relation to all these accounts. For example, items that are purchased in what are called the inmate canteens in the facilities are done through an automated system

where individuals have to use their handprint on a system called the Equinox. It identifies the individual, and the moneys for the purchase of a can of pop or a bag of chips is automatically deducted from their current account.

**Mr. Ben Lobb:** Just so I'm clear, then, you don't actually physically give them the cash. That's all....

**Mr. Don Head:** No, cash inside an institution is a very dangerous thing.

**The Chair:** Madame Beaudin.

[*Translation*]

**Mrs. Josée Beaudin (Saint-Lambert, BQ):** Thank you, Madam Chair.

Good morning, gentlemen. Thank you for coming.

I have one or two very simple questions. Pursuant to Bill C-31, the government will certainly ask the Correctional Service of Canada to send the information regarding inmates who get Old Age Security benefits, so as to make the connections. Earlier, you said that you had very little information, and thus I suppose that you'll gather that information and send it to the department in order to prepare Bill C-31.

[*English*]

**Mr. Don Head:** The information that HRSDC needs in order to make their determinations or decisions is information we do collect. The schedule of information that we would provide would include an identifier number, name, residence, birth place, date of admission, and date of release. That's all information that we collect, so they're not asking us for anything that we don't collect in an automated fashion right now.

• (0940)

[*Translation*]

**Mrs. Josée Beaudin:** Very well. Thank you very much.

It seems to me that according to this bill, it is up to the inmate after his release to inform the department about the fact that he can again receive Old Age Security benefits. Thus, the inmate must inform the department. Instead, why could it not be someone like you who would inform the department?

[*English*]

**Mr. Don Head:** That's the way the bill is written. We will be providing, on an ongoing basis, the monthly information about who is being released, in an annual reconciliation report. That information is going to be made available to HRSDC in an automated fashion anyway. But the way the bill is written, the onus is on the offender to make written notification to the minister, ultimately, I believe—the department. You'd have to ask HRSDC why that provision is there.

[*Translation*]

**Mrs. Josée Beaudin:** Very well. Thank you.

This is a simple piece of information that you could easily transmit.

**Mr. Don Head:** I believe so.

**Mrs. Josée Beaudin:** Thank you.

In the document that you brought today, you set out a manner of managing the inmates' money to some extent. You said that one of the reasons why you are doing this is that you want to encourage inmates to establish a budget while waiting for their release.

When you studied this bill, did you research anything, or write any notes that would allow you to evaluate, among other things, the impact of such a bill on the release of inmates? Have you looked closely at this information? With all the programs that you have implemented, moreover, I think that social rehabilitation is one of your chief concerns. Have you evaluated this bill with regard to its impact and its consequences for inmates?

[*English*]

**Mr. Don Head:** Yes.

One of the problems we have overall with offenders receiving OAS or GIS is that for the vast majority of them, unless they are physically receiving a cheque that's being delivered to the institution for us to deposit into their accounts, we don't know whether they receive it. We don't know, unless they disclose it to us, whether that is a source of income—put aside the room and board for a moment—that we can even help them to think about or plan around, in terms of managing their lives or preparing for release. So it's quite conceivable. But in the majority of cases, we believe that if offenders are receiving those payments, the payments are going through direct deposit out into accounts in the community on which they possibly have joint signing authority with a spouse or somebody else. The spouse may send in \$100 or \$200, but we don't know the origin of that money. All we know is that money is coming in to be deposited into their account. So we don't do any planning around that, because unless it's disclosed to us or unless we physically receive the cheque, we have no idea whether they're actually receiving these benefits.

[*Translation*]

**Mrs. Josée Beaudin:** Have you made any official reports regarding the consequences or the effects of this bill on inmates after their release? Have you studied or made any links between the financial resources of an inmate and his situation after his release when he wants to return to society? Have you made any official studies or reports on this subject?

[*English*]

**Mr. Don Head:** No.

[*Translation*]

**Mrs. Josée Beaudin:** All right. Thank you very much.

[*English*]

**The Chair:** Thank you very much.

I think we have one more round or one more question from Mr. Komarnicki.

**Mr. Ed Komarnicki:** Thank you, Madam Chair.

I was actually going to proceed with Ms. Beaudin's line of questioning. She asked, essentially, what steps could be taken by Correctional Service Canada to ensure that the pensioner's—the prisoner's—incarceration information can be communicated quickly to the minister. I understand that the pension for the first month of the incarceration would actually be paid to the prisoner. In terms of communicating the fact that a person is incarcerated, and all the

related details, with today's software programs in today's computer society can you have that information flipped over to the Department of Human Resources and Skills Development almost on the day of the incarceration?

**Mr. Don Head:** Technically, it's possible; administratively it just becomes a burden, both for us and for HRSDC. That's why it was reconciled that doing this on a monthly basis would be the easiest for both organizations.

● (0945)

**Mr. Ed Komarnicki:** In terms of turnaround time, from the institution's point of view, what are you talking about in terms of getting accurate information into the hands of HRSDC?

**Mr. Don Head:** What we've agreed to is that each month—I assume that it's the end of the month—we will send that data to HRSDC electronically in encrypted-protected mode. They will then be able to do their cross-referencing with their files.

**Mr. Ed Komarnicki:** So the one month is essentially a zone you've put in to ensure that things can be carried out effectively administratively, based on the other duties your people have.

**Mr. Don Head:** That's right.

**Mr. Ed Komarnicki:** On the other hand, the bill requires the inmate to notify the minister if he or she wishes to receive the pension afterwards. I would suspect that on release you would be able to provide the same type of information, essentially, as you did in the first instance, within 30 days of release.

**Mr. Don Head:** That's right. The intent is to provide, again, the release information once a month and also annually, just to make sure that there is no miscommunication or miscalculation of files. One of the reasons for that is that if an offender is writing off to HRSDC, HRSDC would have no basis to determine that an individual has actually been released, unless we've confirmed it. That's the reason for providing that information as well.

**Mr. Ed Komarnicki:** You provide it at the end of the first month of release and then again on an annual basis.

**Mr. Don Head:** That's right.

**Mr. Ed Komarnicki:** You fill out that information.

You mentioned that inmates at times get their old age security and supplements deposited to bank accounts and credit union accounts and that kind of thing.

**Mr. Don Head:** That's our belief, yes.

**Mr. Ed Komarnicki:** On release, do you necessarily know where inmates might be going or where they might be residing?

**Mr. Don Head:** While they're under our supervision on day parole, full parole, or statutory release we do know where they reside. Once they reach warrant expiry, we know generally where they're going to be released to, but we don't know where they're going to reside after that.

**Mr. Ed Komarnicki:** When you say warrant expiry, I'm not sure I understand.

**Mr. Don Head:** Their sentence is completely over. So if an offender receives a three-year sentence, as an example, and gets out on statutory release, that would be two-thirds, or after two years. Between year two and three, they'd be under our supervision in the community. Once they reach completion of the third year, that's what is called warrant expiry. The warrant is over. We have no jurisdiction over them at all, and they're free and clear.

**Mr. Ed Komarnicki:** In that period of time when they're under your supervision, you would know where they are. You would have a physical address and location of where they might be, where correspondence could be sent, and that kind of thing.

**Mr. Don Head:** Exactly, yes.

**Mr. Ed Komarnicki:** Is that information supplied to HRSDC at all?

**Mr. Don Head:** We will be providing the address.

**Mr. Ed Komarnicki:** What time I have left I will share with Mr. Lobb.

**The Chair:** You have forty seconds.

**Mr. Ed Komarnicki:** I have forty seconds.

**Mr. Ben Lobb:** Is the \$80 they have to have in their savings account as a minimum under review as well?

**Mr. Don Head:** Yes, it is.

**Mr. Ben Lobb:** So they'll put in some calculations for that.

What other things can they buy with this \$69? The myth out there is that inmates have televisions in their prison cells. Is that something they have, and is that something they can buy with their \$69?

**Mr. Don Head:** Yes, they can use their money to purchase those kinds of items, and the donations they make to the inmate welfare fund go to cover the costs of cable. We don't pay for the cable.

**Mr. Ben Lobb:** So they have to pay for their own cable. What about the Internet? Do they have Internet there?

**Mr. Don Head:** We don't allow access to the Internet.

**Mr. Ben Lobb:** Okay, thank you.

**The Chair:** Madame Folco, you had a question.

**Ms. Raymonde Folco:** Yes, thank you, Madam Chair.

I'd like to come back to something that really puzzles me, Commissioner, and that is the question of the partners and the children. I can certainly understand, when the person is incarcerated, that you would ask him whether he has a partner, but what is the reason? What sort of useful information does it give you knowing that the person has a partner outside?

**Mr. Don Head:** It allows us to take that into consideration in planning for their future release—that is, whether their partner is going to be part of their family support at their release. It gives us an early indication as to who might be coming to visit them during their period of incarceration.

**Ms. Raymonde Folco:** I hate to say so, but you can see my next question coming—that it seems to me that the same applies pretty well to dependent children, and even to non-dependent children. That is why I cannot understand why you don't ask that question as well. It seems to me that children might come to visit their parents

and that if the children are still dependent, it's all the more reason you would want to know they existed. That's the first part.

The second part is, when this bill becomes law, which is likely fairly soon, do you have any intention of changing the questionnaire for people being incarcerated to ask them whether they have any dependent spouses and/or children, so that you have that information and we have that information, and HRSDC eventually has that information as well? It seems to me that it's an important bit of information in terms of the impact this bill is going to have, not only on the incarcerated individual but also on his family, on his dependants.

● (0950)

**Mr. Don Head:** In terms of the first part of your question, again, it's not that we do not collect the information, just that we do not collect it in the same automated manner. It's managed on a case-by-case basis. So a parole officer engaging with an offender in their case load will go through the discussions and determine if they have family members. We just don't collect that information—

**Ms. Raymonde Folco:** Why not?

**Mr. Don Head:** We don't collect it in an automated way. It's dealt with on a case-by-case basis.

**Ms. Raymonde Folco:** Yes, but you're not answering my question.

**Mr. Don Head:** It's not relevant in terms of the overall information we need to collect. We could collect a thousand pieces of information about a person, but we have to make a determination as to what is manageable within the automated system we have. Again, the information is available in the individual files the parole officers have to manage in relation to the individual, but collecting it in an automated way... We have no intention of changing our automated system just as a result of this bill.

**Ms. Raymonde Folco:** Well, you've answered my question.

Once again, I don't understand why not. It seems to me that when you have an automated system, you can change that system to bring in more questions and modify the questions, or whatever. But you've answered my question, that you have no intention of doing so.

Thank you.

**The Chair:** That's everything?

**Ms. Raymonde Folco:** Yes, that explained it.

**The Chair:** Okay, then I think there are no other questions on this side.

Now we'll go to Mr. Comartin.

**Mr. Joe Comartin:** Mr. Head, with regard to this issue of knowledge, if someone, as part of their sentence, were ordered to make financial restitution, we don't know if any of the inmates of those 400 or 800 are subject to those restitution orders?

**Mr. Don Head:** As it stands right now, no. But there is a provision in Bill C-39 that would bring that to the forefront of how we manage those kinds of issues.

**Mr. Joe Comartin:** If they're subject to a court order under our family law for support for either a spouse or dependent children, we don't know that at this point either?

**Mr. Don Head:** Not unless the offender discloses that to us, or the order is directed to corrections because they happen to know where the individual is.

**Mr. Joe Comartin:** In terms of the law as it stands now and your position under that law, the Correctional Service cannot demand that information from that inmate. Is that correct?

**Mr. Don Head:** We can ask the question, but we can't force them to give us that information.

**Mr. Joe Comartin:** Okay.

Thirdly, if a victim has sued and obtained a judgment, and is attempting to collect that, including against OAS payments, you would not be aware of that unless the inmate had disclosed it to you.

**Mr. Don Head:** That's right, yes.

**Mr. Joe Comartin:** Okay.

With regard to the release, how much in advance—I don't know if this is consistent—do you know the exact date of the release of the individual?

**Mr. Don Head:** For statutory release cases, we know well in advance. For day parole or full parole cases, usually it's a month or so in advance. Yes, we have enough lead time.

**Mr. Joe Comartin:** Okay.

This goes back to some questions that came up earlier with regard to the \$25 limit. That's a policy decision by Corrections Canada, correct?

**Mr. Don Head:** Sorry, I missed the question.

**Mr. Joe Comartin:** The \$25 limit.

**Mr. Don Head:** Oh, yes, the \$25 per week.

**Mr. Joe Comartin:** That's a policy decision on the part of the department, correct?

**Mr. Don Head:** That's right. The act allows us actually up to 30% gross of all those five prescribed incomes.

• (0955)

**Mr. Joe Comartin:** Okay.

I don't know if you break out clothing and room and board separately from the overall costs, but how much does it cost right now to incarcerate somebody in a minimum, medium, or maximum security prison in Canada?

**Mr. Don Head:** I can give you the overall costs. We're currently in the process of refining what the incremental costs are for offenders, but we always report out the overall costs first.

For example, last fiscal year the average cost to maintain somebody in an institution was \$109,000 a year. It was something like \$147,000 in a maximum, \$93,000 to \$94,000 in a medium and minimum, and \$203,000 in a women's facility.

So that's how we've been reporting it out over the last years.

**Mr. Joe Comartin:** Of those figures, can you break out what percentage of it is food, accommodations, and clothing?

**Mr. Don Head:** That's the process we're doing now. We're updating those numbers. Within the next few weeks, we'll be able to give the updated incremental costs for that.

We know, for example, that inmate food per year costs us \$1,300 per offender, which is \$5 per day. In terms of the inmate pay, we know the calculations there based on the various pay rates. We're just in the process of working out some of the other elements, such as the work clothing piece, so that we can have the incremental costs.

**Mr. Joe Comartin:** In terms of the accommodation part, which I would assume is the most expensive, does it take into account security within that, or is it just the bricks and mortar and operational costs—heating, water, and so on?

**Mr. Don Head:** Yes. The number I quoted, the \$109,000 average institutional cost, includes security costs.

**Mr. Joe Comartin:** In terms of the legislation, though, the 30% for food, clothing, and accommodations, is security factored into those costs?

**Mr. Don Head:** As it stands right now, based on the approach we're taking with \$25 per week, the answer is no. It's a very basic cost. As a matter of fact, it doesn't come close to covering the majority cost.

So the short answer is no.

**Mr. Joe Comartin:** If we changed the policy and/or regulations under this, can you give us even a ballpark figure on the maximum you could take from these five sources, as opposed to the \$25 as the maximum now?

**Mr. Don Head:** It really depends on how much people are earning in any one of those prescribed areas. For example, if somebody was drawing a private pension of \$60,000 a year, and that money was coming into the institution and we knew about it, then we could, under the current legislation, withhold \$18,000 a year.

**Mr. Joe Comartin:** Well, you have an inmate—as of last week—who in fact is earning that amount of pension. Will you move to take 30% of that pension?

**Mr. Don Head:** As it stands right now, one, we don't know for a fact that's the case, and two, if the moneys do not come into the institution, I have no means of taking any money.

**Mr. Joe Comartin:** So the real problem here—

**The Chair:** Sorry, Mr. Comartin, your time is actually up. We may have time to do one more quick round, but I'll stop you at this point and check to see if there any more questions from the government side.

Mr. Lessard, I think you did have one more quick question, so we'll give you three minutes.

Madam Minna, do you mind if we let Mr. Lessard have his turn first? Then Mr. Comartin can go after that, if he wants to go again.

Mr. Lessard.

[Translation]

**Mr. Yves Lessard:** Thank you.

Mr. Head and Mr. McCowan, according to Bill C-31, a person who is being fed and sheltered in a penitentiary must make a contribution, especially if they are receiving some income from the state, but how do we deal with cases of white-collar crime? Some of them are liable to receive sentences of more than two years of incarceration. As far as I am concerned, I do not know many such cases, but I know at least one who is over 65 and whose annual income is in the hundreds of thousands of dollars. In one of these cases, there are millions of dollars involved. These people are not eligible to receive old age pension benefits nor can they receive the Guaranteed Income Supplement. Thus they will be fed and sheltered and laundered and it will all be for free.

How shall we proceed? If we can get our hands on the income of some of these people, we will do so, but are we going to let those white-collar criminals get free services? I am thinking out loud.

•(1000)

[English]

**Mr. Don Head:** Again, Madam Chair and committee members, the way the current legislation is prescribed, it has to meet one of those five definitions in the regulations. If it doesn't meet that I can't touch the money, and if it's money that is deposited out into the community and then just comes in as personal deposits by somebody else or as a gift from somebody else, I can't touch the money because the current act and regulations do not allow me to touch it.

[Translation]

**Mr. Yves Lessard:** I understand what you are saying and I am taking advantage of your presence here to try to reflect on this issue.

Let us take, for instance, the case of Conrad Black, which is already very well known, and this will keep me from mentioning some other names. I do not know whether Mr. Black is incarcerated in Canada or in Great Britain. I think that he is in Great Britain at this time. He could have asked to be transferred to Canada. He is not receiving any old age pension nor any Guaranteed Income Supplement because his income amounts to several million dollars a year. I am raising this question for the benefit of our Conservative colleagues. We must see whether this concern with getting the inmates to pay their way is not going to lead to unfair treatment of big earners and small earners.

I also want to come back to the first question I put and that Mr. Comartin also put. The fact that you can directly intervene pursuant to section 78 of the Corrections and Conditional Release Act would give you all that leeway without having to amend the legislation. Now, at this stage, this is more of an observation, given the fact that you have already ducked my question twice. In any case, I suggest that you should look for a simpler formula. You already have this leeway, but it is limited to 25% or to 30%, as the case may be, whereas it would be possible to have it for the entirety of the cases.

Thank you, Madam Chair.

[English]

**The Chair:** Thank you.

Madam Minna, you had a request through me.

**Hon. Maria Minna:** Yes, Madam Chair. I understand that Mr. Head said that information would take a couple of months with respect to the dependants, both the spouses and dependent children. But just for this committee to know what is happening, even if the bill has already passed, I would appreciate if Mr. Head would put the information together for us. If it does take a couple of months, I think it's still worth while for us to know what we are dealing with. I would appreciate it if he could do that.

**The Chair:** I had a question in regard to the information they gather, and I think it's pertinent to your request.

When you are gathering information automatically, if an inmate has a spouse, you're doing that to find out if there might be someone coming to visit them as well as if there is a support at home. But are you aware or do you gather information on whether that spouse is working, what their income level is, whether they are actually a dependant or providing for themselves? I'm just wondering if that's something you get. I'm thinking in the context of what we're looking for. If someone has a spouse who is working and earning a living where they can support themselves, they are actually not a dependant.

Do you look at the T4 slips of spouses?

**Mr. Don Head:** We have no authority to do that.

**Hon. Maria Minna:** If I may, I understand Mr. Head's department wouldn't be collecting that information except for what you mentioned, which is actually important, prior to this bill. I understand that to some degree, although you said, Mr. Head, that you do collect it on a one-to-one basis. The information is there somewhere.

Given the new legislation and given all of this, I would like to know, as a member of this committee, how many of those inmates do have wives that are dependent, or spouses for that matter, and dependent children, so it gives us a bit of a picture as to where we might be causing hardship, even if the bill is passed. At least the government can then take a look and maybe take some remedy.

•(1005)

**Mr. Don Head:** Again, Madam Chair and committee members, it goes back to my earlier comment; it's going to depend on what you define as a dependant, because there are going to be certain pieces of information I'm not going to be able to gather for you. I can tell who is a dependent child simply by age—

**Hon. Maria Minna:** Let's say a child under 18, voting age.

**Mr. Don Head:** Again, we'll have to go back and do the file review to get that, but if you're looking at dependency based on family income or financial status, I'm not going to be able to do that at all.

**The Chair:** Basically, what you're looking for, Madam Minna, is any inmate who has a spouse and any children who are living with that spouse. Or...?

**Hon. Maria Minna:** I would say, dependent spouse and children. If you want to cut it off at 18 and under, because most of us—

**The Chair:** Right, but you're wondering if it's a child who would be actually living at the residence with the spouse.... If we're going to ask these people to do something, I think we want to make sure it's a realistic request that we can actually expect them to complete in a time that's valid for what we're doing. I do have some concerns with what you're asking. If it's the will of the whole committee, then I would be happy to ask them to—

**Hon. Maria Minna:** Madam Chair, I understand the timing of the bill, and I'm not trying to hold the bill up at all. I'm suggesting that even if the information came after the bill was passed, it would still give government some information of the population and sometimes things can be mitigated in other ways. I would simply like to know how many of those inmates have dependent spouses and dependent children. Potentially, there's a disabled person in that family as well as a disabled child; we don't know. I think it's worthwhile to know this, since we're making financial decisions for those families. That's all I'm asking, even if it means some information comes after the bill is passed. I'm not trying to hold up the bill. That's fine. It simply gives us information that maybe government can look at and decide to mitigate the situation or not. It's worthwhile to have.

**The Chair:** If it's something you're able to produce for us.... Or can you look and see how long and if you're able to produce that for us? Maybe you can give the committee some information on the timeline and bring it back to us.

**Mr. Don Head:** Madam Chair, in terms of my basic definition, again, some of the qualifications that were added there, I'm not going to be able to tell you whether somebody is dependent and disabled. I'm not going to be able to talk about financial status. I can tell you marital status. I can tell you if there are children, as done by the common definition as to whether those individuals live at home with the spouse. That's pretty well as much information as I'm going to be able to provide.

**Hon. Maria Minna:** We can work with that. That's better than nothing.

**The Chair:** It would be great if you could provide that.

**Mr. Don Head:** I'm still in my timeframe of two months.

**The Chair:** If you could provide that it would be appreciated.

[Translation]

**Mr. Yves Lessard:** I just have one question as a point of information, Madam Chair. Will Bill C-31 also be studied by the Standing Committee on Justice and Human Rights or by the Standing Committee on Public Safety and National Security?

[English]

**The Chair:** Sorry, Mr. Lessard, I didn't quite get the translation.

[Translation]

**Mr. Yves Lessard:** Will Bill C-31 also be studied by the Standing Committee on Justice and Human Rights or by the Standing Committee on Public Safety and National Security, or will our committee be the only one to study it?

**The Chair:** No.

[English]

We're the only committee that's looking at this bill.

I think we're about complete.

Mr. Comartin, you had a quick question. Three minutes.

**Mr. Joe Comartin:** Actually, a couple.

To be clear, in terms of any decision under section 78, that is made by the administrator of that particular institution where the inmate is incarcerated.

**Mr. Don Head:** For the waiving, yes.

**Mr. Joe Comartin:** But of the seizing of the money. I know that's not the proper term that you use, but of actually attaching these funds. That decision, whether they are going to take this money for food, clothing, and board, that is made by the person who is in charge of that institution. Is that right?

**Mr. Don Head:** The way the policy is laid out, it's automatic, but the institutional head can make an exception to not collect the room and board. That is the area in which the institutional head exercises the authority: to suspend or not to collect it.

So it's done automatically.

**Mr. Joe Comartin:** Who would decide in the situation of...? I'll do this even though I know we're not supposed to talk about specific cases; this one has had so much notoriety in public that there's no claim for privacy here. When Olson sent to the Prime Minister to say that he's getting the old age pension, it obviously came to the attention of your department. It came to the attention of everybody in this country, I think.

Who would decide at that point, now that you have this knowledge, to exercise section 78 and seize some funds from the old age pension? Who would make that decision?

• (1010)

**Mr. Don Head:** If the moneys are actually being deposited into his account there, there would be the automatic deduction occurring for the room and board.

**Mr. Joe Comartin:** That's the problem that I keep having, Mr. Head. I don't know how many times I've read section 78 in the last week or so. You have placed a limit here such that the money has to be flowing into the account before you can take it. Subsection 78(2) in particular doesn't say that, in my opinion, but that's one of the policies you follow.

**Mr. Don Head:** Yes. Otherwise, we'd have to be chasing bank accounts out in the community, and to be honest, sir, I'd rather be a correctional service agency than a collection agency.

**Mr. Joe Comartin:** Yes. That's related to the other question I'm going to go to: the real issue here around the use of section 78 is a matter of resources. You don't have the accountants, the book-keepers, the debt collectors on staff to really be able to use section 78 effectively.

**Mr. Don Head:** No, sir. I have enough challenges running a correctional system, as opposed to a collection agency.

**Mr. Joe Comartin:** Overall, you're doing an excellent job, Mr. Head; I will make that point. I don't really want to see you in the collections business. I do want to see the federal government doing something about this, but take it off your shoulders.

That's it. Thank you.

**The Chair:** Great.

Mr. Komarnicki, do you have a quick follow-up?

**Mr. Ed Komarnicki:** I just have one question.

Of course, section 78 doesn't deduct a whole lot in any event, but if an inmate wanted to circumvent section 78, he would simply have the moneys deposited to a credit union or bank account.

**Mr. Don Head:** Yes. The quick and easy way to circumvent the system—I'm not sure why I would be telling this in public to encourage them—is to have—

**Mr. Ed Komarnicki:** But it's obvious.

**Mr. Don Head:** Yes, it is.

It's to have the money deposited in the community and have somebody else who has access to the account then make a gift

deposit, which then goes in the savings account, not the current account.

**Mr. Ed Komarnicki:** It became obvious during the course of your testimony.

Thank you.

**Mr. Don Head:** Thank you.

**The Chair:** Good. Thank you so much.

Do you have...?

**Mr. Joe Comartin:** That's not accurate. That's policy; that's not the legislation.

**Mr. Ed Komarnicki:** But that's the effect of it, Mr. Comartin.

**The Chair:** Excuse me, ladies and gentlemen, we're not going to debate right now.

We'll thank the witnesses for being here and for the information they have provided. We will suspend this meeting for five minutes and then come back in camera.

*[Proceedings continue in camera]*

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