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Chair

Mr. Kevin Sorenson

Standing Committee on Public Safety and National Security

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• (0850)

[English]

The Chair (Mr. Kevin Sorenson (Crowfoot, CPC)): Good morning, everyone. This is meeting number 54 of the Standing Committee on Public Safety and National Security. Today is Tuesday, February 15, 2011.

Before we introduce our guests this morning and the topic to our committee, I would say that we're going to have an opportunity to see lots of you today. This committee meeting will go until 11 a.m. and then this evening we will meet until 11 o'clock tonight. We will have dinner coming in tonight.

One of the things that our clerk has done, because there are a number of witnesses who we have invited for tonight, is he's going to pass around a listing sheet of those who have been invited, just to let you know at the present time where we are on answers to our invitation to appear. There are a few who have declined, and until we get the final numbers my understanding is our clerk will be continuing to follow up on some of these today. So this will change, but this will at least give you a bit of an idea, an indication of who will appear this evening on Bill C-59.

This morning we are here and we are having a briefing on the Canadian Police Information Centre, commonly known as CPIC.

Appearing as our witnesses we have, from the Royal Canadian Mounted Police, Peter Henschel, assistant commissioner of the forensic science and identification services; Charles Walker, director general of the Canadian Police Information Centre, forensic science and identification services; and Guylaine Dansereau, director general of the Canadian criminal real time identification services, forensic science and identification services.

Our committee wants to thank you for responding to our call to appear. It was a motion that was brought forward, I believe by Madam Mourani—not a motion, but at least a topic. And I think it's a topic that interests all of us here today.

We appreciate your attendance. I'm not certain if you have an opening statement that you'd like to give, a little bit of a briefing on the good work that you do. Then if you would entertain some questions, we would be very appreciative.

Mr. Henschel.

Assistant Commissioner Peter Henschel (Assistant Commissioner, Forensic Science and Identification Services, Royal Canadian Mounted Police): Thank you, Mr. Chair.

[Translation]

Thank you for the opportunity to speak before this committee today.

[English]

I am pleased to appear before the committee in my role as the assistant commissioner, forensic science and identification services. My area of responsibility includes two key services that are the primary focus of today's committee hearing, the Canadian Police Information Centre, known as CPIC, and the Canadian criminal real time identification services, which we call CCRTIS.

Accompanying me are Chief Superintendent Charles Walker, director general of CPIC, and Ms. Guylaine Dansereau, director general of CCRTIS.

I would like to begin by clarifying the roles of CPIC and CCRTIS for the committee.

CPIC is a system that stores and retrieves law enforcement information submitted by authorized agencies. The CPIC system allows authorized police services to access several databanks primarily for law enforcement purposes. One of these databanks is the national repository of criminal records, which contains criminal record data maintained by CCRTIS. The repository contains approximately 4.1 million criminal records, and more than 500,000 criminal record files are updated and maintained annually by CCRTIS.

CCRTIS provides Canadian law enforcement and judicial services with certified criminal record products that meet a high standard of quality and certification. As criminal records are an integral part of law enforcement and the criminal justice system, they must be maintained with a high degree of accuracy and security.

Additionally, over the last decade criminal record checks have become an essential component in civil screening applications such as employment, vulnerable sector positions, adoptions, and travel documents such as visas. In order to better manage and facilitate the civil screening process, many organizations have also engaged the services of third-party companies to act as intermediaries.

[Translation]

The increased reliance on criminal records for criminal justice and civil screening purposes and the requirement for timely responses place an enormous burden on the national repository of criminal records, which was a paper-based manual system. As a result, a major Crown project, called Real Time Identification, or RTID, was initiated to automate the criminal record system.

While the development of RTID continues, significant components of the criminal record system still require manual processing, which is time-consuming. Additionally, the national repository of criminal records also has a significant backlog of criminal record files awaiting updates. Although the RCMP has allocated as many resources as we can to this important function, the backlog continues to present significant challenges.

Other factors have contributed to the length of time it takes to complete civil screening applications. In late 2009, CPIC audits revealed that some Canadian police agencies were disseminating criminal record information, obtained from CPIC, in contravention of the Criminal Records Act, the Youth Criminal Justice Act, the 1987 Ministerial Directive on the Release of Criminal Records, and CPIC policy.

As a result of these breaches, the RCMP issued a directive to all Canadian police agencies to abide by federal legislation, policy and directives. Although this change had an impact on the criminal record check practices of several organizations and increased the time required to complete some civil screening processes, it was necessary to ensure compliance with the law, the protection of personal information and the accuracy of the verifications.

[English]

In January 2010, the RCMP established a working group that included representatives from Canadian police services, federal and provincial public safety departments, and the Office of the Privacy Commissioner of Canada. The goal of the working group was to develop potential strategies to reduce the length of time required to complete civil screening processes. On August 4, 2010, following these consultations, the Minister of Public Safety issued the ministerial directive concerning the release of criminal record information by the Royal Canadian Mounted Police. This directive focused on safeguarding the release of criminal record information while still allowing police agencies to work with 30 civil screening companies through memoranda of understanding.

In consultation with the federal-provincial working group, the RCMP subsequently issued a new policy to implement the ministerial directive. The policy includes a new option for individuals to self-declare criminal records for name-based criminal record checks and vulnerable sector verification. This measure significantly reduces the requirement for individuals with criminal records to submit fingerprints. The requirement for vulnerable sector verification is to be completed by the police service of the local jurisdiction where an individual resides. There are also standardized processes for releasing criminal record information to individuals. And there is a requirement for the submission of fingerprints for certified criminal record checks and for incomplete name-based criminal record checks and vulnerable sector verifications.

One of the most important aspects of civil screening is the safety and security of vulnerable persons. Vulnerable persons, as defined in the Criminal Records Act, "are in a position of dependence on others; or are otherwise at a greater risk than the general population of being harmed by persons in a position of authority or trust relative to them". As such, police and public safety officials across Canada have a special responsibility to ensure their safety.

In July 2010, the RCMP became aware that pardoned sex offenders who had obtained illegal name changes could potentially avoid being linked to the pardoned sex offences during the vulnerable sector verification. To address this issue, the CPIC system was enhanced and now requires individuals to submit fingerprints during vulnerable sector screening if the individual's gender and date of birth matches a pardoned sexual offender record. This does not suggest that the individual has a criminal record or has been pardoned for a sexual offence. Rather, it is a mechanism to confirm identity and to establish that the person does not have a pardon for a sexual offence.

It is important to note that the fingerprints are used by CCRTIS to confirm the identity of the individual and are immediately destroyed once the verification process is complete. While this process has caused frustration, it is necessary for preventing a pardoned sexual offender who has legally changed names from gaining access to vulnerable persons. The only alternative would be to require fingerprint submissions for every vulnerable sector verification, a process that would overwhelm the current manual system.

Although this change to CPIC was necessary to better protect vulnerable persons, it clearly resulted in unintended consequences. Prior to this change, CCRTIS received an average of 130 fingerprint-based vulnerable sector verifications a month, which were all processed as soon as they were received. Since the change was implemented, CCRTIS is receiving an average of 7,675 fingerprint-based vulnerable sector verifications a month, a 5,900% increase.

Despite redeploying additional personnel to process these verifications, we are not able to maintain our previous turnaround times, as the volume of transactions exceeds our capacity. The result has been that it can currently take up to nine weeks before we're able to process a paper-based fingerprint verification. We believe that this delay is unacceptable, particularly when an individual's employment depends on a vulnerable sector verification and the individual does not have a criminal record or a pardon for a sexual offence.

As such, we examined alternative approaches to streamline and shorten the process. Last October we modified the real-time identification system to enable policing partners to electronically submit fingerprints for vulnerable sector verifications via live scan devices. They can also receive responses electronically. This RTID enhancement significantly reduces or eliminates the wait times. For example, when an individual does not have a link to a criminal record or a pardoned sexual offence, which is the case in 85% to 90% of cases, the electronic fingerprint submission and response can be completed in under five minutes. Currently more than 20 police jurisdictions in Canada are connected to the RTID system for vulnerable sector purposes, and the number of electronic fingerprint submissions are steadily increasing.

• (0855)

Nevertheless, only about 15% of fingerprint submissions for vulnerable sector verifications are currently submitted electronically. We continue to work with our policing partners to encourage them to invest in RTID technology for the electronic processing of civil fingerprint submissions. It is our belief that the long-term solution for civil screening is to make all vulnerable sector screening fingerprint-based once police services have had the opportunity to connect to RTID.

[*Translation*]

Meeting the safety and security needs of the Canadian public and our policing partners is of great importance to the RCMP, and we will continue our efforts to provide efficient and high-quality certified criminal record products to our clients.

We appreciate the opportunity to meet with the committee today on this important topic and hope that these opening remarks have helped to clarify some of the intricate and complex processes involved with criminal records and civil screening.

We look forward to answering any questions that you may have. Thank you.

• (0900)

[*English*]

The Chair: Thank you very much for your testimony. You were the only presentation, is that correct?

Okay, we will move to the first round of questioning, seven-minute rounds.

We'll go to Mr. Holland, please.

Mr. Mark Holland (Ajax—Pickering, Lib.): Thank you very much, Mr. Chair.

And thank you to the witnesses for being here today.

I have a number of concerns from constituents. I'm going to go over those in a moment, but before I do, one of the things that was brought to my attention, in fact just yesterday, is the national police service. There's now a shortfall of about \$28 million in the funding from the federal government for the various services provided by the national police service, and CPIC is obviously a recipient of some of that funding. The RCMP is now having to make up that cut of \$28 million by the federal government, and I'm concerned about how that's going to be made up.

I know you have been bridging it by utilizing vacancies and saving money that way. But what's the plan to ensure we don't see a further degradation of service? Obviously it's not just CPIC. We have the national sex offender registry and some other extremely important things. I don't know if you can speak to those others, but I'm concerned about the implications of that funding shortfall.

A/Commr Peter Henschel: First of all, I don't think it's a funding cut. It's more an issue of the costs rising for national police services, be it through additional legislation or technology costs, and those sorts—

Mr. Mark Holland: If I could, maybe for clarity, the figures I saw show that the RCMP was expected to pick up about a million dollars or something—over a million dollars. That figure has now risen to over \$28 million. I mean, it's hard not to see it that way, but however you look at it, you guys have to find \$27 million that you didn't have to find several years ago.

The question is, how do you overcome that? How are you going to ensure there isn't a degradation of service from that?

A/Commr Peter Henschel: It is accurate that over the last few years the RCMP has supplemented the national police services budget from carry-forward it has in its operating budget to cover any shortfall. Going forward, given the financial situation that governments find themselves in across the country, this is not necessarily sustainable.

We have undertaken a national police services renewal and sustainability initiative to look at various options for national police services moving forward. It's focused around governance and ensuring that our policing partners are engaged in the process of determining the priorities for national police services. It's also working with the provinces, territories, and the federal government in determining the best way forward for national police services. We're really working at strengthening governance around national police services.

In response to your question on how we're going to manage the shortfall, I think there are probably various options to be looked at. That's part of what we're doing with this initiative, to work with our various partners and stakeholders to determine the best way forward.

Mr. Mark Holland: As a comment before I go to my next question, I would see that there are three options. You could cut from some other portion of the RCMP, you could cut from the national police service, you could download some of these costs onto the local police services, or the federal government could restore the funding.

I would submit that the latter, particularly given the importance of what you do, would be the best option to go with. The work you do is extremely important, and I thank you for it.

The concern I've been having a lot in my office is with people seeking either a volunteer or employment opportunity and they need to get a criminal record check. The time lag has been increasing lately, and part of the reason that has been given—I just want to verify that it is the case—is that since January 2010 the local police offices are no longer able to issue police records to persons requesting them. Is that the case?

• (0905)

A/Commr Peter Henschel: No.

Mr. Mark Holland: That's incorrect, okay. That would come back to us.

Let me just describe a couple of situations. In a situation where somebody has no notes on their file there isn't a problem. But if there are notes on the file and the person gets back that request saying the person may or may not have a criminal record, yet there are no further details given, you can imagine for somebody who's going in for an employment opportunity, if there's no additional information provided there and it just says that this person may or may not have a criminal record, that becomes a major barrier to employment.

Can you tell me what you can do to alleviate that or to address the issue?

A/Commr Peter Henschel: Are you talking about the vulnerable sector specifically here, or in general?

Mr. Mark Holland: No, in general.

A/Commr Peter Henschel: It's just in general, okay.

I think the short answer is that in the absence of somebody providing fingerprints and that being checked against the fingerprint database, we're doing name-based checks. The response on name-based checks will always leave some room there to say that based on the information, there's no known criminal record information. But unless you take the fingerprints from somebody and submit them to get a certified criminal record product, we cannot say with absolute 100% certainty that the person—

Mr. Mark Holland: But you can understand, because that process can take four to eight months.

I have a situation with a constituent who, as it turns out, had the same name as somebody else, so there was this request to come in for fingerprints. They were seeking an employment opportunity and they got something back saying this person may or may not have a criminal record. They couldn't, frankly, get a job, because they were supposed to submit this. And now all of a sudden it's raising all kinds of questions about this person and they're told that it's going to take months to get an answer. So it becomes a major barrier to employment, and this is for somebody who's never done anything. This is for an innocent individual.

How do we get out of that, where we're having people who are seeking employment or volunteer opportunities and having those shut down because the process is taking so long?

The Chair: Thank you, Mr. Holland.

A/Commr Peter Henschel: We very much understand that concern. It's one that we face every day. We get correspondence every day on that. We take it very seriously, and that's why we've made the changes we have to the real time identification system. It is

now possible for police services to hook up to us electronically and, for somebody who doesn't have a record, to have that response basically instantaneously.

What happens is people submit their fingerprints electronically on a live scan machine. That comes in to us, that's automatically checked against our fingerprint holdings, and if they have no record they get a response. And if the police service is hooked up electronically to receive the response, they can have a response in two or three minutes.

The solution is there now. We understand the frustration, we understand the challenges this was causing, but the solution is now available and we're running it in more than 20 police jurisdictions. Halton police, for example, is fully automated, so they actually also receive the response. They usually have a response in about two minutes.

The Chair: Thank you, Mr. Henschel and Mr. Holland.

Madam Mourani.

[*Translation*]

Mrs. Maria Mourani (Ahuntsic, BQ): Thank you, Mr. Chairman.

Thank you very much for being here today to try to inform us.

My questions will focus more specifically on public safety rather than employability, to which I'll return later.

Based on the information I've obtained, when someone is arrested, no matter in what Canadian province, a C-216 form is completed. You subsequently receive that form from the police station that arrested the individual. Am I right?

When you receive that form, you open a file with an FPS number and you enter fingerprints and so on. It should normally contain fingerprints and everything. In a way, that form is returned to the police stations so that they can return it to you afterwards, depending whether charges are laid. Am I wrong? Does it work like that?

• (0910)

A/Commr Peter Henschel: Yes, that's the way it is.

Mrs. Maria Mourani: I understood that the form is not systematically returned. Not all the police agencies return it to you. Certain provinces don't do it, even if charges are laid. Sometimes people aren't even required to go to the police station to provide their fingerprints. In fact, they are required to do so by law, but they don't systematically do it. After they have been charged, if they receive no sentence except perhaps for a fine, they don't necessarily go and have their fingerprints taken. Consequently, these people never enter your system.

When the C-216 form isn't returned to you after a few months—I was told it was after approximately 18 months—it appears the file disappears from your system as though it had never existed. Is that true?

[English]

A/Commr Peter Henschel: To respond to the first part of your question, there's no law in Canada that requires the police to submit fingerprints when people are charged with criminal offences. It is required under young offenders legislation, but in general there is no law that requires police to submit fingerprints.

So to have a criminal record in Canada... We'll only open a criminal record and add to the criminal record for fingerprints to be submitted with the charges, or whatever took place. That is the only way we can guarantee that the person who has the record is who they are. A lot of people use aliases or other people's names. Fingerprints are the only way to make sure we have an accurate record for a particular person.

[Translation]

Mrs. Maria Mourani: One thing really intrigues me. Let's suppose you open a file with a 216 form and that the police department doesn't return it to you. If the 216 form isn't returned within 18 months as provided, that is stating that the individual has been convicted or not convicted, that the charges or sentence has been withdrawn and so on, the file disappears from your system. Is that true?

A/Commr Peter Henschel: It stays in our system. We'll eventually follow up with the police department.

Mrs. Maria Mourani: That's not what I'm told.

A/Commr Peter Henschel: What you've been told isn't true. We keep that document, the 216 form.

Mrs. Maria Mourani: I'm told that, depending on the province—I'm giving you the figures for Quebec—between 10% and 40% of indictable offences are never entered in the criminal record data base. Is that true?

A/Commr Peter Henschel: We don't know that.

Mrs. Maria Mourani: Do you have control tools to measure your rate of failure to enter information in the criminal record repository? Do you have performance reports?

A/Commr Peter Henschel: No, we don't have any measures to verify that.

Mrs. Maria Mourani: Because you're unable to measure it, you can't confirm or deny that between 10% and 40% of indictable offences in Quebec, for example, aren't entered in the criminal record repository. Is that correct?

Ms. Guylaine Dansereau (Director General, Canadian Criminal Real Time Identification Services, Forensic Science and Identification Services, Royal Canadian Mounted Police): We don't have that information. However, it is very important to know that the offences are not all our responsibility, depending whether the offences are major or minor. The information on certain offences remains the property of the police department since no fingerprints are taken for those offences under the Identification of Criminals Act.

Mrs. Maria Mourani: Are you talking about civil offences?

Ms. Guylaine Dansereau: No, we're also talking about criminal offences.

In the national criminal record repository, we will enter information related to the fingerprints that we are entitled to keep. If fingerprints don't have to be taken for a particular offence committed, the information will not be forwarded to us.

That must be included in the statistics you cited. However, as regards that information, it isn't that the police department doesn't send it to us. It doesn't need to do it since that information is included in the information that's kept in the national criminal record repository.

Mrs. Maria Mourani: To be more specific, what I'm told is that there is an error rate. In my opinion, a percentage between 10% and 40% is quite alarming. I would be concerned. What I'm told is that the error rate in fact concerns criminal offences in which fingerprints have been taken, not those where fingerprints are not taken.

However, what I find surprising is that, since the system has been in place, there have been no tools for assessing the error rate. No cost-benefit report has been issued. There's no oversight to measure the rate of non-entry in the repository. No report has ever been prepared. I find it quite surprising that there has been no evaluation report.

• (0915)

A/Commr Peter Henschel: There's no way to measure that.

[English]

We do not know how many people have been arrested for criminal offences—how many people have been charged for either indictable or dual-conviction offences—so there's no way for us to track that. The only thing we can do is manage what is submitted to us.

It's the responsibility of the local police to take fingerprints when it's allowed under the Identification of Criminals Act, and submit them to us. But if they don't do that, we have no idea they're not doing it, or we don't know at what level they're not doing it. We can only do what is submitted to us.

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

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

Mr. Don Davies (Vancouver Kingsway, NDP): Thank you, Mr. Chairman.

In preparation for this meeting I sent a memo to all of my colleagues in the New Democratic Party, asking what their experience was with their constituents. I'm sure that none of this is new to you. I'm sure you deal with this frustration all the time.

Here's a sample of what I got back. It's taking 120 days—four months—to get a criminal record check answer back. I've had some people tell me it's 120 working days. I have story after story after story of people losing job opportunities, not being able to volunteer in their communities, or being embarrassed. In one case a man told me that by the time he got the certificate—it was good for 90 days—it had expired. After waiting four months, he gets a certificate in the mail. He was trying to volunteer with his son's Beaver Scout troop, and he said he suffered enormous embarrassment.

These are the problems that I think are being faced probably on all sides of the table across the country. So my first question is this. I think we all agree and I think I heard you say that's unacceptable, that length of time. So what is the service standard that the RCMP is establishing? Do you have a service standard as to how fast you want to get a criminal record check done?

A/Commr Peter Henschel: Where we're moving with the automation is to make that an almost instantaneous process. We're not there yet, as I mentioned. The automation is ongoing. I think we have the solution now in sort of 85% to 90% of the cases for those people who don't have a criminal record, who have no previous records of any sort. Those now can really be done instantaneously if the police services connect with us through the RTID system and we are able to run fingerprints.

Mr. Don Davies: What would I tell the Canadian public? How long will it be before that system is in place?

A/Commr Peter Henschel: That system is in place. It's now a matter of individual police services.

Mr. Don Davies: How long will that take?

A/Commr Peter Henschel: It will be as quick as they want to do it. It's a matter of weeks, at most, for us to connect them and do the testing that needs to be done.

Mr. Don Davies: Okay. Would it be a fair comment to say that this problem will likely be solved for the vast majority of people within six months?

A/Commr Peter Henschel: I can't speak on behalf of what police services will do out there, but certainly I would suggest that it's a possibility.

Mr. Don Davies: I also receive concerns from people who have difficulty crossing the border. My understanding is that U.S. border guards, or the Department of Homeland Security, their border agencies, have access to CPIC. Is that correct?

Chief Superintendent Charles Walker (Director General, Canadian Police Information Centre, Forensic Science and Identification Services, Royal Canadian Mounted Police): Yes, that is correct; they do.

Mr. Don Davies: How long has the United States had access to CPIC?

C/Supt Charles Walker: We established an exchange with the U.S. in the eighties. They have a similar system there. It's called NCIC. We have access to NCIC here; they have access to CPIC there.

Mr. Don Davies: Do they have access to our full CPIC, all four databases, the entire system?

C/Supt Charles Walker: The U.S. border guards have category one CPIC access, which is the equivalent to what Canadian police have, yes.

Mr. Don Davies: If Canadians are entering the United States and have difficulty at the border because they're flagged somehow, is there any mechanism they have to clear that up if they feel it's not a legitimate match?

• (0920)

C/Supt Charles Walker: It would depend on what we're talking about in terms of CPIC. If you're talking about a criminal record, that's an ancillary database that CPIC communicates with, so that

would be my colleague's area. If it's something that a police agency has entered onto CPIC—for instance a warrant for arrest, a probation order, an outstanding charge awaiting disposition—those records originate with the agency that contributes that information to the system.

Mr. Don Davies: You may want to add something, but I just want to ask one other question that you may want to address. If someone's arrested at some point—arrested in the seventies or the eighties—and the charges were never proceeded with, is that marked on CPIC?

C/Supt Charles Walker: No.

Ms. Guylaine Dansereau: It's also important, if they were arrested before or if they received a pardon, that they request a criminal records check, which will provide a certified product stating they don't have a criminal record. They could need this to present at the border.

Mr. Don Davies: My understanding, though, is that once a conviction is entered into CPIC, even if a pardon has been issued, if that information has got into the Americans' hands, they don't.... I've had people who have been pardoned in Canada who go to the U.S. border and they can't get across because the United States still has a note that they have been convicted. Is there any way to deal with that situation?

A/Commr Peter Henschel: Well, I think that's when we can issue them a document saying that they do not have a criminal record in Canada.

Mr. Don Davies: Okay. So then it would be up to the discretion at the border whether they accept that or not.

Now, on juvenile records, are juvenile records sealed, or do juvenile records appear on CPIC?

A/Commr Peter Henschel: I'll let you take that.

C/Supt Charles Walker: In the context of the U.S. or...?

Mr. Don Davies: I'm sorry. No, just if someone did a search on CPIC—would a juvenile record appear?

C/Supt Charles Walker: It would depend on the disclosure provisions of the section of the act. There are viewing periods for various dispositions within the Youth Criminal Justice Act, and once they come into force, then the answer would be no.

Mr. Don Davies: Okay.

I also have a couple of questions about the use of commercial services. I am told that constituents in Halifax say they have to get fingerprinted by a commercial service, which then sends the fingerprints to the Halifax Regional Police, who then send it to the RCMP.

How prevalent is the practice of using private or commercial services for fingerprinting? I'd also like your comment on what the fees are, because I'm also hearing concerns from constituents that the fees are rising for criminal record checks, and that's also a concern.

A/Commr Peter Henschel: I'll just give a sort of high-level answer to that, and then if my colleagues want to add something, I'll give them the opportunity.

Many organizations out there use private companies to assist them in the screening process. A certain bank might use a private company to do all the screening for all of their employees across the country. But there are also some police services that may use a third party or private company to do that work for them so they don't have to do all the administrative work to get the process going. That's their choice. That's a decision they make. That's a business model they use.

The fees they charge can vary. We don't set any fees. That's not something that relates to us. The fees are set by the police agencies, by the private companies, or by a combination of the two.

Mr. Don Davies: Does the RCMP charge any fee for their criminal records check?

A/Commr Peter Henschel: Indeed, it's \$25 when fingerprints need to be submitted. That's set by federal regulations.

The Chair: Thank you.

We'll now proceed to the government side. Mr. Norlock.

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

Thank you to the witnesses for coming in today.

I have just a few quick questions. The first one has to do with the new automated system. If all police forces in Canada went with LiveScan, have you done a prognostication, shall we say, on the accuracy of that electronic equipment? First of all, could the system currently handle that workload? Would that amount of data coming in and going out affect accuracy? Have you done an estimation on that?

• (0925)

A/Commr Peter Henschel: I'll allow Madame Dansereau to give you a little bit more detail on that, but just as a preliminary response to that, for the work that comes in right now, the fingerprints that are sent in on paper have to go through the same process once they get to us.

The system can manage that already. If they were actually sending those electronically, it wouldn't make any difference to the system. It wouldn't affect the accuracy.

But Madame Dansereau is the expert, so I will let her continue.

Ms. Guylaine Dansereau: With regard to the accuracy, the system respects international standards that are used around the world for other systems similar to it. The accuracy is as high as possible. It has been demonstrated in multiple worldwide analyses on this. The volume would not affect the accuracy, because each and every submission is processed individually.

Mr. Rick Norlock: Thank you very much.

My information is that currently in Ontario—I don't know if you have a list or if you have in your head—the Halton police service, the Windsor police service, the London police service, Waterloo, York, Ottawa, and Durham region, and then there are a number of

RCMP throughout other provinces in Canada.... Have you had any additional police forces in Ontario?

A/Commr Peter Henschel: Not that are active right now, but we are working with some to get them hooked up.

Mr. Rick Norlock: So if an MP were having some issues, they would be older issues, if that MP came from the Durham region, because they are currently hooked up to the new electronic system.

Thank you very much.

Also, some of the questions you were asked had to do with error rates, etc., and from what I could see you were very accurate in your response. There was some suggestion that 10% to 40% of crimes are not reported. Just for the sake of people who might be tuning in or listening or reading some of the results of this, the way I understand it, the Identification of Criminals Act says that you only take fingerprints in cases of an indictable offence or a dual procedure offence. If we're looking at total criminality in a particular jurisdiction, whether it be a province or an area of a province, if those offences were summary convictions, you would never have in the past nor would you currently be capturing that through fingerprints, because none are required to be sent.

A/Commr Peter Henschel: That's right, and in fact we would not enter those onto the criminal record system. The only time summary conviction offences are entered onto the system is when there is a charge that also includes either an indictable or a dual procedure offence.

Mr. Rick Norlock: If someone were charged with, let's say, three indictable offences and one summary conviction offence, the police force taking the fingerprints would add the summary conviction offence, and you would therefore then have a record of it; however, if it were solely a summary conviction offence relating to a group of offences or a person, you wouldn't take them.

As a matter of fact, would I be correct in saying that if a police force were to send you a fingerprint form and on that fingerprint form were only one or more summary conviction charges, you would not enter it into the data but would return it as is.

A/Commr Peter Henschel: That is correct.

Mr. Rick Norlock: Thank you.

To your knowledge, is there any law in Canada that forces a police force to send you fingerprint forms of people who are charged with offences?

A/Commr Peter Henschel: No, there isn't. As I mentioned previously, the only legislation that requires submission is for young offenders.

Mr. Rick Norlock: So if there is some inaccuracy or some error rate vis-à-vis the reports of convictions for summary convictions or dual offences convictions or the amount of information you have in your data system, any discrepancy between the two is because the police force in certain jurisdictions didn't advise you of it.

A/Commr Peter Henschel: That's correct.

Mr. Rick Norlock: Thank you.

With regard to the length of time, I think it was mentioned that it can take up to four months or 120 days for manual fingerprints. Would I be correct in saying that this is the outside, that it's out of the norm; in other words, that it's not the average, but would be the exception?

Do you have some data that you could provide to us with your experience currently?

• (0930)

A/Commr Peter Henschel: It would be important to differentiate a couple of things here.

First of all, if the person doesn't have any fingerprint holdings at all, then if we're doing the electronic submission it's going to be very fast, as we discussed.

I don't know that we can give you an average of what it would be right now, because under the vulnerable sector we have all these fingerprints that were sent in manually, and as I mentioned, it's taking nine weeks at the current time before we can manage them.

But again, in the 85% to 90% of the cases in which people don't have a record, the process is actually very quick. In fact, in most cases the police wouldn't even submit fingerprints, because they can do name-based checks. If they do have to submit fingerprints, if they do it electronically it would be very quick. The situation in which it will take longer and in which this 120 days normally comes is when the person has a record; then it means that we actually have to do some checking. We have to go back sometimes to the originating police agency, because we may have not received the disposition; we may have to go to the courts; we'll also have to check what is in our holdings that are not up to date yet.

That process will take longer, and it's fair to say that it could easily take up to 120 days. But this is, again, for a relatively small percentage of the population and concerns people for whom we have fingerprint holdings.

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

We now move to Mr. Kania, please.

Mr. Andrew Kania (Brampton West, Lib.): Thank you, Mr. Chair.

I believe we can all agree that this is a non-partisan issue. We want you to be successful in terms of these records and making sure that Canadians are protected. So I'm just going to ask you some practical questions.

First, in your presentation on page one you indicate that the national repository of criminal records "was a paper-based manual system", and you say:

As a result, a major crown project, called Real Time Identification or RTID, was initiated to automate the criminal record system. While the development of RTID

continues, significant components of the criminal record system still require manual processing, which is time-consuming.

What is your action plan in terms of correcting that, and how long will it take?

A more practical question is this. You are here today before the public safety committee, and in a lot of the areas that I'm going to touch on in five minutes I want to know from you how we can help you. What do you need? Do you need more people? Do you need more technology? Do you need more money? It's our job to facilitate this, so tell me what you need, after analyzing the question.

A/Commr Peter Henschel: RTID is in effect the automation of the criminal records system. It is a major crown project. I think it's fair to say that it's significantly more complex than anyone could have imagined when it first started, as is often the case with major undertakings such as this. As we have gone along, we have automated certain components, but that development is ongoing. As in any major project, we make adjustments as we go along, as we learn certain things. We learn that some things are maybe more complicated or more difficult to implement.

So this is an ongoing process. I'm not able at this point to give you an exact end date, to say that on such and such a date it will be completed. It's something we're actively working on, and it's a priority for us.

Mr. Andrew Kania: As part of the government's focus on law-and-order legislation, let's say that the Minister of Public Safety decided that it was a priority to make sure these records were brought up to date and made reliable as soon as possible.

What would you say to the Minister of Public Safety, if he or she said we want this done as soon as possible, in a reliable manner, and we're willing to devote resources to this, so how many people do you need and how fast can you get this done? What are you going to say?

A/Commr Peter Henschel: I'm going to say that it's significantly more complicated than that. While it's easy to say that more resources will solve the problem, it's really not that simple. We're going from several or many legacy systems to an automated system. There are all sorts of issues, such as how much equipment is available to even do the conversion. There are issues such as, for example, staffing issues—can you hire people and keep them in those jobs?—because a lot of the manual work is done at the entry level in government. One of the challenges we face is that folks can get a permanent job and immediately look for another job in government, because these are manual jobs that are at the very bottom scale of government jobs.

So there are all sorts of different challenges. I wouldn't be able to say just "give me more money" or "give me more of this"; it's a combination of things. Internally we have reallocated resources and are constantly looking at strategies to improve the allocation, but it's not a problem we're going to solve overnight. It's one we pay attention to, one we make every effort to improve, but it's very closely linked also to the automation of the whole system.

• (0935)

Mr. Andrew Kania: I'll ask the same question about the national repository of criminal records, because there's a significant backlog there as well. You say: "Although the RCMP has allocated as many resources as we can to this important function, the backlog continues to present significant challenges."

When I read "has allocated as many resources as we can", the words suggest to me that perhaps it would be helpful to have more resources, and I will ask you the same questions, in my limited time. How can we help you accomplish this goal? If you were speaking to the Minister of Public Safety, who had decided to focus on this system as one of the priorities of the government, what would you suggest, and how could we help you accomplish this faster?

You may not be able to answer now. Maybe you could submit something to the committee as a proposal after considering it and speaking with people as well.

A/Commr Peter Henschel: Automation is the big piece. You can't drive that any faster than you can drive that. Yes, we could use more money, but we also realize that financially this is a very difficult situation for everybody, and there are other priorities. What those priorities are is a government decision.

The Chair: Thank you, Mr. Henschel.

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

Mr. Phil McColeman (Brant, CPC): Thank you, Chair.

Thank you for being here.

First of all, I want to thank my colleague across the table, Mr. Kania, for recognizing that we are the government of improving public safety for Canadians and that we are moving ahead on numerous pieces of the legislation to increase public safety.

Mr. Andrew Kania: Can I have a point of order, Chair, since I never said that?

Mr. Phil McColeman: Second, I was thinking about this in terms of the NEXUS process. NEXUS, I know, is using similar technologies, and it's being shared between U.S. border authorities and Canadian border authorities for issuing NEXUS cards to people and doing screening prior to issuing a card. Is any of that technology applied to what you're using? Is it the same technology? Are you familiar with it?

Ms. Guylaine Dansereau: Some of it is similar, because they're respecting the same international standard, but it's not the same. The two systems are not connected.

Mr. Phil McColeman: Okay. I wouldn't expect they would be, but it seems to me—

Ms. Guylaine Dansereau: The technology for taking fingerprints?

Mr. Phil McColeman: Yes.

Ms. Guylaine Dansereau: It's the same. The reliability or the accuracy is the same.

Mr. Phil McColeman: Good. Excellent.

I know that's been well received by Canadian border security, and hopefully we can expand that system to increase public safety, making sure that as many people as possible enrol and get pre-screened to create efficiencies at our borders.

Are you aware of police services in the country working together to put this technology in place? It seems to me that some police services would have more resources than others would. When I sat on my local police services board, we had joint agreements and memorandums of understanding with another regional force in our community. We shared resources back and forth. Do you know if that's being worked on in any jurisdictions in Canada?

C/Supt Charles Walker: What you're describing is occurring. I can't give you specifics, but I personally have been involved in conversations and have been approached and asked about whether small groups of police services in a geographical area could perhaps jointly invest in RTID technology.

Mr. Phil McColeman: It would seem to me that, especially in rural Canada—and of course the RCMP handles a lot of that policing—there are still quite a few regional police services, and some would be able to put this in place sooner, perhaps, than others would because of budgetary constraints.

Would it be unreasonable to have joint resources, whereby an individual could go to a neighbouring community to be processed more quickly? I guess, according to this discussion today, you would have no problem with that happening anywhere in the country, would you?

• (0940)

A/Commr Peter Henschel: No, as long as it stays within the confines of the ministerial directive, which requires that the local police have jurisdiction to complete the vulnerable sector verification. But there would still be mechanisms for that to take place. We would be completely open to those kinds of set-ups as long as, as I say, they fall within the confines of the ministerial directive.

Mr. Phil McColeman: I'm just curious about this next question. It refers to people changing their name and of course doing the cross-checking and screening on that. What's the percentage? Do you have any statistics on this?

A/Commr Peter Henschel: No, I'm not aware of any statistics we have on that. One of the problems is that names are a provincially regulated issue, and in most provinces—outside of Alberta and B. C.—there is no requirement for people, when they change their name legally, to submit fingerprints. So there is no way for us to verify that a person who has changed her name legally did or didn't have, for example, in particular a pardoned sexual offence.

Mr. Phil McColeman: Lastly, how many people are currently working in this office?

A/Commr Peter Henschel: Do you want to be specific? On the whole secret side?

Mr. Phil McColeman: Yes, I'm referring to the whole program of doing the screening.

A/Commr Peter Henschel: The civil screening?

Mr. Phil McColeman: Yes.

Ms. Guylaine Dansereau: Is it civil screening or the update of criminal records, if I may ask for a distinction?

Mr. Phil McColeman: Civil screening.

Ms. Guylaine Dansereau: Processing civil screening? For data entry, I have 38 employees working shifts, but there are also several other sectors, depending on whether there's a review of an existing criminal record. But for processing the information to enter for the automation of the system, there are 38 employees.

Mr. Phil McColeman: What would your expectation be once this system is in place and streamlined, with respect to personnel? Do you think this is going to create efficiencies? Will it result in less cost to process?

Ms. Guylaine Dansereau: Of course.

The Chair: Thank you, Mr. McColeman.

Madam Mourani.

[Translation]

Mrs. Maria Mourani: Thank you, Mr. Chairman.

Allow me to address the issue of DNA print-taking. As you know, DNA samples are taken in accordance with a court order. According to my information, you receive that information through the 3800 form. At the same time, you also receive the 3801 form, which also gives you the individual's fingerprints. So you have the individual's DNA and fingerprints.

According to my information, when you receive these forms but haven't previously received the 216 form, you don't take that information into account. Why do you refuse to consider the fingerprints provided by means of the 3801 form?

Ms. Guylaine Dansereau: When we receive the 3800 form containing DNA information, that information is kept and put on hold. It isn't true that we don't have it. We keep that information. We enter it in the system. When we receive the fingerprints, the two pieces of information are put together in the criminal record.

Mrs. Maria Mourani: What I understood was that, when you receive the DNA print and fingerprints contained in those two forms, you refuse to enter the information in the system because you don't have the 216 form.

• (0945)

Ms. Guylaine Dansereau: We don't refuse to enter it in the system. We have to wait until we get the fingerprints in order to do it.

Mrs. Maria Mourani: With what form?

Ms. Guylaine Dansereau: The C-216 form.

Mrs. Maria Mourani: But if you don't have the C-216 form?

Ms. Guylaine Dansereau: If we don't have that information, we nevertheless enter them in the archives until we get it.

Mrs. Maria Mourani: What happens if you don't get the 216 form?

Ms. Guylaine Dansereau: You mean the information pending the 216 form?

Mrs. Maria Mourani: Let's say you don't get the 216 form. That's the question I'm asking you. You have two forms: the one that gives you the fingerprints, the 3801, which is another form, and you have the DNA.

Why don't you take that information into account? Why wait for a form? What act prevents you from keeping that information because you don't have the 216 form, since you have the fingerprints?

Ms. Guylaine Dansereau: Under the Identification of Criminals Act, we have to wait for that information. We are allowed to enter the information in the national repository when we have the person's fingerprints in connection with the charges that person is facing.

Mrs. Maria Mourani: So you can't take into consideration the fingerprints from form 216.

Ms. Guylaine Dansereau: If they aren't obtained under the Criminal Code.

Mrs. Maria Mourani: So if you receive the fingerprints through the 3801 form and you have all the information, you can't do it because it's not the 216 form.

Ms. Guylaine Dansereau: The information is still considered on hold, but it isn't entered in the criminal record.

Mrs. Maria Mourani: Until you've received the 216 form. It's ultimately a matter of forms.

Ms. Guylaine Dansereau: On the other hand, they aren't rejected.

Mrs. Maria Mourani: So it's a matter of forms.

Ms. Guylaine Dansereau: They aren't rejected.

Mrs. Maria Mourani: But it is a matter of forms.

Ms. Guylaine Dansereau: It's a question of legality.

Mrs. Maria Mourani: If you never receive the 216 form, that individual who was convicted by a court, which also ordered a DNA test to be done, will never be entered in your information. That will be because you haven't received the form.

Ms. Guylaine Dansereau: We conduct follow-up to obtain that information.

Mrs. Maria Mourani: But if you don't get the form, you won't add the information. That's what I understand. That will be because you don't have the right form.

Ms. Guylaine Dansereau: No, it's not a matter of forms. The criminal's fingerprints have to be obtained.

Mrs. Maria Mourani: But you've already received them with the 3801 form. Those fingerprints have been sent to you.

Ms. Guylaine Dansereau: xxxThey haven't been obtained in the context of a criminal investigation and related charges.

Mrs. Maria Mourani: All right. As regards mixed offences, there are two forms, the 3800 and the 3801. One concerns DNA and the other fingerprints. What prevents you from putting all that together and opening a criminal record? Do you do that and, if not, why not? We're talking about mixed offences. Why don't you do that?

I'd like to have an answer, please, Mr. Chairman.

[*English*]

The Chair: Thank you, Madam Mourani. We'll get the answer.

A/Commr Peter Henschel: I think we have to make a distinction. The DNA Identification Act does not allow us, people working at DNA databank, to know who is in that databank. That is the reason for having taken the DNA sample and also taking a fingerprint.

However, if we don't have somebody entered into the national criminal record repository, through a legal process—which is a C-216 based on charges that we have to see and verify that allow us to enter it—we're not in a position to make that link between the DNA sample and a person.

We need that C-216 with all the information that comes with it, including why it was taken and making sure that is legal, to allow us to make a link between an unidentified sample in the databank and the criminal record. The information obtained on form 3800 or 3801 is not the same as C-216.

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

We'll now go to Mr. Lobb.

Mr. Ben Lobb (Huron—Bruce, CPC): Thank you, Mr. Chair.

I would like to first thank you folks for coming before the committee today and thank you for the work you do day in and day out. I think the taxpayers of Canada are quite happy to see that the RCMP continues to move forward, adapt with change, and embrace new technologies, so thank you for that.

I'm from a rural riding in southwestern Ontario that largely has OPP and the odd municipal force still intact. Who's leading up the coordination and the collaboration with the other police services that have embraced this technology? Communities close to our area would be London and Waterloo, for example, so is there somebody within the RCMP that is liaising with the other municipal services, city services, and OPP to have them embrace this technology? How does that get kicked off?

• (0950)

A/Commr Peter Henschel: We do that through a variety of mechanisms. Once we had this technology up and running—had that done in October—in November I sent a letter to all chiefs of police across the country giving an update on where we were with vulnerable sector screening and some other things. In closing I also said that we now have this availability to connect electronically and encouraged them to do so.

I know that in Guylaine's area there's also interaction with police services on an ongoing basis. Certainly we're encouraging police services to embrace this technology. I know also that on Ontario's side, for example, there are provincial organizations on the CPIC side that relate to this civil screening, and that there are organizations where the police services get together and work together as well.

Mr. Ben Lobb: That's great. I hope that the OPP and Commissioner Lewis are able to take this technology on as soon as possible.

For people in my community, it's an hour's drive, anyway you cut it, to London or Waterloo. If they needed to have a fingerprint scan done as fast as possible, would they be able to go to London or Waterloo, and have their fingerprint taken digitally, so they could speed the process up?

Ms. Guylaine Dansereau: If it's for a vulnerable sector, it is the jurisdiction of the local police. If it's for any other type of employment, it can be done at any police agency, as well as by private companies that are connected directly to our automated system for submitting fingerprints for civil purposes.

Mr. Ben Lobb: Correct, so I'll ask it another way. If somebody who went to the Port Elgin Police Department, which is a municipal service that would not have the technology, and they need to get a job at the Bruce Power Nuclear Generating Station, they would have to take it currently by paper and let it work its way through the system, right? That's the way it would work today?

Ms. Guylaine Dansereau: If it's not for a vulnerable sector, which requires local police jurisdiction.

Mr. Ben Lobb: Correct. So if they wanted to get a job, if they were required by Bruce Power to have this done before they were able to get an offer to hire, would they be able to speed the process up by going to Waterloo or London to have this done? Because currently, sometimes you have to wait 30 days or 90 days to have this thing completed.

Ms. Guylaine Dansereau: On paper, yes.

A/Commr Peter Henschel: For something like that, there are other mechanisms available for them to either have them taken through one of the private fingerprint companies that has LiveScan.... We wouldn't have anything against them if they went to another police service that has it, but it would obviously be something where that police service would have to be in agreement to do it. But it certainly wouldn't prevent them from doing so.

Mr. Ben Lobb: How long does it take for a police service to adapt the technology and do a test and then become fully online with you guys? From the time they purchase the technology to the time it's implemented, what's the turnaround time?

Ms. Guylaine Dansereau: It depends on the complexity, on if they require one piece of equipment or multiple, if they have servers. It could be a matter of days or weeks.

Mr. Ben Lobb: A matter of days or weeks. That's good to see.

As you see this continuing to grow and roll out, how many different units do you see per 100,000 people? Do you have a ratio now, or a target that you're working towards?

Ms. Guylaine Dansereau: It depends on the need of the police agencies to identify how many units they require. It depends on the geographical areas as well, or it depends on the volume they have at their police agency.

Mr. Ben Lobb: Is there an RCMP mandate that you would love to see whereby by 2013 all police forces from coast to coast would be embracing this technology? Or have you set that mandate yet?

A/Commr Peter Henschel: I think that would be very difficult. Certainly right now we're encouraging police services to do so. We've had discussions at one point with our partners to say maybe we'll put a cutoff date and say by such and such a date we're not going to support maybe paper-based processes, but I think it's premature to say that right now. We know that, as you mentioned, there are many rural areas in the country, so there are many different situations that police services work under and we want to make sure that we're as inclusive as possible.

• (0955)

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

Now we move to Ms. Mendes.

[*Translation*]

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Thank you, Mr. Chairman.

Good morning to you all and thank you for being here today.

I would like to start with a question concerning fingerprint checks outside Canada. I don't know what your organization's responsibility is in the case or someone who applies for Canadian citizenship.

Let's take the case of a permanent resident who has started the process to acquire citizenship. For some reason, he is asked to submit his fingerprints. He goes to the RCMP office—in Montreal in this case—and submits his prints. Four years later, he's still awaiting a response. I know this isn't necessarily your responsibility. I suppose you have to check certain information with a whole series of agencies outside Canada. However, can you explain to me a little how this works and the process a citizen has to go through to get some idea of what's causing the problem?

Ms. Guylaine Dansereau: I can explain that as regards the RCMP. There are a lot of other stages that Immigration Canada deals with. In our case, we will do the fingerprint check or check to see whether the individual has a criminal record.

Mrs. Alexandra Mendes: In Canada?

Ms. Guylaine Dansereau: In Canada. If the individual has lived in other countries, we ask our INTERPOL office to check with those other countries to see whether there have been any other charges or criminal records under the laws of the countries in question. Then, depending on the procedures and laws of the other countries, there may be a considerable delay before we can get the information.

Mrs. Alexandra Mendes: That's what I thought with regard to the case I mentioned, but I'm nevertheless going to check it.

I'll ask you a second question about submitting these fingerprints. Is the Sûreté du Québec linked to you through LiveScan?

Ms. Guylaine Dansereau: As regards civil checks, the provincial police are able to obtain new systems in order to do that.

Mrs. Alexandra Mendes: That doesn't mean—

Ms. Guylaine Dansereau: It's currently doing it. LiveScans are used for two reasons: criminal checks and civil checks. With regard to civil checks, the Sûreté du Québec is currently—

Mrs. Alexandra Mendes: Installing—

Ms. Guylaine Dansereau: Pardon me?

Mrs. Alexandra Mendes: It's doing it, installing the system.

Ms. Guylaine Dansereau: Yes, getting the system so it can do that.

Mrs. Alexandra Mendes: Does that mean it won't be able to do criminal checks?

Ms. Guylaine Dansereau: Yes, it will. It will do both checks.

Mrs. Alexandra Mendes: It will do both. All right.

Ms. Guylaine Dansereau: The system has to be updated.

Mrs. Alexandra Mendes: So that means that a Quebec citizen could then contact a Sûreté du Québec detachment rather than the municipal police to request a print check.

Ms. Guylaine Dansereau: Yes, or a private business that provides fingerprint submission services.

Mrs. Alexandra Mendes: A business that is linked to your system?

Ms. Guylaine Dansereau: Of course. So that's used for obtaining visas or for checks.

Mrs. Alexandra Mendes: For example, for preliminary employment checks or checks of that kind.

• (1000)

Ms. Guylaine Dansereau: Yes. That's the case as well.

Mrs. Alexandra Mendes: What are the costs of that for a municipal police department? I'm not talking about small departments—because I suppose it would be extremely costly for them—but for regional services. There's one in my constituency, in the Roussillon RCM and in the Longueuil area. Those are the kinds of police departments that have a certain size. Are the costs affordable? We have no idea of the costs that might represent for them?

Ms. Guylaine Dansereau: It really depends on their needs, their systems and their servers. The costs and needs of the various police departments are very different. So I couldn't give you an answer on that point.

The price of a LiveScan is about \$15,000 and it can vary widely depending on the needs of the police department, that is to say, for example, if a number of LiveScans are necessary or a server is necessary.

Mrs. Alexandra Mendes: Once the LiveScan is installed, how much time does it take to adapt all the services, to hook up the system to yours and really start operating?

Ms. Guylaine Dansereau: That depends on the complexity of the systems linked to ours. It can range from a few days to a few weeks.

Mrs. Alexandra Mendes: All right.

Ms. Guylaine Dansereau: There's also the issue of training that must—

Mrs. Alexandra Mendes: That must be given to officers, I assume.

Ms. Guylaine Dansereau: With regard to linking it to the Royal Canadian Mounted Police, that can take from a few days to a few weeks.

Mrs. Alexandra Mendes: Do you train the officers who subsequently use the LiveScan? Do you provide the training?

Ms. Guylaine Dansereau: We train one person who subsequently trains the people who will be using the system.

Mrs. Alexandra Mendes: So you train one person at the police department in question.

[English]

I was very struck—

The Chair: Your time is actually up. Thank you, Madam Mendes.

Okay, go ahead, Madam Mendes. I'll give you a few more—

Mrs. Alexandra Mendes: Just one tiny little question.

I was very struck by the 5,900% increase in demands. Why? Could you please elaborate on that?

Thank you.

A/Commr Peter Henschel: This is all an issue about public safety. It's the only way for us to ensure that somebody who has, in particular, had a pardon for a sexual offence and goes and does a legal name change—which is very easy to do.... It's the only way for us to ensure that those people get fingerprinted and that we catch them in the process. Otherwise, there's no way of guaranteeing that somebody who's had a legal name change but has also been pardoned for a sexual offence.... There's no way of identifying them.

What happens is that because the only way to do that is to then key off their gender and the date of birth, it means that anybody else who shares the gender and the date of birth of a pardoned sexual offender will be asked to submit fingerprints, and that's why the big increase. It's unfortunate, but it's a balance to ensuring that these people are identified and don't get access to the vulnerable sector.

The Chair: Thank you very much.

It was a good question.

Mr. MacKenzie.

Mr. Dave MacKenzie (Oxford, CPC): I have just a few short questions.

There's a difference between the vulnerable sector and the employment. I'm not sure if everybody understands that outside of here, and I think that's where we're getting into some of the issues. I think there's a directive that they're supposed to be done in the jurisdiction in which they reside, and I'm not sure if that message is very clear outside of this room.

When my colleague asked about other departments, I think you made it clear that they would have to consent to do them on an individual basis for employment purposes.

A/Commr Peter Henschel: That's possible, yes.

Mr. Dave MacKenzie: I'm not saying they could do it, but....

A/Commr Peter Henschel: For employment purposes, there's much more leeway. There are private companies you could go to for employment purposes, and you could do the process through these private companies.

Mr. Dave MacKenzie: Where are they located?

A/Commr Peter Henschel: They'll be—

Mr. Dave MacKenzie: They're primarily in large communities.

A/Commr Peter Henschel: But they're also available on the Internet, so I don't know exactly how they've....

Mr. Dave MacKenzie: They'd have to have mobile equipment, though.

A/Commr Peter Henschel: Well, no, you don't necessarily have to do fingerprints.

Mr. Dave MacKenzie: I see what you're saying.

A/Commr Peter Henschel: There's also a name-based check process that can be done. But it becomes a much narrower group that has to be fingerprinted.

Through the new ministerial directive, whether it's for a vulnerable sector or for employment, if they have a criminal record they can disclose it to the police. In the past we couldn't use that mechanism. It's a mechanism to allow people who have a criminal record to come and disclose their criminal record so that the police can verify it. That's just one piece of the process. It enables us to determine that we have the right person and that what they've given us is accurate. This way, we don't need to go through the process of fingerprinting them.

Mr. Dave MacKenzie: So that would be what old people like me would remember as the CNI check, criminal name index?

A/Commr Peter Henschel: It's related to that, yes.

Mr. Dave MacKenzie: My friend asked about whether or not the Americans can access our records. Is it equally true that our border people can access the American information, and that it's only about keeping our borders secure on both sides?

A/Commr Peter Henschel: Yes.

Mr. Dave MacKenzie: If every police agency in Canada, every RCMP detachment and OPP detachment, tomorrow came up with the necessary funds to buy the equipment to put in their building, does this end in Ottawa have the capability of handling that influx electronically?

A/Commr Peter Henschel: The short answer is yes, but I will qualify it a little bit. We're still developing RTID, and we're not at the end stage yet. But theoretically there isn't anything to prevent that. We are currently making changes to RTID to strengthen it, to give it more capacity that way.

•(1005)

Mr. Dave MacKenzie: And the paper fingerprints that are in your custody have now been scanned?

A/Commr Peter Henschel: They have to go through the same process. They eventually have to get into the automated system either way. You can imagine that if you put them in at the front end, we save all that long manual work that has to go into the system. The system is handling that right now.

Mr. Dave MacKenzie: But what you have contains all the old files?

A/Commr Peter Henschel: You mean the vulnerable sector ones? Right now, if we get it today, it's about nine weeks before we hit it. That's a massive increase. Instead of getting 130 a month, we're getting almost 8,000. We've upped the number of people working on that, and we've reallocated people to it. But it's such a massive increase that we can't manage them fast enough.

Mr. Dave MacKenzie: My friend from the Bloc was talking about agencies that may not have sent stuff in. I know from past experience that there are internal audits within those agencies to make those determinations. If someone didn't send you a fingerprint form, a C-216, you'd have no way of knowing if there had been a conviction. Typically there's an internal audit within police agencies across the country that should pick those things up.

A/Commr Peter Henschel: Yes.

Mr. Dave MacKenzie: I'm sure the RCMP do it at their detachments, and I know that across the country other....

A/Commr Peter Henschel: There are two factors. First, we know that sometimes they don't get sent in. Sometimes you will have some story in the media saying a certain person was sentenced and had no previous convictions, yet everybody in that community knows that the person has a record. Then we go back and check our records and we find the police never submitted it. That's one way we know it happens. The other thing is that sometimes the police service doesn't send it in a timely manner. We have cases where we might get fingerprints submitted that were taken 10, 20, 30 years ago. So everybody is facing similar pressures and similar challenges.

The Chair: Thank you, Mr. Henschel.

We'll now move back. The Liberals have given up their slot to Mr. Davies.

Mr. Davies.

Mr. Don Davies: Thank you, Mr. Chairman, and thank you to the Liberals for letting me have their spot.

I want to focus on three quick areas. One is time. I appreciate that the minister is announcing today, I think, some changes, and there is great optimism about moving forward. But in the notes prepared for us by our analysts, it says:

The RCMP website states that the real-time identification (RTID) project, a five-year initiative that started in April 2004, is part of a major government project to increase the efficiency of the national fingerprint and criminal record repository in Canada. This system will replace paper processes and existing systems with reengineered workflows and automation.

What that tells me is that it's 2011, seven years later, and we're still talking today about the RTID system. In seven years, we do not have

it implemented in a fashion in this country so that Canadians today can actually get a prompt and effective criminal record check.

I just want to ask you about the time. I'm going to try to narrow you down. If it has been seven years since this system started, what confidence do Canadians have that we'll have this system in place in a reasonable amount of time?

A/Commr Peter Henschel: I'll refer a little bit to earlier comments I made. As in any major project, I think it was very difficult for those folks who started this to predict exactly what complexities they would run into. There's no doubt that as this project has moved along, we have learned things. And other issues have come in, including things such as changes in legislation, which have all added to the complexity of it.

On top of that, although the original start of the idea was in 2004, the actual project development didn't start until 2006 because of delays in procurement, security clearances, and all those kinds of things. So there are a variety of factors that have slowed down the development. I can't say that it's just one particular thing. It has been a variety of things.

We have delivered on components of RTID. There have been very strong successes, but we haven't reached full automation. That's something we continue to work towards. We want to get there, obviously, as quickly as possible. It's certainly in our interest. And it's in the interest of CCRTIS to get his done as quickly as possible, because all the manual processes you see out in the real world are actually amplified when they come within....

•(1010)

Mr. Don Davies: Yes. It's in all of our interests. I realize that you're doing your part, but you're subject to what everybody else can do. I might boldly state that everybody is well-intentioned here, but I don't know that we're in a position to get this done as quickly as maybe the minister might be suggesting today.

I want to talk about costs. I'd like to know what the costs are going to be to get this system fully operational across the country. Is it \$15,000 per police force?

A/Commr Peter Henschel: Are you talking about doing the live scan, this part of it, for the civil screening?

Mr. Don Davies: Yes. I understand that to get this working, we have to get all the parts working together. So the individual police forces have to have the technology to do this. What are we looking at cost-wise?

A/Commr Peter Henschel: You know, usually it's between probably \$12,000 and \$16,000 for one LiveScan machine for civil screening. Right? That's what we're talking about here.

Depending on the police service, maybe one is enough. I'm not sure. Toronto, for example, may want to have more than one. That's the cost for the hardware. There could be certain costs associated with making sure that their system, especially if they have servers and those kinds of things, operates with ours. There could be some costs associated with that. But that's really dependent on the system they have.

Mr. Don Davies: So we're talking a minimum of \$15,000 per police force.

How many police forces are there in the country, so that I can get a handle on how many of these machines we might have to purchase?

A/Commr Peter Henschel: That's hard to say, because there are police services and there are also RCMP detachments, OPP detachments.... I don't off the top of my head have that.

Mr. Don Davies: We're talking about hundreds and hundreds.

A/Commr Peter Henschel: Yes.

Mr. Don Davies: Are we talking about thousands?

A/Commr Peter Henschel: I don't think so.

Mr. Don Davies: So it is hundreds and hundreds, maybe.

We're talking about a significant amount of money. Do we know where that money is coming from?

A/Commr Peter Henschel: That would be the responsibility of individual police services.

Now, I will add that when you think about the time savings from using this automated thing, they're actually saving time. There are certainly efficiencies compared to what they're spending right now doing things manually. Certainly, from discussions we've had with some of the police services that have full automation, such as the Halton Regional Police, they're very excited about it and about the time savings they have and how that has really created efficiencies for them.

Mr. Don Davies: I think Canadians across the country would want us to tell you that they want a very quick system that is secure—businesses, volunteer groups, and individual Canadians. I think it's a high priority for them. We need a system that can deliver an accurate result within weeks. If that's what you're working towards, I think Canadians will be well served by you continuing in that regard.

The Chair: Thank you, Mr. Davies.

We'll now proceed to Madam Mourani.

[*Translation*]

Mrs. Maria Mourani: Thank you, Mr. Chairman. I'd like to go back to the subject we discussed earlier. We didn't entirely reach an understanding.

You systematically receive the 3800 form, which enables you to obtain a DNA sample based on a court order. Let's take the example of Quebec. The SQ sends it to you, along with the 3801 form, which provides you with the fingerprints. According to my information, you don't take the 3801 form into account; you only take the 216 form into account. Until you receive the 216 form, the person convicted by the court, whose DNA is usually required in the case of a sex offence—we can expect pedophiles to be included among the

individuals convicted—will not be entered in your system. Is that correct?

Ms. Guylaine Dansereau: The fingerprints sent with the DNA sample are intended to identify the individual associated with the sample. That information is put on hold, but entered in the archives, until we obtain the fingerprints related to a crime. We're talking about a person who has no criminal record. If the person already has a criminal record, the information has already been included. That information is put on hold until we obtain the fingerprints. These are two separate forms for two separate procedures. We don't reject the information. It's entered in the system and put on hold. It's linked with a criminal record.

• (1015)

Mrs. Maria Mourani: If you never receive the 216 form, the DNA sample that you've received together with the fingerprints associated with the same individual will not be considered.

Ms. Guylaine Dansereau: We conduct follow-up to obtain the information. This results in delays, depending on the police department involved.

Mrs. Maria Mourani: It bothers me a bit that the municipal and provincial police departments are always blamed. I'm willing to believe they have a large share of responsibility. However, I find it hard to understand why there is no system that alerts the RCMP to ensure that you nevertheless take action when you don't receive this 216 form.

Let's consider a situation in which you first receive it and you enter the information in the system. However, if you don't receive it a second time after charges have been laid, you erase all that 18 months later. So that's a bit troubling.

In Quebec, for example, the information concerning 10% to 40% of individuals convicted is not entered in the system. All that's quite troubling.

A/Commr Peter Henschel: As I mentioned earlier, we don't delete those fingerprints after 18 months.

Mrs. Maria Mourani: You retain them.

A/Commr Peter Henschel: Yes, we retain them. Furthermore, with regard to DNA, we abide by the laws and regulations. There are two laws, the DNA Identification Act and the Identification of Criminals Act. We have established processes to protect private personal information in accordance with the acts in effect. That's why these processes exist. They have to be followed to ensure compliance with the acts and regulations, particularly with regard to the National DNA Data Bank.

Mrs. Maria Mourani: I understand that this is a matter of forms and that it's also a matter of law. However, in the case of mixed criminal offences, why don't you use form 3801? Why don't you use those forms? I don't understand.

In the case of mixed criminal offences, why do you wait to receive the 216 form? Does the RCMP make a decision internally? Is there an act preventing you from doing that?

A/Commr Peter Henschel: No. As I mentioned earlier, you have to have a 216 form in order to open a criminal record.

Mrs. Maria Mourani: Even in the case of mixed offences?

A/Commr Peter Henschel: Yes.

[English]

The Chair: Madam Mourani, your time is long gone.

To continue, we will go to...

Do you have a question? Are you taking the NDP round this time? Okay.

Mr. Andrew Kania: When I left off the last time, we were discussing what we could do for you to try to help you fix these problems and make the system more efficient. I had suggested that perhaps you could look into it and prepare some type of memorandum. Is there anything else at this stage that you would be able to add in terms of what we might be able to do to assist you?

A/Commr Peter Henschel: No. I think it would be fair to say that certainly if we had more resources, more funding, it would allow us to move things forward more quickly. But at the same time, we understand there are many other priorities within the RCMP, within national police services, and also elsewhere within government. I think that's a policy question for government to determine whether this priority is more important than other priorities.

• (1020)

Mr. Andrew Kania: I would suggest to you that it's for you to tell us what you need to fix your problems and to make things better. Then it's for the government to decide whether that can be accommodated. I'm not looking for you to make the policy decision in terms of what the government should or should not prioritize. I am looking for you to tell us. When you say you need more funding, more personnel, more technology, whatever it might be, I'd like to know what that is specifically, including a number. Then it's for the government to decide whether that can be accommodated.

A/Commr Peter Henschel: I think it's very difficult for us to say a specific number. I'll say that more resources would be helpful, but there are many factors. It's not just the actual resources. It's also how quickly you can do the automation. It's also how quickly police services can do the automation. There is a variety of factors.

Mr. Andrew Kania: That's fine, as long as you understand that we're with you here. When you say more resources would be helpful, anybody from any department or agency or service, sitting in that chair, could say that, theoretically. So I'm trying to get from you.... And I'm not trying to put you on the spot, so if you can't give an answer today, that's fine. But I am looking for you to provide, at some point in time, some specific answer so that if, for example, it was possible to say "Okay, that's a reasonable amount of money", or "These are additional persons we could provide to you to help solve the problem", then you're happy and you do your work and solve the problems.

At some point in time, whether it's today or in a reasonable period of time from now, through written form, I would like to know from you what that number is or what those personnel additions might be to solve these problems. Is that agreeable?

A/Commr Peter Henschel: We can give that some thought, certainly.

Mr. Andrew Kania: Okay.

Go ahead.

Mrs. Alexandra Mendes: If I may, Mr. Chair, actually it's more than just a question of resources.

Legislatively, can we do something to help you? I was struck by something you said, that not all police forces...actually provincially they're not mandated to provide you with certain information, like the name changes, for example.

A/Commr Peter Henschel: Yes, that's not a police force issue. Requiring fingerprints submitted with legal name changes is provincial legislation, so that's a provincial issue.

Mrs. Alexandra Mendes: But legislation—would there be any other issues we could help you with, in terms of giving you a broader mandate, or is there anything legally we could help you with?

A/Commr Peter Henschel: I don't think so, directly, for us. I think if you are looking at this more broadly from a public safety perspective, one question you could ask is whether or not there should be a requirement, for example, for fingerprints to be submitted—a requirement that they be submitted and within a certain time period, for example. Again, that's a broader public policy issue.

[Translation]

Mrs. Alexandra Mendes: Thank you.

[English]

Mr. Andrew Kania: As a broad question, if I'm an employer, and I require somebody to have a criminal records check, and they go—whether it's the basic one or the more detailed one—and they provide me with the form, would you be able to warrant that it's accurate? Could people actually rely upon that to protect their businesses, to protect their organizations, etc., from persons who may be a risk?

A/Commr Peter Henschel: If it's done properly, it's accurate. It's one of the reasons why, I mentioned in my opening comments, in late 2009 we realized, through audits of CPIC, that processes weren't being followed, and part of the risk around that was that meant that the products being offered out there weren't necessarily accurate. But if the proper procedures are followed, the products will be accurate.

I will say that while we have a backlog and have challenges that way, one of the reasons that contributes to that is because we have very high accuracy, or we hold the criminal record system to the absolute highest standards because we know that we can't afford to make mistakes with it. When we go through the process and say "here's an up-to-date record", it is up to date and accurate for what has been submitted to us from police forces and the courts across the country.

The Chair: Thank you, Mr. Henschel.

Mr. Rathgeber, please.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Thank you, Mr. Chair.

Thank you to the witnesses for your attendance today and for the good work that you do in keeping Canadians safe.

I have a couple of questions. In response to one of Ms. Mendes' questions, I think you indicated that there's a 5,000% increase in requests for these vulnerable sector checks. Did I hear that correctly?

•(1025)

A/Commr Peter Henschel: There's been an increase of I think 5,900% in the number of fingerprints that need to be submitted as part of vulnerable sector verifications.

Mr. Brent Rathgeber: I just know from my own experience in my own constituency, virtually all of the minor sports associations are requiring vulnerable sector checks for coaches and sometimes referees. Is it your experience that that's becoming standard operating procedure for the minor sporting associations from coast to coast? I'm guessing that's why the huge increase in requests.

A/Commr Peter Henschel: I think, generally speaking, that there is probably much more awareness of the requirement for organizations to ensure that they're protecting those in the vulnerable sector for whom they have responsibility. I would think that yes, that is accurate. But it's also up to those organizations to determine...they set the standards of what they expect; it's not the RCMP that sets the standards. The organizations set the standard as to who, how often, those kinds of things.

Mr. Brent Rathgeber: But you agree with me that for many, if not most, of the organizations who are involved in coaching of children or cub scouts or those types of organizations, it is becoming fairly standard that they're requiring this type of information.

A/Commr Peter Henschel: Yes.

Mr. Brent Rathgeber: Thank you.

I'm not a technical person at all, but I do understand that the cost of a scanning device, for LiveScan, costs between \$12,000 and \$16,000. Is there other periphery equipment that's required to get online, or is it just a matter of buying this scan and hooking it onto the Internet? Is that all you need to do?

Ms. Guylaine Dansereau: It depends on what they need at the police agency. Let's say all they need is a LiveScan. The LiveScan is equipped to be connected directly to us without other than a line with us. You don't need to have a particular website or server if it's only one LiveScan. If there is more at the police agency, then there is an interface information or a system that will be required.

C/Supt Charles Walker: Just to clarify, this doesn't run over the Internet. It runs on a secure national police services network that the RCMP provides.

Mr. Brent Rathgeber: Thank you for that clarification.

I only have two police forces in my constituency, Edmonton Police Service and the RCMP St. Albert detachment. One of them, I understand, is using LiveScan and the RCMP is not. Is that a local decision by the RCMP detachment, or is there some sort of schedule

or rollout plan for the RCMP detachments and when they're going to come on board?

A/Commr Peter Henschel: I probably don't have that information, or I'm not aware. That's sort of another area of the organization that's responsible for what happens at the detachment level. I wouldn't have an answer for you right now on that particular point.

Mr. Brent Rathgeber: Anybody else?

Can I infer from that decision that the decision is not going to be made by Ottawa; that the decision is going to be made either by K Division or by somebody at the local RCMP detachment in St. Albert?

A/Commr Peter Henschel: That's probably more likely, but certainly it's something we would be encouraging to RCMP detachments.

Mr. Brent Rathgeber: Those are my questions, Mr. Chair.

The Chair: Thank you. You have two minutes left.

Does anyone else have a question?

Madam Mourani.

[*Translation*]

Mrs. Maria Mourani: Thank you, Mr. Chairman.

[*English*]

The Chair: It's actually the Liberals' turn.

Mr. Kania, did you want...?

Mr. Andrew Kania: Sure.

You were indicating that this is reliable, and that's fine, and I do want to ask you about potential improvements that have occurred.

In April of 2000 I understand the Auditor General of Canada noted that the computer system on which you depend was out of date and overloaded. The report noted that people could not access it, and this compromised the safety of police officers and impeded criminal investigations. What's happened with that computer system?

A voice: Was that CPIC?

Mr. Andrew Kania: Yes.

Obviously the Auditor General was talking about technology in particular, in terms of the computer system.

C/Supt Charles Walker: And the date of that particular OAG report, again?

Mr. Andrew Kania: April 2000.

C/Supt Charles Walker: A lot has happened with CPIC since then.

CPIC has been the subject of a major crown project called CPIC renewal, which has since been completed. It essentially took the system, which has been online since 1972, and gave it a complete replatforming.

There are certainly no issues with the availability or the response times of CPIC for police services across the country. Last year CPIC processed 250 million transactions, and it was available essentially 99.5% of the time.

•(1030)

Mr. Andrew Kania: So in response to any questions from the Auditor General at this stage, you would say that all of that's been remedied and updated.

C/Supt Charles Walker: With respect to CPIC, absolutely.

A/Commr Peter Henschel: I think that report may have also referred to the automated fingerprint identification system, and as part of RTID that has been replaced by new generation technology, which has made great strides.

Mr. Andrew Kania: Okay.

In terms of the reliability of the system, I'm not questioning you, but I am going to ask about this decision. There's an Ontario case, the Crown v. Horne, 2009. Are you aware of that case?

Justice Fairgrieve noted in that decision that the court was unable to obtain the full list of criminal records because of backlogs in CPIC. It was indicated that backlogs at that point extended to over a year and a half. Obviously you know that somebody's criminal record in the past is taken into account for sentencing in the future.

In that particular case, it was noted that between eight and eleven convictions had not been included in the person's criminal record at the time he was being sentenced. That obviously is a problem. If you are going to take into account somebody's past criminal record, you need to know what that is at the time of sentencing.

Maybe you could address that.

A/Commr Peter Henschel: There are two issues. The first is that the criminal records aren't necessarily up to date. As I mentioned, there is a backlog. However, if we get a request before sentencing—the police or the prosecution come to us and ask us to update that—we will update that, and we'll do it overnight. Whatever needs to be done, that criminal record file will be updated in time for sentencing.

What happens, though, as well.... And as I mentioned, there have been media reports in the past about how somebody's been sentenced and the prosecution couldn't prove previous convictions, when everybody in the jurisdiction knew this person had been convicted for whatever offence it was. When we've had cases like that we've checked our system, and we didn't have fingerprints submitted for those offences.

That's the other piece: a fingerprint has to be submitted for every time someone is charged. If fingerprints aren't submitted for that charge, we cannot add it to the criminal record. That is the only way we know that the person is who they say they are. If that isn't done, the person may have been convicted of a criminal offence, but it won't show up on their criminal record.

Mr. Andrew Kania: In this particular case, the judge noted—and whether he or she knew properly, I can't comment on that—it was because of a year-and-a-half delay in terms of the records.

A/Commr Peter Henschel: I would suggest it's because nobody came to us and said we need an up-to-date criminal record.

The Chair: Thank you. Your time is up.

We will now go back to the Conservatives.

Mr. Dave MacKenzie: I have just a couple of questions, and Mr. Norlock perhaps will have a couple after.

When we talk about CPIC, there is a CPIC advisory body. I assume it's still in operation. Who is that CPIC advisory body composed of? Maybe you could enlighten us.

A/Commr Peter Henschel: It's composed of representation from many police services across the country and also other public safety agencies.

Mr. Dave MacKenzie: So it's representative of the agencies that utilize CPIC.

A/Commr Peter Henschel: That's correct.

Mr. Dave MacKenzie: And from time to time that advisory body will ask for something, either enhancements or something with respect to.... It doesn't just sit there and chug away. There are people and agencies outside of the RCMP that provide counsel?

A/Commr Peter Henschel: Absolutely. In fact, when CPIC renewal was completed, starting in the late nineties and going forward, the CPIC advisory committee was actually even bolstered to make sure that there was appropriate representation. What was delivered was very much as a result of the work that the CPIC advisory committee did. So we had senior officials from various police services across the country that basically set the agenda and the requirements for CPIC renewal.

Mr. Dave MacKenzie: So the communication, in actual fact, goes both ways in that committee? I think that's important.

•(1035)

A/Commr Peter Henschel: Absolutely, and I think it's very important also to say that while the RCMP are the stewards of CPIC, and we manage CPIC, we manage it on behalf of the police community. There is shared governance and a shared decision-making process that takes place.

Mr. Dave MacKenzie: Sure.

Mr. Norlock might have a couple of questions.

Mr. Rick Norlock: I have just a couple. We were talking about accuracy, and we were talking about the ability of the CPIC system to be as accurate as humans can possibly make it. Would I be correct in saying that not all police forces send in quality information, and that if they don't send the appropriate quality information—and I'm talking about legibility or readability of a fingerprint, and/or the cross-checking of a photograph to make sure it meets the right file number and that it matches your FPS number—that you would return that to the police department and tell them, "Give us better quality information"? Would I be correct in saying that's what assists you in maintaining the quality and standards you're accustomed to?

A/Commr Peter Henschel: Absolutely, and we will not enter anything that doesn't meet the highest rigours in quality. As we're moving forward with RTID and the automation for police services, when this is done we'll be able to submit fingerprints from criminal charges electronically. One of the things that will do is actually cut down the error rate significantly, because it won't go through the submission unless they've done everything properly.

Right now I think we send 2,000 or 3,000 messages a month back to police services because they haven't properly completed the forms. We cannot enter them because we don't have the right information to enter them into the criminal record system. So once we have the automation for criminal submission, it will take off a big workload. Just think about sending 2,000 or 3,000 messages a month chasing police services and police officers to get information. That just compounds month after month.

Mr. Rick Norlock: So as part of the automation, or to put it more simply, the mode you're trying to get everyone to adapt to and adopt, as you become more automated, your operation will probably become less human-intensive.

That's why you mentioned when some of the non-partisan... And by the way, in this arena, when they say it's not about the money, it's about the money. When they say it's non-partisan, it really is. They want to help you get at us and that sort of thing. Anyway, we'll leave that alone.

Just to get back to that, the automation may end up alleviating some of the human resource requirements that you currently have.

A/Commr Peter Henschel: Certainly it will go a long way to resolving some of those issues.

Mr. Rick Norlock: That's why you indicated that it's not as simple as more money or more people.

You've been with the RCMP how many years?

A/Commr Peter Henschel: I'm coming up to 30.

Mr. Rick Norlock: Have you ever heard of or seen a government department tell their administrative or political arm of the government that you have enough and you don't need any more?

A/Commr Peter Henschel: Listen, you're never going to get any police service saying that it couldn't use more. It's a fact that we have to prioritize, and it goes back to Mr. Holland's question right at the very beginning concerning national police services. We realize that there are funding challenges everywhere, and what we're trying to do is the best possible with what we have.

Mr. Rick Norlock: You're being responsible.

Thank you.

The Chair: Thank you, Mr. Norlock.

We'll now go back to the Bloc.

[*Translation*]

Mrs. Maria Mourani: Thank you, Mr. Chairman.

I'd like to go back to the point I raised earlier because I'm not entirely satisfied with the response. You'll tell me if I'm wrong.

The act that currently governs criminal records does not state any clear directives on what a criminal record should include. In those conditions, the act certainly contains some deficiencies.

Ms. Guylaine Dansereau: No, that's clear.

Mrs. Maria Mourani: The act clearly states what a criminal record should include? Yes? All right.

No RCMP internal directive provides any more information on how to proceed or on the information that must appear in a criminal record. Is that correct?

Ms. Guylaine Dansereau: Our internal directives are consistent with the act and processes that must be followed.

Mrs. Maria Mourani: So there are directives.

•(1040)

Ms. Guylaine Dansereau: They concern the way to enter the information, but that's for the purpose of complying with the act.

Mrs. Maria Mourani: You talk about entering information, but does that imply the decision to accept or reject the form?

Ms. Guylaine Dansereau: There's no connection with that. In fact, the idea is to determine whether the fingerprints have been obtained legally and what the charges are.

Mrs. Maria Mourani: So based on what you say, keeping such and such a form has absolutely nothing to do with internal directives.

Ms. Guylaine Dansereau: To determine what we keep, we do so in accordance with the act which allows us or doesn't allow us to retain the information.

Mrs. Maria Mourani: Tell me if I'm wrong, but I understand from everything you've said today that you attribute the problem with CPIC information to the police departments, not to your organization. You say the police departments don't necessarily send you the information and that you aren't able to obtain that information.

A/Commr Peter Henschel: No. I think it's a combination. We definitely don't receive all the available information on, for example, the charges, convictions and so on.

Mrs. Maria Mourani: You can't provide an estimate in that regard.

A/Commr Peter Henschel: We aren't able to do that because we don't have the necessary tools. Not all the CPIC information concerning criminal records is up to date. There's a certain delay.

Mrs. Maria Mourani: From what you're saying, it's a shared responsibility.

A/Commr Peter Henschel: Exactly.

Mrs. Maria Mourani: With regard to DNA, I must admit I find it hard to understand. You're telling me the law ultimately prevents you from using form 3801. Should the act be amended?

A/Commr Peter Henschel: No, I would say instead that we apply processes in order to comply with the laws. There is one concerning DNA samples and another that we apply in order to open criminal records and add information to them. These are two different processes. Even though we have a form for our fingerprints process, we would not be able to decide to use the form for that process. After a certain time, everything would be mixed up and we would no longer be able to guarantee the quality of our information or protect the information in the DNA data bank.

With regard to DNA samples, we have an act in Canada that protects personal information. We have separate processes that we follow to ensure compliance with the act, but also to protect personal information.

Mrs. Maria Mourani: Are those processes developed based on the legislation?

A/Commr Peter Henschel: Those processes are based on the law, but they have been developed by the RCMP over the years.

Mrs. Maria Mourani: I understand, but I admit I find it a bit odd that two processes are used for the same purpose.

A/Commr Peter Henschel: No, I wouldn't say—
[*English*]

The Chair: Thank you, Madam Mourani.

Yes, you may answer.

[*Translation*]

A/Commr Peter Henschel: I wouldn't say there's a duplication or that it's odd. We do a kind of double check to ensure that what we have really corresponds to the actual situation. The worst thing that can happen is for us to establish a correspondence starting with the DNA data bank and then to consult the criminal records and retrieve someone's name but discover that's not the right person. It would be

horrible if that situation were to arise. That's why we're really very strict about the processes designed to ensure information quality and —

Mrs. Maria Mourani: —to have the right information.

Thank you.

● (1045)

[*English*]

The Chair: Thank you very much, Madam Mourani.

We want to thank each one of you for appearing before us today. I can tell you, as a member of Parliament—and I think you've heard it—all members have been called or e-mailed or sent letters with frustration over some of what we've seen happening.

You've given us a little bit of an idea of the process that you go through, and also a little bit of the hope that some of these things are going to be streamlined even more. So we thank you for being here.

I see that our time is up, so we will adjourn. I just ask the committee to stick around for one second.

The meeting is adjourned.

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