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**EVIDENCE**

**Thursday, March 7, 2013**

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**Chair**

**Mr. Kevin Sorenson**



## Standing Committee on Public Safety and National Security

Thursday, March 7, 2013

• (0905)

[English]

**The Chair (Mr. Kevin Sorenson (Crowfoot, CPC)):** Good morning, everyone. This is meeting number 75 of the Standing Committee on Public Safety and National Security, Thursday, March 7, 2013. Today we are continuing our study of Bill C-51, an act to amend Canada's witness protection program.

On our first panel we have, from the Royal Canadian Mounted Police's staff relations representative program, Staff Sergeant Abraham Townsend of the national executive.

Welcome back. It's good to have you again before the committee.

We also have Tom Stamatakis, president of the Canadian Police Association. He is appearing by video conference this morning from Vancouver, British Columbia.

Thank you for getting up bright and early, sir, and appearing before the committee again.

I will first invite our witnesses to make brief opening statements before we proceed to questions by members of Parliament. We will begin with the RCMP.

Mr. Townsend, please.

**Staff Sergeant Abraham Townsend (National Executive, Staff Relations Representative Program, Royal Canadian Mounted Police):** Thank you. Good morning, Mr. Chair, ladies and gentlemen.

We thank you for the opportunity to appear before you this morning. I speak on behalf of the 24,000 regular and civilian members of the RCMP who serve across Canada and internationally, providing their perspective and input.

My name is Abe Townsend. I have 32 years of service. I'm one of two national executives on the staff relations program and have been an elected representative since 2004.

The staff relations program is the non-union labour relations program for all 24,000 members of the RCMP. The program is authorized by law to represent them on all issues affecting the welfare and/or dignity of the members.

During my service, I've lived in four different provinces and two territories. My duties have included uniformed general duty policing, federal policing, and major crime investigation.

On behalf of those I represent, I wish to thank the government for advancing Bill C-51, the safer witnesses act, which will in turn advance the public safety interests of all Canadians. Bill C-51, when

it passes into law, will serve to protect not only police officers, but those people the police rely on to carry out their duty to protect.

Policing continues to become more complex. The disclosure protections within this legislation will serve to address a portion of the complexity and some of the risk facing those who serve to protect. I have consulted with the RCMP members whose substantive duties are within the witness protection program. They are encouraged and look forward to Bill C-51 becoming law, as it will enhance their ability to perform their duties on behalf of all Canadians.

Again, thank you. I look forward to replying to any questions the committee may have.

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

We'll now move out to Vancouver to Mr. Stamatakis.

Welcome again.

**Mr. Tom Stamatakis (President, Canadian Police Association):** Good morning, Mr. Chair, and members of the committee. I appreciate the opportunity to appear this morning to discuss Bill C-51, which my organization, the Canadian Police Association, strongly endorses.

I believe this is my sixth or seventh appearance before your committee, so I know that most of you are familiar with the Canadian Police Association. I should note just briefly that I have the privilege of representing over 54,000 front-line police personnel from across Canada, including officers and civilians serving in almost every federal, provincial, and municipal police service in the country.

Organized crime is one of the biggest challenges facing front-line police personnel, and I can't possibly emphasize the term organized nearly enough. Groups that engage in serious criminal offences, particularly drug trafficking, will often go to great lengths to conceal their activities, frequently relying on violence and intimidation to keep associates from cooperating with law enforcement.

Law enforcement often has to rely on witnesses who are putting their own safety, as well as the safety of their families, in jeopardy when they come forward with information that is used to prosecute these dangerous offenders, and this legislation will help provide, and perhaps most importantly, modernize the tools we use to protect these informants.

As police officers, one of the issues we regularly have to deal with is the enforcement of legislation that was written 10, 20, and sometimes even 30 or more years ago and has rarely been kept up to date. This can often be a significant challenge to our members, as criminals are rarely as slow to adapt to modern technology as our laws can sometimes be.

The Witness Protection Act is one of these particular laws. While the act itself is only 17 years old, having come into force in 1996, technology has progressed by leaps and bounds during this time. One of the most important aspects of this legislation, particularly for our members, is around the disclosure of information about people participating in the program, as well as those who provide the protection necessary under this act.

When the act was originally brought into force, it probably made sense that the only information that was protected was the change of name and location. However, in today's information age, that simply isn't sufficient, and I appreciate the steps in this bill that broaden the scope of information that will be protected from disclosure.

Further on that point, the specific changes in this legislation that exempt a person from any liability or punishment for stating that they do not provide or assist in providing protection to witnesses will be a direct benefit to the law enforcement community in Canada that is tasked with these particular responsibilities.

I should also note that the parts of this legislation that deal with extending the authority to designated provincial or municipal protection programs and not just the federal program remind me of some of the testimony I recently gave to this committee around the economics of policing and the need for us to adopt and embrace operational efficiencies in order to deliver the best possible community protection at a reasonable cost to the Canadian taxpayer.

Red tape in this case, where provincial requests had to be filed with the RCMP, then processed accordingly before any changes to the identity or location could be finalized, is precisely where the cost to the system increases. I do believe that this legislation will have an impact on streamlining that work. I can only hope we'll see more of that in future bills.

In conclusion, Mr. Chair, members of the committee, Bill C-51 is an example of legislation that will help better coordinate efforts across various levels of law enforcement, provide better protection to the men and women who serve as police personnel in this country, help our members crack down on organized crime and gang activity, and promote at least some efficiencies in a system that is badly in need of reform. On those levels, the Canadian Police Association supports the adoption of the bill.

I would certainly welcome any questions that you might have.

• (0910)

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

We'll move into the first round of questioning and we'll go to Ms. Bergen, please, for seven minutes.

**Ms. Candice Bergen (Portage—Lisgar, CPC):** Thank you very much, Mr. Chair. Thank you to both of the witnesses for being here.

Mr. Stamatakis, I want to begin with you. You did touch briefly on, and articulated quite well, your challenge in enforcing laws that at many times are old, and 10 or 20 years is old when it comes to new technologies and the way that criminals and, as you said, organized crime conducts itself.

I am wondering if you could just for this committee give us a bit more of an understanding of the threats that your members are under when they are administering and doing investigations themselves and dealing with informants—and informants can be under the witness protection program—but up until this legislation, the disclosure that was not prohibited was really very narrow and just a couple of pieces of information. Could you talk a little bit more about what law enforcement has had to go through up until this point and how they will be better protected? Could you just explain the organized crime aspect of it as well as the information that can be released and can then be a threat to your members?

**Mr. Tom Stamatakis:** Typically, and particularly when you're dealing with organized criminal activity, the types of informants that we'd be handling and who would be part of a program like this are obviously people with a significant amount of information. That information, when used successfully to prosecute, can disrupt the activity of organized crime groups, who obviously have a very significant incentive to prevent that from happening.

In today's world, with technology and with everybody possessing some kind of a smartphone, it becomes much easier for information to become available—with Facebook, with Twitter, and with other kinds of activities like that. Just one example is that you have a member who's essentially living a dual life, managing a high-needs informant, having to maintain separate residences, and protecting his or her family.

I just think that expanding the kinds of information that is protected, beyond the change of location or a name, provides that added level of security for our members. Although I don't profess to be an expert in this area, I know from talking with members who are actively involved in this activity that they're quite relieved, actually, to have legislation that better protects them from being dragged into a big mess because of activities they're engaged in order to protect the public.

• (0915)

**Ms. Candice Bergen:** Thank you for that.

Would you say, then, that your officers are as much under threat as, for example, the informants, the people who are actually involved in organized crime and who then are able to bring information to law enforcement? Are law enforcement and their families as much at risk as the informants themselves?

**Mr. Tom Stamatakis:** Yes, absolutely. They can be, because they're often with the informants, particularly during the active stages of any investigation. They're with the informants on a regular basis. The informants are obviously targeted by these organized crime groups, which stand to lose a lot if the cases are successfully prosecuted. They're at as much risk when they are around the informants as the informant is.

Just as important from my perspective and that of our officers, who are often in relationships and are married and have children, is that they need to be assured that for whatever activities they're engaged in, their families are protected from any exposure as a result of their duties in handling an informant in a very serious matter.

**Ms. Candice Bergen:** Thank you very much.

Mr. Townsend, would you like to comment on that question as well?

**S/Sgt Abraham Townsend:** I can echo Tom's comments. When you look at transnational crime syndicates, you see that the game has been upped, including the protection that our members and all police officers need. That has always existed. I'll just reflect on a quick story. I was talking to my wife about appearing here. We have a 19-year-old son. His first sleepover, at two months of age, was as a result of a bomb threat at my residence that was tied back to an organized crimine group. It's there; it's real.

Any legislation that will enhance the level of disclosure protection for our police officers—and even for those who assist us, including from provincial regulatory bodies whose assistance we need in creating documents and false identities—absolutely.... We are encouraged by this legislation.

**Ms. Candice Bergen:** Thank you.

How much time do I have, Mr. Chair?

**The Chair:** You have a minute and a half.

**Ms. Candice Bergen:** Thank you.

Mr. Townsend, up to this point in provincial programs, when they're working and moving to get someone under the protection program and are trying to get documents, there are a lot of challenges in getting those documents. Can you tell us what kind of impact that has on the people who are coming forward with information and now want to be protected? How does that affect their ability to be protected?

**S/Sgt Abraham Townsend:** My understanding is that in the past there were problems. What this legislation will do with the provincial partner program is that it will make it more seamless, whether it's federally orchestrated protection—and when I say “orchestrated”, I mean at the ground level—or provincially orchestrated. The legislation will make it more seamless. It will just ease the way we integrate our policing efforts.

• (0920)

**Ms. Candice Bergen:** Are either one of the witnesses aware of just what documents are changed? If somebody is going to be under the witness protection program, do they get new documents all around?

I recently changed my name and I had to get a new driver's licence, health card.... There are so many things that have to be changed, and I don't even know how they would do it, even their just carrying on filing tax returns. It seems like a very daunting process.

**S/Sgt Abraham Townsend:** It's new secure identification. However you would identify yourself now would be securely changed in a comprehensive way.

And Tom mentioned it. In this world of Facebook, there's so much out there in the public domain that the job is becoming harder for those in this program to make these secure changes.

**The Chair:** Thank you. We're just out of time.

Mr. Garrison.

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

And thank you, of course, to both of our witnesses for appearing today. I think it's very useful for us on the committee to get a more front-line perspective from both of you. I particularly thank to Mr. Stamatakis, as a fellow British Columbian, for getting up so early so often to talk with us.

I'll start with Mr. Townsend.

We've been talking about front-line people who work with witness protection. There must be a number of other people inside the RCMP organization who deal with these cases at an administrative level, perhaps some civilian employees. Can you talk a little bit about who else might also be benefiting from the protections that are offered in this bill?

**S/Sgt Abraham Townsend:** In our national headquarters we have a policy centre function, where they set the policies that are accountable under the legislation. Then out in the field, we have our practitioners in every division in every province, and those practitioners are assisted by actual investigators. It may not be their full-time job as a witness protection practitioner in the field but an additional responsibility.

But when we look at those who are employed in it full-time, over the last few years we've made the training of those people much more robust and comprehensive. As we continue to evolve in policing, this function evolves as well. We've become much more sophisticated. I reflect back on when I was on the major crimes file some 12 years ago now, and the level of sophistication around this function in that last 12 years has increased greatly.

**Mr. Randall Garrison:** In terms of preparing new identity documents and assisting in changing location, would most of that be done by uniformed officers or by the civilian staff?

**S/Sgt Abraham Townsend:** That would be done by sworn police officers, but they are assisted, whether a provincial or a federal entity, by other departments. For registered motor vehicles, we don't have access to create a driver's licence. That's where the extended disclosure protection comes in. That person working at registering motor vehicles is not subject to disclosure or threat, or at least at a reduced level.

**Mr. Randall Garrison:** I think that's a very useful perspective. I hadn't really grasped that we're talking about extending those protections outside the actual police forces to some of the other public servants who assist. It's easy to see how organized crime would then target them as a way of cracking the identity question.

**S/Sgt Abraham Townsend:** Yes.

**Mr. Randall Garrison:** Okay. I'm going to turn to Mr. Stamatakis.

You have members who work for municipal police forces and you also represent RCMP officers. On the RCMP website, there's been a statement for quite a long time saying that sometimes smaller police forces find it difficult to make use of the witness protection program because the costs are billed back to those departments. We've been asking a number of people at the actual operations level if they can comment, whether they believe that's an accurate statement and whether it actually has those impacts on investigations.

**Mr. Tom Stamatakis:** The cost of an investigation is a factor that has a significant impact on the smaller agencies in particular. I think that in the context of this legislation, what would typically happen is that once a smaller agency realized they were dealing with a significant file where they needed to consider giving someone the protection offered by this legislation, they would probably involve another larger agency. So depending on which province you might be working in, you would go to the RCMP, who are typically the provincial police force in most provinces, except Quebec and Ontario.

I'm not sure that this legislation changes anything in that respect. The reality is that a smaller police agency would be challenged any time a significant organized crime investigation occurred in their community, and they would typically bring in other partners to assist with additional resources. In most cases they would probably engage the provincial government to provide some assistance with respect to the funding.

• (0925)

**Mr. Randall Garrison:** The fact that the costs for witness protection are billed back, you're saying, is always a problem and nothing in this legislation makes that either better or worse.

**Mr. Tom Stamatakis:** No, because witness protection is a very expensive proposition. Police forces across the country, including the RCMP, don't typically bring people into witness protection situations as a matter of course. I'll allow Staff Sergeant Townsend to comment on that. There has to be a significant reason, a legitimate threat to that person's safety, to the safety of other people involved in an investigation, particularly around organized crime.

Nothing in this legislation really changes that dynamic. It's an expensive proposition, and funding is always a challenge.

Any time we can amend legislation to make it more reflective of the kind of society we're working in so that the legislation recognizes the technology that exists today versus 10, 20, or 30 years ago, that's a good thing. I've already alluded to some of the provisions in this legislation that will help streamline things and arguably allow police agencies to become more efficient and maybe therefore reduce costs in other ways, albeit not specifically around the cost of the witness protection program.

**The Chair:** You have 15 seconds.

**Mr. Randall Garrison:** With only 15 seconds left, I'll just re-emphasize that it's very useful to hear the perspective of the officers on this. I think we've heard a couple of things today that were very valuable and that we hadn't really considered before. So thanks again.

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

Mr. Hawn, please.

**Hon. Laurie Hawn (Edmonton Centre, CPC):** Thank you, Mr. Chair, and thank you to both our witnesses for being here.

I want to start with Mr. Stamatakis and talk about the importance of flexibility in legislation like this and the impact of technology. I think we said this hasn't been updated for 17 years. With technology advancing the way it is, and I know this will be a shot in the dark for you, but have we missed anything in the current legislation that you would have liked to have seen in it? If it's been 17 years since the last amendment, is it safe to say that we'll probably be looking at maybe having another amendment in something less than the next 17 years because of the advancing technology?

**Mr. Tom Stamatakis:** One difference that I would mention—and of course none of us can predict how technology will change going forward—is how technology has advanced so much, and certainly in my career over about 25 years. When I started very few people had a cellphone, but were using voice pagers. Over a relatively short period of time we're now running into eight-, nine-, and ten-year-old kids with smart phones and people carrying laptops around, or tablets that give you ready access to the Internet, and on and on. I think that will be a challenge for all governments in the future: whether or not you need to look at these kinds of amendments on a more regular basis to keep up, as you say, with the technological advances that we might be exposed to.

**Hon. Laurie Hawn:** Staff Sergeant Townsend, I want to talk a little bit about the risk to members and so on. There are so many opportunities for leaks of information, it's just hard to imagine how it all could be kept secure.

With regard to security within police organizations, does everybody know within an RCMP or a civilian police organization who is dealing with witness protection?

• (0930)

**S/Sgt Abraham Townsend:** If you look hard enough, you'll know who's assigned the responsibility in a source witness protection program. We all have substantive jobs. If you look hard enough, you can mine that out.

That being said, it's my experience that many members of the RCMP, if they were asked who the source witness protection person was for the province of Alberta, wouldn't know. They wouldn't know unless they went to seek it out.

And that being said, organized crime does have, and they can form, the interest to seek it out. They can seek it out by leveraging community sources, people who work within the policing environment, be they civilians or be they police officers. The fact that it's not openly available to this interested inquirer doesn't make it any less real. It can be found.

**Hon. Laurie Hawn:** The interested inquirer obviously is organized crime.

Did I hear you correctly that the member who is dealing with an active case is also actually leading a separate life?

**S/Sgt Abraham Townsend:** I didn't make that comment, but I can provide some clarity around that comment.

They are leading a separate life inasmuch as they don't expose their work life to their civilian life. There's no crossover. They're not the local police officer who coaches hockey and everybody knows what they do. They lead a somewhat covert professional life, or a separate professional life, from their private life as much as possible.

**Hon. Laurie Hawn:** Obviously organized crime would try to track the member to find the witness, if they could.

**S/Sgt Abraham Townsend:** If you track the member, you can almost find who you're looking for.

When I have discussions with those who are employed in this discipline, the first thing to mind is organized crime holding their wife and family at gunpoint and asking them over phone, "Where's Johnny?" It is a high-risk activity for police.

**Hon. Laurie Hawn:** Absolutely.

Mr. Stamatakis, we talked about administrative support for the identity change and so on. I mean, that is massive. As Ms. Bergen said, everything has to change, including even tax filings.

When we're dealing with the administrative organizations, whether it's the CRA or drivers' licence agencies or whatever they happen to be, is it correct to say that the administrative people who are doing that have no idea what the previous identity was? They simply know that they are producing a persona with a new identity.

Nobody there can make that connection, is that correct?

**Mr. Tom Stamatakis:** Yes, that's correct. You try to minimize the number of people who actually know why changes are being made. Those kinds of authorizations would come at a fairly high level. Then it would just be direction given to people who are processing the change, not knowing that in fact they're helping change the identity of an informant.

Often that can include providing the police officers engaged in the witness protection activities with an alternative identity as well, with different information that they can use for a driver's licence, for example, or vehicle registration. It's to try to mitigate the risk of these interested parties being able to track the officer's activities while they're engaged with the informant.

It's almost like a dual life that people engaged in this type of work need to lead, so that they can, as Mr. Townsend indicated, keep a completely separate life between their professional activities and their personal activities.

**Hon. Laurie Hawn:** That's so complex it kind of boggles my mind. I mean, ordinary policing is—

**Mr. Tom Stamatakis:** It is a very high-risk, high-stress type of activity. I'm not as familiar with RCMP policies, but I know that in municipal and provincial police forces we typically leave people in those positions for a short period of time, depending on the file they're working on. You try to manage it organizationally so that the level of stress can be reduced.

• (0935)

**The Chair:** Your time is up. We'll now move back to Mr. Scarpaleggia, please.

**Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.):** I would like to continue along those lines.

Sergeant Townsend, you or someone else, but I can't remember who, was saying that sometimes the person managing the witness, and I assume that's at the very... At what stage would they be managing the witness, when the witness is not yet in witness protection? I would imagine that once they're in witness protection, they're sent off to another part of the country.

When you say managing the witness, do you mean in the early stages? Whoever said that the person managing the witness has to keep a second residence and so on, at what stage would that be? What do we mean by managing the witness?

**S/Sgt Abraham Townsend:** If you look at the authorities that are within the act, there's the authority for emergency protection. That'll be enhanced with this new legislation to broaden that time period. That will usually come during a fast-moving, fast-breaking investigation.

There are other investigations, such as organized crime investigations, that are slower to develop, and during that developmental phase, when you're assessing the potential of an agent or a witness and bringing or co-opting that person towards the public safety needs of Canadians, that relationship has to be managed. If they are assessed and brought into the witness protection program, then there is the continued management or relationship-building. Boiling it down, it all becomes about human relationships on the front end to access the information, and then to continue the protection regime that you're bringing this person into.

I believe we're moving towards a more robust means by which we can support that person. What we don't want to do is bring the person halfway and then abandon the person. It takes away from the credibility of policing and it does a disservice to those who step up to engage and help us.

**Mr. Francis Scarpaleggia:** Obviously this police officer is an undercover police officer who is building relationships.

**S/Sgt Abraham Townsend:** Normally in our organization it's a police officer who, over a period of time, has gleaned a wide range of experiences, likely in the federal policing realm where there's an abundance of opportunity for covert and undercover activities. It's an experienced police officer whose training we will then take and enhance in relation to this specific function.

**Mr. Francis Scarpaleggia:** But this police officer who's managing the relationship, who has to keep a secondary residence, and who's trying to keep his or her life separate from their family life, would they be known to organized crime or would they be so undercover that the secondary residence is really an insurance policy but, generally speaking, no one would really know that they are a police officer?

I'm thinking that, if someone suspected that they were police and, even if they had a secondary residence, they could be followed back to their primary residence.

**S/Sgt Abraham Townsend:** A secondary residence—I'd prefer to use the term covert accommodation—could be used, whether it's a hotel room that's purchased under a covert identity or whether it's an apartment that's rented under a covert identity. It's a covert place to meet, removed from the police, where you have to meet with this person to coach them along, and to give them the support that's necessary.

It's the separation between your professional life and your personal life, and the separation within your professional life between what you actually do and the identity of the organization you're doing it on behalf of.

**Mr. Francis Scarpaleggia:** We were talking about the delegation of a broader class of information. People dealing with information related to witness protection, whether it be somebody at the provincial licence bureau and so on, do they know that they're involved in this process?

If they didn't or if they don't, then how do they know that they're breaking the law by divulging information? Do they know that they're involved with something very sensitive and that they should be careful? Or would they be oblivious to that fact?

• (0940)

**S/Sgt Abraham Townsend:** Our practitioners, those who are engaged full-time.... Those are some of the relationships and some of the memorandums of understanding we have as an organization with other regulatory bodies.

As Tom has mentioned, it's kept at a high level and as discrete or secretive as it possibly can be. This legislation provides an added level of disclosure protection for those who function within this, arguably, very covert world. Once you're inside the program, it's a second existence.

**Mr. Francis Scarpaleggia:** Anybody, for example, who's helping with the process, whether it be somebody within a federal police organization or someone in a provincial agency, they know that they're on a sensitive file, they know that they shouldn't be divulging this information. As a rule, they would know. This law provides an added reminder that if they divulge information, not only is it unprofessional and not very smart, but it's also a crime at this point.

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

We will now move back to Madame Doré Lefebvre, please.

[Translation]

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

Mr. Townsend and Mr. Stamatakis, I would like to thank you for being with us today to discuss Bill C-51. We are pleased to have you here.

My first question is for both of you.

In 2007, the Standing Committee on Public Safety and National Security studied the federal Witness Protection Program. In the ensuing report, some questions were left unanswered. For one, it was not determined if the program could accommodate a teenage member of a street gang whose safety might be at risk for cooperating with the authorities.

Perhaps I will begin with you, Mr. Stamatakis. How would you answer that question? Could the program accept someone under the age of 18 who is a member of a street gang? I would also like to know if you have encountered a case where a minor has used the witness protection program—not as a child of someone who has been offered protection, but as a witness in a trial, etc.

[English]

**Mr. Tom Stamatakis:** What I would say generally that is if there were a situation where someone needed protection, we would take whatever steps we could to provide that protection.

Having said that, when you're dealing with youth it's much more challenging, because there's a requirement to make sure that youth are informed about the decisions they're making. We have some obligation to make sure that they are getting advice from a parent or some other trusted adult in their life. I think that's a complicating factor.

I have to be honest that I don't personally have any experience with youth in a witness protection program or in a situation like we've been discussing this morning. I could certainly follow up and make some inquiries. I don't know if Mr. Townsend has more to offer, but I think youth would present some different challenges. Particularly where there are parents involved, there would be some obligation to engage them in any discussions. Or particularly if you're going to use a young person as an informant in a police investigation, that would pose some challenges.

• (0945)

**The Chair:** Do you want to respond to that as well, please, Mr. Townsend?

**S/Sgt Abraham Townsend:** My response will be not very helpful. We have provisions within our organization on using youth as paid informant sources or agents. The likelihood of their being brought into at a level where they would fall within the witness protection program is rare, unless they are the children of protectees as you mentioned.

Probably, for a more fulsome answer, hearing another witness with experience within this domain would be more helpful.

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

You have a minute and a half.

**Ms. Rosane Doré Lefebvre:** A minute and a half, okay.

[Translation]

I would like to extend the question to include family. There is often talk of entire families being protected. I know that very few studies have been done on how children of an adult witness react. That was another point that was raised. Is that easy to manage? I know that sometimes adults want to leave the program because it is too complicated for their children. Is that easy to manage? I don't know.

[English]

**Mr. Tom Stamatakis:** I think any time you have children involved, it very much complicates things and makes them more difficult.

It would be just as difficult as it is for any normal person who goes to a young child or a teenage child and says, "By the way, we're going to leave this community and go to a completely different community where you have to start all over".

Certainly, there are lots of challenges, but I am not familiar with actual research or studies that have looked at the issue, though.

**The Chair:** Thanks very much, Madame Lefebvre.



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

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

Thank you to both our witnesses today.

Staff Sergeant Townsend, you touched on relationships a little bit when Mr. Scarpaleggia was doing some questioning. Trust, obviously, is a really important factor between handlers and informants. That must start even before the witness protection program engages, and then there is a relationship that needs to extend throughout the life of the program.

We heard from Assistant Commissioner Shean that RCMP witness protection officers are now the beneficiaries of the most progressive and comprehensive witness protection training in Canada. Obviously, training is a big part of being able to develop that trust, as a handler is able to at least articulate to their informants and the people they are working with that, yes, they are prepared and well trained for this.

How would you describe the RCMP's training and the program as it compares to that of other forces you know of, and maybe on an international level too?

**S/Sgt Abraham Townsend:** I was really pleasantly surprised in preparing for this meeting and doing some research in that area.

These are folks who are already well-trained and seasoned police officers, with two weeks of dedicated training in this discipline, twelve months in the field doing this, and then another three weeks, and continual tactical training.

I was really impressed that we've stepped up our game, given the demands and the complexity of the demands that we've faced over the last 10, 15 years, quite frankly, since I've been operational in this regard.

As far as the level of training is concerned that other police forces in Canada have or would engage in, I know we train folks from other police forces in Canada within our program as part of the integration. We have done that; we do that.

Internationally, we compare our training with other nations that have similar legislation, and our training is world class at this point.

If I can take a minute, and I think this is important for the committee to hear, I did talk to several practitioners who are all well informed about Bill C-51. From my perspective as a representative, I asked the natural question: is there anything more that you could have asked for in Bill C-51, stuff that's not there? And quite frankly, they were uniformly pleased in their understanding of the legislation, and there was no more that they would have asked for.

• (0950)

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

Mr. Stamatakis, maybe just to build on that, did you have an opportunity to ask that same question of your members, and if so, was there anything they suggested that could have been added to this bill?

**Mr. Tom Stamatakis:** No, I haven't received any feedback to suggest there was anything missing in the bill, and I'll just echo Mr. Townsend's comments and add that at the municipal and provincial

level, I think that everybody has stepped up their game in terms of witness protection.

Most provinces now are moving to a provincial, coordinated unit so that the training can be enhanced and become more consistent. There's lots of integration between the municipal and provincial forces and the RCMP so that the training is consistent and the program is consistently administered.

So we are in a good place in this particular area, I think, in this country right now.

**Mr. Ryan Leef:** Staff Sergeant Townsend, if a witness to decide to change their identity and relocate their life, there are some big considerations with that. Obviously, protection, legislation, and the quality of handlers are important variables in all of that and the relationship they build.

But would you agree that one of the other decisions that would be made when someone decides to step forward and testify against organized crime, thereby disrupting their life and themselves at great risk, would be that their testimony would actually have some impact and make a difference? By that, I mean there would be a meaningful and sufficient sanction imposed upon the person who is found guilty, courtesy of the testimony by the witness. You probably see what I am driving at, that being the strength of other legislation with meaningful and sufficient sanctions.

Maybe I could just get you to comment on that piece of this puzzle.

**S/Sgt Abraham Townsend:** It's been my experience that those who make the decision to be co-opted into providing for public safety are leaving one life and making a definitive decision to leave that life, and there are huge costs around that. They know better than anybody else the impact that leaving that life has on all of us. Anecdotally, when they choose to leave, they're recognizing the wrongs that they've been doing in that life or the wrongs that that type of life has inflicted on everybody else. They're looking for, and here I don't want to use the words "retribution" or "payback", but accountability.

**The Chair:** Thank you very much. We're going to have to leave it at that for today.

I want to thank both of you for appearing on this. I think probably you've helped us a bit more than just with Bill C-51. Some of us are new members of Parliament and new to this committee, and our responsibilities in the committee are prisons, parole, police, CSIS, and borders. I think you have both given us a little picture into the life of those who are serving in this capacity and brought forward Bill C-51 very well.

So thank you for doing both of those things for us. We very much appreciate your testimony today and every time you appear before our committee.

Thank you.

We are going to suspend and go to teleconference with Halifax.

● (0950)

(Pause)

● (0955)

**The Chair:** We'll call this meeting back to order. We are the Standing Committee on Public Safety and National Security. We're continuing our study on Bill C-51, an act to amend Canada's witness protection program. On this panel, we're hearing from Micki Ruth, a member of the Canadian Association of Police Boards. She's appearing before us by video conference from Halifax, Nova Scotia.

We welcome you this morning. Thank you for making yourself available. I need to apologize in advance, to be quite frank, Ms. Ruth. There is a very good chance there could be some votes this morning, in which case we will be disrupted. It may happen and it may not happen, but we always need to be prepared for that. So we invite you to continue with your presentation on this. We look forward to it, but chances are it may not happen. That's just a warning in advance.

Ms. Ruth, go ahead, please.

**Commissioner Micki Ruth (Member, Policing and Justice Committee, Canadian Association of Police Boards):** Mr. Chair and members of the committee, my name is Micki Ruth. I am appearing today on behalf of the Canadian Association of Police Boards, or CAPB. I would like to take this opportunity to thank the chair and members of the committee for allowing me to speak to you today.

CAPB realizes the important role all of you play, and I am glad to be able to contribute to this discussion.

Let me begin by telling you a little bit about myself. I am a member of the board of directors of CAPB and of its policing and justice committee. I am also the vice-chair of the Halifax Board of Police Commissioners. I'm also a former police officer, albeit that was quite a while ago.

CAPB is a national not-for-profit organization that was founded in 1989, motivated by a desire to find common ground among police governors on matters of mutual concern and matters that have a national implication.

CAPB works collaboratively and proactively to improve police governance in Canada and to bring about change that will enhance public safety for all Canadians. The police boards and commissions, who are our members, are responsible for more than 75% of municipal police in Canada. They manage the police services of their municipalities, hire chiefs of police, set priorities, establish policy, and represent the public interest.

CAPB has been recognized as the foremost national voice of civilian oversight of policing agencies in Canada. I appear before you today to talk about Bill C-51, the safer witnesses act.

CAPB applauds the government for introducing amendments to the witness protection program, and we support the bill in principle. However, we are concerned about some aspects of the bill, especially in the area of funding. I will address the five main aspects of the legislation.

We support the amendment to provide for a provincial or municipal witness protection program to be designated under the federal Witness Protection Program Act.

CAPB appreciates the government's recognition that allowing witnesses access to a secure identity change without having to enter the federal program and having to deal with delays and potential mismanagement has significant advantages.

CAPB also welcomes the intention of streamlining and speeding up the issuance of security identity documents through the RCMP. With this provincial witness protection program designation, it will make the process of acquiring those documents faster and more accessible.

The third area of reform concerning the protection and disclosure of information is also a measure that is badly needed. In fact, in 2007 Dr. Alok Mukherjee, chair of the Toronto Police Services Board, and current president of CAPB, went to Parliament Hill to urge the government to put more money into the witness protection program. At that time he stressed how critical to community safety it is that witnesses come forward in an environment of security and confidentiality. Dr. Mukherjee recommended that legislative changes be made to ensure that court processes encourage and support witnesses who provide evidence in legal proceedings. He appealed for changes to the disclosure rules for criminal trials to help protect the identity of witnesses whose testimony is key to the prosecution's case.

If we want witnesses to come forward and give evidence, anonymity is absolutely critical. Where a judge determines that the identity of the witness has no bearing on the case, and therefore does not prejudice the accused, then the witness should remain anonymous and only their evidence be disclosed. People don't always want to be uprooted from their community and be relocated, but they want anonymity.

The fourth aspect refers to the expanded definition to include referrals from outside agencies with national security mandates, which we also support.

The last part of Bill C-51 covers operational issues, such as changes to voluntary termination, extending the time for emergency protection, etc. While we do not have that specific details of how these would affect the witness protection program, we believe that the intent must be to improve the efficiency of the program so that it is executed properly.

We are happy to see that this important legislation is being modernized and improved to reflect the changes law enforcement has been calling for over the last decade.

● (1000)

Crime statistics may be on the decline, but organized crime, gang-related crimes, and violent crimes are all issues of concern for many citizens and communities in Canada.

We, members of CAPB, have a duty to ensure that our employees, the uniformed police officers, have the tools at hand to enforce laws, help solve crimes, and protect our public. Witness protection is an extremely important tool, but at present it is one that is too costly for many police services and municipalities.

Like many issues facing government today, funding is one of the biggest and toughest ones to find solutions for. The problems identified back in 2007 with the adequacy of funding for the current witness protection program are not addressed in Bill C-51. Unfortunately, we see problems with the ability of municipality police services to adequately access witness protection because they lack the resources.

Currently, when a municipality does make use of a provincial witness protection program and the crime is federal in nature or involves drugs, then the RCMP takes over and charges the local police services the full cost, which is an expense that many services cannot afford. According to the RCMP's website, sometimes the cost of protecting witnesses hinders the investigations, especially for small law enforcement agencies that have a tight budget.

Therefore we would recommend that you give consideration to the following principles in your review of Bill C-51.

Since witness protection is critical for front-line policing, the program should be a tool that is well-funded, easy to access, and increases public safety. Second, there should be better oversight, evaluation, and protection of the interests of witnesses. Third, there should be specific reference to the eligibility of street gang witnesses in the program. Last, there should be independent oversight of the program, instead of having the RCMP as the decision-making authority on who is to be admitted under the program, given that the RCMP is also the investigating authority.

I want to emphasize that while we support the intent of Bill C-51, CAPB has a duty to its members to ensure that legislation passed by the government does not result in a downloading of additional costs to the municipal police services that we represent. This is an important element of our work on the economics of policing, a subject with which you are already very familiar.

Therefore we urge you to appreciate our position that unless the issue of adequate funding is addressed, the legislation will not produce the result that is intended.

**The Chair:** Thank you very much, Ms. Ruth, for your testimony.

We'll move into the first round of questioning, and we'll go to Mr. Norlock, please, for seven minutes.

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

And thank you to the witness for appearing today.

It seems like most of your intervention today had to do with dollars and cents, because police services boards deal with that every day. Given the fact that there is only one taxpayer, whether the money goes to the federal government, the provincial government, or the municipal government, if you ask for more money, that money will come out of the very pockets of the very people who live in your community.

So I guess my submission to you would be that we have heard from many witnesses so far with regard to this legislation, primarily police officers whose job is to actually make it work, and they have had nothing but accolades for the legislation. That would be number one.

Number two is that we have had heard appreciative statements of the legislation by a chief of police of the largest city in Canada and by two ministers of justice—and I strongly suspect most ministers of justice and attorneys general across Canada are as well.

I understand there never is enough money, no matter whom you talk to. But if we could move that part of it aside, if we could move the dollars and cents aside, we're led to believe by the people who actually make the system work that most of their issues have to do with some of the inadequacies of the previous legislation to which this legislation directly refers and seeks to amend. And I refer specifically and directly to Staff Sergeant Townsend, who is intimately involved with the system, that it does do exactly what police officers want it to do. He said in his statement just prior to your testimony that he went to the officers who actually make the system work, who actually deal with this day in and day out, and asked them if there were anything further they would require in this legislation.

The money aside, specifically what did you mean when you said that we needed to have more protection for witnesses who give evidence before the courts?

• (1005)

**Commr Micki Ruth:** Thank you for your question.

First, I would like to say again that we are supportive of the legislation. That is absolutely true.

With respect to funding, it is true that there's only one taxpayer. However, if the funding were to come from the federal government, it would be more equitable because then all municipalities could access it. At present, not all municipalities have the funds to access it. That is still an issue for a number of areas.

You asked what I meant by "more protection". This legislation provides excellent protection. I applaud the government for the steps forward they have taken. But people who are not admitted to the program, or who can't be admitted to the program for whatever reason, not necessarily because of funding, still need some level of protection in order to testify in front of the courts. While this is one answer to the issue of protecting witnesses, it's not going to cover all witnesses and all cases.

**The Chair:** Thank you, Ms. Ruth.

Our greatest fears have been realized here. The bells are ringing and the lights are flashing.

We certainly appreciated your testimony. I'm glad that you got your opening statement in and that Mr. Norlock was able to ask a question. We definitely won't be able to reconvene today. We apologize for that. Thank you so much for what you've already given us to think about.

**Commr Micki Ruth:** Thank you very much.

**The Chair:** Ladies and gentlemen, we're going to have to adjourn this meeting and make our way to the House as quickly as possible. My understanding is that there is a very important vote.

We are adjourned.





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