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Chair

Mr. Kevin Sorenson

Standing Committee on Public Safety and National Security

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• (1530)

[English]

The Chair (Mr. Kevin Sorenson (Crowfoot, CPC)): Good afternoon, everyone. This is meeting number 29 of the Standing Committee on Public Safety and National Security. It is Thursday, March 8, 2012.

This afternoon we're continuing our study on the use of electronic monitoring in both the corrections and conditional release settings and in the immigration enforcement setting with a view to determining effectiveness, cost efficiency, and implementation readiness.

I want to remind our committee that towards the end of today's meeting we will have time to consider some committee business. Each hour is going to be cut back a little bit. We will end the first one between 4:15 and 4:20. The second one will begin at 4:20 and will end at 5:10. That will give us enough time for committee business.

In our first hour we have, from the Department of Citizenship and Immigration, Claudette Deschênes, assistant deputy minister for operations, and Caroline Melis, director general of operational management and coordination.

I understand there is an opening statement. We look forward to hearing from you. Then we'll have a few questions for you.

Welcome to our committee.

Ms. Claudette Deschênes (Assistant Deputy Minister, Operations, Department of Citizenship and Immigration): Merci beaucoup.

Good afternoon. If you want to keep us for less time, we'll be happy too.

Good afternoon, Mr. Chair and members of the committee. My name is Claudette Deschênes, and I am the assistant deputy minister of operations at Citizenship and Immigration Canada.

Joining me today is Caroline Melis, who is the director general of operational management and coordination for CIC.

[Translation]

I am pleased to be speaking before this committee for the first time, and I hope that my remarks will be helpful to you as part of your study on electronic monitoring.

In order to discuss this issue in the context of Canada's immigration system, it is important that I give you a bit of historical

background. I won't go back over ancient history, mind you, just one decade.

[English]

In 2002, Parliament passed the Immigration and Refugee Protection Act, also known as IRPA. This legislation replaced the old Immigration Act as the main federal law governing Canada's immigration system.

Canada's immigration system, of course, is large and complex. It encompasses many different operations, policies, and activities. IRPA, the legislation governing that system, is equally complex, with many different parts and sections covering every aspect of immigration to Canada.

For the purposes of this discussion on electronic monitoring, I would like to focus on only two sections of IRPA.

First is section 4, which is "Enabling Authority". Before IRPA came into effect, the Department of Citizenship and Immigration had a number of intelligence, interdiction, enforcement, and border security roles in the immigration system. But under section 4 of IRPA, these particular roles became the responsibility of the Minister of Public Safety.

[Translation]

About 18 months after the passage of IRPA, the government of the day created the Canada Border Services Agency, which reports to the Minister of Public Safety, and is now responsible for many of these enforcement and security roles within the immigration system.

Another section of IRPA, specifically section 56, pertains to the release of individuals from detention. It states that an "officer may order the release from detention of a permanent resident or a foreign national", while also specifying that the "officer may impose any conditions [...] that the officer considers necessary".

It is section 56 of IRPA that would govern the use of electronic monitoring within the immigration system. According to the act, this section clearly falls under the responsibility of the Department of Public Safety, not under Citizenship and Immigration Canada.

• (1535)

[English]

I would like to be clear that in the years since the CBSA was created, CIC and CBSA have developed a very good, effective working relationship, and we are all very proud of this relationship. As a matter of fact, both Caroline and I worked at CBSA for a period of time when it was created. We cooperate every day in many ways on countless different aspects of the immigration system.

What is critical to understand here, though, is that this cooperative relationship is made possible because of complementarity. We play different but strictly defined roles in the immigration system.

If I may, Mr. Chair, I would like to quote some of the language in the CIC-CBSA memorandum of understanding, because I think it clarifies those roles in very succinct ways.

[Translation]

The memorandum states that Citizenship and Immigration Canada is “responsible for attracting and welcoming people from all parts of the world, enriching the economic, social and cultural development of Canada while contributing to the health, safety and security of Canadians, protecting those in need of Canada's protection and providing for the granting of citizenship, through the administration of both the IRPA and the Citizenship Act.”

[English]

As for CBSA, the memorandum says it was created by order in council on December 12, 2003, and immigration enforcement and intelligence responsibility under the IRPA were transferred from CIC to the CBSA. CBSA is responsible for providing integrated border services that support national security, public safety, and trade, which is achieved through the administration and enforcement of various acts, including the IRPA, to facilitate the free flow of persons and goods to and from Canada.

This underlines the fact that when it comes to any issue of immigration enforcement, including electronic surveillance, the mandate for such enforcement falls within the purview of CBSA and the Minister of Public Safety, and not within the Department of Citizenship and Immigration.

Mr. Chair, I thank you for inviting us to appear today. I hope that my opening remarks have been helpful to the committee. My colleague and I will be happy to answer any further questions you may have.

The Chair: Thank you.

We'll go to our first round of questioning.

Mr. Norlock, you have seven minutes.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Thank you, Mr. Chair.

To the witnesses, thank you for attending today.

On this day of recognition of women in government, I'd like to inform the committee that we had three witnesses before the defence committee this morning. They were senior assistant deputy ministers from National Defence and Canada's foreign service, and they were all women. Today we have two women. So those people who think

there aren't a good number of very able women contributing to the well being of our country would be mistaken.

Thank you for being here today.

My first question is based on some of the information you gave us, and there's a rhyme and reason to how I go down the questions. It's for either one or both of you.

Are you familiar with the statistics on the total number of people removed from Canada each year? If you don't know the exact number, perhaps give us an estimate.

Ms. Claudette Deschênes: I don't know if I could estimate it. In looking at those numbers—because CIC and CBSA share them—over the last few years there have been more removals from CBSA than in the past.

Mr. Rick Norlock: Is that a shared responsibility? Do removal orders come from both yourself and CBSA, or is that wholly a CBSA responsibility?

Ms. Claudette Deschênes: The action of removing someone is solely CBSA's responsibility. There might be instances where CIC would prepare inadmissibility reports of some type, but they would be rare.

Mr. Rick Norlock: For the purposes of electronic monitoring devices, you indicated that this is the purview of CBSA. Does your department make any recommendations as a matter of course when you're dealing with persons who come under your purview? Do you collaborate with CBSA, or suggest to them that a person or group of persons may benefit from—or it would be a good idea if they would consider for them—electronic monitoring?

• (1540)

Ms. Claudette Deschênes: From an operational perspective, we would not be involved in suggesting that to CBSA, one way or the other.

Mr. Rick Norlock: Thank you very much.

You say there's a very close, cooperative working relationship between yourself and CBSA, and the act is explicit. But did you say that IRPA covers both of your responsibilities or solely your responsibilities?

Ms. Claudette Deschênes: It covers both responsibilities. When CBSA was created, we actually had to sit down and look at IRPA and decide which minister was accountable for which section of the act. Each section has main accountability to one minister.

Mr. Rick Norlock: This is a regulatory responsibility. Or is it just a protocol responsibility?

Ms. Claudette Deschênes: No, there's clear accountability to the ministers of which part of IRPA they deliver.

Mr. Rick Norlock: So it's regulatory.

Ms. Claudette Deschênes: Yes.

Mr. Rick Norlock: Okay. That helps my questioning.

I'll pass the next question to Ms. Hoepfner.

The Chair: All right.

Go ahead, Ms. Hoepfner.

Ms. Candice Hoepfner (Portage—Lisgar, CPC): Thank you.

Thank you very much, both of you, for being here and for your clear presentation of what your role is versus CBSA.

I'm wondering if the Immigration and Refugee Board falls under CIC.

Ms. Claudette Deschênes: The Immigration and Refugee Board is arm's length—

Ms. Candice Hoepfner: It's arm's length.

Ms. Claudette Deschênes: —so it reports to Parliament, and so on, through the Minister of Citizenship, Immigration and Multiculturalism. But it really is arm's length in terms of its decision-making—

Ms. Candice Hoepfner: Right, but it does fall under the purview of CIC, just as, for example, the RCMP would fall under the purview of Public Safety, even though it's completely at arm's length—I'm just saying in terms of the minister.

Ms. Claudette Deschênes: No, in terms of RCMP.... The Deputy Minister of Citizenship and Immigration has no role to play in terms of telling the IRB what to do. It's just that the reporting mechanism... their deputy minister at IRB would go directly into the minister, into —

Ms. Candice Hoepfner: To which minister?

Ms. Claudette Deschênes: The minister of CIC.

Ms. Candice Hoepfner: Citizenship and Immigration. Okay, great.

Ms. Claudette Deschênes: Yes, but at arm's length, in terms of decision-making.

Ms. Candice Hoepfner: Right. No, that's good, but I think you, probably, if anyone, would have some information on the IRB, which we don't have before us today. Would you be able to help us at all in answering any of the questions? What I'd like to get into is this. If there are conditions placed on someone who has a removal order, could you talk a little bit about what some of those conditions may be? Are you aware of what they might be?

Ms. Claudette Deschênes: You really should be talking to CBSA about that. Normally, there would be a hearings officer from CBSA who would be discussing with the IRB member, to come up with conditions that would make it...where the risk to Canada would be mitigated.

Ms. Candice Hoepfner: Okay, thank you.

You talked about an inadmissibility report, and you said those are rare.

Ms. Claudette Deschênes: Those are rare in terms of CIC officers writing them. Normally, what we would do, if we got to that situation, is we would refer the case to an enforcement officer, or it would be at a port of entry. It is rare, but it's not unheard of that a CIC officer....

I don't know if you would want to...?

Ms. Caroline Melis (Director General, Operational Management and Coordination, Department of Citizenship and Immigration): The only things I can think of would be in relation to serious criminality cases.

Ms. Candice Hoepfner: I'm sorry, I can't hear you. Speak up.

Ms. Caroline Melis: Sorry. The only concern would be in relation to criminality cases. Once you're going into enforcement, then you're referring them to the partner to deal with the enforcement issue.

Ms. Claudette Deschênes: So if a client comes to an inland office, a CIC office, and we become aware that there's a criminal record or something, we would normally refer that case over to CBSA, but there are cases sometimes where a CIC officer might write the inadmissibility report and pass it on. We could give you a sense of that. We could go back and check, in the total number of reports that are written each year, how many a CIC officer would possibly do.

● (1545)

Ms. Candice Hoepfner: Okay.

The Chair: That's it. Thank you. We're already over time. We'll come back to you, though.

We'll go to Mr. Sandhu, please, for seven minutes.

Mr. Jasbir Sandhu (Surrey North, NDP): Thank you very much, Mr. Chair.

I also would like to wish a happy International Women's Day to all my colleagues here and to those who are listening on the Internet or on TV.

We know from the numbers that we can certainly do more for the advancement of women in Canada. I know the numbers show that we don't have as many women in certain high-ranking positions, but that's for another discussion.

Let me just go back.

The role of the immigration department, which is your department, is to order people deported, and then once that order is issued, it's up to CBSA to carry out that order.

Ms. Claudette Deschênes: That's not correct. For our officers overseas who are processing visitors, immigrants, and so on, we may come across situations where we would refuse a case to come to Canada. If someone arrives at a port of entry, that's CBSA; CBSA is processing the cases. They may find that somebody is inadmissible, write an inadmissibility report, and order them deported or removed. Or they may be in Canada and have gone through a process but suddenly are no longer entitled to stay in Canada. In that case, at that point they may be written up for being inadmissible. Then it could be written up by somebody at CBSA and, in some small circumstances, by officers at CIC. Based on that removal order, CBSA would take action.

But because often the inadmissibility report is written after an investigation of some type, or an enforcement action, the large majority of those are CBSA actions.

Mr. Jasbir Sandhu: How many deportation orders were issued last year?

Ms. Claudette Deschênes: I don't know. We can—

A voice: That's CBSA.

Ms. Claudette Deschênes: That's a CBSA matter, but we can certainly work with CBSA for that.

The Chair: We have that information from a former meeting, haven't we?

Ms. Candice Hoepfner: It's 18,000 in the last two years, I think.

Mr. Jasbir Sandhu: Again, do you know how many were actually removed by the CBSA?

Ms. Claudette Deschênes: Again, we're not sure. What we did say is that we know for sure that they did more over the last few years than in the past. But I don't have the number off the top—

Mr. Jasbir Sandhu: You would agree that if 15,000 orders were issued, not all of them were deported.

Ms. Claudette Deschênes: Yes, and the process under the immigration act is that sometimes you will issue one and be in abeyance while certain processes are finalized.

Mr. Jasbir Sandhu: We still know where these people are, though, the ones who haven't left the country...?

Ms. Claudette Deschênes: The complexity in the Canadian system is that we don't have an exit, a system.... It's often hard to know if people have actually left the country. Yes, for many of them we know where they are because they have conditions and they report in, or they've been given permission to work and we can find out if they are working or studying. But we don't know where everybody is.

Mr. Jasbir Sandhu: For the majority of people who have been issued orders, they leave this country voluntarily, yet we have a small percentage who have gone through different processes and only a small percentage of them disappear into...I don't know, the woods, I guess, or somewhere in the country. Would you agree with that statement?

Ms. Claudette Deschênes: I don't know that I can answer that. From the very beginning of your statement that most people leave voluntarily, I can't comment on that, and I certainly can't comment as an official of Citizenship and Immigration.

Mr. Jasbir Sandhu: Okay.

At the CIC, have you had any discussions with CBSA in regard to electronic monitoring for, say, refugees or the people who have been issued a deportation order?

Ms. Claudette Deschênes: I'm not aware that there have been discussions on that, no.

Mr. Jasbir Sandhu: What is your opinion on that?

Ms. Claudette Deschênes: I don't have an opinion when I'm appearing before a committee.

Voices: Oh, oh!

Mr. Jasbir Sandhu: Mr. Chair, that's all.

The Chair: Thank you.

I will just go back to what Mr. Peter Hill said when he was here. He was one of the individuals from CBSA. Ms. Hoepfner asked this question:

Can I ask you to clarify total actual removal orders compared to which ones you've successfully removed?

Mr. Hill's response:

Yes. We have what we refer to as a warrant inventory for removals and a working inventory of individuals who have exhausted all of the recourse mechanisms they

have under the Immigration and Refugee Protection Act. In our working inventory today, we have approximately 17,000 cases, so we're removing about 15,500, as of last year, on an annual basis.

That I think answers the question that has been posed to CBSA; they aren't privy to that information.

Did you want to build on that a bit? You do have another minute.

• (1550)

Mr. Jasbir Sandhu: I would like to follow up on that question to CBSA, or maybe we can have them here.

So you have 17,000 who have been issued deportation orders. Fifteen thousand have left. Now we have 1,500. So what I'm hearing from the CIC officials is that these 1,500 may be going through some sort of process or are still in the system. The government would know.... I assume they would know where these people are at all times. The—

The Chair: On the other thing here, Mr. Hill went on to say a little later on:

We have approximately 17,000 cases in our working inventory. We're in the process of taking action to remove those. We have cases where we have warrants for their arrest for removal; in that category, we have approximately 44,000 individuals.

So there is a big difference between the warrants and the actual removals. There are 44,000 there and they're removing about 15,500 a year.

Mr. Jasbir Sandhu: That's it for me.

The Chair: All right. We'll go back to Ms. Hoepfner.

Ms. Candice Hoepfner: I think it's clear to us. We embarked on this study. We wanted to bring everyone who would be able to bring us some information. Because we were looking at this electronic monitoring as it might be connected to immigration enforcement, I think some members of the committee felt it would be important for you to be here. But I think we're all recognizing right now that there's a bit of a disconnect between what you're doing and what actual enforcement is.

I will take this opportunity, though, to ask you, if you are able, to just describe to us a bit of the process. You receive an application in a variety of ways—whether it's refugees, whether it's work visas; there are all kinds of different ways that you might receive applications for people to come to Canada. When you do decide that maybe this application would be rejected, do you go straight to CBSA, or can you just explain to us the process when an application is rejected and someone has to be removed from the country? Would you just explain that process to us again so that we understand how it gets to CBSA? Does it go to the review board automatically, and what are some of the appeal processes for those individuals?

Ms. Claudette Deschênes: We'll separate cases that are overseas because those are a different kettle of fish.

For cases in Canada, it depends on what they're seeking to obtain. I'll start with people who are here as visitors and may ask for extensions to remain, or may be here as temporary foreign workers or students and are asking for extensions. In those cases we would normally look at the case, and if the case is simply that they don't meet the qualifications to get an extension, we would likely refuse them, send them a letter, and that would be the end of it. We would assume that these people would leave voluntarily.

Ms. Candice Hoepfner: Would it have a date attached to it? Would it say, "Here's a letter, we'd like you to leave the country", or "Your application was rejected"?

Ms. Claudette Deschênes: Normally if they're looking for an extension they have status, so we would expect them to leave within the status of their application.

I don't know for sure what the letter says. We can check that.

Ms. Candice Hoepfner: Okay.

Ms. Claudette Deschênes: If they are refugee claimants, for example, when they have begun the process we would have written up a report on them. That report would remain dormant while they go through the process. They would go through the IRB a number of months later—or many months or years later, but that's going to be resolved—they would make their case, and then the IRB would decide if they are refugees or not.

If they are refugees, then of course they would be given information about how to apply for permanent residence and that would work its way through.

If they were refused refugee status, at that point the removal order becomes executable, so at that point directly CBSA would be notified, not necessarily by CIC but with the records through IRB, and then it would go into a backlog to start processing towards removal.

While they're doing that, the client might apply for status within Canada. If we became aware of it, we would likely advise CBSA that this person is not entitled to stay in Canada.

If they made a refugee claim or something like that and at that moment we became aware that they have a criminal record in the United States or somewhere, we would likely call either the police or CBSA at that point for them to come and interview the person early in the process.

• (1555)

Ms. Candice Hoepfner: You've maybe heard us speaking about approximately 44,000 outstanding warrants right now. Would you have any kind of even anecdotal thoughts on what those would be comprised of? Do you think they're a blend of temporary workers and refugees? Is there a majority, or a certain type of—

Ms. Claudette Deschênes: I don't know enough about the stats to know that.

Ms. Candice Hoepfner: You don't know because it's CBSA. Yes.

Thank you very much for being here. I think that's all the questions we have at this time.

The Chair: Are there any questions over there?

Go ahead. You have three minutes.

Mr. Rick Norlock: The average Canadian might like to know this—at least I would. Somebody comes to the country. They're a student. Then they are no longer a student. They say they'd like to stay here longer. They don't qualify. You send them a letter that says "You don't qualify and you must leave"—I would imagine you say "You must leave"—and then that's the end of it.

Is that what you're telling me? That's the end of it?

Are there any steps taken to verify whether they have left or not? I guess that's my question.

Ms. Claudette Deschênes: I think it's clear that the government has recognized that we want to be able to figure out if they've left or not. That's why the work we're doing under the perimeter vision with the United States is about creating an entry–exit system.

Mr. Rick Norlock: But currently there is no entry–exit system.

Ms. Claudette Deschênes: That is correct.

Mr. Rick Norlock: So it's at the goodwill of the foreign person as to whether they leave or not.

Ms. Claudette Deschênes: That's correct.

At Immigration we are working, from a facilitation perspective, to do more with our key partners, like the schools, for example, to know if students who come into Canada are actually studying and in good standing. We are all incrementally improving these things.

Mr. Rick Norlock: But there is no regulatory regime in place that goes step by step to make sure that person leaves Canada.

Ms. Claudette Deschênes: No.

Ms. Caroline Melis: As long as they have a valid status when they applied for their extension of stay—so the person applied for their extension of stay and for whatever reason it was turned down—they're still in that valid status until it expires, even though they have a letter that says their other application has been refused and they need to leave the country.

The Chair: Thank you.

Ms. Young has a quick question, and then we're going to go back to the other side.

You only have about 40 seconds.

Ms. Wai Young (Vancouver South, CPC): To be perfectly clear—because I think Rick took my question—when people are in Canada legally but due to the different processes and applications, as you have already spoken about, they are no longer allowed to be in Canada for whatever reason, you notify them, and with the majority of those people you have no idea whether they leave or not.

If there are any cases of outstanding warrants or criminality, that gets referred to the CBSA. Then it becomes their case and it is no longer your case.

Is there a very clean and clear hand-off to them, and those people then become a case for CBSA?

The Chair: Thank you.

A very quick answer, please.

Ms. Claudette Deschênes: The quick answer is yes, except there are exceptions. So there is a hand-off, but then somebody may make another application of some type and they become—

Ms. Wai Young: A loop back.

Ms. Claudette Deschênes: —one of our clients who still has an enforcement action required by CBSA.

Ms. Wai Young: Thank you very much.

The Chair: Mr. Scarpaleggia, please, for seven minutes.

[*Translation*]

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Thank you, Mr. Chair.

Welcome to our committee and happy International Women's Day.

I missed some of what you said when you were talking about section 56 of the Immigration and Refugee Protection Act. Would you mind explaining the scope of section 56 again and telling us when that section came into effect?

I missed that part at the beginning of your presentation.

• (1600)

Ms. Claudette Deschênes: In response to the second part of your question, I cannot say with certainty whether the old act contained a provision similar to section 56 or not. However, this specific section has existed since 2002, when the new law was passed.

The section reads as follows:⁵⁶ An officer may order the release from detention of a permanent resident or a foreign national before the first detention review by the Immigration Division if the officer is of the opinion that the reasons for the detention no longer exist. The officer may impose any conditions, including the payment of a deposit or the posting of a guarantee for compliance with the conditions, that the officer considers necessary.

It is the Canada Border Services Agency's job to determine whether to release someone without imposing any conditions or whether to recommend conditions—

Mr. Francis Scarpaleggia: This section does not really refer to electronic monitoring.

Ms. Claudette Deschênes: Electronic monitoring could be one of the conditions imposed.

Mr. Francis Scarpaleggia: Strictly speaking, though, it is not mentioned in the section.

Ms. Claudette Deschênes: It is not in the act.

Mr. Francis Scarpaleggia: So if I understand correctly, the scope is broad enough to provide for electronic monitoring, giving the Canada Border Services Agency the authority to require people to wear an electronic monitoring bracelet.

I was also wondering if you could give us some insight into the recently introduced Bill C-31. Bill C-4 appears to have been amended slightly and incorporated into Bill C-31. As I understand it, adults coming to Canada as part of an irregular arrival could end up in detention. Children, however, would not be subject to such detention, which could last up to a year, according to Bill C-4, which I studied at the time.

Ms. Claudette Deschênes: I apologize, but I cannot answer that question. I work in operations. But we could send you the answer.

Mr. Francis Scarpaleggia: That's fine. The facts are common knowledge, I am just having trouble remembering them.

Under Bill C-31, it also seems that Canada will start requiring students and visitors with temporary resident visas to submit to the collection of biometric information.

Are you familiar with the department's new policy to that effect? I don't think it comes under Bill C-31. I saw the minister on TV last night. After he made a speech—in Toronto, I believe—he talked about that, unless I saw it in a newspaper article this morning. Are you aware of the department's plan?

Ms. Claudette Deschênes: The department is working on the biometric project.

Mr. Francis Scarpaleggia: So it is a separate project.

Ms. Claudette Deschênes: As part of the legislative amendments, we wanted to make sure the bill contained a provision stipulating that clients would have to submit to the collection of their biometric information if asked.

Mr. Francis Scarpaleggia: So it is only if you ask them. You are not going to ask every single student for their fingerprints.

What exactly does biometric information refer to?

Ms. Claudette Deschênes: A photo and 10 fingerprints. Initially, they will be collected abroad. We will start with certain countries.

Mr. Francis Scarpaleggia: What is the actual goal of all that?

Ms. Claudette Deschênes: We have already conducted several proof of concept tests. The goal is to better identify those entering the country. That is hard to do with just a name and a date of birth.

• (1605)

Mr. Francis Scarpaleggia: It will be done when people enter the country?

Ms. Claudette Deschênes: It will be done abroad, which may make the person's entry into Canada easier. We want to make sure that the person coming over on the plane is indeed the person who obtained the document abroad.

Mr. Francis Scarpaleggia: So when the person comes off the plane, their biometric information will be checked, is that it? I don't understand how that information is going to be used.

Ms. Claudette Deschênes: We will use it to check criminal records and RCMP data. Furthermore, if someone shows the officer at the entry point a photo that does not look like him or her, the person's fingerprints will be checked.

Mr. Francis Scarpaleggia: Thank you.

I don't have any more questions, Mr. Chair.

[*English*]

The Chair: Thank you. You have another minute if you choose.

All right. We'll go back to Monsieur Chicoine.

[*Translation*]

You have seven minutes.

Mr. Sylvain Chicoine (Châteauguay—Saint-Constant, NDP): Thank you, Mr. Chair.

I want to thank our two witnesses for joining us today to share their experience with us.

As you know, the purpose of this study is to assess the possible use of electronic monitoring in certain cases, particularly in the case of immigrants on the verge of being deported.

Do you have any thoughts or knowledge regarding electronic monitoring that could give us some insight? Given your experience, could electronic monitoring prove useful in certain cases?

Ms. Claudette Deschênes: We are here today representing Citizenship and Immigration Canada. The department does not have an opinion on the matter.

Mr. Sylvain Chicoine: You can't even tell me whether it may be useful or not at all?

Witnesses told us that the only time electronic monitoring had been used in immigration was when the individuals had a security certificate.

Has electronic monitoring been used for immigration purposes before? If not, are we starting from square one, aside from cases involving security certificates?

Ms. Caroline Melis: It applies only to security certificates. There are five or six other cases that the Canada Border Services Agency discussed, but there are not many cases that were subject to electronic monitoring.

Mr. Sylvain Chicoine: You can't tell us what those situations were?

Ms. Caroline Melis: No.

Mr. Sylvain Chicoine: I always get asylum claims and refugee claims confused.

What is the difference between the two? Are they the same thing?

Ms. Claudette Deschênes: We consider them the same.

Mr. Sylvain Chicoine: They are just two ways to....

Ms. Claudette Deschênes: But, in certain cases, we do treat individuals abroad as those seeking refugee status in Canada under the refugee class. In Canada, I think both terms are used interchangeably.

Mr. Sylvain Chicoine: Both terms mean the same thing. Thank you, I was a bit confused about that.

We know there aren't any exit controls at the border to monitor visitors or refugees when they leave the country. Under the new agreement with the U.S., is it strictly in terms of individuals entering and exiting the U.S. that it would be possible to determine whether a refugee from an African country, say.... Will that solve the problem?

Ms. Claudette Deschênes: We hope so. We are in the midst of assessing whether entry into the U.S. would give us our exit and whether entry into Canada would give the Americans their exit.

Mr. Sylvain Chicoine: It would apply solely to the U.S. border? If you fly to Europe, for instance, it would not solve the problem on that end?

Ms. Claudette Deschênes: Not initially, but we hope to build a system that will cover everything in the long term. We do everything step by step.

Mr. Sylvain Chicoine: That is it for me. Does anyone have any other questions?

[English]

The Chair: That's fine.

Ms. Young, I think, has another question.

Ms. Wai Young: Thank you so much for being here today. I didn't have the time earlier because I was being harassed by my chair.

I would like to welcome you and say thank you, again, for being here.

I wanted to ask you about the dangerous offender and/or criminal removal unit, or some such. I don't know exactly what it's called. Can you tell us a little bit about this unit under CIC and about the work they do?

• (1610)

Ms. Claudette Deschênes: We don't have a removals group, so I'm not quite sure what you mean. We have a unit at CIC that deals with danger opinions. That would happen when people are making a case that they may be at risk if they return to another country, but they're also dangerous from the perspective of being criminals, and so on. We have a unit that balances the risk to the person with the risk to Canadian society. That's the unit that does that.

Ms. Wai Young: Can you tell us a bit more about the role of this unit and the kinds of cases they might have? How does one become a case within this unit, for example? What happens? What kinds of things do they look at? How do they assess people? And then what happens at the end of that process?

Ms. Claudette Deschênes: I probably won't cover all the examples. Basically, often it would be someone who has been granted refugee status in Canada or who is making a case that there's a risk of returning to a country because of torture or persecution or that type of thing. That case would normally be prepared by a representative for the client—

Ms. Wai Young: Could I interrupt just for a second?

Would it also include someone who might have criminality, or who we are concerned may be a danger to the Canadian public or society?

Ms. Claudette Deschênes: First, it's someone who we want to remove, and then I'll get to why we want to remove them. We normally would want to remove him because of criminality, or security reasons, or something like that, something that having these people living in Canada among us causes us concern.

The officer would consider the criminality, the aspects, everything to do with the charge, with the conviction, and with the lifestyle of the person. They would also take what the person is claiming would be their risk when they returned to their home country. They would do some research on what they believe to be the real situation in that country, and they would balance those things out. They would write a decision, a report. It would be presented to the client and normally their representative. They would have a chance to rebut that information, and then a final decision would be made. And if the officer came to the point of saying that the risk to Canada is greater than the risk of this person having a problem when they returned, that case would go into active processing for removal. Normally, it would also be taken to court, and it would be looked at for judicial review to make sure the officer didn't make any wrong decisions.

Ms. Wai Young: Our immigration system is one where the bulk of the people who come apply from abroad, and then they are either approved or not approved, and we check criminality before they receive their approval. Would you say that the majority of the people who end up in this unit are ones from what kind...? How did they get to Canada? How did they end up in this unit?

Ms. Claudette Deschênes: It could be a mixture. It could be people who we've processed overseas and we missed something, or it may be people who were processed overseas, came to Canada as young people, and then got into gangs and crimes and that type of thing, or it could be people who arrived in Canada and claimed refugee status. There's a whole variety of those cases.

Ms. Wai Young: How many active cases would there be at any given time?

Ms. Claudette Deschênes: I don't know, but we could check. I don't have that off the top of my head.

Ms. Wai Young: Out of the cases that you have, roughly how many are removed or not removed? Do you have any idea of the statistics around that?

Ms. Claudette Deschênes: I don't, but we can check that. Again, it's a rolling total because some cases—

Ms. Wai Young: Right, but generally, are we talking about a thousand a year or ten thousand a year? Do you see what I mean?

Ms. Claudette Deschênes: Yes. I'm not sure we're talking that many, but we can look into that.

Ms. Wai Young: Thank you very much.

The Chair: Thank you.

[*Translation*]

Welcome to the committee, Mr. Côté. You have five minutes.

Mr. Raymond Côté (Beauport—Limoilou, NDP): Thank you, Mr. Chair.

Good afternoon, ladies.

I must say that, as a newcomer to this committee, I had a bit of trouble keeping up. In Quebec City, specifically the Beauport—Limoilou riding, there is a high proportion of immigrants. If I understand correctly, you were talking about an approach by Citizenship and Immigration Canada that would involve holding immigrants accountable.

Is that a common approach of yours? Do you find it produces satisfactory results?

• (1615)

Ms. Claudette Deschênes: We work from the premise that the majority of people in the immigration system will follow the rules. Obviously, that is not the case for everyone. Citizenship and Immigration Canada wants to step up efforts to ensure that those we think are going to follow the rules in fact do so.

All the measures that must be taken by the Canada Border Services Agency also come into play. What it boils down to is that the government could always invest more money in these kinds of measures. The idea, however, is to figure out how to manage our risks as efficiently as possible, and if there are risks, can further measures be taken to manage those risks.

Mr. Raymond Côté: Time's up?

[*English*]

The Chair: Yes, we go to 4:15, and then at 4:20 we have the... Yes, we have different time schedules here in this committee on occasion.

We want to thank you both for coming. We realize that, as you said, you have kind of shown us that this isn't a major area of what CIC or what you specifically are going to be involved with as far as the electronic monitoring. Thank you for coming on our second invitation and for making that abundantly clear.

We will suspend just for a moment or two, and then we will go via the teleconference to Edmonton. We are suspended.

• (1615)

_____ (Pause) _____

• (1615)

The Chair: We'll call this meeting back to order.

In our second panel this afternoon, appearing by video conference from Edmonton, Alberta, from the Edmonton Police Service, we have James Clover, the project manager of electronic operations in the behavioural assessment unit. As well, we have from SafeTracks GPS Solutions Inc., Robert Aloisio, director of business development.

Our committee wants to take this opportunity, first of all, to thank you for taking the time and making the effort to share your information with us. As you know, in our study we have been looking at electronic monitoring in both a corrections and conditional release setting as well as an immigration enforcement setting, with a view to determine the effectiveness, the cost-efficiency, and the implementation readiness of such technology.

Welcome from the committee to all the way there in Edmonton, and thank you. Perhaps you have an opening statement or some comments to make. We would certainly also appreciate it if you would take some questions from our committee.

• (1620)

Mr. Robert Aloisio (Director of Business Development, SafeTracks GPS Solutions Inc.): Absolutely. This is Robert Aloisio, as you mentioned. I am the director of business development with SafeTracks GPS.

I would like to thank the committee for giving me the opportunity to discuss electronic monitoring. I've been working with GPS, telematics, ABL equipment, and cellular devices for over a decade. So I have quite a vast background when it comes to the technology.

We started SafeTracks GPS over three years ago, and basically our mandate, with SafeTracks GPS, was to bring a true electronic monitoring product to Canada. What we were able to do was basically elevate things on a few different levels. I'm going to touch base on these briefly and then we can address these during the question and answer period.

The big thing that we wanted to do was hardware. I'm just going to hold up a couple of different devices. This is a traditional device that we still do use. This has been used for about three or four years, basically worldwide. We are fortunate enough to take another device—it might be a little hard for you to see here—

The Chair: Can I just interrupt you for one moment?

Mr. Robert Aloisio: Yes, absolutely.

The Chair: When you hold the device up, rather than hold it in front of you, if you could hold it off to the side with the light in the background we can see it a little better.

Thank you.

Mr. Robert Aloisio: Sure. It's not a problem.

You can see this is our premiere device that we use for electronic monitoring in Canada. I'm going to briefly touch on some of the technical aspects that make this beneficial.

The first thing you're going to notice is that we have a built-in, two-way voice speaker. So we can actually contact the offender. This is perfect for breach, battery recharge, whatever it is. We can actually three-way conference in a monitoring centre as well as a supervising officer directly to the device. We've also integrated a 95-decibel audio alert. This is a handy feature if you have an offender going into a no-go zone, an exclusion zone. We can actually initiate the siren.

The big thing with this is something I like to call the secure cuff. I'm sure it's a little hard for you to see, but the secure cuff is a titanium reinforced band that actually attaches to the offender's leg. Inside there's a piece of what's called fibre optics, and if the offender does attempt to tamper or remove this, of course, we're going to get an alarm instantaneously at our monitoring centre. The thing with the titanium reinforced cuff is that it's very difficult to get off. I'm not going to say it's not removable, but it does basically obstruct the removal by the offender. So one big part is the hardware.

The other thing I wanted to actually mention to you is the software. Of course, there's another portion of electronic monitoring: the software is actually what the device reports to. We went out and we sourced out the best software we could find. Just so the committee is aware, we've actually moved it into Canada. So we have complete servers, data storage, and everything, 100%, in Canada. It is a completely self-contained system. So we're operating specifically for Canada here.

We also did incorporate a monitoring centre. Now, with this technology you're going to realize there are breaches, there are battery recharges, there are alerts that are going to come through. We've secured a 100% Canadian 911 response centre to deal with

these types of alarms. So when you bulk up our solution, it's completely end to end built for Canada.

That's essentially what SafeTracks has come to discuss today.

The Chair: Thank you very much.

Mr. Clover, did you have an opening statement, or are you just here for the questions?

Detective James Clover (Project Manager, Electronic Operations, Behavioural Assessment Unit, Edmonton Police Service): Yes, sir, if the committee has no issues....

The Chair: Please.

Det James Clover: I am a detective with the Edmonton Police Service and have been for almost 15 years. My current assignment is with the behavioural assessment unit. Our primary task is monitoring and assessing high-risk offenders who live in the city of Edmonton. The bulk of the offenders whom my team supervises are what we call 810 recognizance offenders. These are generally offenders who have served a federal sentence, weren't provided parole as a result of the risk they posed to the community, served their entire sentence, and weren't afforded a gradual and protected release into the community. My unit gets involved by appearing in front of a court and getting conditions to supervise.

We were successful in obtaining funds through the Alberta Ministry of Justice and Attorney General for a three-year pilot project to leverage this technology to help complement our supervision. I would encourage the committee, if they haven't done so already, to research what Alberta is doing regarding that research through the University of Calgary, the Calgary Police Service, the RCMP through Red Deer, and the Edmonton Police Service.

Since approximately September of 2010 we've had an opportunity to use this technology only ten times. This is a police perspective on providing the committee...the user group is policing. Generally, my offenders whom I've been using this technology on are sexual-based offenders. We operate in the context that EM provides a proactive monitoring compliance of offenders on judicial conditions. We can assess risk through lifestyle patterns. It's a motivator and a stimulant for offenders to comply with and follow the conditions and lifestyles we're trying to encourage. We are trying to prove and disprove offenders' involvement in current investigations. We're trying to show that the Edmonton Police Service and law enforcement in general is making the best effort we can to help supervise an offender, assist him in transitioning to the community, and maintain public safety.

When I consider when to use these devices, I think it's important to look at things like the index offence—what has the offender been convicted of—and geographical restrictions. We look at victimology, stranger versus familiar victims. We look at curfew conditions. Are the conditions of a curfew present? We look at residency conditions. Is the behaviour we are trying to monitor or manage predatory in nature? Is there a history of recidivism? Is there a history of flight risk? Does this offender wilfully distance himself from supervision from, let's say, CSC or the Edmonton Police Service? Does the offender face jeopardy on their next offence, maybe a long-term supervision or a dangerous offender? What's the history of the offender's management? What have we done in the past and what do we need to do now? Are we doing the same thing again and again, or do we need to change the way we're working with this offender to make this supervision work, both for the offender and the community?

The last thing I would like to share really quickly is the tenets that come out of this. I've developed a series of principles that my project has adopted, and I share these as often as I can, but again I want to highlight that these are perspectives from police, maybe not necessarily from immigration or from corrections, that EM GPS is not a replacement or substitute for incarceration, that electronic monitoring is a deprivation of a person's liberties, and as such we should be using it when it's lawful, appropriate, and in the most humane way possible.

Electronic monitoring is not a punitive measure but a complementary tool to provide the offender encouragement and compliance with supervisory conditions and to provide the case management team with a means of improved offender accountability. Electronic monitoring data should not be used as a sole source of evidence, if possible. Data should be used in collaboration with other conditions, management strategies, and investigatory techniques.

Electronic monitoring is not a replacement for traditional offender management and community supports. Electronic monitoring has limitations like all technologies and should be used to complement the supervision strategy specific to that offender. Reliance on electronic monitoring needs to be monitored closely.

Finally, electronic monitoring should not be considered a measure to reduce the workload of the case management team. EM GPS operations are an additional task that require additional capacity. EM operations can be structured in a manner, such as the use of third-party monitoring, to reduce the resources required to manage an offender on GPS, but the use of electronic monitoring is an additional responsibility for both the offender and the case management team.

I welcome any questions.

• (1625)

The Chair: Thank you both, one from the perspective of SafeTracks and the technological perspective, and the other from a law enforcement perspective. We appreciate both of those.

We'll go to our first question, which is from the government side, and not really from an Edmonton member of Parliament, but kind of—a St. Albert member of Parliament, Mr. Rathgeber, please.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): On a point of order, Mr. Chairman, you know I live in Edmonton.

Welcome to both of the witnesses.

Mr. Aloisio, I'm fascinated by your presentation, but I don't understand it particularly well. Can you tell me, first of all, the cost of that unit you held up? I don't want to know what you pay for it, but what does it retail for? Do you rent it to your client, or do you sell it to your client? How does this work?

Mr. Robert Aloisio: That's a really good question.

I just want to make it very clear that SafeTracks is a solutions-based firm. What I mean is that something that might work for the Edmonton police might be a little bit different for a corrections environment, whatever it's going to be.

The device I have here we lease, all inclusive, per day. The lease includes the device. It includes the monitoring centre. There is an option for us to incorporate a different monitoring centre if we have to. Depending on the intervals—how much data we need to send back and forth, and so on—you're looking at about \$15 to \$22 a day all inclusive for the technology.

• (1630)

Mr. Brent Rathgeber: Do you run a monitoring centre or do you contract that out to somebody else?

Mr. Robert Aloisio: We actually have a partner called Northern911. They are the largest E911 response centre in Canada. That means an electronic response—so anything that's voice over IP phone or cellular phones. We've actually integrated this platform directly into their 911 response. We did that because when we went to go source out a monitoring centre, we wanted to make sure when the alerts come through that the actual call-takers have the experience to deal with an emergency and of course to deploy law enforcement if needed.

Mr. Brent Rathgeber: Is Northern911 in Edmonton?

Mr. Robert Aloisio: No, they're actually based out of Sudbury, Ontario.

Mr. Brent Rathgeber: Are there other monitoring centres in Canada? This is all news to me.

Mr. Robert Aloisio: That's not a problem.

Actually the reason we chose to work with Northern911 is that they work at a national and actually at a North American level. So they're able to service everybody in Canada as well as the U.S. We went that way, so instead of having individual monitoring centres across Canada, we would have one group of specialists that work with different areas across Canada.

Mr. Brent Rathgeber: So your company is based out of Edmonton?

Mr. Robert Aloisio: We're actually based out of Red Deer, Alberta. I do work out of Edmonton as well.

Mr. Brent Rathgeber: Who are your clients? Are your clients the RCMP? Are your clients Corrections Canada? Are your clients Immigration and Citizenship? Who contracts for your services?

Mr. Robert Aloisio: Currently we have a couple of active pilot projects going. I'm not sure if you're aware that the Province of Alberta has moved ahead with the actual pilot for electronic monitoring. We are working with the Edmonton Police Service at this time as well as with the Red Deer RCMP for domestic violence. We do have a lot more programs coming down the line, but those are the two concrete ones in Alberta that we're working with.

Mr. Brent Rathgeber: Inspector Clover—I'm not sure I wrote this down correctly—you indicated that you have 10 ongoing projects or you have 10 projects historically. Could you clarify that for me, with respect to electronic monitoring?

Det James Clover: Since September 2010, we've had 10 opportunities to use this technology. That's 10 individuals. More than one of the 10 could be made up by the same offender. So an offender might be on the bracelet, go back to jail, and then come back out on the bracelet. That would be two occurrences.

Mr. Brent Rathgeber: You're a police officer with EPS. I'm assuming that each one of those 10 involves an individual who is on some sort of judicial interim release. They haven't yet gone to trial.

Det James Clover: No. Of those offenders we supervise, approximately half have served their sentence, gone to court, and gotten conditions from a judge after forming reasonable cause in a judge's mind that they pose a risk to the community. They therefore get the condition to wear a bracelet. Two of the 10 were pre-trial cases. These were offenders who had not been convicted. This was a pre-trial matter, so it's like bail. The remaining one was for an offender we extracted from an institution for investigative purposes, and the bracelet was used as sort of a layer of security to ensure that we had a good sound control and supervision over this offender while he was under our care.

Mr. Brent Rathgeber: This was either part of a conditional release or this was post-sentence that you got a judge's order for continuing monitoring. Did I hear that correctly?

Det James Clover: That's correct. There have been cases of those who have been detained. Let's say, hypothetically, that there is a gentleman who serves a sentence for five years for a sexual assault. He serves the whole five years in an institution, does not get parole, but is now going to be released. I can go to a provincial court and ask for a condition that he be supervised to monitor his risk and, as per that condition, also that he wear an electronic monitoring bracelet.

Mr. Brent Rathgeber: Do you need the consent of Correctional Service Canada—because that person is still under its auspices—to get that order?

Det James Clover: No. In those cases they're no longer under the care of CSC. They've served their entire sentence. They've gone to warrant expiry, so they're no longer under its care.

It's a very good point, though, sir. Under certain pieces in the code, I have to ask for the Attorney General's approval to use a bracelet. There are applications where I do have to get provincial consent before I proceed.

•(1635)

Mr. Brent Rathgeber: I'm assuming the Edmonton Police Service doesn't own any of this equipment. I take it you contract with companies such as Mr. Aloisio's. Is that correct?

Det James Clover: That is correct. When we waded into this and tried to leverage the technology, it was imperative that.... We didn't want to own the equipment.

First and foremost, a lot of the offenders subject to this technology will be in and out of jail. When they're in jail, there's no benefit to my having a bracelet sitting on my desk.

So absolutely, I lease both the technology—the bracelet—and the third-party monitoring to help with my capacity in my office.

Mr. Brent Rathgeber: From your perspective, is this effective and efficient? I'm suggesting both in terms of security and in terms of cost. Is this an effective way to keep track of individuals whose warrants have expired but, from your perspective, the state needs to keep track of?

Det James Clover: When used for very specific cases—those cases we need to complement, those cases that are of extreme risk, those cases where we cannot keep the offender incarcerated—yes. But as you can see, since 2010 I've used this technology very infrequently. So it's only in very specific cases.

Mr. Brent Rathgeber: When I'm in Edmonton in two weeks, can I meet with each of you and go through this in more detail?

Mr. Robert Aloisio: Absolutely.

Mr. Brent Rathgeber: Thank you.

Mr. Robert Aloisio: No problem.

The Chair: We'll now move to the opposition side.

[*Translation*]

Ms. Morin, you have seven minutes.

[*English*]

It's the first round.

[*Translation*]

Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP): Thank you.

Mr. Clover and Mr. Aloisio, thank you for being here this afternoon.

Mr. Clover, something you said struck me. You said that electronic monitoring should not be considered a measure to reduce the workload of officers but, quite the opposite, that it actually represented an additional responsibility.

Basically, equipment and human resources costs will obviously go up, because we know more capacity will be necessary in those areas. Could you confirm that?

[*English*]

Det James Clover: My point was that it is a draw or a demand on the people who are tasked to monitor this.

Absolutely, there's a financial cost for the equipment. But most important, there is a drain on the resources. People have to monitor this, be involved in this. It doesn't reduce your workload.

[Translation]

Ms. Marie-Claude Morin: I have a few technical questions for Mr. Aloisio. First off, when an individual is wearing your monitoring device, are their movements being monitored at all times? Does the person have any privacy?

[English]

Mr. Robert Aloisio: I'm going to address that as well as possible. Again, this would definitely depend on the application.

If you're in constant communication, our device, specifically this one—and I'll hold it up again—has the ability to hold GPS positions, and what I mean is to send positions to the server, so people can see basically where the offender is at, up to every minute.

The beauty of our technology is that it's actually a hybrid. We can go back in and adjust all these technical aspects. We can have this thing poll anywhere from one minute to 15 minutes to 30 minutes.

We would really be eager to look at a certain application and build a solution that would be specific for that offender, depending on what would be recommended, of course.

[Translation]

Ms. Marie-Claude Morin: Can users get around the monitoring? Is there a way to scramble the signal? The technology isn't perfect, after all. Have any such problems occurred in the past? Have people managed to scramble the device's signal?

[English]

Mr. Robert Aloisio: I'm glad you asked that question. I'd like to address the committee and let you know that there are limitations to this technology, as there are with any....

Fortunately, what we've been able to do is see patterns. For instance, to be quite honest, no, we have not had a lot of issues with offenders trying to obstruct the signal, whether it's cellular or GPS. The nice thing is that our monitoring centre is trained to look for that. So if for some reason we're not getting a GPS position or something like that for an hour, we can set off an alarm, and then we basically have somebody do a diagnostic on it and come to a conclusion at that time.

I would like you to know that SafeTracks has done its due diligence, as much as possible, to provide a device that is going to be as hard to tamper with as possible. So although the offender may be able to obstruct one form of communication, we have built-in redundancies that are still going to be able to transfer the information.

• (1640)

[Translation]

Ms. Marie-Claude Morin: You mentioned alarms. What happens when an alarm goes off? How many people are notified? What protocol is followed? False alarms can happen, but—

[English]

Mr. Robert Aloisio: Again, that's a good—

[Translation]

Ms. Marie-Claude Morin: Forgive me for interrupting.

What I am really getting at here is, in the case of a genuine alarm when actual measures have to be taken, is there enough time to get to the location and intervene before anything happens?

[English]

Mr. Robert Aloisio: That's a good question, and I'd like to address that as well.

Just so everybody is aware, this uses GPS, which is a global positioning system, and it uses a cellular network to transfer the information, just like your cellphone. The device will literally send off an alarm to our monitoring centre within five seconds.

You mentioned procedures, etc. One of the strong points of our software, and the way our architecture is set up, is that the actual, let's say, supervising officer—I'm going to use Detective Clover as an example—can go online and select what he wants done for each specific alarm. Let's say, for instance, he has an offender who is going to an exclusion zone, which is a no-go zone. He can instruct that maybe he wants the siren to go off, that an e-mail come to him, and that members one through four be contacted. The way we can build these responses is completely modular.

All I can say is that the technology is going to alert the supervising officer as soon as technologically possible. Then, of course, it would be in their area to go out to respond.

[Translation]

Ms. Marie-Claude Morin: Thank you.

Do I have any time left, Mr. Chair?

[English]

The Chair: You have one more minute.

[Translation]

Ms. Marie-Claude Morin: To satisfy my own curiosity, I have one last technical question.

How is the device's battery recharged? Does the person have to take it off to recharge the battery? How does that work? I am curious.

[English]

Mr. Robert Aloisio: I kind of thought this would come up, so I brought one of our chargers. I'm going to hold this up and briefly show you what the offender has to do.

This device is really unique. We usually recommend that the offender charge it for 90 minutes a day. If it is charged for 90 minutes a day, it's going to last over 36 hours, which is fantastic battery life.

There is a small port on the front. They plug this into the AC outlet. The person actually attaches this to the bracelet while it's still on his or her leg. There is a green LED flashing light that will basically let the offender know once this is charged. It's very simple, and we built that into the program as well.

The Chair: That was a great question. Thank you, Madam Morin.

We'll now move back to Mr. Aspin. Mr. Aspin, you have seven minutes.

Mr. Jay Aspin (Nipissing—Timiskaming, CPC): Thank you, Chair.

Thank you both for appearing before the committee.

My question is to Mr. Clover. We've heard from several witnesses that electronic monitoring is useful as a tool for community supervision, as opposed to being useful for reducing recidivism. Could you give us your views in this regard?

Det James Clover: If I understand the question, sir, you want to know if we think the technology helps to reduce crime.

Mr. Jay Aspin: Yes. Could you give us your views on it?

Det James Clover: From a policing perspective, our unit tries to adopt a holistic approach to monitoring an offender. When we're talking about recidivism, we're talking about several things. Most important to me is that I don't want a sex offender to commit another sex offence. If I can use this technology and complement it with supervision strategies, whether that's having a residence for him to live in, employment, family support, programming, having him abstain from alcohol and drugs, or having him attend additional programming, it all comes together.

There are certain times when the GPS EM will have direct leverage. For example, if we have a stalking case, and we don't want the offender to see or make contact with the victim, the bracelet provides a virtual barrier that allows me to intervene before those two come together.

In a roundabout way, I'm not comfortable saying that the bracelet, per se, reduces crime. It simply helps me manage the risk the person may pose to the community.

• (1645)

Mr. Jay Aspin: In a nutshell, could you summarize the benefits and drawbacks that electronic monitoring has in aiding or hampering you in your daily duties as a police officer in charge of the high-risk offender unit?

Det James Clover: Probably one of the immediate benefits we noted was with something like a house curfew. For me to have two patrolmen deployed to a house to ensure that an offender is at home at 10 o'clock takes time, money, resources, and two patrolmen off the street. Electronic monitoring does that virtually instantaneously. So I know the offender is in his house when he's supposed to be there.

There are other things like assessment of risk. Part of my job is to assess the risk that an offender poses. That risk will change in time as they migrate through their crime cycles. I can look at the data produced from GPS. It's another tool for me to assess that lifestyle and where they are in their crime cycle. Is this gentleman travelling to where the sex trade workers are? Is he in an area known for drug trafficking? Or is he going to work as he says he is and living a lawful life?

There are several shortcomings from the perspective of my unit and my policing. One is sustainable funding. We're all strapped for cash and there are lots of offenders to supervise. I have to be very particular about who I put the bracelets on. There's a responsibility. Once there's a bracelet on somebody, I'm responsible and my unit is

responsible to ensure we're observing that data. That data is plotted on a map. It doesn't tell me he's not going to rape somebody; it will simply tell me where he may have raped somebody.

A complication from a policing perspective is the use of it in pretrial custody. I am not advocating the use of EM bracelets as a replacement for incarceration. If a person needs to be incarcerated, they need to remain incarcerated. From a policing perspective, we can't replace that. It's the court's decision whether the person stays in or out. Law enforcement is not traditionally responsible for bail supervision. That generally falls on the province. In Alberta we're very sensitive about using this technology in pretrial cases, at least from the police perspective.

Mr. Jay Aspin: Thank you.

Those are all the questions I have, Mr. Chair.

The Chair: Mr. Norlock, please.

Mr. Rick Norlock: Thank you very much.

I have a couple of issues. When we were talking about benefits, at one point you said it doesn't reduce workload, but then you said it actually does in a way. And different provinces have different ways. You said in Alberta you're not responsible for bail supervision, but in Ontario the police are responsible for breaches of recognizance, pretrial or beforehand.

I guess I'll ask you the plain and simple question from a policing perspective, having been a police officer for 30 years. Let's say electronic monitoring is like breathalyzers. It's approved across the board and there's funding for it. Would you rather have it or not? Would it create more problems for you than it solves? I think you've already mentioned some of the benefits. I guess you have to get those scales out and utilize them.

Det James Clover: Right, a scale of benefiting cost.

Regarding the workload, you're absolutely right, having two patrol members check does reduce workload for patrol. But there's the cost of looking at the monitoring, the installation, the being attached to that device, and having the response. So I do agree that there is some workload that benefits, but I also think we need to be aware that there's a workload demand.

Regarding bail supervision, I concur with you as well, sir, that police will, let's say, investigate breaches of recognizance. But it's the supervision per se. Which agency is responsible for monitoring a defender prior to trial? My concern is that we could have—and we had on our program—an individual on a bracelet prior to trial, and this is a non-convicted person, who has not spoken in court. The courts could take two or three years, so that gentleman—or that person—could be on a bracelet for, conceivably, two to three years. Who's paying for it, and who's watching that data? From a policing perspective, from a three-man unit, I have some significant concerns that it would fall onto me.

To your ultimate question, do I feel it has a benefit or not and would I use it, absolutely, I believe there's a benefit. In the policing world, I think it's very, very specific. Those cases, such as the detained offenders, where the police have now adopted the responsibility, the sole and primary responsibility, of monitoring this high-risk offender...I also concur that this use of technology is a very appropriate tool for Corrections. Whether that's provincial or federal, it suits their mandate, it suits their needs, and it's appropriate to the mission that we expect them to do.

It has a benefit from a policing perspective, absolutely, but in very, very specific cases, probably not something I would roll out en masse.

• (1650)

Mr. Rick Norlock: Thank you.

The Chair: Thank you very much.

We'll now go to Mr. Scarpaleggia, please, for seven minutes.

Mr. Francis Scarpaleggia: Thank you.

Just so that I understand, the offenders you're monitoring, who have done their time, these are long-term offenders, dangerous offenders?

Det James Clover: Not necessarily. Under what's called an 810 recognizance, you can apply in court to form reasonable belief in the judge that this offender, who has served their entire sentence, still poses a risk to the community. One of the conditions you can ask for, with provincial support, is the use of electronic monitoring.

Mr. Francis Scarpaleggia: How do you determine it? As I understand it, unlike the long-term offender designation or the dangerous offender designation, this is not established at the beginning of the person's sentence; it's after. Is that correct?

Det James Clover: It's absolutely correct, sir. It's post-sentence.

Again, we'll use the same scenario. An offender is sentenced to five years for sexual assault. During his incarceration he's not afforded an opportunity for gradual and safe transition to the community, because both the Correctional Services of Canada and the Parole Board of Canada have said he's likely to commit a serious offence after his release. He serves his entire five years and now he has to be released. He has to be released; the law demands that he be released. So now that I know he's coming to Edmonton, it's my unit's job to make an assessment and decide whether we feel this offender still poses a significant risk to the community, and whether I think conditions will allow us and the offender to secure his good conduct upon his release.

Mr. Francis Scarpaleggia: I can't remember which of you said this, but someone said that electronic monitoring is a motivator and stimulator of changes in behaviour, if I quoted you properly. Is that what you said? Somebody said that. I forget which one of you, I'm sorry.

Det James Clover: Yes, sir, it was me.

What I mean by that is that when we draft conditions, whether it's a probation officer, a parole officer, or a policeman, what is the purpose of the conditions? The conditions are to help keep this offender on a lawful path, to stay out of crime, to not do the bad things they've done before. If one of those things is, for example, not to go to places where children are likely to be, the bracelet helps to motivate the offender to remember that he cannot go to a park or a playground because he has the condition and a bracelet that's going to advise immediately.

Mr. Francis Scarpaleggia: But this is, really, in some ways, one of the central aspects of this issue, that this motivation is temporary. Or is it something that is conditioning the offender in such a way that they may change their behaviour in the long term? If that's what you're saying, it goes against what we've heard, which is that monitoring in and of itself does not reduce recidivism. I guess it's just a temporary motivator, unless it's paired with some kind of program. But, in and of itself, it's just a temporary motivator and enhancer that temporarily changes behaviour.

Are there any long-term effects, in your view?

• (1655)

Det James Clover: Absolutely. As I said about EM, this bracelet has to be in collaboration with other conditions. Programming, conditions to abstain—those are all temporary as well. That condition eventually lapses as well, so they're all temporary if there's no supervision.

Absolutely, I totally agree, as a stand-alone it makes no sense.

Mr. Francis Scarpaleggia: Mr. Aloisio, how many companies like yours are operating in Canada? We've heard the CBSA has six people on these bracelets. We're told that it's only at the pilot stage, really, when it comes to law enforcement. How many companies like yours are there across Canada? There can't be too many. It must be a very small market.

Mr. Robert Aloisio: You're correct, very much so. As for manufacturers, there are none, to be honest with you. Normally things were sourced out of country and brought into Canada. What I can tell you is that SafeTracks is the only company that does, as I said, have the monitoring centre, the software, and an agreement with the airtime provider in Canada. I'm not saying that other bracelets won't pop up here and there. However, in terms of somebody of our calibre, there is absolutely nobody else in Canada who's at this level.

Mr. Francis Scarpaleggia: If someone, law enforcement or immigration, wants to use electronic monitoring bracelets, they have to go to you?

Mr. Robert Aloisio: Not necessarily, no. That's not what I want to put across. However, as—

Mr. Francis Scarpaleggia: I didn't mean that in a pejorative sense, but how many players are there in your market across Canada who could offer this kind of service?

Mr. Robert Aloisio: I'm going to use North America, if that's okay, because that's traditionally where the technology comes from. There are probably, I would say, six powerhouses out there, and up to about 10 to 12 are starting to get into it. Again, it would all depend on what you were looking for out of the device. What we've done as a business is try to make sure that the competitive advantages that we've installed are going to benefit Canada as well.

Mr. Francis Scarpaleggia: The competitive advantage is, as I understand it, that you have this central monitoring centre that can service the country. Is that correct?

Mr. Robert Aloisio: Yes, that as well as having the servers on Canadian soil, the airtime—it's just that everything is done in Canada as much as possible. That's what I mean by our competitive advantage at SafeTracks.

Mr. Francis Scarpaleggia: Is this your only business line or do you have other business lines?

Mr. Robert Aloisio: Actually, no, that's quite interesting. We have two separate divisions at SafeTracks. We have what I like to call court-ordered offender monitoring, which is the ankle bracelets, and then we also specialize in personal safety tracking devices. Not to get off the court, but we've also worked with some victims of domestic violence, where we've equipped them with the device, and they have an SOS button that's linked to our 911 response centre as well. So we've been able to leverage both technologies to create something that's never been available before. We do have two specific, different divisions.

Mr. Francis Scarpaleggia: Interesting. Thanks very much.

Mr. Robert Aloisio: No problem.

The Chair: Thank you, Mr. Scarpaleggia. You're right on seven minutes.

We'll go to Mr. Sandhu.

Mr. Jasbir Sandhu: Thank you for being here, gentlemen.

I have a question for Inspector Clover. You talked about limitations in regard to the use of this device. Can you maybe elaborate on that.

Det James Clover: Yes. A technical limitation that we sometimes struggle with is that the device is only good as long as it's on his ankle. So one reason we went with this particular product was the metal band. Once the bracelet is cut off, you simply have a starting point and that's it. You also have a mischief charge. You've criminalized the wearing of this bracelet, so that's a limitation.

Two, like all technology, it has a battery. If the offender does not plug in the device and we go through the protocols to convince this person, once the battery is dead, again, it's of no use to you.

Another limitation would be an urban environment. Edmonton has high-rises, subways. There are certain locations that will hinder the signal—I don't know the technical terms. Our team doesn't like subways and urban environments. Those would be some of the limitations that come to me at this moment.

Mr. Jasbir Sandhu: Can you maybe talk about the false alarms you get through this technology?

Det James Clover: Right. I was conscious of that when we started this program. One of the things we're sensitive to is the workload. I didn't want to have my team responding to lots and lots of false alarms.

What needs to happen is the conditions have to complement the technology and the technology has to complement the conditions. For example, I believe the committee's heard of something called drift. There's a satellite drift. If you think of it as a map and the dots are populated on an offender's house, the dots will sway back and forth. You need to make sure that when you're building, let's say, exclusion zones, you're doing it in such a way that you're capturing drift. You are anticipating drift when you set those up to reduce the number of false alarms.

Third-party monitoring is another way we layer this. For example, another alert we get is called a strap tamper. If an offender knocks the device really hard, maybe he's tripped and fallen down the stairs, the device will momentarily believe he's trying to take the bracelet off. Protocols need to be established for this. So now you have to build in a layer of monitoring. Do we respond right away? Or do we allow the device to reconnect, re-establish, say the device is fine, and then move along? That's an important question.

● (1700)

Mr. Jasbir Sandhu: You talked about the limitations of the devices when they're applied to specific offenders, like the attachment of the device in particular cases. You also said this should not be universally applied. Would you agree with that?

Det James Clover: Right. I'm particular about the type of offender we use. The technology has to complement the conditions. I don't believe in it as a stand-alone, simply because they have to wear a bracelet. The conditions have to supplement it. So I need to have a condition of curfew. The bracelet can support that. The device can support a condition of residency. The conditions have to collaborate with what the technology can offer. Simply having a dot on the map 24/7 doesn't provide me any benefit unless it's contributing to the supervision plan we have for that offender.

Mr. Jasbir Sandhu: You talked about not employing this technology with thousands and thousands of people.

Det James Clover: That's correct. There are a few reasons for that. I've been doing this project since 2010 and I've had only 10 opportunities. I'm speaking from a policing perspective. We need to be clear that this is a policing perspective. We don't have a lot of offenders that we're judicially tasked to supervise. These are the ones we've selected to supervise. I have concerns about capacity. If you have hundreds of offenders and hundreds of dots on a map, someone has to be responsible for monitoring, and it's an onerous task.

Mr. Jasbir Sandhu: Would you say there are limitations to technology that would require additional resources?

Det James Clover: I'm sorry, I might need you to better explain that question.

Mr. Jasbir Sandhu: If you had to manage, say, 100 cases where they're wearing these bracelets and you had to analyze those dots on the map, would it require a lot more money?

Det James Clover: It would require more money, yes.

The Chair: Your time is up, Mr. Sandhu.

We're going to go back to the government side. But I would like to ask a couple of questions, as the chair's prerogative.

I want to build a little on Mr. Sandhu's last question, and this may go to Mr. Aloisio. You say that Sudbury has the capacity to monitor and you have this 911 organization that does it. But it's only been in small pilot projects. Would they have the capacity to monitor 200 to 500 people at one time?

Mr. Robert Aloisio: That's a good point. You're looking at an emergency 911 response department that handled over 800,000 calls last year. Right now, at the level we're at, we're able to deal with pilot projects. However, our strategic partner is willing to advance this technology. He wants to grow with this. So the more bracelets we produce, the bigger he's going to get.

I agree with Detective Clover on the capacity issues. I can tell you this from a business standpoint: SafeTracks has built this at a modular level that we can keep expanding as far as we need to. The proper pillars are in place.

• (1705)

The Chair: On that other end—on that monitoring end—is it simply where they would notify the police or another group? There is no contact then with a parole officer or a probation officer. Who do they contact? Who would you have them contact?

Whoever...?

Mr. Robert Aloisio: That's the beauty of it. If you remember what I said about being a solution-based company...of course, if we were the vendor that was selected for this type of thing, we would go and sit down and analyze.

No, that's not to say that a probation officer would not be notified or a police officer. It's whatever the mandate is. We can build the protocols around whatever anybody wants to do. It's completely flexible.

The Chair: Detective Clover, have there been any charges on any of the offenders while they have been wearing the bracelet, whether they're an offender or an ex-offender and they have been released? Have you experienced any charges against them when they were wearing the bracelet?

Det James Clover: Yes, sir, I can think of two that come to mind. One was mischief to the device. The offender had cut the plastic coating on the bracelet, and we had him charged with mischief to the device, to which he pled guilty.

A second example would be when we had an offender attend what we call a drug house, or a sort of non-pro-social environment where he was hanging out with drug users, which was against his conditions. A patrol car responded and confirmed that he was there among these people, and that was a breach charge.

Those are two examples of what would probably be considered a common charge.

The Chair: Has there ever been a case where you have been able to rule out that the offender wearing the bracelet was not involved in a crime? This is where you may have specifically thought, he was not wearing the bracelet, we've just released that person into that

community, and a crime has been carried out there. Has the bracelet been able to rule out an offender's involvement in a crime?

Det James Clover: Yes, sir. We had the release of a high-risk rapist in the community. Every sexual assault that came in, we all suspected the same offender, and the technology was used to show that he was not the responsible party.

It does go both ways.

The Chair: Thank you very much. I think Ms. Hoepfner has a question.

Ms. Candice Hoepfner: How much time do I have, Mr. Chair?

The Chair: You have another three minutes.

Ms. Candice Hoepfner: Great. Thank you very much.

I have a couple of questions that I want to ask both Mr. Aloisio and Detective Clover with regard to cost.

Detective Clover, you said you wouldn't purchase the equipment but you would lease it. Do you have an approximate cost of the leasing and monitoring per unit? Can you give us any idea?

Det James Clover: When we negotiated the contract with the company, these were the two precursors: I wanted to lease and not own, so at \$22 a day that had to include monitoring; and I wanted to have a clause stating that the moment a device was taken off, I could have it switched off and not be paying any more.

Ms. Candice Hoepfner: It's \$22 a day, and that includes the monitoring?

Det James Clover: Yes, ma'am.

Ms. Candice Hoepfner: Mr. Aloisio, is that consistent with what you would also charge? I'm sure it would depend on the service you would be providing.

Generally speaking, do you have a cost per unit?

Mr. Robert Aloisio: That's active. That was a solution, of course, designed for high-risk offenders.

Again, that's the maximum amount of GPS points. It's basically as much as what a Cadillac can do. It was \$22 a day.

I did mention other programs before, such as our Fusion platform, which I wish I had time to get into but I can't, that can drive the cost all the way down to about \$15. I would caution using something like that. Detective Clover basically said that it depends on the offender what solution we would engage at that point.

Ms. Candice Hoepfner: I wanted to follow up on what my colleague Madame Morin was asking you about charging the device's battery. I just wanted to let you finish explaining it. The person being monitored would have the bracelet on and they would have to charge it for 90 minutes a day. Is that correct?

Mr. Robert Aloisio: The nice thing is that as long as the offender is abiding by his schedule, nothing is ever going to happen. Nobody is going to ever bug him.

For instance, let's say he does not. The device starts to actually vibrate on his ankle when it reaches 50%. Of course, the monitoring centre actually makes a phone call to him, asking him to charge the device. That's included with the package as well.

Ms. Candice Hoepfner: That was my three minutes.

The Chair: You're over, but we'll give you another.

Ms. Candice Hoepfner: Thank you, Mr. Chair.

I'll just quickly follow up, then.

We've heard some testimony that electronic monitoring is a supervision tool. It sounds like that's exactly what it is, from Detective Clover's testimony. It's not a one-size-fits-all. It's not a magic bullet. It's just a part of the supervising tool when you have to actually monitor offenders who are in your community.

When you're looking at the best type of offender who would use this, would they be the ones with drug addictions and mental health issues as well and would need additional programming? Is that something you take into consideration?

• (1710)

The Chair: Thank you, Ms. Hoepfner.

Det James Clover: That would be a consideration, but it would definitely not be the exclusive—I would never put a bracelet on somebody simply because of drug or alcohol or mental health issues. Often those are complemented with it, but primarily for me—when I look at the technology, again, for the very limited cases that I believe law enforcement are responsible for exclusively—it's more to do with the risk.

What is the risk that this person poses? Where does that risk come from? How can we build barriers—which we call conditions—to allow this offender to live his life as lawfully and as productively as he wants to but still maintain a sense of security in the community?

This technology is simply one of several pieces in that strategy.

The Chair: Thank you very much, Detective.

We'll go to Mr. Sandhu and Mr. Côté for the last question, very quickly, please.

Mr. Jasbir Sandhu: Mr. Clover, you talked about deprivation of liberty. Can you elaborate on that?

Det James Clover: Well, I can tell the committee that I've worn a bracelet for a month. It wasn't a piece of me.

It becomes a piece of you after a month. You're restricted. You have nine minutes every day that you're lawfully expected to find a plug and to plug it in. But it's that balance between the protection and the sustained protection of the community and the liberties of movement of an offender in the community. That's a deprivation, as far as I'm concerned.

We need to use these technologies where it's appropriate, acknowledging that a person must wear a device they probably don't want to wear and must charge the device—they don't have a choice, they have to, in order to satisfy this condition—and when you make someone do those two things, that's a deprivation.

Mr. Jasbir Sandhu: Thank you.

I'll pass it on.

The Chair: Mr. Côté.

[*Translation*]

Mr. Raymond Côté: Thank you, Mr. Chair.

Mr. Clover, about that, I am fascinated that you tested the device on yourself. That brings to mind what a number of critics have said: families are subject to the same sentence as the person wearing the bracelet.

Could you elaborate on the repercussions for the family of the offender wearing the device?

[*English*]

Det James Clover: My personal experience from wearing the device is.... I went to work; I was in a uniform or in a suit. The device didn't out me in the community. I wasn't ostracized because I had a black box. The use of GPS EM is in the media, with known celebrities we see in the news.

I think we need to caution that you're absolutely right. The conditions and practices to supervise, let's say, a sexual offender will have an impact on the family, but so will curfews, so will reporting, so will abstains.

There is always going to be an impact on the family. I think that's an important part of the supervision and, more importantly, the integration of the offender. How are we complementing this offender's return? The family is a piece of that puzzle, absolutely.

I really have no more comments on that.

The Chair: Thank you very much, Mr. Côté.

We want to thank both of you from Edmonton today for joining us. I can tell you that I think you have been very helpful. The questions and the answers and your presentation have given us information on this new technology, and certainly some of the concerns that you may have about it.

We want to thank you. We'll probably all be waiting to hear from Mr. Rathgeber after he has had a chance to go in and maybe see what the bracelet looks like. Maybe put it on him—I know our whip here in our party would be happy to know where Mr. Rathgeber is as well.

Thank you very much for appearing before our committee.

We are going to suspend for a moment, and then we are going to move into committee business.

[*Proceedings continue in camera*]

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