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# **Standing Committee on Public Safety and National Security**

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**EVIDENCE**

**Tuesday, March 5, 2013**

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**Chair**

**Mr. Kevin Sorenson**



## Standing Committee on Public Safety and National Security

Tuesday, March 5, 2013

•(0845)

[English]

**The Chair (Mr. Kevin Sorenson (Crowfoot, CPC)):** Good morning, everyone, and welcome to our Standing Committee on Public Safety and National Security. This is meeting number 74. Today is Tuesday, March 5, 2013.

This morning we are continuing our study of Bill C-51 to amend Canada's Witness Protection Program Act.

Appearing before us today, from the Department of Public Safety and Emergency Preparedness, we have a number of returning guests. First, we have Trevor Bhupsingh. He is the director general of the law enforcement and border strategies directorate. As well, we welcome back Julie Mugford, director of research and national coordination in the organized crime division.

Also, from the Royal Canadian Mounted Police, we have Assistant Commissioner Todd Shean, of federal and international operations; and Inspector Greg Bowen, the officer in charge of witness protection operations.

I invite the Department of Public Safety to open this morning and to make some brief remarks.

As well, the RCMP has a statement. I haven't been given one yet, but if you do have one, I invite you to give me one now. Then we'll move into the first round of questions.

Thank you.

**Mr. Trevor Bhupsingh (Director General, Law Enforcement and Border Strategies Directorate, Department of Public Safety and Emergency Preparedness):** Thank you very much, Mr. Chair and committee members, for the invitation and the opportunity to speak again about the proposed legislation that's before us today. The legislation speaks to the modernization of Canada's federal witness protection program.

[Translation]

It is well recognized that an effective and reliable witness protection program is valuable in the fight against crime, especially against organized crime and terrorism.

In Canada, witness protection programs exist at both the federal and provincial levels. Federally, the Witness Protection Program is legislated by the Witness Protection Program Act and is administered by the RCMP. In recent years, the provinces have also started to establish their own witness protection programs.

[English]

While some provincial programs tend to focus on witness management, the federal program handles more serious cases that can require relocation and often a secure change of identity. Provincial programs often provide time-limited protection, usually leading up to, or during, a trial, whereas the federal program considers its protectees to be in the program for life. Only the federal program is legislatively mandated to provide national protection services to all law enforcement agencies in Canada, as well as to international courts and tribunals.

Public Safety Canada wants to ensure that our police continue to have the appropriate tools in place to build safe neighbourhoods across Canada by keeping up with the changing nature of crime, as well as with criminal or terrorist organizations.

Through Bill C-51, the safer witnesses act, we are looking to amend the Witness Protection Program Act to improve the effectiveness and security of the federal witness protection program, and to make it more responsive to the needs of law enforcement across Canada.

As you may be aware, the current Witness Protection Program Act was first legislated in 1996, but it has not been substantially modified since it came into force. That's over 25 years. The amendments proposed in Bill C-51 are intended to address the recommendations brought forward by this committee in 2008, as well as the Air India commission of inquiry in 2010.

In follow-up to the SECU report, in 2008 Public Safety Canada and the RCMP undertook countrywide consultations with federal, provincial, and territorial partners to hear their views on how to improve the federal witness protection program, as well as their perspectives on the SECU recommendations.

These provided amendments will also respond to what we heard regarding how to improve the witness protection program in Canada. The proposed legislative mechanisms and amendments in Bill C-51 are intended to improve interaction between the federal and provincial witness protection programs. Specifically, they will improve the process to obtain a secure identity change for witnesses from the provinces and territories through a designation process. Once designated, a provincial program can request that the RCMP assist in the provision of secure identity changes to designated provincial programs, without transferring their protectees into the federal program, which is currently the practice.

Bill C-51 will also broaden prohibitions against the disclosure of information, beyond the name and the location of a federal protectee, to now include designated provincial protectee information about both the federal and provincial programs and those who administer these programs. This is consistent with provincial requests to strengthen the disclosure prohibitions, so that information about their witnesses is protected throughout Canada.

In response to Air India, the bill will also expand the agencies that can refer individuals to the program to now include any federal agency with a mandate related to national security, national defence, or public safety sources. Referrals can now be made by such agencies as CSIS or the Department of National Defence.

Bill C-51 will also improve the federal program administration by permitting voluntary termination from the program and extending emergency protection from the current 90 days to a maximum of 180 days. These amendments will address operational issues regarding the administration of the federal program.

In addition to the legislative amendments, the RCMP is also undertaking a number of administrative and programmatic improvements to address concerns raised in the past. One important improvement is a change in the RCMP reporting structure to separate admission decisions from investigations, thereby ensuring objectivity in the decision-making process. The RCMP is also taking additional measures to enhance the federal program by incorporating psychological assessments of candidates and counselling for protectees and their families, offering the services of legal counsel to all candidates being considered for admission into the federal program, enhancing training for witness handlers and administrators of the program, and also creating a database that would better inform program design.

● (0850)

[Translation]

To summarize, Canada's federal witness protection program is an invaluable tool that helps our police infiltrate the world of organized crime and gather vital information to reduce and disrupt the illegal drug trade.

The Safer Witnesses Act will encourage a more streamlined approach to witness protection between the federal and provincial or territorial governments, as well as between the RCMP and other federal institutions with a mandate related to national security or national defence.

It will ensure that the federal witness protection program is more effective and secure, for both the witnesses and for those who provide protection to these witnesses.

[English]

The proposed changes outlined in Bill C-51 will go a long way toward improving the federal program and to make it an effective tool for law enforcement in the global fight against organized crime and terrorism.

Thank you.

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

We'll now move to Assistant Commissioner Shean.

**A/Commr Todd G. Shean (Assistant Commissioner, Federal and International Operations, Royal Canadian Mounted Police):**  
Good morning, Mr. Chair.

I wish to thank the committee for providing me with this opportunity to participate in your discussions on Bill C-51, the safer witnesses act.

The RCMP recognizes the important step forward that this bill represents in promoting a more complete and effective federal witness protection program.

Significant elements of the bill include the recognition of provincial witness protection programs and the provision to those programs of the same protections the federal program enjoys relative to protectees, former protectees, and sensitive information relative to how the program operates.

Further, the legislation acknowledges the potential risks that may be directed toward those responsible for providing protection, be they personnel assigned to the witness protection function or perhaps public servants who assist in the identity change process.

[Translation]

Another key element is that provincial programs will no longer be required to enter their protectees into the federal program to obtain federal identity documents. This promotes the independence of the provincial programs to more effectively administer their programs, and equally as important, diminishes risk to the federal program by no longer having to admit persons into the federal program solely to facilitate the name change process. This process left the federal program vulnerable as the program had limited, if any, input relative to the protective measures offered a provincial protectee while awaiting the referred documentation.

● (0855)

[English]

As a result of the designation regime, the RCMP will deal directly with the designated official for the provincial witness protection program. As a result, the RCMP will no longer be addressing protection issues with a number of law enforcement agencies within a province, but will deal exclusively with the offices of the designated provincial official or officials as designated by the province. This will promote efficiencies in services provided to the provinces and will further enhance the security of both the federal and the provincial programs.

This legislation, in concert with sweeping operational changes being introduced to the federal program, responds to the recommendations emanating from both this committee's report in 2008, relative to the federal witness protection program, and the Air India commission report of 2010. In fact, program changes currently being introduced eclipse the referred recommendations in a number of areas and ensure that the federal program remains well positioned to provide continued elevated levels of service.

[Translation]

Much has been said in the past about the importance of ensuring that the decision-making processes relative to program entry are made independently of investigative decision-making interests. The new entry process for the federal program responds to this criticism and ensures that those responsible for witness protection decision-making operate independently from investigative interests. This has required a significant shift in structure within national headquarters and divisions and the new admission protocols will be in place nationally by May 2013.

[English]

The RCMP has introduced a series of specialized and secure protocols developed specifically for the witness protection function, which is unique to witness protection in this country. We have also developed standard operating procedures relative to the enhanced program orientation processes, and we have begun to initiate a more robust outreach process designed to better respond to the needs of protectees who may be struggling with program adaptation.

RCMP witness protection officers are now the benefactors of the most progressive and comprehensive witness protection training in Canada, and by the end of the next fiscal year, we anticipate having five full-time psychologists working exclusively for the federal program. Further, we anticipate the rollout of an enhanced data bank system designed specifically for the federal program. This new system will allow better tracking of individual witness protection cases, it will allow us to better monitor the services we provide to partners and stakeholders, and it will promote program accountability and transparency through the immediate access to program data and statistics.

[Translation]

We have initiated research projects into the witness protection function and are developing workshops to better study the impact of witness protection from a variety of cultural perspectives, and particularly the challenges of witness protection for First Nations persons who may be considered for program entry.

[English]

The RCMP has also held meetings with representatives of the Commission for Public Complaints Against the RCMP in an effort to ensure that the CPC has full insight into the functioning of the program, the challenges associated with the program administration, and the complaint process. It is anticipated that this interaction will continue in an effort to ensure that the services provided by the CPC to Canadians relative to witness protection will be addressed in a timely, appropriate, and transparent manner. With the implementation of all of the aforementioned, the federal witness protection program will be well positioned to continue to be one of the most professional and effective witness protection programs in the world.

Thank you for the opportunity to appear before you today. I look forward to answering any questions you may have.

Merci.

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

We always appreciate when the department comes, especially when we have a two-hour segment with you. That will give us ample opportunity, I think, for all members to get their questions in.

We'll move, for the first round, to Mr. Leef, please, for seven minutes.

**Mr. Ryan Leef (Yukon, CPC):** Thank you, Mr. Chair.

Thank you again to all our witnesses this morning.

Assistant Commissioner, we had you here already to talk a little bit about this bill. We spoke in the past when the minister was here, and I was going to ask about one of the criteria you noted for introducing witnesses into the program, which is their ability to adjust to the program. I see that counselling services and other services are provided. Is one of the determining factors a witness's ability to move away from a criminal lifestyle if that witness had been involved in criminal behaviour?

• (0900)

**A/Commr Todd G. Shean:** Yes, it would be.

When we're considering entrance into the program, the addition of the psychological exam gives you a very good picture of the person you're looking to have enter the program. With the psychological assessment comes a case management plan for how to best help that person adapt to the program and be successful within the program.

**Mr. Ryan Leef:** Okay.

What would happen—I know it's most likely case by case—if somebody were to enter that program, be engaged in it for a while, and then slip back into a criminal lifestyle or criminal behaviour, or commit, let's say, a serious crime? What would typically occur then?

**A/Commr Todd G. Shean:** The people admitted to the program are continually monitored while they are in the program. There's a continual risk assessment done.

My expectation would be that in any instances we would perhaps see a change in the behaviour of the individual, and we would take the necessary steps to address that.

However, I want to make it very clear to the committee that if anybody within the federal witness protection program commits any type of offence, that doesn't afford them any more protection than any other Canadian. They would be investigated for that particular offence and the proper measures would be taken.

**Mr. Ryan Leef:** Great. Thank you.

In your opening remarks you talked about some of the challenges we've had in the past with the provincial programs. Now this legislation is going to allow provincial programs to deal with their own secure identity. In the past, essentially, people were entering the federal program solely to make sure they got federal secure identification. That's a good example of identifying red tape and bureaucracy that are slowing things down. I think you listed a few more examples in your opening remarks.

Where else have you identified those sorts of things within this program, where red tape has made the whole system across the country inefficient?

**A/Commr Todd G. Shean:** I think you've addressed the biggest one, because to obtain that secure identity change.... I think there are two. There are probably more, but I'll touch on two.

To obtain that secure identity change, you were entering the federal witness protection program, so there was whatever was involved with that.

As well, we were dealing with a number of different police agencies. Now we will deal with a designated person within that particular province. We will work with them and train them. Our experience has been that the bulk of the delay occurred when we went to the paperwork that was required to obtain the assistance of the federal partners for the identity change. There would be something missing within that documentation, so we would have to go back. Our sense is that with a properly trained designated person we should cut all that out, so that when the paperwork arrives at the other federal partners it will be in due form. That will accelerate the process, and we will not have entered anybody into the federal witness protection program, so there will be none of the paperwork associated with that either. It's streamlined.

**Mr. Ryan Leef:** Perfect.

How risky would that delay have been in the past? Having somebody waiting for secure ID—how long could that possibly have taken in the past, and how risky would that be from a general point of view?

**A/Commr Todd G. Shean:** Well, I don't know if I would equate it to risk, because while we're doing that, as we recognize, there are provisions for emergency measures. A lot of the time, even with ourselves, we would have those emergency measures taking place while we're perhaps going through that secure identity change. It's just the lag time, and now it can be done much more expeditiously.

**Mr. Ryan Leef:** Okay, and would that lag time have an impact? If I were a witness who was waiting, not necessarily understanding process and bureaucracy, I might wonder what is taking so long. Is that something that's popped up in the past with witnesses seeing that lag time?

• (0905)

**A/Commr Todd G. Shean:** I haven't experienced that frustration personally. I could perhaps understand that, but what is done very well in the witness protection program is that we explain the step-by-step process to the protectees who are entering the program. It's explained to them that if there is a delay, the delay is a result of paperwork. Does it increase their level of frustration? Perhaps in some cases it does.

**Mr. Ryan Leef:** Toward the end of your concluding remarks you talked about some things that I see being clearly defined as resources. You're hoping to have five full-time psychologists working exclusively for the program, more individuals to track witness programs, better monitoring of the services you provide, and an initiation of research projects.

Are you going to be able to accomplish all that with the existing resources within the RCMP, or are there additional dollars being allotted for those specific aspects?

**A/Commr Todd G. Shean:** Yes, it's part of the planned enhancement to the program. We've already started some of the independent research that we were looking for, so yes.

**Mr. Ryan Leef:** Thank you.

**The Chair:** Thank you, Mr. Leef.

We'll move now to Mr. Garrison, please.

**Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP):** Thank you very much, Mr. Chair.

Thank you to the witnesses for being with us again. I know it takes significant time out of your workdays to be here, and I hope there's value added by our getting the legislation correct down the road, to make up for the time you give to us.

I want to start with some questions to the Public Safety officials.

In your presentation this morning you talked about the legislative mandate, saying, "Only the federal program is legislatively mandated to provide national protection services...." But you also talk about the federal program handling the "more serious cases". Can you talk about how this has come about where the federal program will only handle serious cases if it's the only one with the legislative mandate?

**Mr. Trevor Bhupsingh:** I'm not sure I understand the total distinction, but I think the only comment I was trying to make in the opening remarks was on the differences between the federal and provincial programs.

The more serious cases tend to be those that are much longer in terms of the need to protect the witness, first of all, so that's one distinguishing factor; a provincial program may only temporarily need protection for a provincial protectee. Legislatively, the national cases fall under the jurisdiction of the Witness Protection Program Act of 1996.

Those were the only observations I was making with respect to those statements.

**Mr. Randall Garrison:** If I understand this correctly, there is no distinction made in any of the legislation about the kinds of cases for which the witness protection program would be responsible or to which it would be applicable.

**Mr. Trevor Bhupsingh:** No, there is not.

**Mr. Randall Garrison:** Okay.

Secondly, you talk about consultations that took place across the country with federal, provincial, and territorial partners. Were those simply with the witness protection programs or did those include other police agencies, such as municipal police agencies?

**Mr. Trevor Bhupsingh:** We went out in two rounds of consultations. After the SECU report of 2008, we went out to the provinces. We went to all provinces regardless of whether or not they had a provincial program in place, and we spoke to them about the recommendations made by the committee.

Also, for those who had programs, we talked a lot about how we might be able to integrate the programs more efficiently to address some of the concerns, I guess, that were happening with respect to securing federal documents. With the proposal in Bill C-51 around the designated process for provincial programs, we're hoping to address that.

To answer your question, we also visited law enforcement agencies through the process and got their comments and feedback in terms of improving the federal program itself.

We did a second round coming out of Air India just after 2010, and again we went out to the provinces, and we also engaged law enforcement agencies.

**Mr. Randall Garrison:** Just for my information, can you tell us which provinces do have their own programs?

**Mr. Trevor Bhupsingh:** There are currently five, so it's Ontario and Quebec and then the three prairie provinces, Alberta, Saskatchewan, and Manitoba. My understanding is that the City of Montreal has one as well.

**Mr. Randall Garrison:** In a province like British Columbia, there is no provincial program. What would happen to those short-term emergency protection cases? Maybe that's more appropriately directed to the assistant commissioner.

• (0910)

**A/Commr Todd G. Shean:** The program in British Columbia is an integrated program. The act provides for emergency measures if it is a short term, and they could certainly enter the federal program if the requirements are met.

**Mr. Randall Garrison:** So there is a provincial program in British Columbia?

**A/Commr Todd G. Shean:** It's an integrated program.

**Mr. Randall Garrison:** Because it's primarily delivered by the RCMP?

**A/Commr Todd G. Shean:** Yes.

**Mr. Randall Garrison:** How would municipal departments in British Columbia fit into that?

**A/Commr Todd G. Shean:** I can ask my counterpart here who deals with that agency more regularly.

**Insp Greg Bowen (Officer in Charge, Witness Protection Operations, Royal Canadian Mounted Police):** In the province of British Columbia, the integrated program has a representative from a law enforcement agency in British Columbia embedded within the RCMP federal witness protection program offices. There is no limitation, I believe, to the number of officers from B.C. who can participate in it. I understand it's a system that seems to work very well in the province of British Columbia. It is a federal witness protection program, but we have municipal members working within the context of the RCMP offices there.

**Mr. Randall Garrison:** One of the concerns we've heard is about costs and municipalities, and I'm starting to understand where that comes from. Can you just walk me through it? If a municipal police force has someone who is admitted into the program, my understanding is that eventually they will be billed back for all the costs associated with that witness protection. Is that true?

**A/Commr Todd G. Shean:** If there's entry into the federal witness protection program, there would be cost-recovery sought, but not for the salary dollars of the federal employees who are working within the program.

**Mr. Randall Garrison:** Just the direct costs?

**A/Commr Todd G. Shean:** The direct costs associated with the protection of the witness.

**Mr. Randall Garrison:** When you say now that you'll be dealing with provincial officials on the witness protection program, it doesn't mean that you won't be dealing with the RCMP or the municipal officials who have candidates for the program. You just mean for the administration of the program?

**A/Commr Todd G. Shean:** No. Within the new legislation we're looking to the provinces to designate, and we will help work with them and train those people designated to even further streamline the process of obtaining the federal documents. But we will continue to work with our provincial partners, absolutely.

**Mr. Randall Garrison:** In terms of costs, I know you have to budget for these things, but witness protection might have different costs depending on the individual and the kind of case. Is there an average figure you use per case for costing of the witness protection program?

**A/Commr Todd G. Shean:** I think in the example we use, if you are looking at a family of four for a year, it's roughly \$60,000.

**Mr. Randall Garrison:** Okay. Thank you very much.

**The Chair:** Thank you very much, Mr. Garrison.

We'll now move to Mr. Hawn for seven minutes.

**Hon. Laurie Hawn (Edmonton Centre, CPC):** Thank you, Chair, and thank you again to the witnesses for coming.

One of the things the Air India commission noted was that the program was not fully attuned to the terrorism environment. What changes have we made to deal specifically with the terrorism environment? What changes has the RCMP made in training and that sort of thing?

**Mr. Trevor Bhupsingh:** There were three important recommendations coming out of Air India, and obviously the first one was the independence. Certainly I think the Air India commission of inquiry recommended an independent body to manage terrorist protectees. We just felt that the program was best managed with the RCMP.

But picking up on the theme of independence, as was mentioned by the assistant commissioner, the process of investigations and the program itself in terms of management have been clearly separated.

There was also a recommendation coming out of Air India that was equally important, which was that terrorist protectees should be included in the witness protection program. There wasn't, under an existing act, an ability to do that, so one of the things proposed in Bill C-51 is to expand the mandate of those organizations that can make recommendations and referrals to the RCMP. Those will now include organizations with a national security, national defence, and public safety mandate. That's something else that's been picked up on.

Then I think there were some recommendations coming out of the Air India inquiry around culturally sensitive training. I know the RCMP has picked up on that training and has been doing that for many years.

• (0915)

**Hon. Laurie Hawn:** When we're dealing with terrorists or terrorist witnesses, where do you draw the line with somebody who you want to protect for their information but who is also frankly a terrorist?

I assume, Assistant Commissioner Shean, that we deal with them under the law, as we normally would in the case of any other terrorist.

**A/Commr Todd G. Shean:** Entering into the witness protection program offers no one any more protections against any breaches of law.

**Hon. Laurie Hawn:** If the terrorist is in prison for his terrorist acts but is being used as a witness, how do you protect him in prison?

**A/Commr Todd G. Shean:** At that point, it would be more a discussion to have with the Correctional Service of Canada.

**Hon. Laurie Hawn:** It would be a challenge, I think.

Concerning gangs and teenagers, how do you handle a 15- or 16-year-old who is a member of a gang but is cooperating under witness protection, given that they're presumably still part of a family?

**A/Commr Todd G. Shean:** During the process for admission into the program, the risk assessment is done, and the consultation with the family would be included, and—I continually refer back to this—it's the psychological assessment and the case management plans that are done to ensure the success of the person in the program.

**Hon. Laurie Hawn:** I guess in the opposite situation, in which the parents are the witnesses being protected and the child is dragged along, it would be a bit of a challenge for the psychologist. Teenagers have enough problems adapting normally, and this would be a pretty extraordinary situation, which would be a bit of a challenge for the psychologist, I imagine.

**A/Commr Todd G. Shean:** I didn't get the question. I'm not hearing.... I apologize.

**The Chair:** It seems this is the case today, that everyone is talking quietly. I would encourage you to use your earpiece. You can adjust the volume in cases such as this.

But Mr. Hawn, maybe you could just raise the level.

**Hon. Laurie Hawn:** Okay. I'll use my military voice.

**Voices:** Oh, oh!

**Hon. Laurie Hawn:** I was talking about the case in which the teenager is in the family and the parents are the witnesses being protected and so on. I'm not sure that five psychologists are enough; I guess that is my question. It seems to me to be a fair load on the psychologists.

**A/Commr Todd G. Shean:** The introduction of the psychologists is relatively new to the program. As we do with all our programs, we continually reassess. As people enter the program, we look at it as the unit entering the program. You are absolutely correct; it could be

one of the parents who is the primary witness, but the assessment is done to ensure that the family is successful within the program.

**Hon. Laurie Hawn:** In the area of personal histories associated with their new identities and so on, anecdotally we've had some people say they are concerned that they haven't had enough input into their personal history. I assume this is done cooperatively and that you would ask them who they want to be, what they want to be.

How much work is done with the witnesses themselves to determine what their new identity is, their work history, and all that kind of stuff? I assume the witness is intimately involved.

**Insp Greg Bowen:** Decisions relative to identity, for instance, as per your question, are a cooperative effort with the protected people, under the guidance of the witness protection coordinators, who may be able to steer them in an appropriate direction.

The end game of witness protection is to provide the necessary framework around the folks coming into this program to give them an opportunity to succeed in the program and hopefully to integrate back into society in as short a period of time as possible.

The family dynamic is always an issue and presents—it's no different from the case of my family or anybody else's—certain challenges. We believe that the introduction of the psychologists we're bringing in currently and the use we're making of psychologists at present is allowing us to better develop case management plans, not just for the primary protectee but for the whole family. Each person within the family would be subject to processes to ensure that they all have the same opportunity to succeed. It is simply based on the premise that if you can deal with their social and psychological needs, it's much easier to protect them and they are happier and more content.

• (0920)

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

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

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

There are situations where a whole family is protected under the program. Is that correct?

**A/Commr Todd G. Shean:** That's correct.

**Mr. Francis Scarpaleggia:** Does the program protect people for life in all cases, or are there different stages at which the program might end?

**A/Commr Todd G. Shean:** There are occasions where there are voluntary terminations from the program. However, even during voluntary terminations we meet the individuals to ensure that the decision they are taking to voluntarily terminate is a well-informed decision. They are certainly advised that at any time, even after voluntary termination, if they have any concerns, to contact their handler and once again we will engage.

**Mr. Francis Scarpaleggia:** So as a rule it's for life, unless you decide you want out at some point.

**A/Commr Todd G. Shean:** Even if you decide you want out, frankly, it's still there for you.



**Mr. Francis Scarpaleggia:** I'm curious. When whole families are admitted and some of the family members are minors, at some point has it been your experience that there's a bit of a rebellion when the minors have grown up? They may have entered the program at four or five years of age, but they no longer feel comfortable being in the program. Do you get cases where some family members, especially the younger ones who were swept into it, decide they're going to leave?

**A/Commr Todd G. Shean:** As Greg stated earlier, to answer your question directly, yes.

**Mr. Francis Scarpaleggia:** That's interesting. I'm still a little unclear about the provincial programs because we keep saying they are emergency in nature, and sometimes they are there to protect the witness until the trial date and so on. Is that the distinction between the provincial or municipal programs and the federal one, that they are more temporary? Or is there any distinction at all? Is it up to the police to determine what they are recommending, whether it be lifetime protection or temporary protection?

**A/Commr Todd G. Shean:** No, there are existing provincial programs that offer protection to people who are testifying in a case within that province. We'll often see the more comprehensive organized crime files that span a number of provinces come to the federal program because it touches a number of different agencies.

**Mr. Francis Scarpaleggia:** Are the ones that don't come to the federal program matters of temporary protection? Not every witness protection file that, let's say, the Montreal police would have would be referred to the federal government. Would some be temporary protection awaiting trial? I don't understand the distinction between the provincial and the federal program.

**A/Commr Todd G. Shean:** The word "temporary"... There are provincial witness protection programs that afford a regime for protection of witnesses within the province. Provinces can certainly refer to the federal program. They're two different programs, but there are regimes.

**Mr. Francis Scarpaleggia:** At what point would the province refer to the federal program? What would be the decision-making point there?

**A/Commr Todd G. Shean:** There could be a number of different trigger points. The province could decide it's a provincial case and they're referring it to their own program and will deal with the protectee within the confines of their program. Or for some reason they could feel there are intricacies within the program that they feel they would be better suited to the federal program.

**Mr. Francis Scarpaleggia:** If they decided to remain within the provincial program, could they still get the federal paperwork they need?

• (0925)

**A/Commr Todd G. Shean:** They always could, and this legislation now with the designated...it will streamline that process.

**Mr. Francis Scarpaleggia:** I see.

I'm going to follow up on Mr. Hawn's line of questioning about terrorism cases. Let's say we're talking about a witness in a terrorism case. That's a criminal case, so why would the witness in that terrorism case not be eligible today for the federal witness protection program? There would be a court case, I would imagine, and CSIS

might be involved in some of the background work, but I would imagine the RCMP would be involved at some point.

**A/Commr Todd G. Shean:** They are eligible today. Simply with the amendments to the legislation now, if CSIS so chooses, they could refer witnesses to the witness protection program

**Mr. Francis Scarpaleggia:** Before it even gets to court?

**A/Commr Todd G. Shean:** That's correct.

**Mr. Francis Scarpaleggia:** In the case of witnesses in a National Defence context being protected, could you give me an example of what that kind of case could be?

**Insp Greg Bowen:** Certainly the military police have a certain capacity to conduct investigations. I think another component might be perhaps certain individuals who are at risk as a result of their assistance provided to the Canadian Forces in some of their international operations, perhaps.

**Mr. Francis Scarpaleggia:** I see, so special forces types of people?

**Insp Greg Bowen:** Yes. I suppose anything.

**Mr. Francis Scarpaleggia:** In terms of adding a program to schedule 1, what are the criteria for making a provincial or municipal program a designated program? Is there a certain level of quality of protection that a program must provide in order to become a designated program, or will all municipal and provincial programs be automatically designated?

**Mrs. Julie Mugford (Director, Research and National Coordination, Organized Crime Division, Department of Public Safety and Emergency Preparedness):** One of the things we would look at is whether there is a provincial confirmation, probably from an attorney general or a minister of justice, that their program has the capacity to protect information and protectees, and that there's a termination process—a couple of things along those lines.

**Mr. Francis Scarpaleggia:** I know we're broadening the net of protection, or actually broadening the kind of information that can be divulged, from just information about the witness to information about the program and about the people running the program. Is that in response to a problem you've seen? Have some people, other than the witnesses, been threatened or somehow targeted, maybe the people running the program, the public servants, and so on?

**A/Commr Todd G. Shean:** Not in any case that I could point to specifically. We recognize that the level of criminality is becoming more sophisticated, so this legislation affords that protection.

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

We'll now move to Madame Doré Lefebvre.

[Translation]

**Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP):** Thank you, Mr. Chair.

Thank you all for being here to enlighten us on Bill C-51. We are very glad to have you.

I have found the discussions on witness protection extremely interesting. My conservative colleague Mr. Hawn commented on witness protection within penitentiaries. That reminds me of something. In my riding, the Leclerc Institution is currently being closed. It had a specialized wing for witness protection. I hope the government will take that into account and replace it elsewhere. Witnesses were protected by being isolated from the rest of the prison population. I wanted to clarify things.

One comment surprised me. The City of Montreal has its own witness protection program. How does that work? Some provinces have witness protection programs, but does the City of Montreal really have its own witness protection program? I don't know if you have a bit more information or if you know how it works. Do the three levels of government in Quebec have a witness protection program?

**A/Commr Todd G. Shean:** I don't want to venture an answer because I don't have specific information about their program.

**Ms. Rosane Doré Lefebvre:** Is it the only city in Canada that has such a program? Do other cities also have a witness protection program?

**A/Commr Todd G. Shean:** I think other police services have some aspects of a witness protection program. That may be the case in Montreal or Toronto. My colleague tells me that the City of Montreal has a certain program, but I am not very aware of what it does.

• (0930)

**Ms. Rosane Doré Lefebvre:** Okay.

I was also interested in the discussions around costs. The approximate annual costs of the program for four people were provided. It was said that the protection is for life.

Furthermore, since it is the RCMP that pays for witness protection federally, I want to be sure of one thing. If I am not mistaken, Bill C-51 does not provide more money for witness protection. You are therefore responsible, whether it was intended or not, for the costs directly related to witness protection. The bill expands eligibility criteria for the program. How will that work? Your budget will be a bit reduced. Will you be able to cover the costs entailed by Bill C-51? I would like to know.

**A/Commr Todd G. Shean:** I am confident that we have the necessary resources to conduct an effective witness protection program, even with what Bill C-51 adds.

**Ms. Rosane Doré Lefebvre:** So even with Bill C-51, it will be possible to do so. A lack of funding for witness protection won't force you to pay less attention to some groups that would perhaps be seen as less important or something.

**A/Commr Todd G. Shean:** We will immediately increase resources. We have increased the resources allocated to our witness protection unit. It is always a matter of assessing the risks for witnesses. There are many ways to protect witnesses: there is the protection service and temporary services. I am confident that we have the means to manage the program effectively.

**Ms. Rosane Doré Lefebvre:** Have you done an internal study on the number of additional people, perhaps on an annual basis, who

would be interested in signing up for the witness protection program? Do you have an idea of that increase, as a percentage?

**A/Commr Todd G. Shean:** What we did was look at what had happened over the years and we established an average number of people who want to participate in the program. We are aware of the amendments in Bill C-51. We have therefore made improvements to the program. We have added psychologists. We have separated admission decisions from investigations. We are satisfied with our resources; they suffice for the program as it exists today. We are confident that we will be able to manage this program effectively within our budgets.

[English]

**The Chair:** Thank you very much. We'll come back to you. You'll have lots of time for more questions.

We'll move over to Mr. Norlock, please.

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Thank you very much, Mr. Chair, and through you to the witnesses, thank you for appearing today.

Let me just do a little bit of recapping, because there seems to be some misunderstanding with regard to people involved in the witness protection program.

Generally speaking, is it not the case—short answers help get through the questions—that a police department operating in a province that has a witness protection program is responsible for most of the costs, as a matter of fact almost all of the costs, with the exception of the costs of the salaries of the federal government employees who are assisting them in obtaining federal government identification, etc.? Is that true, generally speaking?

**A/Commr Todd G. Shean:** Yes, but it depends on whether they're being referred to the provincial program or the federal program.

**Mr. Rick Norlock:** That's correct. If it's a federal investigation, in other words, the RCMP is investigating organized crime—working with other police departments but primarily led by the RCMP—it is a federal program. Let's say it's a person involved in several murders in a province and a provincial police agency or a police agency in that municipality or province sees the need for witnesses to be protected. They can move to another province with the assistance of the federal government or they can remain in that province, but it is still the responsibility of the police jurisdiction within that province for the bulk of the costs, except for salaries of federal people and the assistance given to them for federal identification.

**A/Commr Todd G. Shean:** If they are coming into the federal program, yes.

**Mr. Rick Norlock:** Yes. That's when you get involved. That's what I'm saying.

There are programs where the federal government doesn't get involved. Is that not correct?

• (0935)

**A/Commr Todd G. Shean:** It's correct. As you said, it's not cut and dried all the time.

**Mr. Rick Norlock:** Having said all that, we have to say, for the benefit of my constituents and the people out there, that it's basically a customized program. It depends on the circumstances of the individual as to whether or not there are multiple agencies involved or just one agency involved. In other words, you can't really nail it down to one specific where it's the same for everybody. Each case has complexities within it that you deal with, but in essence there is provincial and federal involvement in every case, because the person may need a SIN number—not in every case, but in many cases, if they need a new SIN number or a change in passport, because people do, you take care of that, or you work with that agency to take care of it. That's the cooperation you do, generally.

**A/Commr Todd G. Shean:** With the provincial program, in essence, that's correct. They come to us and we assist with obtaining federal documents.

**Mr. Rick Norlock:** But they take care of their own business as far as finding a place for the person to live and those other types of things, if they are within their provincial program, within the province.

**A/Commr Todd G. Shean:** Yes, I would agree with that.

**Mr. Rick Norlock:** Thank you.

When it comes to acceptance of the new program under Bill C-51—and this question would be to the officials—I'm given to believe that the Minister of Justice for Saskatchewan and the Minister of Justice for British Columbia have made positive statements. I understand Gordon Wyant, the justice minister, said they'll help strengthen the system by providing greater protection for witnesses. This is the new regime. Shirley Bond, the Minister of Justice for British Columbia, says she's looking forward to working with us because she thinks it's a positive step in the right direction. Tom Stamatakis, president of the Canadian Police Association, says the association strongly believes that this proposed legislation will enhance safety and security for front-line officers and personnel engaged in protection duties. Chief Blair of Toronto said some positive things.

Would you say, sir, that this is as a result of the two rounds of consultations you've made?

**Mr. Trevor Bhupsingh:** Yes. When we went out it was for fairly extensive discussions, and the department went out, obviously, with our colleagues at the RCMP. We did that over a period of time. The genesis of Bill C-51 is the product of the better part of a number of years of going out and consulting with various stakeholders, taking seriously the review that was done by this committee in 2008, and taking on board a lot of the recommendations that came out of the Air India inquiry.

**The Chair:** Thank you, Mr. Norlock. Sorry, it's a five-minute round.

We'll move to Mr. Rafferty, please, for five minutes.

**Mr. John Rafferty (Thunder Bay—Rainy River, NDP):** Thank you very much, Chair.

Thank you for being here.

I have a question for each of you. I only have five minutes, but I'll try my best here.

Ms. Mugford and Inspector Bowen are first.

I'll ask you, Ms. Mugford, and perhaps you could fill in the blanks or add something to the question. How does one typically find out about the program, make a request, and get into the program, if there is a typical case? I'm interested, and as this is a public session, I'm sure the public is probably interested in that. How does it happen that someone gets into a program, typically?

**Mrs. Julie Mugford:** Typically, it's a referral by a law enforcement agency at this point. It's not an application process; it's through an investigation.

I think the RCMP would be better placed to answer more fully.

**Insp Greg Bowen:** Very early on in the investigation, investigators will look at all the different aspects of the investigation. If they plan, for instance, to use persons who they know will ultimately end up testifying and they anticipate a threat—and that is based on a threat assessment. The threat assessment will dictate what measures may be considered to provide these individuals with protection.

Last year we did approximately 108 assessments. Those aren't people who are currently at risk. Those are people for whom there is consideration being given on whether to advance a particular investigation or not. When you're looking at advancing investigations, there are myriad considerations. One of those considerations, and a very important consideration, is whether there will be risk to potential participants in that investigation.

● (0940)

**Mr. John Rafferty:** Are there any participants in the program at the moment who are permanently relocated outside of Canada? Or is that typically not done?

**Insp Greg Bowen:** That's typically not done.

**Mr. John Rafferty:** But perhaps there may be.

**Insp Greg Bowen:** There's always consideration for that, yes.

**Mr. John Rafferty:** Deputy Commissioner and Mr. Bhupsingh, youth gang activity is certainly on the increase in first nations, on first nations reserves and among urban aboriginals. Because they would be a special sort of group to deal with, I'm wondering if anything is being done to ensure members have access to the witness protection program. I'm thinking in particular of education and outreach and access to the program for first nations.

**A/Commr Todd G. Shean:** The short answer to your question is yes. Again, I refer back to the psychological assessment and the case management plan that is being prepared. Through that, we recognize the cultural needs that are there and how that case management plan can be adapted to ensure that person, that group, or that family can be successful in the program.

**Mr. John Rafferty:** Is there a fair amount of uptake among aboriginal Canadians in the program? Or, maybe as a better way to put it, have you seen an increase over the last, say, four to six years?

**Insp Greg Bowen:** No.

**Mr. John Rafferty:** Do you feel it would be worthwhile to have a program, given that there is an increase certainly in youth gang activity among first nations? Has perhaps a special outreach program been talked about? Would you see any value in that?

**Insp Greg Bowen:** I think, just to build on what Assistant Commissioner Shean said, part of the process going forward, and also responding to the recommendations that came out of SECU in 2008 and Air India in 2010, has resulted in the federal program taking a much closer look at the cultural impact of coming into witness protection programs.

To some extent, that's addressed in training. We've changed training quite a bit. We're constantly evaluating and assessing the people we currently have in the program. Some of those people come from different cultural backgrounds, and we learn stuff as a result of doing that.

Going forward, we plan to continue to build on the program. The program is a very robust program right now. I think it's a much better program today than it was a year ago, and it will be a much better program a year from now. And when I say "much better", I mean it will also be much better at responding to cultural challenges.

**Mr. John Rafferty:** That's good to hear. I'm glad you're moving in that direction.

That leads me to maybe my last question before my time is up. If you find, as you move forward and as you expand the program and look at where the program needs to go, that you do need increased resources—I'm thinking of financial resources in particular—is there ability within the RCMP to shift some money around to ensure the integrity of the witness protection program as it moves forward?

**A/Commr Todd G. Shean:** I guess what I can say from an RCMP perspective is that we continually evaluate all our programs. Based upon the needs, we'll make the decisions that are required. We look at our programs on a yearly basis.

**The Chair:** Thank you very much, Mr. Rafferty.

We'll now move down to Mr. Payne, please, for five minutes.

**Mr. LaVar Payne (Medicine Hat, CPC):** Thank you, Chair.

Thanks to the witnesses for coming. Thank you very much for your presentations. These are important aspects.

We've been talking about certainly the Air India case and potential terrorism, and there's one thing I'm wondering about. Potentially you could have numerous witnesses on those cases. Is there any limit as to the number of individuals who might require protection under that? There might even be up to a dozen. Would all of them be potentially considered for the witness protection program?

**A/Commr Todd G. Shean:** There's no limit, per se. It would be based on the threat assessment that was done and what type of protection package would be required.

**Mr. LaVar Payne:** Okay. Good.

In your comments, you also talked about certainly the additional training that's required. Could you tell us what additional training the people in the RCMP would require for the handling of these individuals?

**A/Commr Todd G. Shean:** I'll start with what the training is, and then I'll turn to my partner to go a little more in depth.

We've increased the initial training of people working within the witness protection program from two weeks to three in the first phase. Within 10 months, in phase two of the training, they will

come back for further follow-up training. Then there are yearly training workshops that are compulsory.

If you want something a little bit more in depth on what that particular training is, I'll turn to my counterpart here.

• (0945)

**Mr. LaVar Payne:** Thank you.

**Insp Greg Bowen:** There are two elements related to the training, sir.

One element deals with the administrative component of the program. The federal witness protection program is a very heavy administrative initiative.

The other component deals more with the operational perspective. From an operational perspective, in terms of the enhanced training we're providing, we're spending much more time now dedicating training time to enhancing communication skills of our coordinators and to better understanding the methodologies we're currently using, including the introduction and the role that the psychologists play in the admissions and the program outreach capabilities. It includes the importance of understanding the requirement to more closely monitor protectees to ensure that when they're in the program, if there are certain signs or indicators that perhaps there could be trouble around the road for them, or they're having difficulty in assimilating into the program or adjusting to the program, we can identify those things much earlier.

**Mr. LaVar Payne:** Okay. Thank you.

I think both of you also talked about the database and what you have in terms of protecting the individuals. My issue is that we hear about hackers all the time, unauthorized entry into these kinds of systems. What protections are in place to ensure that this doesn't happen and that these witnesses' identities could be compromised?

**A/Commr Todd G. Shean:** We work with our informatics sector, who are well versed in this area, to ensure that there are appropriate levels of protection around our systems. Frankly, I couldn't go into what's behind it, but I work with the appropriate people who have the expertise to make sure the information is secure.

**Mr. LaVar Payne:** Okay, perfect.

You also talked about specialized secure protocols. Is that anything different from what you've already described there? Do you have any more detail that you could provide us on development for witness protection function?

**Insp Greg Bowen:** There are a number of protocols. Ones that would be appropriate to probably discuss here right now, for instance, would be all of the protocols surrounding the admissions process, how the organization has made significant structural shifts to ensure the independence of the decision-making process relative to witness protection. Admissions are distinct from the investigative considerations. There is a series of protocols around that: how the divisions will ultimately report in to Ottawa; how we, in my office, receive the packages from the field coordinators; and how we respond to that.

Other protocols that we're developing and that have been developed are relative to how we deal with the day-to-day operations with these people within the program to ensure that the levels of protection are adequate and the services provided to them are adequate.

**The Chair:** Thank you very much, Mr. Payne.

We'll now move to Monsieur Rousseau.

[*Translation*]

Mr. Rousseau, you have five minutes.

**Mr. Jean Rousseau (Compton—Stanstead, NDP):** Thank you, Mr. Chair.

I have a general question for each of you. Do you believe that this bill contains measures that increase the efficiency of the witness protection system, in terms of quick response time? When events occur and they are investigated, it's extremely important to ensure that people are protected as quickly as possible.

I am thinking namely of the Hells Angels' investigation, or that of Air India, which lasted nearly 25 years. We know that memories fade. Investigations take time. The Hells Angels' investigation has been going on for four or five years, and the alleged criminals are in prison. We are still waiting for the trials.

I am particularly concerned about the efficiency and speed with which witnesses of events can be protected, in order to collect the most solid testimony to convict the guilty and sentence them.

I would like you to discuss the efficiency and speed with which one must act in order to protect people, to obtain solid testimony that could be used in court.

• (0950)

**A/Commr Todd G. Shean:** The most important thing is that the emergency measures implementation period is now going from 90 to 180 days. That's how quickly it can be done now. If one thinks that a witness is in danger, he can benefit from the emergency measures outlined in the program.

One hundred and eighty days are available to decide if a person will be permanently protected by the program, if other measures must be taken to protect him, or if he does not need protection because the case won't be going forward. That's how quickly a decision can be made.

**Mr. Jean Rousseau:** Mr. Bhupsingh, what are your impressions about this? It is known that sometimes, organized crime can become organized quickly. Sometimes, it will take charge of witnesses, change their identity and send them as far away as possible so that they cannot testify.

How will Bill C-51 protect us from such eventualities?

[*English*]

**Mr. Trevor Bhupsingh:** I'm not sure Bill C-51 will protect us against the particular cases you mentioned, but I think the efficiencies are primarily driven in the bill around what Assistant Commissioner Shean has said. The efficiencies lie in the integration of the provincial programs into the federal program.

Certainly we're hopeful that with Bill C-51 the individuals will be able to have a secure identity change in a much more efficient and quicker process. Then again, there's an internal process that's followed by the RCMP on every case. The layers of complexity that we talked about this morning all play into that.

It's hard to say specifically how generally the efficiencies will drive themselves; however, there are a number of elements that are important. As I said, the integration of the provincial programs and then the extending of the emergency protection measures as well will I think allow more flexibility for the RCMP. The duration in which they can establish emergency measures for protectees is being moved from 90 days to 180 days. Along those lines, there will be efficiencies driven that should hopefully address some of the concerns in the specific cases you've raised.

[*Translation*]

**Mr. Jean Rousseau:** Thank you.

As I only have one minute left, I will come back to you, Mr. Shean.

You said that the RCMP officers detailed to witness protection were the first to benefit from full training. You then said that before the end of the next financial year, you anticipate that five full-time psychologists will be working exclusively for the federal program. Will these individuals come from the corps of already-trained officers, or will new professionals be hired to take these positions?

**A/Commr Todd G. Shean:** From what I have seen, professionals will be hired.

**Mr. Jean Rousseau:** How will they interact with officers?

**A/Commr Todd G. Shean:** You are talking about potential witnesses?

**Mr. Jean Rousseau:** Yes.

**A/Commr Todd G. Shean:** There is an interview process held with them to ensure that they know people well, and that they can prepare a management program for us which will allow these people to succeed within the program.

[*English*]

**The Chair:** Thank you very much, Mr. Rousseau.

We'll now move over to Mr. Gill, please.

Mr. Gill, you have five minutes.

**Mr. Parm Gill (Brampton—Springdale, CPC):** Thank you, Mr. Chair.

I also want to thank the witnesses for appearing before our committee this morning.

I'm not sure who it is my question is directed to; it's whoever is the best individual to answer.

Can you help us understand the services that may be provided to a witness? I understand that every situation is probably different, depending upon the needs the individual may have, but what are they in general? I guess currently you have 108 or so witnesses under protection.

**A/Commr Todd G. Shean:** No, 108 would be the number of assessments we did last year.

**Mr. Parm Gill:** How many would you say you currently have in the program?

• (0955)

**A/Commr Todd G. Shean:** In the program, it's probably....

**Insp Greg Bowen:** It's between 800 and 1,000.

**Mr. Parm Gill:** That is 800 or 1,000 overall. For these 800 or 1,000, what services are needed for these individuals for the most part?

**A/Commr Todd G. Shean:** We've spoken here this morning to an extent about the program being protectee-focused. Some of it would be legal assistance, as they make a decision about entering the program. Certainly we provide psychological assessment and a case management plan. And then, you're absolutely correct, if it's a family, if there are linguistic disabilities, if job training is needed, if educational upgrading is required.... It can really run the gamut, but the goal, based upon the case assessment plan, is to help those people entering the program, recognizing the type of individual coming in, to succeed and become contributing members of society and not have to rely upon the program to support them throughout.

**Mr. Parm Gill:** You mentioned that roughly 108 people were assessed.

**A/Commr Todd G. Shean:** That's correct.

**Mr. Parm Gill:** What percentage of the candidates would be accepted into the program, out of the 108?

**A/Commr Todd G. Shean:** Last year, I think it was about 30, so it's probably a third.

**Mr. Parm Gill:** Who has the final or ultimate say on whether someone is going to be accepted into a program or not?

**A/Commr Todd G. Shean:** Ultimately it would be my sign-off, but there are a lot of processes before it would reach my desk. The potential protectee could decide not to, the assessments could evaluate that the person is not suitable to enter the program, for a multitude of reasons—it could be a dependency problem, it could be that the financial wherewithal of the person is such that as a business person.... There are a lot of evaluations that have to be done. There are a lot of measures along the way that could make the determination. The person could decide not to enter or we could decide that the person is not suitable to enter the program.

**Mr. Parm Gill:** Would you say that all of those 108 appeared before you, in front of you, on your desk?

**A/Commr Todd G. Shean:** No.

**Mr. Parm Gill:** No. So some were eliminated before they got to your desk?

**A/Commr Todd G. Shean:** Absolutely.

**Mr. Parm Gill:** Okay.

You mentioned the cost of \$60,000 for a family of four. Can you tell us what sort of period that covers?

**A/Commr Todd G. Shean:** As I said, that's an estimate. Everything would vary, but that would be for one year.

**Mr. Parm Gill:** That would be for one year for a family of four.

**A/Commr Todd G. Shean:** That's correct.

**Mr. Parm Gill:** Another question I have is for Mr. Bhupsingh. Maybe you can elaborate on one of the points in your opening remarks, where you say:

The RCMP is also taking additional measures to enhance the federal Program by:  
—offering the services of legal counsel to all candidates being considered for admission into the federal program;

Can you elaborate on that?

**Mr. Trevor Bhupsingh:** Actually, the RCMP has been doing that for all cases. They currently do that, and they will do that moving forward.

**Mr. Parm Gill:** But what does it really involve when you say “offering the services of legal counsel”? What sorts of legal counsel services may be required?

**A/Commr Todd G. Shean:** We recommend that they seek independent legal advice as they enter the program, because it's an agreement they're entering, so that they have the appropriate advice.

**The Chair:** Thank you very much, Mr. Gill.

I would just like to ask a question that came out of that, and then we'll go quickly right back to Mr. Garrison.

To play out this scenario, you have a witness who you know is going to provide testimony against someone in a case. There's been the charge and the RCMP believe, based on evidence they have, perhaps how big the trial is and who the individual is, that his life might be at risk, or certainly the testimony might be at risk. You would approach that witness then and say, “Listen, we believe you should consider going into this”, or “We would like to place you in this”. Is that how that plays out?

**A/Commr Todd G. Shean:** There's a continual risk assessment done. You're correct, if we're undertaking an investigation and we recognize that one of our witnesses is at risk, we absolutely would approach that witness and ensure that the proper protection is afforded.

• (1000)

**The Chair:** There were 108 assessments and 30 who actually went into the program. Have there been cases where you've approached these folks and they've said “No, I'm not interested at all”? Is it their decision, or is it someone in the RCMP...? Who makes the decision in those denials? Is it many times the witnesses?

**A/Commr Todd G. Shean:** We're not going to leave someone at risk, but we have people who we've identified were at risk and they've thanked us for our concern and have clearly indicated they have no interest in our protection or entering any of our programs.

With regard to the 108, I think it's clear to the committee that in many instances that evaluation is done before that person is at any type of risk. If we're going to undertake the investigation and we do the evaluation and decide not to utilize that witness, the witness is never put in the situation where he or she would be at risk.

**The Chair:** What percentage of those witnesses who have denied going into that protection program have been injured, or have some been killed?

**A/Commr Todd G. Shean:** Not that I'm aware of.

**The Chair:** All right, thank you.

Mr. Garrison, please.

**Mr. Randall Garrison:** Thank you very much, Mr. Chair.

I want to go back to the question of overall budget. You talked about the fact that we have 800 to a thousand people, somewhere in that area, in the program now. That means we have quite a large annual budget for witness protection. Can you give us an idea of the magnitude of that budget? I have figures....

**A/Commr Todd G. Shean:** Last year's budget was about \$9.1 million.

I think what has to be clear as well is that of the 800 or 1,000 people who are within the program, some of those people are self-sufficient within the program as the years progress, so they remain within the program but they're self-sufficient in their daily life. There is no reliance. We operate in the background if they need us.

**Mr. Randall Garrison:** Is that \$9 million figure a net? In other words, cost recoveries from other law enforcement agencies would not be included in that?

**Insp Greg Bowen:** No, the other agencies—as I think the assistant commissioner said earlier—pay for what's in the protection agreement. So the numbers that Assistant Commissioner Shean just made reference to are RCMP costs. Those do not include the costs, for instance, associated with a Winnipeg city police case.

**Mr. Randall Garrison:** So we don't actually have anywhere in front of us the total cost that the public is spending on witness protection.

**Insp Greg Bowen:** No. The numbers that have been provided by the assistant commissioner directly reflect the costs the RCMP has incurred.

**Mr. Randall Garrison:** It's the direct cost to the RCMP.

**Insp Greg Bowen:** Yes, sir.

**Mr. Randall Garrison:** Would those figures be available? Do we know how we could come across those figures?

**A/Commr Todd G. Shean:** We would have the figures of the federal program. It depends on the province that the particular witness comes from. We don't monitor their expenses or what choices they make with regard to how they protect the persons within their programs.

**Mr. Randall Garrison:** When you say 800 to 1,000 people, that's just in the federal program, right?

**A/Commr Todd G. Shean:** That's correct.

**Mr. Randall Garrison:** And again, we haven't seen any numbers of how many are in provincial programs. You wouldn't have those necessarily.

**A/Commr Todd G. Shean:** No.

**Mr. Randall Garrison:** So we don't really know, with what we have in front of us, the magnitude of the expenditures.

The reason I keep coming back to this is that there was, and still is, I believe, a statement on the RCMP website that for smaller law enforcement agencies—small municipalities or for first nations police forces—that cost is often an impediment to investigations when use of the witness protection program might be an advantage.

**A/Commr Todd G. Shean:** Cost is a consideration in any investigation you're going to undertake. If the witness protection program is envisioned there, it's certainly something whoever is undertaking an investigation has to consider.

**Mr. Randall Garrison:** In the emergency protection, you're talking about expanding to 180 days. Given the nature of court delays in some of the provinces—I know we have some quite long delays in the province of British Columbia, and I think elsewhere in the country—delays for getting things into court often go beyond 180 days. So what is that 180-day period related to in terms of the increase?

**A/Commr Todd G. Shean:** The 180 days is the ability to afford us emergency measures to be able to ensure that the witness is in an area where the witness is protected. We can do the necessary assessments if we have to obtain a secure name change and we are able to put them into a stream where we're assured that they're going to be protected while the court matter unfolds.

**Mr. Randall Garrison:** So there wouldn't be any relationship between that and whether or not they had actually testified in court in a case or not. They might go into the witness protection program before the court case is concluded?

• (1005)

**A/Commr Todd G. Shean:** That's normally the case.

**Mr. Randall Garrison:** That's normally the case.

We're at the point in questions here in the committee where I hope we'll maybe have some of the more front-line people who can talk a little bit more about how this works operationally, because I think the question the chair asked a minute ago is one I'm still grappling with. If you have the criteria for admission to the program and the decision is made later, how can the front-line law enforcement officer use the existence of the witness protection program to encourage people to give testimony that might endanger them? That's still a question I have.

**A/Commr Todd G. Shean:** Between Greg and me, we know the program inside out, and I think the front line is aware of the existence of the program. Every province within the country has witness protection people assigned to them, so if they make a determination that they feel that this is a person they want to potentially enter the program, they will engage their local witness protection people during that investigation and they will provide the necessary advice they require.

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

We'll now move to Mr. Cannan.

Welcome to our committee, Mr. Cannan. You have five minutes.

**Hon. Ron Cannan (Kelowna—Lake Country, CPC):** Thank you, Mr. Chair.

And thanks to our guests.

As the chair alluded to, I'm filling in today.

I'm very interested in whenever we can provide additional tools and resources for our protective services to keep our communities and streets safe, and also to provide a more efficient and safer Witness Protection Program Act. I think this is a very common-sense, streamlined, integrated approach, so I commend the committee and all the witnesses who have brought this recommendation forward today.

I was just reflecting on some of the back information and my own experience. I had an opportunity to go to a chiefs of police conference that was held in my riding. I have a friend who's a senior member of the municipal police and other police officers. One person I met was Toronto Chief Bill Blair, and he indicated that there is a lot of "fear caused by intimidation and the threat of retaliation in gang investigations". Of course, it's a statistic that continues to grow. Organized crime in my community, in Kelowna, British Columbia, is a serious issue, and across the nation.

This is reinforced by Mr. Blair's comments. He said:

In Toronto, we have seen the fear caused by intimidation and the threat of retaliation in gang investigations. Witnesses with valuable information are deterred from coming forward. We support the government's initiative as a valuable step in protecting public safety.

I just want to know if you could—whoever, all of you might have some comments—describe how you feel these changes to the witness protection program will encourage witnesses with information to come forward.

Thank you.

**A/Commr Todd G. Shean:** We welcome the changes that are here before the committee because they're going to streamline it. One of the bigger things that's within the provincial jurisdiction is in regard to the obtaining of federal documents. That's one positive.

Within the RCMP program, we've indicated a number of changes: actually separating the admissions from the operational nature of the business, ensuring that our program is protectee focused, the addition of psychologists, the addition of case management plans. It's to ensure that the people coming into the program recognize that we take this business very seriously, we take their protection very seriously, and we take them coming into the program, adapting to the program, and being able to be successful beyond the program very seriously.

**Hon. Ron Cannan:** I applaud the hard work of the front-line officers and the investigators.

I was talking with Ms. Mugford before the committee started about a shooting in my riding in August 2011, a senior gang member, and there was a recent arrest for that. I went to a presentation in January that talked about almost a hundred different organized crime gangs in British Columbia alone. What happens when somebody within their own gang comes forward? Is that protection provided through this provincial organization, or does it fall under the federal...?

**A/Commr Todd G. Shean:** It depends on who undertakes the investigation at the provincial level and what decisions they make. They can certainly be considered for entry into the federal program. At all times we don't detract from our process. We will do the proper assessment, and based upon that risk assessment we'll make decisions accordingly. But because the person comes from a gang

background it does not preclude them from admission into the program. We will follow the process.

**Hon. Ron Cannan:** You said the average cost is around \$60,000. Can you give us the summary of how those costs would be incurred?

• (1010)

**A/Commr Todd G. Shean:** As we shared earlier, you're helping that particular family on the road to becoming self-sufficient, so they're going to have to live somewhere, depending on what their educational needs would be, what their particular training needs would be, if they have any health concerns that have to be looked after. So those types of things are considered going forward.

**Hon. Ron Cannan:** Presently under the federal program, witnesses are referred from any law agency in Canada, as well as some foreign agencies. What specific foreign agencies can refer to the program?

**A/Commr Todd G. Shean:** Based upon decisions by Citizenship and Immigration and the Minister of Public Safety, there can be admissions into the witness protection program in Canada from outside jurisdictions.

**Hon. Ron Cannan:** Is there any expansion with this new amended bill?

**A/Commr Todd G. Shean:** None that I anticipate.

**Hon. Ron Cannan:** The disclosure to protect: how does this change from the present legislation?

**A/Commr Todd G. Shean:** It's just that the protection umbrella is expanded.

**The Chair:** Thank you very much, Mr. Cannan.

We'll now move back to Mr. Scarpaleggia, please.

**Mr. Francis Scarpaleggia:** I have a small number of questions left to ask.

Someone mentioned—I can't remember if it was Assistant Commissioner Shean or Inspector Bowen—that anyone contemplating entering the program has access to independent legal advice. That would be paid for by the RCMP or by someone; they wouldn't have to pay for it themselves?

**A/Commr Todd G. Shean:** From my experience, we'd pay for it.

**Mr. Francis Scarpaleggia:** We know that one of the reports—perhaps it was the report from the committee on this issue, or it was from the Air India inquiry—mentioned there should be an independent office to make decisions about admission into the program, so these decisions would be separate from the other decisions. You mentioned that you've changed the process so that there is a separation, that the processes are quite separate and independent.

Do you have any sense as to why the report recommended an independent coordinating body as opposed to simply separating the two functions within the RCMP? Do you have any insight on that? No? Okay.



You also mentioned the idea of creating a database that you hope would result in better program design. What kinds of things would you include in that database that maybe you're not tracking now? Why all of a sudden do we need an improved database? Have we just not had a database?

**Insp Greg Bowen:** No, sir. We've had a database since we've been doing this business. What we're doing is enhancing the database to allow us to better track the data, particularly with the introduction of the psychologists and their recommendations. It allows us to better track the protectees. It allows us to fulfill our desire to become a more protectee-focused program.

**Mr. Francis Scarpaleggia:** So it's a bit of a function of the fact that you're adding psychologists and other personnel who will be working on a file and you want to keep track of what they are reporting.

**Insp Greg Bowen:** Yes, just the overall general accountability for the program.

**Mr. Francis Scarpaleggia:** I don't have any further questions.

**The Chair:** Madame Lefebvre, you have five minutes.

[*Translation*]

**Ms. Rosane Doré Lefebvre:** Thank you very much, Mr. Chair.

Once again, thank you. I was looking at access to the program. My attention was drawn to something that I found rather interesting about youth and street gangs. I believe that an access to information request was made about this last December, and the press mentioned it. With this reform of the witness protection program, young street gang members would now be included in the process.

I am wondering whether that is the case. I am attempting to determine the benchmark to establish whether someone is a young street gang member. Is it under 18? Can it be over 18? How does that work?

If most of the articles I have read are correct, it means that these people were not previously eligible for the witness protection program, but that they would be now, with the broader eligibility criteria.

Could you enlighten me a bit about this? I would like to know how that works.

• (1015)

**A/Commr Todd G. Shean:** First, as far as I know, there are no age restrictions. If we have a witness, an assessment will be done to determine whether he or she will be admitted to the program. Following the consultation, age may be used to determine whether it is the witness alone or the witness and the family, for example parents or guardians, who will be admitted.

**Ms. Rosane Doré Lefebvre:** So there are no age restrictions. If that's the case, how do you explain the fact that we are now talking about including young members of street gangs when they were not included before? Is it because these particular street gangs are not related to biker gangs?

**A/Commr Todd G. Shean:** I don't know. Admission to the program is not based on a particular type of crime; rather, it is based on a potential threat to the witness.

**Ms. Rosane Doré Lefebvre:** You can confirm, then, that even young people who are 15 or 16 and committed certain crimes can be admitted to the federal witness protection program.

**A/Commr Todd G. Shean:** I can confirm that there is no age limit.

**Ms. Rosane Doré Lefebvre:** These people can therefore enter the program. They were already eligible.

**A/Commr Todd G. Shean:** Yes.

**Ms. Rosane Doré Lefebvre:** Excellent. I will push my research a little further. I was honestly wondering how it could be that some young street gang members would be less eligible to the program. It is good to know that this can be an excellent way to help young people break the vicious circle of crime when they want to do so, especially the younger ones.

In this regard, I believe the minister mentioned that the witness protection program was one of the indispensable tools in fighting crime, no matter where we are in the country. This is one of the very rare occasions where we agree completely. I find that extremely interesting.

I looked at the content of Bill C-51 and I have a few questions related to speeding up the process for obtaining new identification. How does it work? This is a new topic for me and I am not familiar with the process. Does it take a while?

**A/Commr Todd G. Shean:** No. If the documentation is prepared properly, it can go very quickly.

In comparison, before Bill C-51, individuals had to be admitted to the federal program and we dealt with a number of different police forces. In the majority of cases, what slows down the process to obtain the documents is the fact that the required documentation is not prepared properly. Under Bill C-51, we will deal with one designated person who will have been trained. If the documents are prepared properly, individuals will not have to be admitted to the federal program. That means the documents can be obtained more quickly.

**Ms. Rosane Doré Lefebvre:** I see. Basically, a position will be created to ensure that the documents are prepared properly. There will be somebody actually assigned to this.

**A/Commr Todd G. Shean:** The provinces will decide who to assign. We will work with the people assigned by the provinces to ensure they are trained and that they understand what is required to obtain federal documents.

[*English*]

**The Chair:** Thank you.

We'll go back to Mr. Leef, please, for five minutes.

**Mr. Ryan Leef:** Thank you, Mr. Chair.

Mr. Bhupsingh, you spoke a bit about provincial consultation that occurred across Canada. I understand the provinces weren't really supportive of just abandoning provincial programs and moving to a national program. Please correct me if I'm wrong there. Was that true of the provinces that don't currently have a provincial program? Are some of them exploring the idea of moving to a provincial program based on the models in the other five provinces? If I am accurate that there wasn't overwhelming support to have just one national witness program, why would that be?

• (1020)

**Mr. Trevor Bhupsingh:** Yes, you are correct. In terms of the provinces that had a program, their programs were working well. I don't think it made a lot of sense to force a national program onto the provinces. Having said all of that, at the end of the day we've come up with a good solution in terms of the designation of the provincial programs into the federal program.

I'll let Ms. Mugford explain a bit about the points of view of the provinces that didn't necessarily have a provincial program at the time of the consultations, and just explain a bit more about some of those discussions.

**Mrs. Julie Mugford:** Ontario and Quebec have had programs in place for quite some time. They're policy-based. The three prairie provinces were mentioned. They have legislation in place. The other provinces don't have programs. I couldn't speculate as to whether or not they're considering it. At the time of the consultations, I believe Alberta had introduced legislation, but it had not yet been passed.

The one thing we heard from all the players was that they did not want a national program or national standards because they saw them as encroaching on a jurisdictional responsibility that rested with the provinces. That's why we looked at a different option.

**Mr. Ryan Leef:** So the jurisdictional aspect certainly makes sense.

Assistant Commissioner Shean, you spoke a bit about technology, about the complexity of crime, about witness needs now, and about how you think this bill is going to be responsive in protecting witnesses and dealing with the administration of this program as the complexity of crime grows, whether it's through technology or whether it's just through networks, and the needs of meeting court case requirements, investigations getting more and more complex.

In terms of a provincial-federal split, do you think that keeping some provincial programs, the ones that are operating...? I think you made it clear that there's a pretty clear delineation now between federal and provincial responsibilities. Do you think having that provincial-federal split is also beneficial, to allow those provinces the flexibility they may need to deal with the changing nature of the interaction between witnesses and investigations and the investigators and the criminal element?

**A/Commr Todd G. Shean:** The provinces have clearly indicated their decision in regard to what witness protection is, and there's good communication, good dialogue, with us in the federal program. We can see that here, even with this bill, with regard to obtaining federal documents and how it facilitates the provincial program dealing with the federal program.

The decisions are made, so for us, it's how we afford the best protection to witnesses entering witness protection programs, be they provincial or federal.

**Mr. Ryan Leef:** There's enhancement in this to incorporate any federal agency that has a mandate of public safety. You've obviously had preliminary discussions with other federal agencies that have those mandates, the Canada Border Services Agency, Corrections Canada, etc. Your general sense on that is that it's going quite well?

**A/Commr Todd G. Shean:** There have been no issues that have been brought to my attention.

**Mr. Ryan Leef:** Okay.

**The Chair:** Thank you, Mr. Leef.

Do any of those other departments show that this will be a cost savings for them? Was it used extensively? Is some of the streamlining for some of the other departments going to be a cost saver for them, then?

**A/Commr Todd G. Shean:** Do you mean for the obtaining of federal documents?

**The Chair:** I mean if some of the other departments now are going to fall under Bill C-51—he mentioned Border Services—is that only for the securing of documents, or is that—

**A/Commr Todd G. Shean:** If you mean for these other agencies being able to refer people into the witness protection program, I see that as affording them another avenue in their investigative toolbox for the protection of potential witnesses or people who are assisting them in their area of responsibility.

• (1025)

**The Chair:** All right. We will move back to Mr. Rafferty.

**Mr. John Rafferty:** Thank you very much, Chair.

First of all, I just want to make a comment about Mr. Scarpaleggia's comments. I think he left the impression that this body that was recommended was, I think he said, for making decisions about the files. I think the body that was recommended was to review the files, not to make the decisions on the files.

I wonder if you'd like to make a comment about why there would be some benefit to having a body to do that sort of thing.

**Mr. Trevor Bhupsingh:** I think primarily the independence of the function itself has been well-suited in the RCMP for over 25 years. I think that at the end of the day, when we looked at whether or not an independent body was required, we didn't think that was necessary.

Given the changes that have been made, as Assistant Commissioner Shean has said, to separate the investigations now and the program of decision-making itself, we're fairly comfortable that it would address the independence issue.

**Mr. John Rafferty:** Thank you for clarifying that.

You've all been very clear, in fact all the witnesses have been very clear, about the ability of the RCMP to absorb costs in this program, and to actually absorb costs on a continuing basis.

I'm just thinking about the 800 to 1,000 people in the program now. Of course over time, over the next five years or ten years, that number will increase. I see that the hope is that they will become self-sufficient.

Would you have any idea of the percentage of that 800 or 1,000 who are not self-sufficient or would never become self-sufficient? Do you have any sense of what that percentage might be?

**A/Commr Todd G. Shean:** I don't know that percentage per se, but with the improvements and the enhancements to the program, we are going to see, in my estimation, more and more becoming more self-sufficient more quickly.

The case management plan has a lot of rigour around it. There is the training we're providing to the handlers and the officers who are engaging these protectees. The program is much more protectee-focused. I see it becoming even less and less....

**Mr. John Rafferty:** On an ongoing basis, then, for the people who are in the program permanently—because you indicated that most people are permanent—the rise in fixed costs for this group of people, which increases over the years, is not going to be significant enough to impact, over time, the RCMP budget. Is that what I am to understand?

**A/Commr Todd G. Shean:** My sense is that the effort we are putting in on the front end is going to pay huge dividends for us on the back end.

**Mr. John Rafferty:** I assume when these people become self-sufficient they are like any other Canadians or Canadian family; health care and everything else is simply covered. The onus is not on the RCMP, except for some very slight sort of ongoing supervision. Is that correct?

**A/Commr Todd G. Shean:** That is correct. We are always there in the background in the event they are passing 123 Main Street and run across somebody from their past life. If they have a fear or if a threat of some kind surfaces, we will come back into the picture as required. Aside from that, you're absolutely correct that the idea is for them to live within Canadian society and become self-sufficient.

**Mr. John Rafferty:** Thank you very much.

**The Chair:** Mr. Garrison, do you have a question?

**Mr. Randall Garrison:** I have just one, if I might.

Following up on questions that Madame Doré Lefebvre asked about age limits and youth, in 2010 there was a recommendation from the RCMP to the government, which was released through ATIP, with regard to witness protection. In that recommendation, the RCMP said that young gangs should be included in the program.

We've just been going back and forth about whether or not they have been included. That recommendation seemed to imply that they were not covered by the witness protection program.

**A/Commr Todd G. Shean:** I would have to see the specifics. There is no identified crime. It doesn't specify that you have to be involved with a specific group or crime. It's simply based upon the risk they're facing, and the decision is made at that time as to whether they should be considered for entry into the program. I apologize, but I...

**The Chair:** Mr. Rousseau, you have a question.

[Translation]

**Mr. Jean Rousseau:** This question is for both organizations.

In addition to this bill, is there enough research being done to adapt to organized crime, which is investing increasing amounts into technology and the production of counterfeit documents, ID and others? Is there enough of an effort by both the Department of Public Safety and the RCMP to adapt to the various technologies, and more importantly, to progress in communication and information technology?

● (1030)

**A/Commr Todd G. Shean:** For me, the simple answer would be yes. We are always learning. We learn thanks to research, our investigations and meetings with witnesses who were part of organized crime.

So I would say yes, but we are always learning.

**Mr. Jean Rousseau:** I see.

How about at Public Safety?

[English]

**Mr. Trevor Bhupsingh:** I would have to agree with the observations of my colleague at the RCMP. This is an ongoing and iterative sort of process.

I think the bill before us allows the flexibility for the RCMP, which is managing the program, to adapt to that. Assistant Commissioner Shean has mentioned that there's research; there's the investigation, and certainly there's continued consultation with all the key stakeholders who are involved around this program or who would be implicated by this program.

Through those measures, I think there is a flexibility and adaptiveness to it to continuously learn and address the ever-evolving challenges with organized crime.

**The Chair:** Thank you, Mr. Rousseau.

In conclusion, I would like to go back to something Mr. Garrison said in his initial question. He wants to be sure we got it right. That's what this committee is tasked with. We're tasked with going through this bill. We're hearing a lot of people say that it sounds as though we got it right.

Do you have any hesitation? Is there anything you feel could have made it a little better? Is there anything that the committee should know that we haven't perhaps had on the record yet that you think may be an area where an amendment or some changes could be made, so that we do get it right?

**A/Commr Todd G. Shean:** I guess from an RCMP perspective, Mr. Chair, we appreciate the fact that we were consulted along the way, and we appreciate the changes that are being brought to the federal witness protection program to help us in our daily work.

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

Likewise, Mr. Bhupsingh.

**Mr. Trevor Bhupsingh:** Thank you for the opportunity. I would just say that we think Bill C-51 is going to make the program more effective and secure, and in that way we're very supportive of the bill itself.

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

Thank you for appearing again today before us. We so much appreciate it.

We are adjourned.

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