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Chair

Mr. Garry Breitkreuz

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•(1100)

[English]

The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)): I'd like to bring this meeting to order. This is meeting 43 of the Standing Committee on Public Safety and National Security. Today we are reviewing the witness protection program.

We would like to welcome the three witnesses who are with us. From the Canadian Association of Chiefs of Police we have Mike McDonnell, assistant commissioner and chair of the counter-terrorism and national security committee. From the Winnipeg Police Service we have Mr. Gordon B. Schumacher, superintendent of the support branch. From the Toronto Police Service we have Steve Izzett, staff inspector.

Welcome, gentlemen. We look forward to the information you will give us.

I believe, Mr. Schumacher, you have agreed to make the opening comments. The other two witnesses can add anything they like after you're done.

Go ahead, sir.

Superintendent Gordon B. Schumacher (Support Branch, Winnipeg Police Service): Thank you, sir.

On behalf of the Canadian Association of Chiefs of Police, I would like to take this opportunity to thank members of the committee for allowing us to come before you today. We realize the important role you play, and we are very pleased you have allowed us to contribute.

Before I go too far, I'd like to identify exactly who we are. The Canadian Association of Chiefs of Police is a non-profit organization. We were founded in 1905 and are dedicated to the support and promotion of efficient law enforcement and the protection and security of the people of Canada.

The association is national in character. Its interests and concerns have relevance to police at all levels, including municipal, regional, provincial, and federal. The board of directors includes chiefs, commissioners, and directors of police services representative of the widespread regions of Canada.

Through its member police chiefs and other senior executives, the CACP represents in excess of 90% of the police community in Canada.

Understanding who we are hopefully will underscore why we are here. We represent policing in a broad sense, from the very small

police forces in many of our provinces to the largest organizations in our major cities. One of my main goals this morning will be to talk frankly about our country's witness protection abilities and how many municipal, regional, and provincial agencies deal with witness protection issues.

I would like to premise my comments with an acknowledgement that the operation of the national witness protection program in its current form is good, and it is appropriate that the existing national program is being run and coordinated by the RCMP.

My comments of concern will focus on cost and process. There is no question that the cost of altering someone's life, in some cases the lives of entire families, is tremendously high. While acknowledging the cost, we need to find a way to enable local police agencies to access the program.

Organized crime activity in Canada is continuing to rise, and with that comes the responsibility, when necessary, of protecting prosecution witnesses. The witness protection program has afforded witnesses the confidence to provide information with the knowledge that they will be safe from all forms of reprisal.

Witness protection is an extremely important tool for law enforcement, allowing us to gain insight and assistance in dealing with the most dangerous of criminals. In furtherance of that protection, police agencies are being required to utilize various forms of witness protection. One of those, the federal program—the national witness protection program, created under the Witness Protection Program Act—has a mandate or purpose referred to under section 3:

...to promote law enforcement by facilitating the protection of persons who are involved directly or indirectly in providing assistance in law enforcement matters in relation to

—and continuing in paragraph 3(b)—

activities conducted by any law enforcement agency...in respect of which an agreement or arrangement has been entered into under section 14.

Section 14, in essence, is the cost-recovery section, which I'll be talking about in a few minutes.

When police agencies first look at the national program for help with witness relocation and witness protection, they find substantial difficulties that have to be overcome, not the least of which is cost. The cost of placing an individual into the national program can be substantial and can be beyond the means of most Canadian police agencies.

The national Witness Protection Program Act has been interpreted to direct that only police agencies can submit applications to the RCMP to have a witness accepted into the national program. This is under paragraph 6(1)(a), for reference purposes, where it says that a witness or a spouse shall not be admitted to the program unless a recommendation for the admission has been made by a law enforcement agency.

Section 14 then talks specifically about the agreements. Logistically, section 6 and section 14 do cause us some difficulties, because the agreement to fund the witness protection must be made with another police agency. In most cases, police agencies can't afford it, and before they enter into such an agreement, they have to enter into a supplemental agreement with the specific province they're from to pay the costs of the witness being entered into the program.

•(1105)

The Witness Protection Program Act does not allow for a province to contract directly with the RCMP specifically for witness costs.

After agreements are in place, the RCMP facilitate, approve, and control the program's operation. They subsequently bill that cost back to the requesting agency. I can't emphasize that point enough, as it's one of the main problems with the federal act. It's simply unaffordable.

In some provinces like Manitoba, Ontario, Quebec, and British Columbia—where I understand there has been some recent movement—there are provincial protocols that may assist or at least provide alternatives to the national program. These were created out of necessity to fill the void left from the accessibility and cost implications of the national program.

In other provinces there is nothing, leaving it to the local police agencies to make at times difficult decisions in determining the direction of certain investigations. Some of their choices could include protecting a witness and paying the national program bills out of their operational budget, asking for outside agency assistance by turning over all or part of the investigation, or discontinuing or altering the investigation to exclude a situation where witness protection issues may arise. That could mean not pursuing an investigation as vigorously as they otherwise might.

Even in the provinces that have some provincial assistance, there may still be a void when an accused is charged solely with a federal offence like drug trafficking. Provincial programs will generally not help if there is a witness in need of protection in this case, leaving the federal witness program as the only alternative. As I mentioned and will continue to mention, it is unaffordable. The costs to all involved in putting someone in the national program are substantial and cannot possibly be sustained without some form of assistance from the federal government.

Over the past number of years we have seen the number of witness protection applications rise, and there's no indication that this trend is going to stop. This issue has been on the national agenda for some time now across the country. In 2005, both the Canadian Association of Chiefs of Police and the Manitoba Association of Chiefs of Police put forward resolutions to provincial and federal

ministers of justice looking for a national witness protection funding regime that was in keeping with an integrated response to organized and serious crime and the desire to provide equal access to the processes of witness protection to all levels of police in Canada.

A report was also filed with the Solicitor General in 2005 after a substantive study was completed by the Province of Quebec. Witness protection regimes around the world were studied. This again suggested there be a more inclusive program with sustainable funding. I'm also aware that this issue was brought up at an FPT meeting in 2004. A working group was formed out of the national coordinating committee on organized crime to examine this specific issue. I know some work has been done, but I'm not aware that any substantive solution has come from that process yet.

The message from the CACP is that we need a restructured, more inclusive witness protection program with federal funding, from which all police agencies in this country, big or small, can draw.

Organized crime, serious crime, does not discriminate relative to geographic boundaries. It can be found in every province, city, and town throughout Canada. Failure to attack these groups in small communities creates safe havens; therefore, programs such as witness protection must be made available if we are to stay one step ahead of criminal organizations and those who commit serious crimes against the people of Canada.

•(1110)

Thank you.

The Chair: Thank you.

We look forward to you elaborating on your recommendation that it be more structured and inclusive. I think we'd like to know what you have in mind when you say that.

Mr. McDonnell, do you have some remarks you'd like to make?

Assistant Commissioner Mike McDonnell (Chair of the Counter-terrorism and National Security Committee, Canadian Association of Chiefs of Police): Yes, I do, Mr. Chair, if I may.

The Chair: Go ahead.

A/Commr Mike McDonnell: Good morning, Mr. Chairman and honourable members of this committee. I thank you very much for inviting us here today.

I am pleased to be here before you. My title is assistant commissioner of national security criminal investigations, and I am currently responsible for all aspects of national security criminal investigations, including investigational requirements, training needs, policy, national security, legislative affairs, and the implementation of the recommendations from the O'Connor inquiry.

I am here today as a representative of the Canadian Association of Chiefs of Police. I am currently the chair of the counter-terrorism and national security committee. Prior to that I was a member of the law amendments committee.

If I may, I would like to start out by making a few general comments about the modern security environment facing Canada. The threat landscape looks like this: Canada is the only one of the five countries named as a target by al Qaeda that has not yet been attacked, and as such, we face a real and significant terrorist threat. I see no reason to disagree with the consensus opinion expressed by those like former MI-5 Chief Dame Eliza Manningham-Buller, who asserted that the threat is generational and will be with us long after today's cadet is a commissioner.

• (1115)

[Translation]

Allow me to repeat the cliché. This issue is not about knowing whether an attack will occur but rather when. The threat is there, lurking at the very heart of our society. Local extremism does exist in Canada. We've seen it among the 18 individuals arrested in Toronto last June. We had also seen it in the individual arrested in Ottawa in 2004.

[English]

Both cases are before the courts.

As was the case in the 7/7 bombings in London, these were individuals who lived, worked, and participated as members of the society they targeted—our society. We must never forget that terrorism, at its root, is about criminal activity, targeting the state through its citizens, whether it be by inflicting mass casualties or creating mass fear. People who intend to harm our citizens and our country must be stopped, and they must be stopped using methods that do not undermine our core values. Invariably this is a job for law enforcement, and we are evolving to do that job effectively.

The Canadian Association of Chiefs of Police counter-terrorism and national security committee, which I chair, recently developed and adopted eight key principles on national security that clearly lay out the roles and responsibilities of all layers of law enforcement in national security criminal investigations. While we have not yet specifically discussed witness protection as a committee, there is one idea that runs through the key principles: the need to apply every tool available, including the witness protection program, to the fight against terrorism.

As explained to you previously by the assistant commissioner of federal and international operations, Raf Souccar, the witness protection program is an extremely important tool for law enforcement. In Canada, as in many other countries around the world, a good and reliable witness protection program has proven its value in the fight against crime, especially organized crime and terrorism. High-profile informants and key witnesses are more willing to testify knowing that a program is available to protect them against retaliations. However, it should be noted that in the witness protection program it does not confer immunity to these individuals from a responsibility for criminal actions, either before or after they enter the witness protection program. As is the case for every other citizen of our country, individuals in the witness protection program are accountable for their actions.

Ladies and gentlemen, I thank you for allowing me to make these opening comments, and I will be pleased to answer your questions.

Thank you.

The Chair: Thank you very much.

Now, from the Toronto Police Service, we have Mr. Izzett.

Staff Inspector Steve Izzett (Staff Inspector, Toronto Police Service): Good morning, Mr. Chair and honourable members of the committee. Thank you for taking the time to hear from the CACP on this very important issue.

I'm here representing Chief of Police William Blair, who is co-chair of the organized crime committee for the CACP but is unable to attend today.

My name is Steve Izzett, and I'm a police officer with the Toronto Police Service. I hold the rank of staff inspector and I'm currently assigned as the unit commander responsible for intelligence services. Part of my responsibility includes carrying out the delegated authority of the chief of police in the delivery of the witness protection program for the Toronto Police Service.

One of the pillars of law enforcement, and the main ingredient of maintaining a healthy, vibrant, and safe community, is the participation of members of the community in dealing with issues of crime and disorder. This participation must be supported by the community at large, including the police, the crowns, and all levels of government. Individuals must feel free to come out openly and assist the police without fear of reprisal or intimidation.

Unfortunately, it has been our experience that this is not always the case; there are some groups or individuals who malign, intimidate, or strike out at those very witnesses who come forward, thus creating a perpetual cycle of fear and a disincentive to cooperation. This adversely impacts upon our ability to detect and prevent crime, while permitting the continued perpetration of violence by the very individuals who have escaped justice and are invoking that same fear and intimidation upon potential witnesses.

While you respectfully contemplate the current Witness Protection Program Act, it is my desire with this testimony to provide you with a full perspective from the local municipal law enforcement level. In order to do this, I will be referring to the program we have the most experience with, the witness protection program fully funded and administered by the Ministry of the Attorney General for the Province of Ontario. As you move forward, you may consider some of the points I raise here today and can perhaps place them in the proper context with the current federal witness protection program. This is an on-the-ground perspective; all officers administering this program within the city of Toronto work directly for me, and all the paperwork relating to this program is reviewed and approved by me.

The most important distinction I would like to make here today is that the delivery of witness protection should not be limited in perspective to your stereotypical witness who provided key testimony in securing a conviction of a major organized crime figure and who required relocation, a new identity, and placement for life. At the municipal level, it can be much more local in nature but have an equally devastating impact upon a community if not investigated and properly resolved by the police. A viable and effective witness protection program must have the capacity and flexibility to deal with issues at all levels of criminality.

Another important distinction is that not all witnesses desire to be relocated with full protection and identity changes. Some have no interest in even signing up for the conditions of the program but may be interested in a one-time relocation for their own protection. There must be flexibility in satisfying the needs of a witness, to the point where they feel they are no longer in harm's way. This flexibility improves the trust and cooperation of individuals with the police and restores and builds their faith in the justice system. They represent actions that pay dividends long after the entire process has concluded.

In the mid-1990s, the Toronto Police Service began to regularly encounter investigations wherein gunshots were fired in the middle of a public venue, with 300 or so onlookers, and with a deceased person lying on the ground and homicide investigators facing the 300 or so onlookers, all claiming to have been in the washroom, an area three feet by three feet. This is not an exaggeration, and, sadly, it did not happen just once or twice; unfortunately, it is still a challenge we face from time to time. It is symptomatic of the mindset individuals have when contemplating participation in the process of justice. There was, and continues to be, this persistent wall of silence.

Our goal has been, and always will be, to gain the trust and confidence of members within these communities, with assurances that protection will be afforded to them if they can come forward and provide testimony. We have made advances towards this end but still have much work ahead of us. We cannot do it alone; we do not have the financial wherewithal or the infrastructure to carry out this function on our own.

The Toronto Police Service first formed a witness protection unit in 1980. This program has evolved and developed through the cooperation and partnership forged between our service and the Ministry of the Attorney General in the Province of Ontario, who had the foresight and conviction to develop and fund a program, working closely with local law enforcement in the development process. This program has evolved over the years and is continually improving through the conscientious desire and commitment of all those involved in its delivery and administration.

This program deals specifically with provincial matters falling within the prosecutorial jurisdiction of the Ministry of the Attorney General for the Province of Ontario. It does not include federal prosecutions.

• (1120)

The process is very simple and streamlined. The infrastructure and support for protecting witnesses from all levels of criminality, ranging from homicides to domestic violence to organized crime, is

in place. There is no middle tier of decision-making in the process, no bureaucracy, no red tape, and no lengthy delay while awaiting approval. Officers assigned to witness protection speak directly with the decision-makers at the ministry.

In order for a candidate to be accepted into the program, he or she must first agree to a number of conditions. Not all accept these terms and conditions, and as a result, they may decide not to enter the program while still providing testimony.

The officers assigned to witness protection are in constant contact with ministry staff and review each case to determine whether individuals are suitable for the program. This assessment period is very short and does not preclude temporary protection while steps are being taken to ensure that all the terms and conditions are met for admittance to the program. Notwithstanding this review process, there is an understanding that if officers require an immediate temporary relocation for safety reasons, provided they are acting in good faith, all expenses will be covered in relation to that relocation, even if the individual is not ultimately accepted into the program.

It is this flexibility and autonomy and decision-making at 2 o'clock in the morning that makes the process credible and inspires trust among members of the community. All expenses in relation to relocation, including travel that may be required, are paid for by the ministry, while all salaries for the officers and clerical staff are covered by the Toronto Police Service.

The ingredients that make the Ontario witness protection program successful include unencumbered access to emergency funds for placement, autonomous decision-making, and the lack of tiers in the decision-making process. Alternatively, when we look at our experience with the federal Witness Protection Program Act of 1996, we really have had few experiences to draw from where Toronto assumed responsibility for protecting a witness in a federal prosecution.

The Toronto Police Service has had a longstanding and excellent working relationship with the Royal Canadian Mounted Police on many successful joint forces investigations and other related and equally compelling projects. It has been during these joint forces investigations, where there has been a need identified to protect the witness in a federal prosecution, that the RCMP, as a partner in the investigation, has accepted responsibility. Without this sponsorship or assumption of responsibility, if you will, by the RCMP, the process would require that each individual law enforcement agency cover all expenses in relation to a witness protected for a federal prosecution. These costs, depending upon the situation, can prove to be daunting for local police services, and as a result, there have been very few federal witnesses placed in the witness protection program by the Toronto Police Service. While we appreciate and value our relationship with the RCMP, we cannot possibly partner on each and every investigation we undertake when in most instances we are expected to go it alone in terms of absorbing all costs associated with witness protection and the relocation of federal prosecutions.

The majority of these joint forces operations involve drug importation investigations. The major challenges facing the City of Toronto, which are the subject of constant enforcement and interdiction under our current Toronto anti-violence intervention strategy, are the open-air drug markets at both the street level and the mid-level. Can you imagine the added dimension of enforcement we could exploit if we could afford proper protection for witnesses involved in federal prosecutions? It would significantly enhance our ability to disrupt and dismantle some of the criminal organizations causing havoc within our communities.

In closing, the concept of witness protection facilitates the free flow of information to the police and supports witnesses, who are the foundation of our justice system. People should feel free to come forward and provide witness information. The success of the provincial witness protection program in the province of Ontario has provided the Toronto Police Service with an ability to gain trust in communities that have little faith in the police or in the justice system. It brings integrity into the justice system.

The current system in Ontario is a model that should be replicated. The Province of Ontario fully acknowledges and accepts responsibility for dealing with witnesses in a manner that facilitates cooperation and enables the police to fully protect individual witnesses, if required. Consideration should be given to augmenting the existing provincial program to enable federal prosecutions to be coordinated through the existing infrastructure that is already housed within this model.

Those are my comments.

Thank you.

•(1125)

The Chair: Thank you, Mr. Izzett.

You've all given us a good overview.

As is the usual practice at our committee, we'll now go to questions and comments. We will start with the official opposition, the Liberal Party.

We'll go to Ms. Barnes for seven minutes, please.

Hon. Sue Barnes (London West, Lib.): Before I start, we asked for protocols from some of the other witnesses a couple of weeks ago. I haven't received any.

We haven't got them back. Okay.

If any of you have protocols for your programs, would you please send them in to us? They'll be distributed to all the members, because they may be different from the RCMP programs. I'm specifically talking about the City of Toronto.

Maybe I'll start with you, Mr. Izzett.

You mentioned the example of somebody witnessing a gun crime and not wishing to testify. The witness protection program would permanently remove the person from the current situation. Do you really think that is...?

Let me put it this way. I would think that the witness who is more likely to come in would be somebody who is knowledgeable about an organized crime or is some insider, and you're protecting that

person. But the people who just happen to be at the wrong place at the wrong time and see something I don't think, logically, will seek protection for the rest of their lives and want to change their identities. Is that something you're suggesting could be happening?

S/Insp Steve Izzett: I'm not only suggesting it, I'm telling you that it's occurring. It is occurring right now. That's how we have some of our successful prosecutions. That enables us to gain trust within some of these communities that are very tightly knit and that frown upon speaking with the police.

Hon. Sue Barnes: Thank you for clarifying that point.

Perhaps you would like to add something, Mr. Schumacher.

Supt Gordon B. Schumacher: Yes, I can add that Staff Inspector Izzett is quite correct. In those provinces that do have provincial protocols, that almost establishes a second tier of witness protection and will include those types of people you mentioned.

Hon. Sue Barnes: That's not something the RCMP at the national level, though, envisages at all, because that's something totally different from what we've heard testimony on before.

Supt Gordon B. Schumacher: That's correct.

Hon. Sue Barnes: Okay.

Mr. Izzett, has this been replicated in other cities across the country, to your knowledge?

S/Insp Steve Izzett: I'm not sure. I can't answer that.

Hon. Sue Barnes: Okay, thank you.

Mr. Schumacher, you said that the main problem with the federal act was one of affordability and you were asking for federal funding. Do you not envision in your request some provincial contribution? Are you suggesting it should be all federal funding?

•(1130)

Supt Gordon B. Schumacher: Well, we're looking to the federal government to take a lead role in establishing a process that works for everybody. The reality is that the void left from the national program had to be filled. The way it has been filled is the provinces, Ontario, Quebec, and, as I mentioned, British Columbia, are now coming into it, have stepped in and said, "We have to deal with this issue; we'll pay for it." In Manitoba they certainly do not believe it's a provincial responsibility to pay for it, but they are, because there's the void.

Hon. Sue Barnes: You've said section 6 and section 14 give you some cause for concern and are problematic. Do you have any recommendations for this committee as to how they should be changed?

Supt Gordon B. Schumacher: Well, certainly. The legislation itself will not allow the RCMP to agree specifically with a provincial government to fund. So in Manitoba, for instance, if Winnipeg has a person we'd like to put into federal witness protection, we have to go to the RCMP and discuss it with them. Before any agreement is made, we then have to go to the province to secure their willingness to pay for it. In a nutshell, what happens is the RCMP provides us with a contract to the Winnipeg Police Service, saying, "You will pay the costs." This is no fault of the RCMP, of course; this is the way the act is set out: you will pay for this particular witness to go into the program, which can be well over \$100,000 and beyond. The Winnipeg Police Service can't do that, so then we turn to the province for help. The province will then say to us, "All right, we agree that this person should go into the program. We agree to enter into a supplemental agreement with you, Winnipeg, to pay any bills that you are obligated to pay as a result of your agreement with the RCMP." It's kind of a long way around making an agreement to pay for specific witnesses.

If there's an amendment to that, clearly an amendment to allow the RCMP to contract directly with provincial representatives, that would be useful. Then, hand in hand with that, section 14 on the agreements, by allowing them to make the agreement with the province, would allow the money to flow.

Hon. Sue Barnes: Often there's a spouse or other dependants involved in your witness protection program. We've talked about the conditions that have to be acknowledged. What do you do? Do you have a condition protocol or a side agreement with those spouses or dependants? Obviously, one person can't contract for another. What happens there?

Supt Gordon B. Schumacher: Well, that happens quite often. Families members get pulled into the web of witness protection a lot. Certainly, they have to sign on the dotted line as well. They are being provided with protection. Trying to create a new life for them in another part of the country is tremendously difficult, so they have to be committed to the program themselves. That's on the national side.

On the provincial side, it's a little bit different, in the sense that provincial programs—I think Ontario is the same, and Staff Inspector Izzett can correct me on this—are more of a witness management program, in the sense that certainly they're protecting the witnesses but it's not anticipated that that protection will last for years.

Hon. Sue Barnes: My time is limited.

Mr. McDonell, you tell us you haven't directly dealt with witness protection in your meetings. Is it on the agenda for any upcoming meetings? Are you planning on dealing with this subject?

A/Commr Mike McDonell: Not in the immediate future. We're trying to get a resolution through, defining the roles and responsibilities of all police levels in national security. The other big project we have under way is the training of front-line officers. So it's down a little on the priority list.

Hon. Sue Barnes: Okay.

Does anybody collect statistics on the employability of people inside the witness protection program, or, as taxpayers, are we funding them? We've heard testimony from the RCMP saying they have problems finding employment in their new lives. Are we

keeping any stats on this, or is this open-ended until eternity, that we fund somebody's new life?

• (1135)

The Chair: That will have to be your final question for this round.

Supt Gordon B. Schumacher: I'm not aware of any stats.

Hon. Sue Barnes: Does anybody keep records?

S/Insp Steve Izzett: We don't have statistics per se, but the objective when they enter the program is to enter them into a sustainable life, which includes training and trying to get them to a state of employability.

Hon. Sue Barnes: At this point, nowhere in Canada do we know?

A/Commr Mike McDonell: I will take that on notice and come back with an answer on behalf of the RCMP.

Hon. Sue Barnes: Thank you.

The Chair: We now move to the Bloc Québécois, Monsieur Ménard.

[Translation]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): I am absolutely convinced of the need for the type of program you administer. In Quebec there have been situations where it has been necessary to use this type of program to infiltrate criminal organizations, trap criminals and convict them.

These procedures are however very costly, and we know why. This is an area the private sector will never be involved in and, unlike the private sector, we will never be able to accurately measure the success of our operations.

I wondered whether over the years you had found a way to assess the success of using these witnesses, after the fact, to determine other options for the future. It is very difficult to determine whether we have made the right decision when we embark on this very costly process. You must have some ideas on that. For my part, I must admit that I don't have many.

[English]

Supt Gordon B. Schumacher: I can provide a little insight.

Certainly, I agree we need to understand the benefit we're getting when we use witness protection. If I can use an example that occurred this past weekend in Winnipeg.... We have been involved in the trial of a high-ranking Hells Angels member, which was I think a month and a half in the courts. Pivotal to that trial was an agent we used where witness protection was afforded. The reality is he was charged with nine counts of numerous charges, including criminal organization drug-related charges. The jury came back this weekend convicting on eight of those nine.

I can tell you almost with certainty that we would never have been before the courts if it had not been for the use of this particular agent and the use of the witness protection program. This particular agent will be in court a substantial amount for many other Hells Angels members and associates whom we have as a result of Project Defence, which we closed last year.

That's just one example. Clearly, we will not see success stories every time witness protection is used. Some will not work. Certainly we've seen some in Manitoba. But the success of the program is in the success of the prosecutions afterwards.

[Translation]

Mr. Serge Ménard: We could certainly find examples of success, but I would imagine you can also think of a few failures. Am I to understand that in measuring the success of your program, convictions are a significant factor? I would also imagine that the size of the criminal organization you're trying to dismantle and the damage done to it are also factors. Would the fact that an organization is violent as opposed to one engaged in basic fraud also a factor you would consider in assessing the success of our operations?

• (1140)

[English]

Supt Gordon B. Schumacher: Yes. Absolutely.

Clearly, the impact on the organization is a substantial indicator of whether the use of an agent, or informant, or a witness under witness protection was beneficial. I can use this fast example to truly show that absolutely the organization of the Hells Angels in Winnipeg was impacted with the use of this person, who is now in the witness protection program.

There are a number of other examples I can cite. You have mentioned that there are failures, and there's no question that this occurs, and it will continue to occur no matter what we do. But clearly success is in the aftermath of the organization that we've been dealing with.

[Translation]

Mr. Serge Ménard: I would simply like to point out, before we move on to another subject, that we can find in the newspapers two cases where witnesses were used. More than likely, these organizations are violent, but some are not. For instance, there were convictions in the Enron case. This trial was highly publicized, and therefore we shouldn't pass judgment on it.

The measures that are taken while you're controlling the offender, that is an issue I find very difficult to deal with. It is one of our major concerns. At the end of the day, many of the individuals are former offenders. They kept their basic nature, even if they've changed their mind.

I'd like you to briefly explain to us how you can make sure that these people will not attempt to manipulate you and resume a criminal lifestyle, that they will actually continue to lead an honest life and not take advantage of their circumstances to commit other indictable offences. Is there a psychological component to your work? Do you have psychologists working with you?

[English]

Supt Gordon B. Schumacher: Thank you.

Well, clearly, the types of people we have in this program are not the types of people who are highly regarded in our society as upstanding citizens. Not all, but for the most part, the primary people could very well be convicted individuals. The way we're looking at them, the way we're hoping to try to get them to cast aside the shadows of their past...on the national side they have handlers who are constantly involved with them, but there are also psychologists, clearly, who are involved in the process and who will spend time with people within the witness protection program to help them resolve some past issues they have in the hopes that they will move forward.

I have personally seen situations on the national side where, no matter what you do or what help you can provide, it doesn't make a difference. But I've seen success stories on the national side as well.

On the provincial side, provincial programs, as I've mentioned, are much more short term, so they are usually removed from the situation to which they are accustomed, but for shorter periods of time. We move them, for instance, to Vancouver, and we will try to set them up so that they are comfortable and are going on a proper straight path. The reality is, after three or four months, the provincial funding generally will stop in the hopes that they will start working on their own.

We will provide support for them. Even at the provincial level, we have psychologists that we can make available for them. We do what we can, but clearly, there is no way that we can guarantee success on that front.

• (1145)

The Chair: Are there any other comments from the other witnesses?

Mr. Izzett, did you have a comment?

S/Insp Steve Izzett: When you speak of the success, obviously our objective is to be successful in our investigations and subsequent prosecutions. I'm not so sure we have kept statistics or measured that. I will endeavour to check, but I'm not so sure they exist.

The witness protection program, for many, can be a panacea. It's an individual who sees a different location and a new life, when in actual fact what they find is the same life in a different location, with the same troubles that followed them, with the same idiosyncrasies in their human behaviour, and the same propensities for them to be involved in criminal activity. Speaking in terms of the provincial program, they can withdraw from the program at any given time. In fact, it would be deemed that they would be withdrawing from the program if they entered into a criminal lifestyle again, and they would lose support.

So they are monitored, but there are no guarantees—absolutely no guarantees. What we have found, by and large, is that when we relocate individuals, they find out that they didn't get a new life, that they have the same life, and they are probably lonelier, and they have a propensity to return to the location they were relocated from.

The Chair: Thank you.

Mr. Comartin, please.

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

Thank you, gentlemen, for being here.

I think I want to be clear, although I assume you know this, that the primary reason this review is under way at this point is because of a notorious case that came forward where an individual in the federal program was subsequently charged and convicted of murder while still in the program. We believe there's a similar case in Quebec.

What we're concerned about—and Ms. Barnes made reference to the protocols—and what I'm in particular concerned about is the programs you're involved with at the provincial or local level. I'm looking for your criteria for admissibility and your criteria for terminating involvement in the program. So as you send that material forward, could you pay particular attention to those two areas?

S/Insp Steve Izzett: I've spoken to the person in charge of the program at the Ministry of the Attorney General, and they are reluctant at this point to release that document. It's a document that contains the rules of engagement that must be agreed to for entrance into a program. I can provide the committee with a contact name and you could ask that individual directly, but at this point I'm not permitted to provide that document to you.

Mr. Joe Comartin: Could you provide the clerk with the contact name?

S/Insp Steve Izzett: Absolutely.

Mr. Joe Comartin: Staff Inspector, to pursue this just a bit, in terms of criteria for admissibility and termination, in Ontario that is entirely determined by the ministry? It's not determined by the Toronto Police Service?

S/Insp Steve Izzett: We certainly have a partnership and we have a say in the process, but the ultimate determination lies with the Ministry of the Attorney General, the crown law office.

Mr. Joe Comartin: Then just to be a bit more specific, you made reference to those almost split-second decisions that have to be made. You're on the street, there's an issue, and you've got to make a decision. Who makes those decisions?

S/Insp Steve Izzett: My officers assigned to witness protection.

Mr. Joe Comartin: So you've got an officer out on the street coming across this who believes this needs assistance, and that officer calls in to somebody who's responsible to you and they make that decision?

S/Insp Steve Izzett: They make that decision on the spot.

Mr. Joe Comartin: Does that have to be approved by the province?

S/Insp Steve Izzett: No. As I've mentioned, we have an agreement that in the first instance, where the safety of a witness is potentially in peril and there is immediate assistance required, we can temporarily relocate them to a hotel or some other location that we, the police, deem to be safe, and the Ministry of the Attorney General will honour that expenditure even if the individual is not later accepted into the program.

• (1150)

Mr. Joe Comartin: Do you know how much the province pays for the witness protection program in Ontario? And I'm not looking for the cost of the officers at the municipal level or I guess at the OPP level.

S/Insp Steve Izzett: The cost in the province of Ontario ranges between \$500,000 and \$800,000 a year to run the program. That's for the entire province.

Mr. Joe Comartin: Am I correct that it does cover the OPP as well?

S/Insp Steve Izzett: Yes.

Mr. Joe Comartin: Superintendent Schumacher, do you know how much the Province of Manitoba is spending?

Supt Gordon B. Schumacher: I believe the budget they have is \$400,000 a year.

Mr. Joe Comartin: Staff Inspector, when you hear those two figures, and the population of Ontario being about 11 or 12 times that of Manitoba, maybe a bit more than that, the figures don't seem to jibe. Why would Manitoba be spending that much and Ontario that little, if I can put it in that context?

S/Insp Steve Izzett: Comparatively, I cannot answer that question, simply because I don't know to what extent the level of protection is provided and what steps are taken. I'd like to claim that it's just a matter of the frugal nature of the—

Mr. Joe Comartin: You're not going to sell us on that one.

Voices: Oh, oh!

S/Insp Steve Izzett: At this point, I don't know what the difference is between the two programs. I can tell you that the average cost per witness is between \$20,000 and \$40,000 with the Ministry of the Attorney General.

Mr. Joe Comartin: Going back to the issue of terminating someone, you made the point that subsequent involvement, post-testimony, in criminal activity...you left us with the impression that it was automatic that they were terminated from the program. Is it automatic, or is there a decision made? Who makes the decision if there is a decision?

S/Insp Steve Izzett: It's actually contained in the rules and acknowledged by the individual who signs the rules.

Mr. Joe Comartin: These are the rules you can't show us?

S/Insp Steve Izzett: Yes, these are the rules I can't show you. There are a number of criteria. One says they must follow all the security practices and they'll be governed by those actions until advised by the police that it's no longer necessary to follow them.

Mr. Joe Comartin: Staff Inspector, can you address your comments to how it occurs? Do you make that decision?

S/Insp Steve Izzett: No. That would be a decision through consultation. Obviously, if somebody's involved in some criminal activity, we would consult with the ministry and that decision would be made by the ministry upon our advice. But I can tell you, in the last 10 years, because I checked before coming here, we've only had five in the Toronto Police Service who we found it necessary to remove from the program.

Mr. Joe Comartin: Because of criminal activity?

S/Insp Steve Izzett: I can't specifically answer as to what the reasons are. But I would say that for the most part, yes, that would be the reason.

Mr. Joe Comartin: You say there were five in the last number of —

S/Insp Steve Izzett: In the last 10 years in the city of Toronto.

Mr. Joe Comartin: Superintendent Schumacher, I'll ask you the same questions. How is termination governed? Is it determined at the municipal police force level or at the provincial level?

Supt Gordon B. Schumacher: Our situation is very similar to that of Ontario, in the sense as well that the information is difficult for me to provide here today. Termination is something that's considered frequently if a person within the program is causing any form of concern to investigating officers or the province itself. Particularly if there is an issue that investigating officers are seeing, they will relay that to the province, and termination proceedings can occur very quickly.

• (1155)

Mr. Joe Comartin: Is it the province that makes the final decision, though?

Supt Gordon B. Schumacher: Yes, it's the province that's paying the bills. It's the provincial high-risk witness management program that contracts with the individual.

The Chair: Mr. Comartin, I was not watching the time, and you are over time. Can you wrap it up, please?

Mr. Joe Comartin: I have a whole other area to go into, Mr. Chair, so perhaps we can see what happens as we come around the next time.

The Chair: Right, or you can get permission from the committee to pursue it.

We are now going to go over to the government side.

Mr. Hawn, please.

Mr. Laurie Hawn (Edmonton Centre, CPC): Thank you, Mr. Chair.

Thank you all for being here.

I'd like to talk about cost a bit. We've heard various numbers come out. Perhaps, Superintendent Schumacher, you'd be the best one to answer this, with your federal association hat on.

We heard \$800,000 from Ontario and \$400,000 from Manitoba. We have some information that says that in 2005-06, relative to 2004-05, the costs went down from \$2.5 million to \$1.9 million.

Do you have a number for all the provinces? Do we have a provincial breakdown? I'm not asking for that breakdown, but...

Supt Gordon B. Schumacher: No. As I mentioned earlier, the only provinces that are filling the void with provincial programs are Ontario, Manitoba, and Quebec, and I understand British Columbia is moving down that path. I don't have any information concerning cost from the other provinces, nor do I have information specific to the federal program.

Mr. Laurie Hawn: Assistant Commissioner McDonell, do you have any other number from the federal side? Are we talking about \$5 million, \$10 million...?

A/Commr Mike McDonell: I can just reiterate, if you wish, the numbers that were provided by Assistant Commissioner Souccar, the \$2.5 million and the \$1.9 million. That's the information I have.

Mr. Laurie Hawn: Is that the estimate of the cost of all witness protection in Canada, including the provincial costs?

A/Commr Mike McDonell: No, that is just the federal program, which we administer.

Mr. Laurie Hawn: We could do some rough extrapolation from the two provinces, I guess, to come up with a *grosso modo* number.

How does the witness protection program translate to people who are in prison but under witness protection? I assume there are some inmates who are under witness protection. Are these costs captured in that?

Supt Gordon B. Schumacher: I'm not aware of any inmates who are under witness protection. That's just from my own perspective.

Mr. Laurie Hawn: That would surprise me a little bit, because you said they're responsible for their actions. Surely there are some people who have been convicted but who are also valuable from the point of view of being witnesses who would be protected within the prison system. Does that not make sense?

Supt Gordon B. Schumacher: The reality is that if somebody is in jail, they're not going to be provided with witness protection. If they're out of jail and are part of the program and commit offences that are going to put them in jail, I suggest that they would be removed from the program, if that's the case.

That's generally speaking. This is going into the federal regime, so I can't speak too firmly on that. Certainly, if they're in the provincial program and are convicted of an offence that's sending them to jail, they will be out of the provincial program.

Mr. Laurie Hawn: Do we have any idea how many people and families are under the witness protection program right now nationally, or is it again fragmented?

A/Commr Mike McDonell: Yes, we have, and again those comments were provided by Assistant Commissioner Souccar. I can reiterate them: 700 are within the RCMP total realm of responsibility, and we manage 300 for other police agencies as well.

Mr. Laurie Hawn: What proportion of those are families? Are half of them families, or a third?

A/Commr Mike McDonell: I do not know that. I can take it on notice.

Mr. Laurie Hawn: Some number of them are.

In terms of funding, everybody wants federal funding, of course, in the provincial funding mechanisms in some provinces, although not in others. Nobody's mentioned a figure of what kind of ask there would be for federal funding to support witness protection across the country. Does anybody have a figure?

S/Insp Steve Izzett: On behalf of the Toronto Police Service, we're not here to ask for funding. It is our position that when a witness becomes a witness, that witness becomes the responsibility of the prosecuting Crown. In the Ontario example, the Ministry of the Attorney General has acknowledged that responsibility and accepts the financial obligation associated with it.

If you are talking about the federal level, not speaking to which department would have the mechanics associated with that, the money is of no object to us; it's the capacity to enter somebody into a program that is funded outside. We have no interest in managing any more funds within our allocation.

• (1200)

Mr. Laurie Hawn: Okay. We won't write you a cheque.

Trust, obviously, is at the heart of any witness protection program. The folks have to trust you.

I want to talk about terrorism for a second. Assistant Commissioner McDonell, you'd probably be the best guy to comment on this. You may not be able to give me a number, but are there a lot of people in the witness protection program from the terrorism aspect?

A/Commr Mike McDonell: I've held this position for 18 months. My response would be that there are not a lot.

Mr. Laurie Hawn: Would it be a hockey team, a football team, the National Hockey League?

A/Commr Mike McDonell: I won't go there, sir.

Mr. Laurie Hawn: Do these folks come from a variety of...? I mean, they're not just Canadians. And again, you may not be able to answer this, but are we protecting a mix of Canadians and foreign nationals who happen to be in Canada?

A/Commr Mike McDonell: I can't answer that.

Mr. Laurie Hawn: They would come from a variety of countries, but you wouldn't be able to answer that either, and I understand. Non-answers are sometimes as good as answers, so that's okay.

We may not know these numbers, but how many have we lost from the witness protection program? By "lost", I mean protection has broken down to the point that they've been killed. Do we have a number?

Supt Gordon B. Schumacher: I'm not aware of any, nationally or provincially.

A/Commr Mike McDonell: I'm not aware of any deaths, but there has been one failure in the system within the RCMP in which the identity got out.

Mr. Laurie Hawn: According to the information we have, there have been a number of cases of involuntary termination of protection. I assume that to mean the person wants protection and has had protection, but has been subsequently told he or she doesn't need it any more. What kind of decision-making would drive that, Mr. Izzett?

S/Insp Steve Izzett: I'm not so sure. What do you mean by that question?

Mr. Laurie Hawn: Well, the 2005-06 annual report indicated there were seven cases in which there was an involuntary termination

of protection. I take that to mean that a person wanted protection but was deemed not to need it.

S/Insp Steve Izzett: That's the federal document, sir. I'm not aware of that.

Mr. Laurie Hawn: Mr. McDonell, do you have any—?

A/Commr Mike McDonell: In some cases those would be instances in which the person returned, against the direction of their handler, to the area from which they were removed. In other cases they became involved in criminality again. Then they're instantly...

Mr. Laurie Hawn: In terms of the objective being employability and getting these people off somebody's effective welfare payroll and back into being relatively productive citizens, what kind of success rate do you have with that, federally? Do you have any numbers on that?

A/Commr Mike McDonell: I can take that.

I don't have a specific number, but I know that we spend quite a bit on retraining people. There are psychologists and everything. Significant effort is put into seeding them into society as contributing members of that society. I can attempt to get numbers of who actually holds a job and who is still a drain.

Mr. Laurie Hawn: It would indicate how successful that is, or if it is just a permanent welfare program, which in some cases it obviously will be.

Were you cutting me off there, Mr. Chair?

The Chair: If it's on that particular point, is there any clarification...?

Mr. Laurie Hawn: No, that's fine. I just thought I heard you say—

The Chair: Yes, you are over time. Thank you.

That ends the first round. We'll now begin the second round.

Go ahead, Mr. Cullen, please.

Hon. Roy Cullen (Etobicoke North, Lib.): Thank you, Mr. Chair.

Thank you to the witnesses for being here.

Staff Inspector Izzett, I'd like to come back to a comment that Superintendent Schumacher made earlier in response to Mr. Ménard. He implied or more directly stated that most, if not all, of the people in the program have been engaged in some form of criminality.

I'm wondering, in the Toronto experience, are there no people who come forward who are just honest citizens and say, "I know who did this, I'd like to cooperate, but I'm going to be in real trouble"? I'm thinking of my riding of Etobicoke North, the Rexdale-Jamestown Crescent, where we've had a spate of this type of gun crime. Are there any people in the Toronto Police Service program who are just honest citizens looking for protection, or are they all involved in criminality?

S/Insp Steve Izzett: Absolutely. It has been mentioned here on a number of occasions, and in my opening remarks I tried to comment on the fact that this is not about organized crime only; this is about criminality within communities that erodes those very communities.

We do have witnesses to whom we have afforded protection who, through socio-economic circumstances, were in the location or in the wrong location at the wrong time, happened to witness an event, and required protection from society. Yes, that's absolutely correct.

•(1205)

Hon. Roy Cullen: Okay.

I remember a chat I had with Chief Blair one time about witness protection, and he said to me that yes, we need these programs where people's identities can be changed and they're shipped off somewhere, but there are things that can be done equally efficiently through the judicial process, the judicial system. I'm not a lawyer, but I gathered from that that he was indicating that things could be done in a way that people provide testimony at trials, maybe in camera. I'm not exactly sure what he was referring to.

Are there things that could be done, in addition to the kind of identity change program that we've been talking about, through the judicial process that will protect witnesses who want to come forward?

S/Insp Steve Izzett: Without speaking on any specific case, I have three detectives full-time who look after witness protection for the Toronto Police Service. They apply creativity in every single instance, and that creativity includes the issues we talk about: employability, location, other avenues and options to enhance the safety of the individual. It is not just about relocation and change of identity; it's a number of different factors that can create a safer environment for the witness.

As for testimony in camera, I can't comment on that. I'm not fully conversant with that issue.

Hon. Roy Cullen: I may have just inferred that from what he said, and maybe he was talking about the kinds of things you've just mentioned.

Now, I come back to my colleague Ms. Barnes' comment. If you look at my riding, Rexdale, there have been a lot of gun-related crimes, innocent people put at risk, but in many, many cases, not many people coming forward. And we have Crime Stoppers, the 1-800 numbers, the anonymous phone numbers. If people won't come forward in those circumstances, how will they come forward if they're offered some kind of witness protection? Is it just that they don't trust the anonymity of a Crime Stoppers number, for example? What's going on there?

S/Insp Steve Izzett: Well, the Crime Stoppers program is an excellent program, and we've reaped many, many benefits, solved many homicides, solved many very serious occurrences through our Crime Stoppers program. We're very proud of that program.

About the reluctance of people to come forward in that program, they have many options. They can come forward as a confidential informant. They can give us the information through Crime Stoppers, or they can give us the information through being a witness.

The thing we have found in these communities that you're talking about, some of the more vulnerable communities, is that there is great suspicion placed upon individuals who live in those communities in terms of who's actually speaking with the police. When the police show up with a search warrant, who talked to the police about that? So we face that challenge every single day.

I can tell you we had some recent cases, without getting into specifics again, where we've actually had multiple witnesses come forward whom we've had to provide some level of protection for in homicides, and they came forward when they had acknowledged that there was an avenue, a forum, for them to gain protection, that we weren't just going to leave them on their own once they came forward and gave us their statement, that we would look after their interest.

That's what I talked about in my opening remarks: this is part of the trust factor. When people start to hear about the success of the program, that will hopefully increase the use of the program.

Hon. Roy Cullen: Staff Inspector, you talked about a sort of reluctance to access the federal program. Now, many of the prosecutions will come through the province. You talked about a federal prosecution in the case of importation of drugs, and there are others. Terrorism is one, I suspect. I forget the list now; it's been a while since I've looked at it. You intimated that there could be opportunities where you could avail yourself of the program, but right now it's just too complicated fiscally and procedurally.

What would you like to see happen to the federal program to make it more accessible to you, and would you use it?

•(1210)

S/Insp Steve Izzett: To clarify one point, we have access to the federal program any day of the week. It's available to us, but it's on a cost-recovery basis. If we access the program, it's entirely on our dime. It's complete cost recovery, based upon a bill-back from the RCMP. So it is available to us.

What would we like to see? We currently enjoy the flexibility and the speed with which we can get people into a protective area of safety. If we were to envisage a system in relation to the federal witness protection program, we would envisage one that had a very flat decision-making process, with the funding, as I say, not to be provided to our organization but to be provided, perhaps, to the RCMP or the Department of Justice. I do not want to enter into a debate between the two agencies, but the funding would be provided so that it could facilitate a seamless...you know, here's a witness, we need protection, and then the mechanics would already be there.

Right now that exists on the provincial side.

The Chair: Now to the Bloc Québécois.

Mr. Ménard, do you have any questions?

[*Translation*]

Mr. Serge Ménard: With your permission, Mr. Chairman, I will be handing over my time to Mr. Comartin.

[*English*]

The Chair: Mr. Comartin.

Mr. Joe Comartin: Thank you, Mr. Chair.

Merci, Monsieur Ménard.

To follow up on Mr. Cullen's question, and perhaps, Superintendent, you'd want to comment, is this a situation where it would actually be better if the money were passed down to the province—they'll never pass it down to the municipalities, at least not in our lifetime—in order to continue to have that kind of flexibility and speed? Would that be the best result, assuming we could get the feds to cut the cheque?

S/Insp Steve Izzett: I didn't come here to make this a real money issue on where the money goes; I just wanted to talk about flexibility, autonomy, and how our success has worked. But if you would speak to the Ministry of the Attorney General, that is something they'd be very interested in, because the infrastructure is already in place, the mechanics are already in place, and they would gladly facilitate administering both the federal and the provincial matters in terms of witness protection. I received that commitment from the ministry prior to attending here today.

Supt Gordon B. Schumacher: If I can make a comment, specific to those provinces with provincial programs, I would suggest that yes, money to the provincial approving entity would be entirely appropriate. Unfortunately, there are many provinces that don't have provincial programs. My suggestion is that as long as there is money available...for instance, if in Halifax they need to put somebody into the witness protection program, as long as there's money there somewhere so that when they enter into the program they can utilize it, then it would be appropriate.

Mr. Joe Comartin: Superintendent, if I understand the situation in Manitoba, at least half of Manitoba, perhaps a bit more, is covered by the RCMP for regular policing. Is that roughly accurate?

Supt Gordon B. Schumacher: As far as actual area is concerned, more surface area would be covered by the RCMP. In terms of personnel, there are more municipal police in Manitoba than there are RCMP.

Mr. Joe Comartin: I'm talking about borders here. Do you have the RCMP functioning right beside the Winnipeg police force?

Supt Gordon B. Schumacher: Yes.

Mr. Joe Comartin: If a murder occurs and you have a witness who sees the murder and it's out in the regional area, under the RCMP, that witness is covered by federal funds. For the same crime just over the border in Winnipeg, there's no coverage from the federal government.

Supt Gordon B. Schumacher: That's correct.

Mr. Joe Comartin: It's the Criminal Code that's been breached in both cases. That's the situation.

Supt Gordon B. Schumacher: Yes, that's correct. There could be a possibility of going through the national program for us in that particular case.

Mr. Joe Comartin: But you'd have to pick up the costs.

I want to go back again to where the programs haven't worked. I want to talk about supervision of the individual in the program.

When Assistant Commissioner Souccar was here, if I understood him correctly, he said if they're not involved in those 300 cases currently—so if it's an entirely provincial or municipal force—it's the

provincial or municipal force that provides the supervision of that individual. That's correct?

I'm sorry, could you say yes?

• (1215)

S/Insp Steve Izzett: Yes.

Mr. Joe Comartin: It's like being in a courtroom.

If that's the case—and I'm going to ask about Ontario first—who sets the standard as to what type of supervision of the individual in the program is to be provided in Ontario?

S/Insp Steve Izzett: Once again, it's a program that's run and operated by the Ministry of the Attorney General. It's the ministry's program, and they set all the standards associated with the program.

Mr. Joe Comartin: Okay. Again, that covers all of the forces in Ontario?

S/Insp Steve Izzett: Yes.

Mr. Joe Comartin: Is the same true in Manitoba?

Supt Gordon B. Schumacher: Yes, it is.

A/Commr Mike McDonell: Can I clarify something? The RCMP also does manage some of those 300.

Mr. Joe Comartin: Oh, I thought I had made that clear. I understood from Assistant Commissioner Souccar that they managed—I got the sense—a good number of them, actually.

In terms of the supervision, is it all done by police officers, as opposed to social workers, psychologists, or people in the social services?

S/Insp Steve Izzett: In the case of Toronto, it's done by police officers.

Mr. Joe Comartin: What about in Manitoba?

Supt Gordon B. Schumacher: It's not necessarily done by police officers entirely. The program is a provincial program, and they have provincial employees who happen to be ex-police officers, who do this type of work. We, in Winnipeg, have two full-time people assigned to witness protection. The RCMP, in "D" Division, have one person, I believe, assigned full-time. They will work hand in hand with the province when they need some assistance, but the province does have specific people identified to deal with protected witnesses.

Mr. Joe Comartin: In that situation, when there's a prospect that it's going to be terminated, it would be these people, whether they be police officers, retired or otherwise, who would be making the recommendations. Is that correct?

S/Insp Steve Izzett: Yes.

Mr. Joe Comartin: Thank you.

The Chair: Thank you.

Mr. Norlock, please.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Thank you very much for coming today and enlightening us with some additional information with regard to the witness protection program.

I think we've touched on this, but just to make it clear, people in the program are not immune from any criminal prosecution. They don't receive any protection or immunity from criminal prosecution, and if they do, they're automatically out of the program. Is that correct?

A/Commr Mike McDonell: That is correct in the federal program.

Mr. Rick Norlock: How about those run by the provinces?

S/Insp Steve Izzett: That is correct.

Supt Gordon B. Schumacher: Yes, for Manitoba, that's correct as well.

Mr. Rick Norlock: But it wouldn't include provincial offences, because they're of a minor nature? Or would it?

Supt Gordon B. Schumacher: Our program would not give any immunity for any offences, provincial or otherwise.

A/Commr Mike McDonell: They're on their own. It may not include exclusion from the program or termination from the program, but they're accountable for their every action.

Mr. Rick Norlock: So if they get a speeding ticket, they pay the ticket, etc.

A/Commr Mike McDonell: They pay up.

Mr. Rick Norlock: Thank you.

Would it also be correct to say that because we're dealing with human beings and their various idiosyncrasies, that the program, although it has rather exacting rules and criteria and protocols...? Dealing with human beings is not an exact science. Would these protocols and rules, in your experience during your time with the program, be amended or changed according to circumstances that have arisen as a result of the implementation...or of someone in the program or something turning up?

A/Commr Mike McDonell: I'm not quite sure I understand you. It's not so amenable that it's tailored to an individual's needs.

Mr. Rick Norlock: No, I'm saying that if experiences occur, if the practical application of the program results in the identification of some need for change, have there been slight changes to the way in which the program has been implemented, and so on, or protections offered because of certain circumstances that have arisen that say, hey, we better put this in place, because this could happen in other cases?

• (1220)

A/Commr Mike McDonell: I would say our policy is ever-evolving to reflect the ever-evolving society we work in and each distinct case. It's like every lesson in life: the more you learn, the more you realize you don't know. So with every individual we bring into the program, we do learn something, and then that's brought back into policy.

Mr. Rick Norlock: Okay. Would that be the...?

Supt Gordon B. Schumacher: Yes, I would agree with that. Clearly, this is a fluid process. If I can go back to a number of years ago, before the provincial program, the reason we moved into a provincial program era was because of the fluidity of the national program.

We went in there. Some things worked and some things didn't, and to fill the void of the things that weren't working we moved into a provincial program. Of course, there were some learning curves and some growing pains, and over the years we've ironed a lot of those out, but there are going to be more, and we'll continue to change and move to make it a better system.

S/Insp Steve Izzett: The very foundation of the flexibility and speed with which we can react has evolved. It has evolved out of necessity. So this program in Ontario continues to improve, always looking for enhancements, and that's why we do have the two-o'clock-in-the-morning autonomy to make a decision to relocate somebody and to know that we have the full support of the Ministry of the Attorney General even if the individual isn't accepted into the program. So there have been changes made to facilitate. It's all about the safety of the witnesses.

Mr. Rick Norlock: So the rules are flexible enough to accommodate the exigencies of the situation. That's what you're basing it on.

S/Insp Steve Izzett: Yes, in Ontario.

Mr. Rick Norlock: Thank you.

I'd like just a comment from each of the witnesses, just an opinion, on how you would rate the program in terms of success in, first of all, the prosecution of crime, and secondly, the maintenance of the confidential identity of the person in the program. You can go on a percentage basis or from 1 to 10, 10 being the highest.

We'll start with the RCMP.

A/Commr Mike McDonell: With respect to prosecution, I would say that the effectiveness and success of the program would be a 9. With respect to the maintenance, being able to maintain the security of the person, in our history there has been one failure among a couple of thousand people, so I'll give it an 8.9.

Mr. Rick Norlock: Thank you.

Supt Gordon B. Schumacher: If we're talking about the national program, the way it currently exists and currently operates, excluding the issues of cost and accessibility, if we're going specifically with the group once they're in there, the program works well. I can echo a high number, 8 or 9, if you would like.

As far as the maintenance of confidentiality, confidential identification, is concerned...was that what you were asking?

Mr. Rick Norlock: Yes.

Supt Gordon B. Schumacher: I would give that a high score as well, keeping in mind that this is dealing with the higher echelon of people and that there's a whole group who fall outside of that program. The percentage is good there too, but it's not within that program.

Mr. Rick Norlock: Mr. Schumacher—and Staff Inspector, if I could just wait to get to you—I'm very interested in your concentration on the funding issues, because that doesn't appear to be the concentration or the extent of the problem in Ontario, and unfortunately, we don't have representatives from other provinces. But are you saying the success of the program is determined by the affordability of the program in the province of Manitoba, and that whether or not a witness should be afforded or someone should be charged is totally a fiscal consideration as opposed to a public safety consideration?

Supt Gordon B. Schumacher: Absolutely not. If you're wanting to get somebody into the national program, then it's a fiscal consideration in large part, because somebody has to pay the bill. For a local police agency, coast to coast, that is a concern. Aside from the national program, though, you have something less than that, and certainly the cost is not a factor. The primary concern, of course, is the safety of the witness, without question.

• (1225)

Mr. Rick Norlock: Thank you.

The Chair: Thank you.

We're going to go to Ms. Barnes.

I just want to clarify something that Mr. Norlock was asking you about. They are not immune from prosecution, but what happens if something in their past comes up—before they went into the protection program, some murder that they committed? Are they immune from anything in their past that may come to light after they go into the protection program?

A/Commr Mike McDonell: I can speak for the federal program. The answer is no.

The Chair: They're not immune from prosecution if it's something serious.

A/Commr Mike McDonell: No, they are not.

The Chair: Ms. Barnes.

Hon. Sue Barnes: I think I might follow up on that a bit.

You're familiar with section 25 of the Criminal Code. Is there any situation where somebody could go into the witness protection program who would have received section 25 authorization or protection?

A/Commr Mike McDonell: Are you speaking of subsection 25.1 (9), the law enforcement provisions to commit acts or omissions that would otherwise—

Hon. Sue Barnes: Yes, absolutely.

A/Commr Mike McDonell: And your question is just that we have—

Hon. Sue Barnes: Whether or not somebody who had that, who fell into that exemption—say, an informant, maybe a drug dealer—who then got moved over, under organized crime.... Are they in that program? Do you have people who have gone through the program that have a section 25 situation?

A/Commr Mike McDonell: That would be an agent.

Hon. Sue Barnes: Yes, absolutely, it would be an agent.

A/Commr Mike McDonell: Yes, an agent was used in a particular...but agents are not all of subsection 25.1(9). The fair answer is yes.

Hon. Sue Barnes: Thank you.

One of the things that's come out today is that the municipal program in Toronto nearly has...and I don't know if you'd call it a directive or a supervisory...but the Attorney General of Ontario is involved in the program. Is that a correct statement?

A/Commr Mike McDonell: Absolutely.

Hon. Sue Barnes: As contrasted to the RCMP program, which has no involvement of an attorney general for Canada.... It's always in the circle of the RCMP, with no outside oversight at all.

A/Commr Mike McDonell: Except for the report.

Hon. Sue Barnes: Yes, well, that's in information. That's not an oversight, and that's nothing in any way comparable to what's happening in Ontario.

I want to talk to you now about minors, because I was thinking of your situation with gun witnesses or gang witnesses in Toronto. You could often be a minor being a witness. Do you involve minors in your witness protection program?

S/Insp Steve Izzett: That is a good question, and I don't have the answer to that.

Hon. Sue Barnes: Could you forward that to us?

S/Insp Steve Izzett: I have not reviewed or dealt with any paperwork associated with a minor into the program.

Hon. Sue Barnes: I can foresee that in a gang situation.

How about Winnipeg? Do we have information there?

A/Commr Mike McDonell: I know we considered it some years ago. I'm not certain if that individual actually entered into the program or not. Other than the one particular circumstance that we considered, I'm not sure if we have any.

Hon. Sue Barnes: Okay. How about at the RCMP level?

A/Commr Mike McDonell: I'll take that on notice. I can't answer that question.

Hon. Sue Barnes: Okay. Could you get back to us?

A/Commr Mike McDonell: Yes.

Hon. Sue Barnes: Would you also answer the question of whether or not there are witnesses in the witness protection program for the assistance of terrorism cases in Canada currently?

A/Commr Mike McDonell: I will not answer that question, as per section 11.

Hon. Sue Barnes: Okay, thank you.

You mentioned in your opening remarks about the second stage of the RCMP report.... Never mind. I'll pass on that right now.

The Chair: You're finished?

Hon. Sue Barnes: Yes.

The Chair: We'll go over to the government side. Mr. MacKenzie, please.

Mr. Dave MacKenzie (Oxford, CPC): Thanks, Chair.

And thank you to the members.

Assistant Commissioner, could you just clarify one little thing? There are 700 in RCMP control and you monitor 300.

A/Commr Mike McDonell: There are 700 that originated from RCMP investigations and then 300 where we're providing aid to other police agencies.

Mr. Dave MacKenzie: Okay, so the cost of the 700 will be borne federally and the 300 are billed back to other agencies. Is that correct?

A/Commr Mike McDonell: That's correct.

Mr. Dave MacKenzie: Okay.

I think Mr. Cullen mentioned a variety of things about which he had talked with Chief Blair. Typically, Crime Stoppers callers are not people who initially wish to be witnesses. Is that a fair assessment? The reason they call is because of the anonymity.

• (1230)

S/Insp Steve Izzett: That's a fair assessment, yes.

Mr. Dave MacKenzie: And the other thing is, I think when you talk about other ways with the judiciary, we have screens for children, we have other ways to protect the identity of people in the court, but they're still known to the individuals who are charged and they're known to the defence. It's just that they're screened from the public. Would that be a fair assessment?

S/Insp Steve Izzett: Are you speaking in terms of the child abuse investigations or...?

Mr. Dave MacKenzie: In the general sense, when Mr. Cullen was talking about ways to protect witness identity within the judicial system; we do have some systems, but they're generally thought of to protect their identity to the public as opposed to protecting them from criminals who are charged.

Supt Gordon B. Schumacher: Are you talking, for instance, about closing a courtroom or a publication ban to prevent the picture of the individual from coming out in the newspaper?

Mr. Dave MacKenzie: Yes.

Supt Gordon B. Schumacher: Those are available.

Mr. Dave MacKenzie: Yes, but they don't protect their identity from the person who is charged, and that's why we offer witness protection.

Supt Gordon B. Schumacher: That's right.

Mr. Dave MacKenzie: On the other part that Mr. Ménard talked about, the future criminality of somebody in the program, it's fair to say that the program is not there for any reason other than protection. We can't predict anyone's future criminal activity, including the people in the program; there is no provision in the program to do that.

Supt Gordon B. Schumacher: That's correct.

Mr. Dave MacKenzie: My other point was that when we're talking about protection, the names are typically disclosed to the defence in the disclosure documents from the Crown to the defence.

Supt Gordon B. Schumacher: Yes.

Mr. Dave MacKenzie: When we talk about providing protection to witnesses, it's because they are known. It's not that we have any other way to protect them if there is a danger to their person.

Supt Gordon B. Schumacher: By the very nature of what they are doing, they are a witness, and as a witness they will have to appear in court to provide their testimony, so that's correct.

Mr. Dave MacKenzie: One other thing, Staff Inspector. You mentioned that criminal activity, organized crime, is everywhere. I think we concur with that.

Very recently, in the city of London, the chief complained that you're pushing out crime. It is not you personally, and not your department, but crime is being pushed out of the city of Toronto into other communities, and now they're experiencing the same kinds of things you are—gun crime, but no witnesses coming forward.

If I understood Ms. Barnes, typically the witnesses who are looking for protection are people who are not necessarily in the organization but are part of the bigger community. That's why they're looking for protection. It's not because they happen to be citizens driving by who saw something. Is that a fair assessment?

S/Insp Steve Izzett: Yes, that's a fair assessment.

Mr. Dave MacKenzie: That's what we're seeing with communities like the city of London. It's people who are in one bar or one night club, so they tend not to want to come forward, and that's similar to what happens in the city of Toronto. Is that fair enough?

S/Insp Steve Izzett: Yes.

Mr. Dave MacKenzie: If there was one thing the federal government could do, aside from providing money, in this program—

Hon. Roy Cullen: In addition to providing money.

Mr. Dave MacKenzie: —what would it be? How could we improve the program from the federal perspective, other than with more money?

Supt Gordon B. Schumacher: Clearly, that is the first step, but in some way make it more accessible to smaller organizations. The reality is that the national program is not accessible to many organizations within this country. If we make it accessible, we can start using it.

The Chair: Is it not the money?

Supt Gordon B. Schumacher: I'll try not to say the word, but money has to be part of that. There could also be an expansion or a tier two of the federal act that would allow more people to come into it, which would be of assistance.

The Chair: Thank you.

I didn't want to take away your time.

Mr. Dave MacKenzie: We're fine.

The Chair: Okay. We are now going on to the fourth round.

Mr. Cullen, please.

Hon. Roy Cullen: Thank you, Mr. Chair.

Staff Inspector Izzett, if you're talking to Chief Blair, ask him about our conversation. He may not remember, but if he does, it would be useful if he could elaborate. I remember taking notes at the time, and I think I fed that into the RCMP or the department when I was on the other side. It was a couple of years ago.

My understanding was that it was the kind of thing you referred to, but it was also.... For example, if someone witnesses a murder in Rexdale, they might not want to come forward, but they might arrange a little meeting somewhere and say they are prepared to sign a statement or an affidavit. If that appears in court—I'm not a lawyer, so I'm not sure if that can be done with any anonymity or if a person is then required to come in and be grilled by lawyers. I thought he was referring to procedures like that. If you are chatting with him, ask if there is anything he can offer, if you're coming forward with other information.

I'd like to come back with—

•(1235)

S/Insp Steve Izzett: He did want me to mention Stinchcombe today, on the very point that you're discussing in relation to somebody wanting to provide information. Well, the rules of disclosure require that as soon as we get that information from that individual and it is relevant for the defence or the prosecution, it has to be disclosed.

If you can drill down and visualize how a defence lawyer receives a briefing package and the individual he or she is representing is incarcerated, a copy of that briefing package is given to the individual who's incarcerated, and they have nothing else to do for eight hours a day other than to review that briefing package. Contained within that briefing package are the names of the witnesses and the information they've provided in the allegations against the very individuals who are incarcerated. So that creates a real challenge for us.

On the one hand we score points with the witness protection and confidential informant process, and on the other hand, when they find out that this disclosure occurs, they ask the police, "Why are you giving them my statements?" We have to explain to them that we have to give them their statements; it's part of disclosure. The process now is such that defence gives everything, every single piece in the package, to the individuals who are incarcerated.

Hon. Roy Cullen: Okay, well, maybe that's something.... I don't know how to deal with that, but it's something maybe we should look at.

I'd like to put out two quick questions, because I'm sure I'm going to be cut off.

Staff Inspector Izzett, I know there are certain federal prosecutions in terms of certain crimes—smuggling, drugs, gun smuggling, stock market fraud, I guess, counterfeiting. In practical terms, what are the examples where, in the city of Toronto, the Toronto Police Service, you could work with the RCMP on the witness protection program if it were more operable and the kinds of prosecutions you could work with them on?

As to my second question, you talked about having a flat organization with a province and how that program works—local decision-making, which I can relate to. I think that's a good thing.

You have the provincial program people making an ultimate determination of whether that person should actually come into the program, but there's an on-the-ground decision to bring that person within that orbit.

Some might argue that given the current circumstance that has been publicized where someone was brought into the RCMP program who actually turned out to be totally not credible in terms of the information they said they had, or was reliable, what kind of...? I know there are always mistakes that can happen. We all make mistakes; that's why they put rubber on pencils, but sometimes they can be pretty serious mistakes. What kind of due diligence do you go through to make sure that the person is going to be a reliable witness, that the information is credible? I think we've talked a bit about the other side, the propensity to commit crime later on. Is that something...?

The first question is the credibility of this person. They say they have all this information. How credible is it that they do or don't? Who makes that determination?

S/Insp Steve Izzett: In the first instance, I'm very fortunate to have three very experienced detectives who have excellent intuitive skills in dealing with individuals who potentially could be entering into the program. There's an entire background check process. They interview the individual. They speak to the investigating officer. They speak to the prosecuting crown attorney. Now, this is outside of the actual crown attorney who oversees the witness protection program; it's completely outside of it. Through the discussions of those individuals, they come together with a consensus as to the credibility. As I say, there are no guarantees. They discuss the credibility, the veracity of the information the individual is providing, and they assess that in terms of their current circumstances and their past history in terms of their dealings with the police. So it's an all-encompassing assessment process.

It happens very quickly. I can tell you that the assessments I receive to approve are two inches thick; they have a great deal of material on the individual. They talk about their debts. They talk about their educational background. They talk about what jobs they've held, what criminal investigations they've been involved in. It's an all-encompassing process, and it has worked for us; it is working for us.

•(1240)

Hon. Roy Cullen: Regarding the first question on the federal prosecutions, it would be practically irrelevant.

S/Insp Steve Izzett: As you may all be aware, in 2005 we had a very tough year in terms of gun violence in the city of Toronto. We developed the Toronto anti-violence intervention strategy. It was a two-pronged approach, and basically we wanted to disrupt and dismantle the activity in our communities. It was predicated on two assumptions, the first one being that all gun violence is drug related and the second assumption being that it's committed by repeat offenders.

If you take the “all drug violence is drug related” approach and ask the question, which offences would we like to pursue and provide protection regarding, either for witnesses or agents, it would be drug-related investigations that perhaps fall underneath the level of what the RCMP may be involved or interested in at the importation level. But they fall within our jurisdiction, and they are a poison in our community. They are the very drugs that flow through the community and create the rivalry and violence.

Hon. Roy Cullen: Thank you.

The Chair: Thank you.

Our last questioner is Mr. Brown, please.

Mr. Gord Brown (Leeds—Grenville, CPC): I'm fine.

The Chair: You're fine? You could have followed up on what he was saying with all this gun violence and stuff. How effective is the registry?

Some hon. members: Oh, oh!

The Chair: There's a witness protection program that really needs more funding; I'm surprised you didn't go there, Mr. Brown.

Hon. Sue Barnes: Can I ask another question, please?

The Chair: Okay.

Hon. Sue Barnes: Regarding both programs, as you brought up the background check for witnesses and their debts, when witnesses with debts get into the program, do you clear their past debts, or do their creditors just lose?

S/Insp Steve Izzett: In the case of Ontario, each case is assessed on an individual basis as to whether or not you're going to assume their debt in order to get them into the program. There are instances where, for example, you have ongoing support payments. They carry those support payments in their new identity. It has nothing to do with the entry into the program. If they had debts and were economically viable enough to continue carrying those debts, in most cases they would be responsible for them.

Hon. Sue Barnes: Do you have the same answer?

And for the RCMP?

Supt Gordon B. Schumacher: Yes, the same answer.

A/Commr Mike McDonell: They are responsible for their debts.

Hon. Sue Barnes: Thank you.

The Chair: Mr. MacKenzie.

Mr. Dave MacKenzie: Thank you, Chair.

I have one short question.

Superintendent Schumacher dealt with the issue of jurisdictions in the city of Winnipeg and immediately adjacent where it's the RCMP. If the area immediately adjacent to this is RCMP, is it on a contract?

Supt Gordon B. Schumacher: Yes, the provincial RCMP is a contract situation.

Mr. Dave MacKenzie: If somebody goes into the witness protection program outside of the city of Winnipeg, who pays for that?

Supt Gordon B. Schumacher: You're asking me to speak for the RCMP, but I can tell you that if they're making a national application, my understanding is that the RCMP pays for it. The RCMP can make application for the provincial program, and if it's approved, the province will pay for it.

Mr. Dave MacKenzie: Is that a bit of an anomaly, in that it could be exactly the same scenario outside of the city of Winnipeg and the federal government pays for it?

Supt Gordon B. Schumacher: That's correct.

• (1245)

The Chair: Are there any other questions?

Seeing none, I will adjourn this meeting in a moment.

I'd like to thank our witnesses very much for coming. You've given us a lot of very valuable information, and we appreciate it. If there's any other information that may have been asked for during the meeting, we look forward to receiving it as well.

Thank you very much.

Before the committee adjourns, remember that on Thursday we are meeting at 7:30 in the morning behind the Confederation Building. We're going to be getting on the bus there.

Hon. Sue Barnes: Are you serving breakfast?

The Chair: Would you like to have muffins and coffee available on the bus?

Hon. Sue Barnes: Yes, please.

The Chair: That would be nice; I never thought of it.

If you're going to be late, we will assume that you have changed your mind and are not coming. We won't be able to hold up the bus very long.

This meeting stands adjourned.

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