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

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**EVIDENCE**

**Thursday, December 6, 2018**

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**Chair**

**The Honourable John McKay**



## Standing Committee on Public Safety and National Security

Thursday, December 6, 2018

• (1530)

[*Translation*]

**The Vice-Chair (Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC)):** Good afternoon, everyone.

I am replacing our normal chair, Mr. McKay. My name is Pierre Paul-Hus, and the best of luck to my colleagues in the governing party!

Today, we are continuing our study of motion M-161 on the record suspension program, introduced by Wayne Long.

In the first hour, we will be hearing from officials from the Parole Board of Canada and from the Department of Public Safety and Emergency Preparedness.

I would ask Mr. Churney to begin his opening statement.

[*English*]

**Mr. Daryl Churney (Executive Director General, Parole Board of Canada):** Thank you, Mr. Chair.

Good afternoon to the honourable members of the committee. I would like to thank you for the invitation to speak with you today in relation to your study on the record suspension program.

I would like to start by introducing myself and my two colleagues here with me at the table. I'm Daryl Churney. I'm the Executive Director General of the Parole Board of Canada. Joining me today are Brigitte Lavigne, who is the Director of Clemency and Record Suspensions at the PBC, and our colleague, Angela Connidis, Director General of Crime Prevention in the Corrections and Criminal Justice Directorate at Public Safety.

We are pleased to appear before you today and to provide the committee with information about the record suspension program to help inform your study.

As you're likely aware, the PBC is an independent administrative tribunal that is part of the criminal justice system. It makes quality conditional release and record suspension decisions, orders expungement, and makes clemency recommendations.

The PBC contributes to the protection of society by facilitating as appropriate the timely reintegration of offenders as law-abiding citizens. Public safety is the primary consideration in all PBC decisions. Under the Criminal Records Act, the PBC may order, refuse to order or revoke a record suspension. A record suspension allows people who are convicted of a criminal offence but who have completed their sentence and demonstrated they are law-abiding citizens for a prescribed number of years to have their record kept sep-

arate and apart from other criminal records in the Canadian Police Information Centre, or CPIC, database. This means that a search of CPIC will not show that the individual has a criminal record.

However, that record does still exist and suspended records can be disclosed with the approval of the Minister of Public Safety. For example, suspended records of former sexual offenders are flagged in the CPIC database, and therefore, if such an individual applies to work with vulnerable populations such as children or the elderly, that record may be disclosed.

Record suspensions fundamentally help to remove the stigma associated with a criminal record and assist individuals to reintegrate into society. They do this by assisting individuals to access employment, volunteer and educational opportunities. Record suspensions can also be ceased or revoked if the person is convicted of a new offence or is found to have made a false or misleading statement when applying.

Since 1970 more than 500,000 Canadians have received pardons and record suspensions, and 95% of these are still in force.

In 1994-95 the Treasury Board of Canada approved the introduction of a \$50 user fee for the processing of a pardon application. That fee represented just a portion of the cost incurred by PBC and the RCMP to process such an application. Since the introduction of the user fee, the cost to the PBC to process a pardon application has risen. As an interim measure, a \$150 user fee was adopted by Parliament and came into effect in 2010. The fee was further increased in March 2012 to \$631, the present fee, based on a full-cost recovery approach that represented the cost of processing a pardon application following the coming into force of the Limiting Pardons for Serious Crimes Act. The \$631 user fee also came with service standards.

In 2016 the board undertook an online consultation on the record suspension user fee and its related service standards. Stakeholders, including former, current and future record suspension applicants, advocacy organizations, indigenous groups and members of the public were invited to participate in that consultation. In 2017 PBC shared the results of this study. Their survey revealed that overall a majority of respondents, 63%, felt the current record suspension application process was long and complicated, hindering their access to the program. They also indicated that the time needed to gather information to support their application was too long and labour-intensive. This included having to deal with various police agencies and courts.

A majority of respondents, 80%, also indicated that the current user fee is high and represents a significant barrier as it imposes a financial burden that many applicants cannot afford. Eligibility periods were also seen as unfair and negatively affecting rehabilitation.

• (1535)

The current operating environment at the Parole Board is challenging due in part to recent litigation in Ontario and British Columbia as a result of court decisions. Changes made to the Criminal Records Act in 2010 and 2012 may no longer be applied retrospectively for applicants living in those provinces. As a result, applications must now be processed according to the legislative requirements in one of three versions of the Criminal Records Act. This means that the PBC must triage and process all applications it receives through three separate CRA schemes. Despite this challenge, the PBC continues to strive to ensure that the records suspension program is as accessible and as straightforward as possible for applicants.

Information on the application process is available on our website, including the official application guide and forms, an online self-assessment tool, a step-by-step video tutorial, a video on how to avoid common mistakes and a number of frequently asked questions. The board has also dedicated a 1-800 line for applicants, a walk-in service and a dedicated email address for applicants.

In 2017-18, the PBC received 14,661 record suspension applications, about 75% of which were accepted for processing. The main reasons for not accepting applications at screening were that the person was found to be ineligible, a lack of payment or the wrong fee was remitted, and/or missing documentation. However, I would point out that service standards for processing were fully met for 99.9% of files.

Finally, I would like to thank the committee again for its invitation today. We look forward to answering your questions and helping inform your studies.

Thank you very much, Mr. Chair.

[Translation]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you, Mr. Churney.

Now we start the first round of questions and comments.

Mr. Picard, you have seven minutes.

**Mr. Michel Picard (Montarville, Lib.):** Thank you, Mr. Chair.

Welcome to the witnesses and my thanks for their comments.

I have a few technical points to clarify.

The current cost is \$631 per application. Normally, that amount covers all the costs associated with the application. Is that correct?

• (1540)

[English]

**Mr. Daryl Churney:** That is correct.

[Translation]

**Mr. Michel Picard:** What is your estimate of the annual budget for all the cases? There are annual costs. How much are we talking about?

[English]

**Mr. Daryl Churney:** I don't have the immediate answer to that. I would certainly be happy to get back to the committee with that budget number.

[Translation]

**Mr. Michel Picard:** You said that, in 2017-2018, the NPB received 14,661 applications and, of that number, 75% were accepted. If the fees were eliminated, how many more applications would you receive?

[English]

**Mr. Daryl Churney:** I'm not sure that I follow your question.

[Translation]

**Mr. Michel Picard:** Of the 14,661 applications, 75% are accepted. Those 14,661 applications were made with a fee of \$631 per application.

If there were no fees for a record suspension application, how many additional applications would you receive, in your opinion? This is about assessing the operating costs and the additional work at the same time.

[English]

**Mr. Daryl Churney:** Thank you for that.

It would certainly be a guess on our part at this point to give you a solid answer with respect to how many people would apply were there no fee. What I can tell you is that, prior to the amendments that were made in 2010 and 2012, the volume of applications for pardons was significantly higher than what we're seeing today. For example, between 2002-03 and 2011-12, the board received, on average, about 25,000 pardon applications per year, of which about 20,000 were accepted for processing. That would be at a time when the fee was \$50. Going to zero, I would think that we would be somewhere in that neighbourhood, if not maybe a little bit more than that.

[Translation]

**Mr. Michel Picard:** When someone applies to have their record suspended, is it just because they have fulfilled their conditions and have waited for the required length of time before making the application, or is it because it is a required or desirable procedure because the person is looking for a job or wants to settle in a particular place?

[English]

**Mr. Daryl Churney:** I think it's both. I would suggest that there certainly could be a number of reasons that individuals apply for record suspensions.

Fundamentally, I think it's fair to say that most people see a record suspension as an opportunity to close a particular chapter in their lives, to move on and to have the validation that they have done what the law has asked of them to do, which was essentially to remain crime free for a period of time.

Certainly, having the benefit of the record suspension does eliminate the stigma of having a criminal record and having to disclose that to potential employers. I think what we see most often in terms of people's applications in terms of their explanation—their rationale—for the record suspension is that it's to pursue employment opportunities. Sometimes it's for educational opportunities or to travel, but largely it's employment-related or for their own personal satisfaction, in order to say that they have moved on in their life.

[Translation]

**Mr. Michel Picard:** It is reasonable to assume that taking steps to have the record suspended is part of someone's desire to re-integrate into society. Is that correct?

[English]

**Mr. Daryl Churney:** Yes.

[Translation]

**Mr. Michel Picard:** That re-integration may be partly professional. Is one of the possible options for the fees to be spread out and paid in instalments, once the person is back in the workforce?

• (1545)

[English]

**Mr. Daryl Churney:** What I can say is that the fee that is in place right now—the \$631—falls under the umbrella of the Service Fees Act and that fee is set by order in council under the authority of the minister. As an administrative tribunal, we are obligated to charge that fee. We do not have discretion to waive that fee or to process it in installments.

I mentioned in my opening statement that in 2016 the board had undertaken an online consultation to solicit feedback on these kinds of questions. Some of the questions posed to individuals, the public and organizations were with respect to the structure of the fee itself and whether it should look like something else.

One such scenario was whether you could construct a scheme whereby there is an initial screening fee, so that the person pays a nominal amount to have their application received and vetted, ensuring that everything is complete and satisfactory. Then, if the board decides that it is such, the person would pay a second install-

ment to finish out the process. That was one such scenario that was contemplated.

Certainly, there are other schemes that could be contemplated, but I would just reiterate that under the scheme we have right now we are obligated to administer the \$631 in full.

**Mr. Michel Picard:** Thank you.

[Translation]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you, Mr. Picard.

Mr. Eglinski, you have seven minutes.

[English]

**Mr. Jim Eglinski (Yellowhead, CPC):** Thank you.

I'm looking at the form you have here, your "Record Suspension Guide", where step one is to get your criminal record from the RCMP in Ottawa and then get your court information using the form on the back and your military conduct and local police records.

I have a question. If a person has his criminal record and it's been identified by fingerprints, as per the policy here, why are you asking her or him to provide a local police record check? You already have the criminal record check. Can you explain why you are asking for the local one?

**Mr. Daryl Churney:** I can. I'll give you my interpretation of that, certainly, and then I'll ask my colleague to join in if I have missed anything.

I think the short answer is really that with respect to the criminal justice system in Canada it is quite decentralized, so there is no central repository for criminal records. Those records may be held by the RCMP in their national repository. They may also be held by provinces and territories or at a local courthouse. There is no guarantee, then, that the RCMP will have all of that information.

The purpose of the local police records check is to do one other step of verification to ensure there is no other conviction on the person's record that we have not been made aware of and that the RCMP may not hold. It's possible that someone may have an additional summary conviction offence that did not show up on the repository that's held by the RCMP. It's a matter of due diligence to find out that there is not some other conviction that we're not aware of.

**Mr. Jim Eglinski:** That surprises me. That answer is actually quite shocking. Spending 35 years as a police officer here, it's the first time I've heard that there are records being held by courthouses in other jurisdictions.

I understood there was one central depository in Canada that had the records. You sent fingerprints there, because fingerprints had to be verified. Now you're telling me that a local community or department can say that you have a criminal record, when they don't even have the authority or the jurisdiction, I understand, in Canada to give you that. That really bothers me.

I want to continue on, following on the theme of Mr. Picard.

I am concerned. The fee you're asking people to pay is a sizeable amount but not unrealistic. As a former mayor of the city of Fort St. John, we charged for a criminal record check. If you wanted to get a criminal record check, you went to the local RCMP detachment. I imagine you did the same in your municipal police force. We charged you to get that record, because there were a lot of them coming in. We needed to recuperate our costs. I imagine that you are trying to do the same with your \$631.

What really starts to irk me is that now you're saying to a local person that he has to get local police record checks within the last five years. If I'm an engineer and I work in construction, I may have lived in seven or eight places in the last five years. In every one of those places, if it happened to be a municipality in Canada, there's going to be a charge for me to get that record, for you to add on to this document. If I don't have that, this document is not going work and I can't put my application in. There's an additional cost. We're probably climbing to the \$1,000 mark.

I'm really surprised at your comments about the local police record checks and why they're needed. I find that very alarming.

Now, is the \$631 to recuperate your costs of doing the process?

• (1550)

**Mr. Daryl Churney:** Yes, it is. The \$631 is based on a full cost recovery program.

When the assessment was done and when the legislative amendments were brought into force in 2012, the \$631 was brought in at the same time. We had done an assessment to determine the cost of administering the entirety of the program. That includes screening, any investigation done by the Parole Board, decision-making done by the Parole Board member, related program support in terms of administrative services, any regional support, information services and technology that the board uses, internal services in terms of off-setting the cost of finance, HR, technology and communications, etc. It includes legal services and all of those components that go into running the full cost of the record suspension program.

The program is entirely funded by that \$631 fee.

**Mr. Jim Eglinski:** Is that an equal fee for everyone?

**Mr. Daryl Churney:** Yes, sir.

**Mr. Jim Eglinski:** If I happen to be a person who was fairly active when I was young and got myself into a little bit of trouble several times, but none of them were indictable, I going to ask you for a pardon. Then my friend over here is a lot better behaved than I am. He did only one thing wrong. I'll give you an example.

On graduation night, my son-in-law decided that he was going to put Loctite in the lockers—a last little prank in high school. He got caught and he got charged. He got a criminal record. I helped him put the application in a couple of years ago.

To me, I would think that your costs should vary. To do a simple one-time offence is much different from doing somebody with a multitude of offences, if they were not indictable. You're going to have to do a lot of extra checking. Why is there such an unlevel playing field?

[*Translation*]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you.

[*English*]

**Mr. Jim Eglinski:** I'm out of time.

At least it's on record.

[*Translation*]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you, Mr. Eglinski.

Mr. Dubé, you have seven minutes.

**Mr. Matthew Dubé (Beloeil—Chambly, NDP):** Thank you, Mr. Chair.

This is an important matter, and it is related to one of the questions that I wanted to ask. Here is my position, my political party's position. With first offences that are non-violent, and even with some minor crimes, there could be an automatic pardon or the record could even be automatically expunged. I am thinking specifically about a current issue, such as possessing a tiny quantity of cannabis for recreational use.

You listed the various factors that make up the cost. What would be the cost of expunging a minor offence, something along the lines of the example that Mr. Eglinski has just provided?

I understand that you cannot take a position on that, but, if there were a cost, would it be higher or lower than the current cost of administering the system?

• (1555)

[*English*]

**Mr. Daryl Churney:** I would defer to my colleague from Public Safety for part of this, because it really goes to the policy intent of the government and the legislative scheme that's in place. All I can really tell you is that the board is obligated to implement the legislative scheme as it exists right now. We do not have discretion to waive the fee or modify it, and it's certainly not that we as an organization are unsympathetic to some of the challenging cases we see. I see those cases. We see the correspondence.

[*Translation*]

**Mr. Matthew Dubé:** I fully understand that the fees you charge are set by the legislation. In the case of the \$631, that legislation goes back to 2010. My question was rather about a new system that would be modified as a result of the committee's recommendations and of studies in the future.

Would we be saving money if a system automatically pardoned someone who may have committed a non-violent crime as their first offence and who would not even have been incarcerated in the first place? Would there be a huge cost to that?

I am not talking about the existing system, but about a hypothetical situation, although I know that it is a slippery slope. I am not sure if you are grasping what I mean by my question.

[*English*]

**Mr. Daryl Churney:** Yes, I do. Fundamentally your question goes to the level of effort on the part of the PBC to process any particular file, and obviously, presumably, some files are more time-consuming and difficult to process. Notionally, there's some alignment here with the service standards. Right now, the service standard for processing a summary conviction offence is six months, whereas for processing an indictable offence it's 12 months. That was really constructed as a reflection of the fact that, generally speaking, indictable offences would take more time to process. They're generally more complicated, and there may be more material to review and that kind of thing.

I certainly appreciate the premise of your question, and hypothetically I would agree with you that conceivably there could be a scheme whereby there would be some kind of sliding scale of cost, depending on the nature of the offence. Fundamentally, though, that's for the government to determine.

[*Translation*]

**Mr. Matthew Dubé:** Do you any data on the typical profile of those who go through all the steps that the system requires to try and obtain a pardon?

[*English*]

**Mr. Daryl Churney:** I would defer to my colleague.

[*Translation*]

**Ms. Brigitte Lavigne (Director, Clemency and Record Suspensions, Parole Board of Canada):** Generally, the people who apply to us have not been incarcerated. It is often a summary conviction, people who have made a mistake along the way or who have a more significant record. They are often people who have been convicted for impaired driving or for drug offences. That is the typical candidate, but they come in all unique shapes and sizes, just like the Canadians with a criminal record. Basically, that's what we see.

**Mr. Matthew Dubé:** Okay.

I am asking these two questions because I am trying to find out if we can make up for the loss of income caused by reducing the cost of a pardon application. I'm looking for a way to subsidize the cost of the system. If a number of those individuals had already been pardoned or had their records expunged, they would no longer have to apply because the application would already have automatically been made in the system. That could make up for the losses caused by the fees going back to \$50 or \$150, for example.

**Ms. Brigitte Lavigne:** I would like to clarify something. When we check the fines associated with the convictions, we do it manually. Even though the national registry or the conviction specifies the type of offence and the corresponding penalty, we have to manually check whether the people in question have paid the fees and the fines specific to the conviction.

**Mr. Matthew Dubé:** Okay. Can that be an automatic requirement at the time inmates are paroled?

• (1600)

**Ms. Brigitte Lavigne:** As I said, the people we see do not come from a penitentiary and so are not on parole

**Mr. Matthew Dubé:** Okay.

**Ms. Brigitte Lavigne:** These are people who have been in conflict with the law and who have been convicted, sometimes fined. The checking is done when we ask them to produce court documents to prove that the fine has been paid in full.

**Mr. Matthew Dubé:** I had one more question for you but I see that I have no time left.

Thank you.

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you, Mr. Dubé.

Ms. Sahota, the floor is yours.

[*English*]

**Ms. Ruby Sahota (Brampton North, Lib.):** I just want to get my first question out of the way, which is about the waiting period before you can apply.

Has that recently been changed? If so, when was the law created to make it five years for a summary offence and 10 years for an indictable offence? Has it always been that way?

**Mr. Daryl Churney:** That's been the case since the Criminal Records Act was last amended, in 2012.

**Ms. Ruby Sahota:** Okay. It was recently changed. What was it changed from?

**Mr. Daryl Churney:** There are three schemes at play here. Prior to June 29, 2010, the scheme was such that a person had to wait three years for a summary conviction offence and five years for an indictable offence. After June 29, 2010, legislation was passed. It was Bill C-23A, which increased the waiting periods to a mixture of three years, five years and 10 years, with a considerable number of criteria depending on the nature of the offence and whether it was a sexual offence or not. I have a one-page summary of these three schemes, and it might be easier just to submit it to you through the committee clerk rather than reading through every permutation.

**Ms. Ruby Sahota:** That would be great. Thank you.

**Mr. Daryl Churney:** The third scheme, which is what we have in place right now, is the five- and 10-year waiting periods that came into effect after March 13, 2012: five years for a summary conviction offence and 10 years for an indictable offence.

**Ms. Ruby Sahota:** Do you know what the policy reasoning for that was?

**Mr. Daryl Churney:** That was a policy decision of the government of the day. I remember it well. I had a hand in drafting those amendments. It reflected the government's desire to reflect the seriousness of offences. There was a determination that the cost of the program should be borne by the record suspension applicant rather than the government, so those changes reflect the government's intent.

**Ms. Ruby Sahota:** The changes to the application costs happened around the same time. Was it all within the same act?

**Mr. Daryl Churney:** Yes, it was all done at the same time.

As the legislative amendments were moving, we were also moving orders in council to adjust the user fee at the same time.

**Ms. Ruby Sahota:** I was wondering if I could hear more about your recent consultations, and if you can also provide information as to whether you've ever thought of other models to recuperate the fee—whether it could be based on income or any other types of means or gradual fee-based models. Have you considered anything other than what we have right now, and what were those different models that were considered?

**Mr. Daryl Churney:** I will defer in just a moment to my colleague from Public Safety because I know that the government and Public Safety Canada had undertaken a public consultation on the Criminal Records Act. The study that I referred to was one that the Parole Board had done in 2016, and I'm happy to provide a copy to the committee, both an executive summary and the full report. I alluded to the gist of it in my opening remarks. I think it's things that all of you would be familiar with. The feedback was generally that the costs of the program are too high, the waiting periods are too long, the application process is generally too difficult for people. When you stack all of that together, some people just decide that's too much of a barrier, so they won't even bother to apply. I think that's generally borne out by the fact that you've seen the fairly precipitous drop in the number of applications that we receive.

A couple of different fee structure models were proposed in that study that we had done. We looked at a model whereby there was one fee for summary conviction offences and another fee for indictable offences. There was mixed feedback on that. Some people did have the view that this would be a better scheme. Other people held the view that any criminal conviction can have its complexities, so just dividing it on summary and indictable might not be a fair division.

The second scenario proposed was looking at, not an application fee but a....

• (1605)

**Ms. Ruby Sahota:** Screening.

**Mr. Daryl Churney:** A screening fee, thank you. Once the screening was completed, the person would pay the balance once they were assured that their application was complete. Then we looked at the fee structure as it is right now. Again, as I say, most people had a fairly negative view of that.

I don't know if Ms. Connidis wants to add anything with respect to the government's consultations on the act.

**Ms. Angela Connidis (Director General, Crime Prevention, Corrections and Criminal Justice Directorate, Department of Public Safety and Emergency Preparedness):** In our consultations, which were held in November and December 2016, we surveyed a range of issues. On the payment issue, it wasn't as detailed as that of the Parole Board of Canada. However, it was very consistent with how onerous people felt the costs were to have the pardon.

**Ms. Ruby Sahota:** The majority of the people are saying it was very onerous on them. Was there any consideration as to what the cost ought to be?

**Ms. Angela Connidis:** No, there were not particulars in that sense.

**Ms. Ruby Sahota:** Do you have any information as to that?

**Mr. Daryl Churney:** No, I don't have that level of detail, but one interesting thing that I'd just point out about the PBC report is that embedded in the report is not just the statistical analysis, but some snippets of actual feedback from record suspension applicants and people's commentary. I do think that's useful because it gives a bit of context and flavour to the commentary, so I think that might be helpful to the committee.

**Ms. Ruby Sahota:** Okay.

[*Translation*]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you, Ms. Sahota.

We now start a round where everyone has five minutes.

Mr. Motz, the floor is yours.

[*English*]

**Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC):** Thank you very much, Mr. Chair. Thank you for being here.

I have a couple of questions. First of all, going to the fee structure, has the PBC made any money? Is there a cash-positive process since this was instituted in September or March of 2012?

**Mr. Daryl Churney:** No. We run on full cost recovery but we don't make a profit on the program.

**Mr. Glen Motz:** Okay. This is as best as you can figure as labour costs go up and everything else goes up. This was the cost recovery as of 2012.

**Mr. Daryl Churney:** That is correct.

**Mr. Glen Motz:** In all actuality, we may not even be covering the costs any longer as of 2018. Is that a fair guess, maybe?

**Mr. Daryl Churney:** I think that's fair. I think it's fair to say the program has become more complicated to administer, partially because of all of the litigation and the fact that we're managing multiple schemes right now. It is more labour-intensive for staff at the board to administer a number of schemes rather than one scheme.

**Mr. Glen Motz:** Is there any capacity inside of the PBC to review which applicants can afford to pay the fee? Let's say government decides to help those who can't pay or to adjust the fee. Would you have to stand up other employees or a separate branch to deal with that? What would that look like?



**Mr. Daryl Churney:** I think certainly if the government wanted to take a look at something like that, then we would certainly be supportive and be able to provide some kind of statistical overview and data that would help inform if the government were looking at gradations of fees. I think we'd be able to support that, but it would really depend on the policy thrust of the government.

**Mr. Glen Motz:** Okay, so do you ever look now? Does it matter who pays the fee? If Jim's applying for a pardon, and he doesn't have any cash to do it, and I pay for him, does it matter to you?

**Mr. Daryl Churney:** No, as long as the fee is paid.

• (1610)

**Mr. Glen Motz:** As long as the fee gets paid, it doesn't matter where the money comes from. It gets looked after.

**Mr. Daryl Churney:** Yes.

**Mr. Glen Motz:** My final question will be about the process. I'd like to have you explain how the process looks. Our next groups who will be testifying in the next hour are Elizabeth Fry, John Howard and the 7th Step Society. Do you have a supporter relationship with them? Do they ever intervene or assist individuals with the PBC process?

**Mr. Daryl Churney:** Yes, indeed, we do have a good relationship with those organizations. We do talk to them regularly about all kinds of business, including the record suspension program. Certainly, those organizations—John Howard, 7th Step, Elizabeth Fry Society—do often act as advocates for applicants, so they will often actually help the applicants fill out their applications and liaise with the Parole Board staff. They're very helpful.

**Mr. Glen Motz:** I have two and a half minutes left.

You had mentioned previously that there's a bit of a different strain between summary and indictable currently. Could you just, in two minutes or less, explain for us the process that you go through that takes six months for summary, and up to 12 months for indictable, and what you actually do, from application to granting?

**Mr. Daryl Churney:** I'll invite my colleague, the program expert, to do that.

**Ms. Brigitte Lavigne:** Thank you.

When we receive an application and we've determined that it is complete and eligible, we commence our investigation. In the case of summary convictions, the files are often less complex in nature. We do conduct, obviously, an investigation of conduct because it goes before a board member for a determination. In the case of indictable, there are more criteria in law under the Criminal Records Act, which we need to also ascertain. The board needs to be satisfied that's met. The investigations are more complex in nature and that's why they take longer, so we move those at a slower pace. We all consult—

**Mr. Glen Motz:** Sorry to interrupt, but do you actually then review the actual file?

**Ms. Brigitte Lavigne:** We do. We receive the criminal record and we receive the adjoining documentation that's required as part of the application. We may cause inquiries with criminal justice partners. We may need to reach back out to the applicant or their representative to gather more information. We prepare a summary and it goes to our board member, who will then make a determina-

tion. From that point on, the applicant is then notified if their record suspension is going to be ordered, or if there is a proposal to not order, we would go back and give them an opportunity to make representations to conduct a review of the concerns raised by the board, and then a final decision is made.

**Mr. Glen Motz:** Thank you.

[*Translation*]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you, Mr. Motz.

Ms. Damoff, you have five minutes.

**Ms. Pam Damoff (Oakville North—Burlington, Lib.):** Thank you, Mr. Chair.

[*English*]

When we talk about the cost of the application, it's supposed to be revenue neutral, or it was in 2012, so \$631. If the costs were reduced the government would lose money, except for the fact that if that person were working and paying taxes, you could be recovering it. You could have lower revenue within one department, but in fact through income taxes that were generated because someone is in gainful employment, the government could actually end up in a net-positive situation. Is that right?

**Ms. Angela Connidis:** I'll take that just because we had done some research on it. I can't remember the exact year, but approximately for every dollar spent on a pardon, just over \$2 is saved for the reasons you mentioned.

**Ms. Pam Damoff:** That's pretty significant, then. If we're looking at the barriers to people applying because of the fee, in fact, it would be beneficial to the government, not even looking at the social impacts but from a revenue standpoint.

The other question I have for you is one that came up from my colleague across the way, Mr. Eglinski, when we had Mr. Long here. The question was around why we don't just get rid of them all after five years. Why do we have to go through the process? I'm wondering if you could explain to us if that is even possible. Is there a difference between federal and provincial? Why is it so difficult in the application process? Even if there was a fee involved...what's involved? What are we missing here?

• (1615)

**Ms. Brigitte Lavigne:** I think there are a number of facets. Certainly what is in the national repository, we have that information at the federal government. In terms of summary convictions, there's no mandate to print individuals for those convictions, and those are scattered all around municipalities, territories and provinces. As we noted earlier, there is really no way to know where those are. As well, currently the statute is not written in order for any of those to be spent or erased after any given time.

Certainly, under the current CRA, we are required to receive those criminal records, those convictions, and then review and ensure the satisfaction of the sentence. Again, from our manual review, we're able to ascertain payment of convictions that are associated to different fines.

Does that address your question?

**Ms. Pam Damoff:** Yes, and if I can go back again to one of Jim's questions about having to get the record locally, if you have no way of checking, how do you even know that someone has provided you with everything they're supposed to provide?

**Ms. Brigitte Lavigne:** We receive this at the time of application, and again, under the current CRA, we cause inquiries as part of our investigation. We get this at the front end, but then we continue to verify it through contacts with different criminal justice partners, their databases and other sources of information we can gather.

Certainly, the way the CRA is written, there are processes that allow for cessation of application in cases where there was information that perhaps might not have been ascertained at the time of a record suspension or a pardon having been awarded.

**Ms. Pam Damoff:** The disconnect is, though, why is somebody having to go in and pay \$25 to the local police force to get their criminal record check if you're checking anyway? It's not only the \$631. It's also whatever they might have to pay locally.

I understand you're saying it's how it's written, but is there a way to streamline the process? Can you comment on that?

**Ms. Brigitte Lavigne:** In our experience, criminal justice partners are more likely to provide the information directly to the applicant. As was noted earlier, there is a small fee attached, or a fee—I shouldn't qualify the nature of fee—attached, and therefore, they're not likely to give it to us when we cause inquiries.

I think that would lend itself to perhaps some broader discussions at FTP tables in order to delve more into that.

**Ms. Pam Damoff:** I think that's my time anyway, so thank you.

[Translation]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you, Ms. Damoff.

Mr. Motz, you have five minutes.

[English]

**Mr. Glen Motz:** Thank you, Chair.

I want to go back to pursue the whole process. You indicated that you review files, and depending on the file and whether it's summary or indictable, the seriousness of that file, you receive a copy of it. You basically read the investigation. You determine the seriousness of the file based on what the report says.

My question, though, relates to records retention policies. In all jurisdictions in this country, we have such policies, and if someone's applying for a pardon five and 10 years out, in a lot of those cases, especially in summary conviction offences, those records are gone from that individual organization. They're gone.

In that case, how do you make your determination and adjudicate those particular applications?

**Ms. Brigitte Lavigne:** As you mentioned, we receive a hard copy, and in cases where there would be no proof of conviction, we wouldn't have any legislative authority to try to order a records suspension. There would be nothing left to put separate and apart.

**Mr. Glen Motz:** No, I'm not saying that. What I'm saying is that there is still a record on CPIC, but the jurisdiction where they were convicted, that law enforcement agency, for example, if you're asking for the file for review, may no longer have that file. In that circumstance, how do you navigate that?

**Ms. Brigitte Lavigne:** I understand. In cases where the retention period has lapsed and, therefore, that court document or the police report is no longer available—

**Mr. Glen Motz:** Right.

**Ms. Brigitte Lavigne:** —we would have to put that information before the board. Again, those convictions are historical in nature. When the board is looking at elements like conduct or other criteria of law, we're looking at current information as well, moving forward past the date of the conviction and the wait period.

• (1620)

**Mr. Glen Motz:** All three of you, obviously, would have an understanding of how the PBC and the whole application process works. Obviously, you have read the motion before the committee.

In your opinion, how can we accomplish what has been asked? Not the details, but really what you're saying is that some people can't afford record suspensions and it might impact their ability to move on in life and put this behind them and be able to rejoin society and contribute as they would need to. This is preventing that in some cases. They can't get a good job.

How would we navigate that? You're providing information to us now, saying in an ideal world here's what you would suggest we look at to remedy the issue that has been presented in this motion. Is there anything in both your experiences that would say here's something that would work that we should maybe consider?

**Mr. Daryl Churney:** Certainly I think one of the big issues again comes back to the cost borne by the applicant. That seems to be one of the largest impediments for achieving a record suspension. Certainly further to your study the government may wish to take a look at some kind of a subsidization arrangement again. Perhaps the record suspension program isn't a full cost recovery program, but that's obviously under the purview of the government to consider, subject to your advice.

I would suggest to the committee that cost and the time frames are major issues, in that people find waiting for five and 10 years to be an exceptionally long period of time for them to be able to move on. It is quite difficult because we see examples of people who are on the verge of some kind of employment opportunity, but they have another year to go, and they are asking for some kind of discretion or leniency from the board.

**Mr. Glen Motz:** In the seconds I have left, are you suggesting that maybe we should have a different scaling system, rather than a five- and 10-year scheme depending on the offence, but a scale within summary and a scale with indictable?

[*Translation*]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Please be brief.

[*English*]

**Mr. Daryl Churney:** It's not really my place as a member of a tribunal to provide advice, but I would suggest that certainly could be contemplated.

[*Translation*]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you.

Ms. Dabrusin, you have five minutes.

[*English*]

**Ms. Julie Dabrusin (Toronto—Danforth, Lib.):** I had a couple of questions. The first would be for Public Safety just because we've talked a lot about how this is a full recovery system on service fees.

Within the different types of programs we have, do we have any others that are full recovery?

**Ms. Angela Connidis:** We don't have very many programs like the Parole Board where we are doing that. This is the only full cost recovery one within Public Safety's realm that I'm aware of.

**Ms. Julie Dabrusin:** I was just asking for Public Safety. I figured you couldn't comment on the rest of the system.

Mr. Churney, you commented you had done a study in 2017. One of the things people talked about was that the system as a whole was too onerous.

Had any studies or recommendations been prepared by the Parole Board as to how the system could be simplified for people who are applying?

**Mr. Daryl Churney:** No, not quite as such. We had done this study and that study was part of the government's broader review of the criminal justice system in which the government was looking at all the forums that took place over the last 10 years before the government came to power. That information has been provided to the government.

It was really more fact finding than attaching any particular recommendations to it. We simply provided what we'd heard from respondents who chose to participate.

**Ms. Julie Dabrusin:** Have there been any internal discussions as you're looking at it? People are saying this system is onerous and it's too complicated. Have there been any discussions as to this is one way we could simplify it?

I know you can't talk to us about the policy. That's why I'm trying to get to, if you're looking at the system, has anyone made a recommendation that you could streamline this piece, and it would make it a lot easier for applicants?

• (1625)

**Mr. Daryl Churney:** I can't really speak to the internal policy conversation of the government but I can say, from the board's perspective, that we are continually trying to look at what we can do within the jurisdiction and parameters that we exist with to make things easier for the applicant. There are a number of resources available online for the applicant, and we try to make sure those are up to date and current.

We are also taking a look to see whether we can explore something like an online application process for individuals. Everything is manual. That's, I would suggest, antiquated in some ways. We are in the 21st century. A lot of people do use computers and do run their lives on computers, so would there be a way for us to make the application process accessible online? We're starting to look at that. All of our IT services are provided by Correctional Service Canada, and therefore, anything we want to do we have to negotiate with CSC and determine the cost impact for that, and then find a source of funds to do that. That's one thing we're taking a look at.

We're also taking a look at internal mechanisms, such as the database the Parole Board uses, to manage the infrastructure of the program. Again, it's quite antiquated. It probably should be updated to something that's a little bit more current and expedient. Again, that's something we're looking at internally to see if that can help contribute to the process.

**Ms. Julie Dabrusin:** I don't have much more time.

You referred to litigation in B.C. and Ontario, so you're now operating three different schemes.

**Mr. Daryl Churney:** Yes.

**Ms. Julie Dabrusin:** Is any one of them easier or cheaper for you to run—the B.C. plan, the Ontario plan or the other plan?

**Ms. Brigitte Lavigne:** They're all the same cost because they're all subject to the same service fee. In terms of—

**Ms. Julie Dabrusin:** I know they're the same cost to the applicant. What I meant was internally, if you went with your B.C. system, is it easier for you or cheaper for you to run than...?

**Ms. Brigitte Lavigne:** They have different criteria that we need to meet, so we are assessing different criteria depending on the scheme.

**Ms. Angela Connidis:** One of the differences was that prior to 2010, not all applications had to go before a board member. They could be dealt with administratively. When some of those applications now fall into that scheme, there may be some things that have to be done now that don't have to be done for those files.

**Ms. Julie Dabrusin:** Okay.

**Mr. Daryl Churney:** Yes, but I couldn't go so far as to say it only costs us  $x$  number of dollars to run this subcomponent of the program related to amendments before 2010.

**Ms. Julie Dabrusin:** Are there different discretions built into how it operates?

**Mr. Daryl Churney:** Yes.

[*Translation*]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you, Ms. Dabrusin.

We have two minutes left. Does anyone want to ask a question?

Go ahead, Mr. Spengemann.

**Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.):** That's good of you. Thank you, Mr. Chair.

[*English*]

It's a question slightly out of the box, and it came up in the context of a study we're doing on the Standing Committee on National Defence, Bill C-77, and it involves service offences. Are you in a position to describe to the committee how offences committed by a member of the armed forces within the military code of conduct may or may not make their way into the criminal records in the civilian world, and what kind of suspension question, if any, would arise in that context?

**Ms. Brigitte Lavigne:** Certainly within the current process we do, albeit not many, we have applicants who are former or current force members. They received a criminal conviction as per the Criminal Code, and then we would review their military conduct sheet, in terms of the conduct, as well as any other form of conduct that would be non-law abiding, as part of our review, and their application would go before a board member for determination.

**Mr. Sven Spengemann:** Is it fair to say there's a possibility that an offence committed within the armed forces that is not, strictly speaking, criminal in nature may be seen as a criminal offence through a civilian criminal record check, which may attach the stigma of its being a criminal offence without having that status within the armed forces?

**Ms. Brigitte Lavigne:** I don't think I can speak to that.

[*Translation*]

**Mr. Sven Spengemann:** Thank you.

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you very much.

Ladies, Mr. Churney, thank you for being here and for your answers. We appreciated them a great deal.

We will suspend the meeting to give our other witnesses some time to take their places.

Thank you.

- \_\_\_\_\_ (Pause) \_\_\_\_\_
- \_\_\_\_\_

**The Vice-Chair (Mr. Pierre Paul-Hus):** Ladies and gentlemen, we now resume the session on motion M-161. It deals with the record suspension program and was introduced by our colleague Wayne Long.

In the second hour of the meeting, we will be hearing from representatives of the Canadian Association of Elizabeth Fry Societies,

the John Howard Society of Canada, and the 7th Step Society of Canada.

I welcome you all to the committee. You have seven minutes for your presentations. Let us start with Ms. Lafond.

**Ms. Louise Lafond (Registered Nurse, Canadian Association of Elizabeth Fry Societies):** Thank you, Mr. Chair.

[*English*]

Good afternoon.

[*Translation*]

Thank you for welcoming me here today, particularly on this National Day of Remembrance and Action on Violence against Women.

[*English*]

First, I would like to acknowledge our presence on the unceded territory of the Algonquin Anishinabe nation.

I wish to thank Kassandra Churcher, Executive Director of the Canadian Association of Elizabeth Fry Societies, and Sarah Davis, Executive Director of the Elizabeth Fry Society of Ottawa, for asking me to appear on behalf of Ms. Churcher who is unfortunately unable to attend today.

I find myself in a liminal space, as I am not a member of the Elizabeth Fry Society, but before I became a nurse, I worked for the Parole Board of Canada as a record suspension officer from October 2012 until August 2016. I screened thousands of applications and investigated half as many summary level cases as, in general, the expectation was to screen 10 files per day and open five investigations.

From my experience as a record suspension officer, and as a nurse in a supervised consumption site, working with some of the most marginalized people in our society, I am well aware of the benefits of and barriers to record suspension. As was shared with you previously, 95% of the approximately 500,000 pardons and record suspensions that have been granted or ordered since 1970 are still in effect. Of course, I cannot break the confidentiality of my clients, past and present. However, I can speak generally of the experiences of clients who have applied or who are unable to apply for record suspensions.

To address the subject, I will ask that you do a thought experiment with me.

Recall a moment in your life when you made a social gaffe, something innocent but something you now regret. Let's call this X. If you have a spare bit of paper, feel free to make a big X on it. This X is your criminal record. In the now of social media, this gaffe will follow you wherever you go and be the first thing that comes up when anybody searches your name on the Internet. This is what my clients have faced whenever they have sought, for example, employment in the mainstream economy, to volunteer at their child's school, to gain admission to teacher's college or to travel to the United States. If they are able to apply for a record suspension, it's like being able to turn that page over. The X is still there, but they are able to pursue paths that were closed to them.

The palpable relief that I was so seldom able to hear from my clients when they received their record suspension was gratifying. I would often speak to my clients when they were seeking advice on their applications or when they were in the process of applying. The amount of distress that they were in was sometimes overwhelming. They were revisiting that X and all the circumstances that surrounded it, trying to navigate the justice system in the opposite direction, and trying to discern all of the very formal and legal language. They knew that they were going to be re-evaluated in the light of that X once again, and they wanted to get it right the first time.

Without going into specifics, I recall a client who was able to reach me who was waiting to have their file reviewed by a board member. There was quite a backlog at the time, and normally no exceptions were made. However, they told me that they had been accepted into a one-year professional program at a university on a full scholarship and that if they did not receive a record suspension that day, although they had applied with a lot of lead time—approximately six months in advance—their acceptance would be rescinded. I was able speak with a board member and I explained the circumstances. The board member agreed to look at the file and ordered a record suspension that day. Because this person received a record suspension, this person was able to go school and avoid losing the scholarship and having to go for four years.

Many of the people I work with now, especially women, would like to apply for a record suspension. However, because their income is so low and they live in precarious housing, even if they are eligible, they cannot even scratch together the approximately \$85 to get fingerprinted and to request a copy of their criminal record. Indeed, the city of Ottawa is a place of privilege in comparison to others as these services are available in close proximity.

• (1640)

I would not want to be a single parent living in a rural area and attempting to apply, as the barriers to reach such necessary services as fingerprinting, courthouses, police and postal services would be prohibitively expensive and time consuming.

In my practice as a nurse, because of my background as a record suspension officer, I have been offering record suspension consultations to my clients. The most common barrier that I have encountered is that many of my clients have outstanding fines. They are shocked and saddened to realize that because they owe money, the five- or 10-year clock has not even started to tick for them.

On the other hand, when my clients have tried to research the process of applying for a record suspension, they've encountered unscrupulous agencies offering services that practically guarantee a record suspension at the end, only to be told that they must pay very high fees to even start the process. So there they remain at the margin, unable to pay their fines as they are on social assistance, unable to find a reasonably well-paying job to escape their precarious housing because of their criminal record, and unable to find a way to have a chance to apply for a record suspension.

I would like to thank the committee for its time today. I have provided copies of the record suspension application guide as a reference for your discernment. Should you have any questions, I would welcome them in English or in French.

[*Translation*]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you, Ms. Lafond.

Ms. Latimer, you have seven minutes.

[*English*]

**Ms. Catherine Latimer (Executive Director, John Howard Society of Canada):** Thank you very much.

It's a pleasure to be here. This is a subject that's very important to the John Howard Society of Canada.

We believe that, under the Criminal Records Act, the current regime for relieving the prejudicial effects of a criminal record is fraught with problems. In fact, we received a grant from the Canadian Bar Association's law for the future fund some time ago to conduct a study of the criminal record system, which really hinders the post-sentencing reintegration of so many with whom we work.

The John Howard Society is a charity committed to just, effective and humane responses to the causes and consequences of crime, which has local offices in all provinces and serves more than 60 communities.

In the interest of time, I'll focus my introductory remarks here on how to improve the system and refer you to the study that we did, which I'm happy to send to your offices via email, if you're interested, so that I can just focus on these issues.

It is our belief that legislative reform of the Criminal Records Act is needed. The Minister of Public Safety, Ralph Goodale indicated in January 2016 that the government was prepared to amend the Criminal Records Act, but no amendments have been proposed to date.

We think that the focus of a new act should be to promote public safety by supporting the successful reintegration of those who have completed their criminal sentences and to achieve fairness and efficiency in the process. The object is not to forgive a person's past criminal wrong, but to recognize that the debt to society has been discharged by the completion of the sentence imposed by the courts and to allow the person to be restored to the community, as a contributing member without the continuing penalization of the past wrong. People should no longer be unprotected from discrimination in housing, employment, education and other areas of civil society because of a spent criminal record. This should be achieved through a fair and efficient process.

Some of the weaknesses that we have identified with the existing system include discriminatory application and results. As you have already heard, the \$631 service fee is unaffordable for many and is a true barrier to many who deserve closure of their criminal record. The ineligibility is hard to understand, which denies the possibility of rehabilitation, due to certain types of offences and this is really not supported by the evidence.

For all of us at the John Howard Society, I think that when we see someone who had a serious criminal past change their life and lead a crime-free present and transition into a crime-free future, we say, “Hallelujah. This should really be rewarded.” Our concern—and this came up in the discussion—is that it should be for indictable offences, as well as summary offences, because those are the ones you really want to see change their lives around.

We think that the extended crime-free period is punitive and that, back in 2012, the rationale for doing that didn't seem to be based on any clear evidence, so there is no logical basis for the extension of those crime-free periods.

We consider illiteracy or cognitive impairments to be a real problem. The current process is complicated and requires significant literacy skills to wend your way through that process. People with marginalized and disordered lives are disadvantaged in a process that requires individuals to retain a lot of information about their past, so it's come up that those who move around have to go back to various communities. This is really difficult for people with unstable backgrounds, in terms of housing, addiction or periods of incarceration.

The one that I find truly concerning is that, once you receive a record suspension or a pardon, you're protected from discrimination in areas of the federally regulated sector, under the Canadian Human Rights Act and under provincial human rights acts. What you're having though is equally entitled people, who should get these types of human rights protections but who are not getting them, because they don't have the monetary resources to pay the fee. Therefore, you're denying people access to human rights based on wealth, which I think is a real fundamental concern.

As has been indicated by some of the previous speakers, the process itself is riddled with inefficiencies and unfairness, so it's a very complicated application process. This leaves people vulnerable to private interests that often profit from assisting people with applications, which has been mentioned.

• (1645)

As part of the current process, there are also peculiar things that you have to establish, like the measurable benefit of the record suspension. It relieves people from facing discrimination. Why you would have to prove that this is a measurable benefit to an individual is somewhat axiomatic and takes up a lot of time as part of the process. I think it's sort of clear on its face.

There is also a very onerous investigation process and often arbitrary criteria that the Parole Board is required to use. Whether someone has been of good behaviour—not whether they've incurred additional criminal penalties—is really subject to some varying judgments on what constitutes good behaviour. If we don't like the way they're recycling, does that constitute bad behaviour? If they're getting a lot of parking tickets, does that constitute bad behaviour that would deny them the benefits of a record suspension? Also, pulling the administration of justice into disrepute is also somewhat of a vague criterion. When someone has completed a crime-free period after committing the crime, why would closing their sentence pull them into disrepute?

There are also long backlogs with the current process that need to be addressed.

I only have one minute. The solution that we're looking at is an automatic closing of records once the sentence has been completed and the crime-free period has been met. This works now in Canada in the youth criminal record system. It avoids the costs, unfairness and arbitrary decisions of the adult record system. This would require removing the Parole Board as the decision-maker on these and involving the RCMP, which is the manager of the CPIC system. They would know whether there had been problems with the crime-free period in that intervening time. Their portion of that \$631 administration fee is less than \$50, so it would really cut down on your expenses.

We also need to define what's a criminal record. Police will want to share access to other types of investigatory records, but you really want this to apply to the conviction records and to be protecting people from that. You need some clear definitions of what you're talking about in criminal records. What we prefer in terms of nomenclature is “open” or “closed” records with possibility of re-opening criminal records if there's subsequent criminal activity.

• (1650)

[*Translation*]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you, Ms. Latimer.

Mr. Small, you have seven minutes.

Do you have any opening remarks?

[*English*]

**Mr. Rodney Small (Core Group Member, 7th Step Society of Canada):** I have no speaking notes. I'm a little different from my friends here, Louise and Catherine.

First and foremost, thank you for having me. I speak from my heart and I speak to my experience. It's very funny, I do have some subtle notes, but a lot of mine are going to come from the heart. The subtle notes that I do have are some straightforward questions that I'd like to pose to the audience here. It's funny because both my friends here definitely went down the road to answer some of the questions that I had been looking to explore.

**The Vice-Chair (Mr. Pierre Paul-Hus):** I will just let you know that we ask the questions.

**Some hon. members:** Oh, oh!

**The Vice-Chair (Mr. Pierre Paul-Hus):** You're here to answer our questions, if you can.

**Mr. Rodney Small:** Just so you know, this is definitely new to me and you can probably tell I'm a bit nervous. Coming from where I'm coming from, and being in a room of this magnitude, set up in this form, is definitely intimidating, to say the least. It's my first time, and you're going to have to bear with me. It will take a minute to get rid of the nerves, but I'm sure that in due time everything will roll pretty smoothly, as I'm protected by the higher power, no question about it.

The first thing I wanted to speak about is the accessibility of the application process. Speaking from my experience, being from a low-income, marginalized community, I can say that the application is definitely not, generally speaking, accessible.

Now I had the gracious opportunity to go on to university. Many young people in my community just don't get that opportunity. In fact, most of us end up either in jail or, sad enough to say, dead. I'm here today to represent my membership, the 7th Step Society. Most of our core group members are ex-offenders, so I'm more than humbled to be here to speak not only on my behalf, because I have my criminal record suspension now, but for my fellow group members who, sad enough for them, don't have that.

Funnily enough, when I got the criminal record suspension, I didn't feel any different. In fact, it brought up old memories and it made me feel like a criminal again. It almost made me feel like asking, why did I go through such an arduous process?

I brought the application along. I remember when I first decided.... I waited extra long. I knew the time period was five years, and then 10 years for indictable offences, so I actually waited 15 years because I was too intimidated to even approach the process. I just didn't know how to go about it, and I definitely knew that I couldn't afford it, no question about it. The \$631 was a deterrent, not even a thought, and I had to wait till I had actually saved up the money and had some support from friends who were willing to help me out during the time that I was getting ready to graduate from university and apply to law school. It was very important, obviously, that I had all my ducks in a row, so that I wouldn't meet some of the same issues that we heard here.

For me, the \$631 is the obvious deterrent, because that's the application process fee, but what we didn't hear today are those other fees that are attached to this application. When I go through and look at the 10 steps.... I was very diligent in taking my time and going through each one, because I just didn't have the means to hire a lawyer. For me, getting the criminal record check, that cost money. Getting all the information that is actually required throughout this process costs money, and it adds up. When you don't have that money to spend, these things become deterrents for you.

Now, that's only one thing. The next issue is that you have a lengthy time period to wait just to get some of these documents to put the application together. I remember when I started my application. I started it because, just like I said, I wanted to be prepared to apply to law school. It took literally almost two years to put this application together. I remember when I first got it together. It's a pretty big document, and I remember just holding it. I was so happy with myself, because I had actually accomplished, you know, going through 10 steps of very scrutinizing....

I don't even know how to describe it, revisiting my past in a way that just brought up some old nightmares, to say the least. I'd changed my life for so long that it just brought up some old memories that I really didn't want to be thinking about.

I remember when I finally reached that 10th step. It's the checklist, and you actually have to go through the checklist. It's a part of your application; you have to put it in there. I was just so happy to put that stamp on there and put it in the mail. I was just extremely

happy. Then I just remember waiting and waiting and waiting for so long that I actually forgot I had applied for a criminal record suspension, until one day I get home and I get this letter. I'm not going to read the whole letter. It would just take up too much of my seven minutes.

● (1655)

I will read the very bottom part of it for you. It says, "Accordingly, the Parole Board proposes to refuse your request for a record suspension. Please note that this is not the Board's final decision in regard to your application. You and/or someone on your behalf are entitled to make any written representations that you feel are relevant to this matter for the Board's consideration before a final decision.

I was broken. I was devastated. I was stressed out. It literally just took me right out of my current livelihood and brought me back 15 to 20 years. I didn't even know how to respond. I remember that when I first got it, right away, tears came to my eyes. I worked so hard—so hard—to prove that I was a law-abiding citizen. I worked so hard to pull my life together. I gave back so much time to my community, because that's all I knew growing up in my community. In fact, where I come from, we say that giving back is not a requirement. It's an expectation. That's what we do in order to support one another to come out of that marginalized situation.

[Translation]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you.

I have to stop you now if we want to let the members ask you questions.

We have about 30 minutes left for the question and answer period.

Mr. Picard, you have seven minutes.

**Mr. Michel Picard:** Thank you.

[English]

Thank you, everyone.

First of all, Mr. Small, you have no reason to be intimidated. You did perfectly. We are the ones who should be intimidated by your courage and your persistence.

How do you evaluate the time it took for you to get a final answer that prevented you from having access to anything you wanted to achieve?

**Mr. Rodney Small:** For me, I don't think the criminal record held me back in wanting to be the person I wanted to be, but I didn't get the opportunity to apply to law school when I wanted to apply. I just didn't want to put myself in a position where I was highlighting my past in a manner that would affect my future.

I had to literally sit back and make sure first and foremost that when I did respond, I knew how to respond, because after going through the 10 steps, I thought it was just clear-cut. I couldn't wait to get my criminal record suspension because, to me, I earned it. I earned it. It was something that I deserved. I was waiting for a favourable response. It set me back a good four years of my life—no question.

• (1700)

**Mr. Michel Picard:** Ms. Lafond, you're fairly passionate about your work and the clients you've served and represented. What is the rate of success for those who got their suspensions and for those who failed?

**Ms. Louise Lafond:** Of the ones who I investigated at the summary level, I would say that it's a good 90% or 95%. When people had the opportunity, like Mr. Small did, to make representation to the board, I would encourage them to make a privacy dump of their file so they could actually see what the police were saying about them and they could respond. That is something that is not automatically offered to clients. I would say, "You should ask for a privacy release." Yes, most of my clients did succeed.

**Mr. Michel Picard:** I'll twist my question a little bit. Of those who got their suspension, how many lost it afterward because of their behaviour, actions or whatever?

**Ms. Louise Lafond:** It's very, very few. I could count on maybe two hands the number of applications that I received where I checked CPIC and found a further conviction.

**Mr. Michel Picard:** There's no such thing in life as a free ride. The money that is expected from someone to pay for a transaction or someone's work in a process somewhere is a reality of our lives. Don't you think that the suspension is not a moral thing? It's a social process for a person to be able to reintegrate into society and to be active.

Shouldn't that be covered by part of our daily life, where if you want something you have to pay for it, and therefore, you find ways to somehow be responsible for—

**Ms. Louise Lafond:** They did pay for it.

**Mr. Michel Picard:** —the cost of the process?

[Translation]

**Ms. Louise Lafond:** I am sorry.

[English]

They did pay for it. They have done their sentence. They have completed all of their probation. They have done their time. They have gone to their mandatory courses to get their licences back. They have paid the fines. They have done all the steps that the justice system has asked them to do for their sentence.

**Mr. Michel Picard:** I'm not making judgment calls.

**Ms. Louise Lafond:** No.

**Mr. Michel Picard:** It's a cold question to check a version of your understanding and my understanding of why it's done.

Ms. Latimer, you say often that we have a flawed system and that the act is full of flaws, but we hear mainly that it's complicated. Is this the only thing that is flawed?

**Ms. Catherine Latimer:** I think there are a lot of things that are flawed. I think the fee structure is too high, which isn't connected directly with the act. I think the subjective and vague criteria that the Parole Board is being asked to apply raises some real concerns about the consistency of the decision-making and the validity of the evidentiary base they are using to make their determinations. I think you could have a much simpler process that would be just as effective, much less costly and much more streamlined if you really eliminated all of that investigative stuff.

All you really want to know is whether the person has continued to be crime free from when they completed their sentence to the time they reached their period of eligibility, and a simple CPIC check should give you that.

**Ms. Pam Damoff:** I'm sorry. I had to step out, and I missed your testimony.

Mr. Small, I appreciate your being here to share a personal story with us.

We heard in the previous panel that for every dollar it costs the Parole Board, it generates two dollars in revenue for the government. That revenue would be because now someone can get a job, pay taxes and contribute to government revenues. In your experience with the people with whom you have worked, and for yourself personally, do you find that people are finding work after they get their parole and that they are able to maintain employment?

**Ms. Catherine Latimer:** Are you asking me?

**Ms. Pam Damoff:** I'm asking all three of you.

Mr. Small, what was your experience before and after?

**Mr. Rodney Small:** What's so funny is that the organization I currently work for...

I'm here representing the 7th Step Society, as I'm an adamant volunteer in my community, and it's very important to me to support those who have been in the same position I have to reintegrate into society and to get to a place where they are very comfortable and happy with their lives.

I'm currently working for an organization called Common Good Solutions. We focus on social enterprise. You talked about the 2:1, and that's the lingo that we use, so you really made me feel comfortable. There's no question about it.

We're currently working on a project for Corrections Canada. That project is working towards an employment symposium, trying to figure out socially innovative ways to support that reintegration process, because at the end of the day, most of those people are having hard times finding jobs. Unless they know somebody, they are just not finding employment that is sustainable.

For the government jobs that can really hold us down, the ones that are sustainable and come with benefits, the first thing they ask you is, "Do you have a criminal record?" A lot of the major employers ask that very same question, and hence it creates a barrier.



• (1705)

[*Translation*]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you, Ms. Damoff.

Mr. Eglinski, you have seven minutes.

[*English*]

**Mr. Jim Eglinski:** I would like to thank all three of you for coming out today.

Rodney, that was very compelling. I'm very sad to hear how long it took you to go through the process. That's totally and completely unacceptable in my mind.

I stated earlier that I was a police officer for many years. Often people would come and say, "Jim, how am I going to get rid of my record?" I'd say, "Just go to the line. It's a very simple process. Just go through it." I never would have believed that this is what we intended it to be. I think all three of you have said that it is very complicated to go through.

I'm going to start with Louise. You did this for a living before you moved on.

**Ms. Louise Lafond:** I did.

**Mr. Jim Eglinski:** Many people who apply for pardons are just one-time offenders. Maybe you can throw the numbers back out.

As I've often said—thank you, Pam, for bringing it up—and as you have said, Catherine, if you haven't done anything for five years and it was a minor offence, it should be gone—CPIC, zip. We don't need to have a bunch of government employees running around for four years trying to clear a record.

I would like your comment on that.

**Ms. Louise Lafond:** Yes. Now that I'm unfettered by no longer being an employee of the government.... I had so many shortcuts, especially for DUIs or simple possession charges. You make what has been deemed a youthful mistake. You do it once, and it's done. Those were the simplest to process, because the person hadn't done anything in years, and there isn't usually—I won't say never—anything in the other databases or on the local police records checks.

Those were the ones that were very quick and...I hate to say "dirty", but it was very quick processing on our behalf.

**Mr. Jim Eglinski:** Louise, do you find that a lot of people get frustrated, especially if they have a working career, and maybe they're trying to build themselves up like you did, Rodney, and they have this process? A lot of them just don't have time to get all those little things done. They'll walk away and say, "To hell with it, I haven't got time right now, because it's too...."

**Ms. Louise Lafond:** It's too onerous, especially if you're in a profession, for example, nursing. To get my nursing licence, I had to submit a criminal records check. Before I got my job, I had to submit a criminal records check. Each time it was \$55. Then, if I wanted to move jobs, and I became criminalized and I did not report it to the college, I'm stuck in my job until I can get the record suspension.

There are a lot of people who can't move, because, if they do move or if they change jobs, they will again be asked for a criminal records check and they will fail. Yes, it happens.

**Mr. Jim Eglinski:** This will be a question to both Louise and Catherine.

You both work in organizations that deal with not-the-average society of people, people who sometimes have problems. In their younger days, they may have committed a lot more than one offence, but they have changed and they have become strong people in the community. They're raising families, maybe, and stuff like that.

Again, I want to go back in your experiences. Do you find many of them reoffending? They've been away from it for 10 years, out of the element, away from the street gang. They're now businessmen and they're working in a career. Do you find many of them go back to offend? Can you give a percentage?

• (1710)

**Ms. Catherine Latimer:** Certainly the length of time away from the crime means that their likelihood of reoffending really declines. The first 60 days or 90 days after they complete their time in custody...but the people who are eligible for this are the ones who have put their lives back in order. If you've been clean for five years, chances are that you're on the right path. You have some stability. You have a really serious commitment to living crime-free lives, and these are the people who need to be rewarded and encouraged, not to be, as Rodney so eloquently put it, almost re-traumatized by going through this process. It's not a good process.

**Ms. Louise Lafond:** Most of my clients now are still criminal, because they are injection drug users. They are dealing, they are using and they're in possession, and many of them have outstanding warrants. When they're able to put their lives together, some of them will be eligible and will do amazing work in the community, as Rodney said, and I admire them very much, because it takes a lot to be strong within a community that you formerly belonged to but are now an advocate for.

**Mr. Jim Eglinski:** I have a quick question to all three of you. If you could remake the system—really quickly, about 30 seconds each—what would be the first thing you would change to make it simpler and easier?

**Ms. Catherine Latimer:** I would take the Parole Board out of the system and just have it be the applicant to the RCMP. Have the RCMP manage the criminal records process.

**Ms. Louise Lafond:** I would agree. Take the Parole Board out. It's too onerous and too complicated.

**Mr. Rodney Small:** I would definitely agree as well, but I'd love to see a pardon come back. I mean, that word "pardon" just says so much more than "criminal record suspension". It just feels like you're waiting for me, waiting for the numbers to go low to come knocking back on my door to tell me to get back over here.

**Mr. Jim Eglinski:** I have one quick question.

In your experience with the shady operators—and I see this in immigration every day, and you're seeing it in the parole thing—is any government agency overseeing those shady operators, and are there any consequences?

**Ms. Louise Lafond:** There's none that I'm aware of.

[*Translation*]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you, Mr. Eglinski.

We now go to the next seven-minute round of questions and answers.

Mr. Dubé, the floor is yours.

**Mr. Matthew Dubé:** Thank you, Mr. Chair.

[*English*]

I do want to say on the record that I think that's a great question. You see on Facebook and Twitter these ads come up for these hack-job shops that deal with record suspension and parole, so thanks for that, Jim. I appreciate it.

I don't have many questions because I think a lot has already been said through your testimony. It's not a bad thing that we have less to say. It means it was straightforward.

Rodney, if I may say so, as my colleagues have said, you do us a service by being here and having the courage to talk about what you went through. Thank you for that. I really appreciate it.

It's sort of going back to the question that was just posed but maybe from a different angle.

Catherine, you raised this notion of something being automatic once there's been good behaviour, a fine paid or time served, depending on the circumstances. Our vision has always been if it's a non-violent crime, a first-time offence, a minor one or something like marijuana possession or any other thing you can think of—I use that example because it's rather current—is there a belief that...?

We could debate some of the details, but I think that's beyond where we are in this committee at this time. Perhaps a recommendation could be made that this needs to be looked at whether it means an automatic pardon, automatic expungement, or whoever is in charge putting those specifics aside and having something that would not require going through a process so that after a certain amount of time or behaviour or punishment served or whatever—I hate that term but for lack of a better one at the moment.... Is that something that should be looked at, something automatic so that you don't need to worry about it?

**Ms. Catherine Latimer:** Absolutely. If it's not automatic, you're penalizing people with cognitive impairments, people who are marginalized, people who are poor, or people who are illiterate. They may be putting their lives back together and being crime free, but if it requires this application process, it invites a lot of problems in terms of who has the ability to actually do that.

I would also say that the time for the automatic thing to kick in can be triggered according to how serious the offence is. If it is a summary offence, the period that they should wait should be a lot

less than it is if it's an indictable offence. It should be automatic, in my view, across the board, as soon as that crime-free period or whatever is thought to be prudent has been met.

• (1715)

**Mr. Matthew Dubé:** Fair enough.

**Ms. Louise Lafond:** It also speaks to the revolving door that some people go through because of mental illness, because with so many small crimes like mischief and theft, they're not being treated for their mental illness. The criminal justice system is just putting them through a revolving door. That is another problem because, as Mr. Eglinski said, most of the time it's one and done, but for people who suffer from a mental illness that can be one, and then one, and then one, which makes it longer and longer and longer. Even if they are in recovery, their record looks terrible. Then, when they apply, they have to revisit that time when they were so ill that it wasn't them who was doing the crime, practically speaking, and they cannot further their recovery.

**Mr. Rodney Small:** I can only imagine getting a letter in the mail or a phone call or something like that to tell me that I've been pardoned. I think the feeling would be the complete opposite of what I felt going through the complete process and then taking that extra step further in order to get the letter that just reminded me that, “you got a suspension but the record is still there” type of thing.

I framed that letter because when I got it, I just laughed. I said, “This is what I worked so hard to get?” It was an insult to say the least. Even with my criminal record suspension, I felt like it was an insult more than anything. There was not even a question in my mind.

**Mr. Matthew Dubé:** It's interesting, because it's obviously not your case, but the issue of literacy was raised. It reminds me of some of the issues we face with the CRA, when you get a letter and you have to flip through two or three pages and you're still left there. I'm an MP and sometimes if they say they want to audit a charitable donation I made or whatever, it's innocuous, but you read the letter and you think this could have been so much shorter just to tell me something that's way more straightforward than they're making it sound. You're reading that letter and it's almost as if you have to read three sentences before you understand that it was turned down and what the recourse is.

In doing the X exercise, you mentioned the age of social media. This is probably beyond the scope of this study and our committee's work. It's probably something more for the justice committee, but I'm wondering, and you alluded also to mental health treatment. It's probably particularly pertinent for those who don't serve any time but do get criminal records and would probably benefit from that.

Would it be worth looking at two things? First, I know we want maximum transparency for the public but it would be revisiting publication bans and how that works with regard to criminal records in the age of social media. I know it's not for us, but for another committee I think the question is worthwhile. Second, whether this should be more robust. How can I put it? I don't want to say "prescribing", but it would be implementing mental health services for those who don't necessarily get time served but who are given a criminal record of some kind through the justice system.

I'll start with you, since you raised the issues, but hearing from the others with any time I have remaining would be great.

**Ms. Louise Lafond:** The mental health issue is paramount because so many people wind up in a psychotic episode and commit crimes. Once they're treated, they're okay. Then they have to go back constantly to where they were. Any system that would address that mental illness, rather than giving them a fine—and I know this is a justice committee question—would say, this person deserves mental health treatment, not a criminal record. They need health care not jail time, not an absence of recourse to care.

As a nurse, I cannot emphasize that enough because your physical and mental health.... As I said in my statement, so many people are so relieved to receive a record suspension but going through the process, as Rodney stated, is like revisiting a life that isn't yours anymore, and it feels like a horrible.... It's like going back to something you left behind.

• (1720)

[*Translation*]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you very much, Ms. Lafond.

Ms. Dabrusin, you have seven minutes.

[*English*]

**Ms. Julie Dabrusin:** I want to thank all of you. It's been really interesting. I've been following all the questions I've been hearing, and it's been great to hear us coming together, I think, on a lot of points.

One that I noticed when all of you were talking was the choice of words we use. It used to be a pardon. Now it's a record suspension. I believe Ms. Latimer used the words "open and closed file". Maybe if I start with Mr. Small, because I believe if I'm quoting Ms. Latimer properly on it, she was suggesting that the words would now be "open and closed file", that we change it to that.

How would you feel about that choice of wording?

**Mr. Rodney Small:** I never thought about it before so you've put me on the spot. I think the word "pardon" says a lot. It means exactly what it says. You're forgiven, and it holds a lot of ground. "Open and closed file" I still feel doesn't have that same oomph as a pardon, but Catherine may have a little more knowledge and experience in her position than I do to bring that forth. I definitely would need more time to think about it to give you a straightforward answer. A pardon does say a lot more to me than anything else. That's what I was shooting for.

**Ms. Julie Dabrusin:** Sure. That's fair enough.

Ms. Latimer, would you be able to comment on that as well?

**Ms. Catherine Latimer:** Sure. I think the words receiving a pardon mean a lot to the people who get it, but it also hurts a lot more when they don't get it for some reason. I can tell you a number of John Howard clients are told they're not getting their record suspension or their pardon and then you have to torque up the process. You don't want to give up but that adds to the cost as well.

The idea of open and closed would attract less negative repercussions. I think the government is sometimes concerned about being seen as soft and forgiving and pardoning people who may have done something. They've done their time. They've paid their debt. It's done.

I think open and closed would make it a lot cleaner if it was administered as an operation of law. You've done this; it's closed. You've committed another offence; it's reopened. It's cleaner. It's simpler, but I take Rodney's point because a lot of people feel validated and they feel good when they receive the pardon. We need to think about that too.

**Ms. Julie Dabrusin:** That's fair. There could be a way of dealing with it that is a pardoning process, that the actual arrangement—

**Ms. Catherine Latimer:** It's a closure.

**Ms. Julie Dabrusin:** —is an opened and closed file. It could be. There are different ways. I was just picking up on the fact that different words were being used, so I wanted to check on that.

I want to say that the John Howard Society did a report, "Reforming the Criminal Records Act", which was funded by the Canadian Bar Association's law for the future fund. I was wondering if you would be able to file that with the clerk. Could you send that to the clerk to be filed?

**Ms. Catherine Latimer:** Yes, I'd be happy to do that.

**Ms. Julie Dabrusin:** That would be wonderful. I will accept that to be sent in.

One of the things I thought was interesting, because we've talked a fair bit about the possible repercussion of still having a criminal record on employment and housing.... I saw in the report that there are others we haven't talked about—

**Ms. Catherine Latimer:** Absolutely.

**Ms. Julie Dabrusin:** —that are worth considering in our discussion. One was adoption eligibility. I saw there was a quote from a person who had just married and was unable to conceive. She had one offence and because of the extra delay, couldn't get to the point where she would be able to adopt. That's one of them. Is that correct?

**Ms. Catherine Latimer:** Yes.

**Ms. Julie Dabrusin:** The other one is child custody. It could have an impact on child custody arrangements. I believe child custody is an issue. I see that we've already talked a bit about housing and education, volunteer opportunities, then travel as well. I just need yeses. I'm sorry, I'm just going to get....

Travel can also be impeded with a criminal record.

**Ms. Catherine Latimer:** Absolutely, yes.

• (1725)

**Ms. Julie Dabrusin:** I just wanted to fill it out because we focused on a few, but in fact there are many different facets of a person's life that can be impacted, so I would look at them.

We talked about proposed solutions and there seemed to be general agreement on taking the Parole Board out of it. What would that look like? I'm only asking because we've all been looking with some surprise at this long, 10-point process. If we took the Parole Board out of it, would some of these steps get removed? How would that look to you?

Can we start with Ms. Latimer? I know you touched upon it a bit in this report as well.

**Ms. Catherine Latimer:** Yes. If you looked at the way criminal records are dealt with in the youth justice system, you could see how it would look without the involvement of the Parole Board. That's a complete system that tells you who has access to it and when information can be disclosed, but basically it requires the RCMP to seal the records automatically when there have been no subsequent convictions after a crime-free period. There is a model you could take a look at, which is already operative. The RCMP is implementing it now. That might be a good first step.

**Ms. Julie Dabrusin:** Would you two be in agreement with trying to follow the model for the Youth Criminal Justice Act?

**Ms. Louise Lafond:** Yes.

**Mr. Rodney Small:** Agreed.

**Ms. Julie Dabrusin:** Great.

I know I only have one minute. The other thing was just that everyone has touched briefly on these agencies that you find out about.

Mr. Small, you mentioned that you had considered getting a lawyer or hiring an agency. Did you, and if you didn't, why did you not?

**Mr. Rodney Small:** When I went to do my research, I realized that basically all these organizations were looking to exploit people in my situation, really around their language, and that wasn't what I was looking for. I needed support. I needed genuine support, not just somebody looking to make money off my situation. Right away, I felt that the only person who was going to represent me properly was going to be me. I had to learn how to go through each one of those 10 steps and ask questions when necessary.

**Ms. Julie Dabrusin:** Fair enough. It also looks like we could use some SEO operations to try to change the Google searches on that one.

Thank you.

[Translation]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you, Ms. Dabrusin.

Mr. Motz, you have three minutes.

[English]

**Mr. Glen Motz:** I'm going to be short for time again, am I, Mr. Chair?

I just have a couple of quick questions.

Mr. Small, you indicated that you had some struggles, and you ladies did as well. There are some individuals who apply for a pardon who might struggle with it, but I'm led to believe that in communities across the country, there are government-funded programs, like the eager and able to learn program, which will help individuals complete documents and forms. This is one of them. I've heard they do.

Is that not readily available? Mr. Small, you've never heard of it. Today is the first time you've heard of it. Those programs do exist.

I just want to get back to the other point. Ms. Dabrusin commented that before we used the word "pardon" and now we use the words "record suspension". They don't mean anything different. That's the reality we're in, unfortunately. I have to disagree with the suggestion that the RCMP might be better able to manage a record suspension or pardon. In reality, as we heard from the Parole Board gentleman when he was here before, the record is removed from view. It is not removed.

**Ms. Louise Lafond:** That's right.

**Mr. Glen Motz:** Whether it's a young offender record or whether it's an adult record, it's still there.

I applaud you, Mr. Small, for the process you went through to get a record suspension. I personally like the idea of a pardon. It has a different connotation to it. It means more to the individuals who experience it and have to go through that.

In the time I have left, if you had a choice.... I know we heard your suggestion that the RCMP should be doing this. I think their resources are stretched far enough in doing this, but that's a different story.

Mr. Small, from your perspective, say you were to do one or two things to fix this. I don't know if you had a chance to read the motion proposed by Mr. Long on why we're here and why we're studying this particular idea. If you were to say, "We could do this, this and this to make this process work for the public safety side and to ensure that those who deserve to get a suspension get a suspension", what comes to mind right off the top for you?

• (1730)

**Mr. Rodney Small:** I really like the idea of the automatic, after you serve that time and you've been basically crime free for that certain amount of time.

**Mr. Glen Motz:** In your opinion, would it matter what type of offence is committed? I asked one of the other witnesses in the last hour if we should provide a different scale for summary conviction types of offences—because there are lots of them—and indictable offences. Should it be automatic that you get a suspension if your time is up, no matter what the offence is?

**Mr. Rodney Small:** In regard to the timing, I agree with my friend Catherine here. She said the difference between a summary and an indictable offence.... I think the time frame should be a little different in order to reflect the crime, no question about it. But at the end of the day, I think getting a letter in the mail to show that you've been recognized for being crime free says a whole lot not only about our country but also about our charter rights as Canadian citizens.

[*Translation*]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you very much.

Congratulations, Mr. Motz, that was very fast! I like quick questions that can be asked in two and a half minutes.

[*English*]

Thank you very much for your appearance here at committee.

[*Translation*]

I must thank the committee members for their great discipline today. I will pass my congratulation to our chair, Mr. McKay.

The meeting is adjourned.

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