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

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**EVIDENCE**

**Thursday, February 16, 2012**

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**Chair**

**Mr. Kevin Sorenson**



## Standing Committee on Public Safety and National Security

Thursday, February 16, 2012

• (1530)

[English]

**The Chair (Mr. Kevin Sorenson (Crowfoot, CPC)):** Good afternoon, everyone. This is the 25th meeting of the Standing Committee on Public Safety and National Security. It is Thursday, February 16, 2012. Today we are continuing our study on the use of electronic monitoring in both a corrections and conditional release setting as well as an immigration enforcement setting, with a view to determining effectiveness, cost efficiency, and implementation readiness.

In our first hour we welcome back to our committee the Commissioner of the Correctional Service of Canada, Mr. Don Head.

Again, we want to thank you for appearing before our committee and, I would say, for always being willing to come to our committee. You have appeared on other studies numerous times and we are very thankful for that.

I understand that you have an opening statement. I think it has been circulated to each of us. We look forward to your comments and then to the questions that can arise from them.

[Translation]

**Mr. Don Head (Commissioner, Correctional Service of Canada):** Thank you, Mr. Chair.

[English]

Good afternoon.

Thank you, Mr. Chair, for the opportunity to discuss the Correctional Service of Canada's experience with the use of electronic monitoring, or EM, as we refer to it.

In a correctional setting, EM is a tool used by parole officers to support the supervision of federal offenders released to the community. Today I'd like to provide you with an overview of the electronic monitoring pilot project we recently conducted in the Ontario region. I would then like to address the issues of cost efficiency, program effectiveness, and possible implementation of electronic monitoring, as identified earlier by the committee.

The goal of the electronic monitoring amendments in Bill C-10 is intended to help our parole supervision staff monitor an offender's compliance with a condition of a temporary absence, work release, parole, statutory release, or long-term supervision order. These are conditions that are imposed to restrict an offender's access to a person or a geographical area or that require them to remain in a certain geographical area.

In short, the purpose of electronic monitoring is to equip our staff with a new set of tools to help them with the close supervision of offenders and oversee offenders' safe transition into the community. It strengthens our efforts to promote offender accountability while these individuals are residing in the community and gives us additional information for our ongoing assessment of risk to ensure we are protecting the public.

As I mentioned, the Correctional Service of Canada recently conducted an electronic monitoring pilot project in the Ontario region to evaluate the effectiveness and the feasibility of EM as a supervision tool. The application and the removal of the monitoring devices were performed by federal parole officers. Offenders wore an ankle bracelet with a GPS receiver that reported its position to a monitoring network that was operated by Correctional Service of Canada staff at our national monitoring centre in Ottawa. The centre provided monitoring services seven days a week, 24 hours a day.

Geographical conditions, such as staying away from a certain location, have historically proven difficult for parole officers to monitor. Electronic monitoring has helped to close this gap. By identifying their location, parole officers could assess near real-time information on whether offenders were abiding by geographical conditions imposed on their release.

Since the pilot, CSC has had an opportunity to reflect on the experience, analyze the results, and prepare for the possibility of a national implementation. CSC is currently looking at a procurement process for electronic monitoring equipment that will allow us to utilize the latest available EM systems and technologies.

Mr. Chair, I'd now like to address the issues of the cost efficiency and the effectiveness of EM.

The average daily cost for incarcerating an offender is \$312, while the cost of maintaining an offender under supervision in the community is roughly \$81 per day. For offenders residing at a community residential facility operated by non-government organizations under contract with CSC, it is approximately \$100 per day. For the higher-need cases residing in a community correctional centre operated directly by CSC, it is about \$184 per day.

Although electronic monitoring will never replace the direct supervision of offenders by parole supervision staff in our communities, an electronic monitoring device is estimated to cost approximately \$15 per day, per unit, depending on the technology.

CSC implemented the electronic monitoring pilot project with the goal of evaluating the effectiveness and feasibility of EM as a supervision tool. An evaluation was completed and published in December 2009. It was determined that all electronic monitoring pilot objectives were successfully met. Further, CSC staff reported that electronic monitoring filled an important gap with respect to managing release conditions, and that the electronic monitoring and response protocols were appropriate.

It should also be noted that, during the pilot, CSC staff embraced EM and effectively integrated the technology into existing supervision practices.

As Bill C-10 is working its way through the parliamentary process, CSC is reviewing the overall results of the EM pilot and preparing for the possible implementation of a national EM service. Should the amendments to the Corrections and Conditional Release Act outlined in Bill C-10 related to electronic monitoring become law, I'm confident that CSC is well positioned to expand electronic monitoring services across the country.

• (1535)

In this regard, CSC would have in place the tools necessary to implement electronic monitoring. These would include policies, operational guidelines, and training.

Mr. Chair, the safe transition of eligible offenders to the community is of the highest priority to the Correctional Service of Canada. The organization routinely seeks out, examines, and evaluates new measures to enhance public safety.

The electronic monitoring service is one example of how CSC is continually looking for ways to improve its public safety results by ensuring that offenders undergo a gradual, structured, and supervised release. The electronic monitoring service will never be used as a stand-alone measure but will be integrated into our other effective correctional programs offered in the community.

I've had experience with electronic monitoring over the course of my correctional career, first while serving as the superintendent of the Whitehorse Correctional Centre in the Yukon and then as the assistant deputy minister responsible for correctional services and probation in the province of Saskatchewan. In these cases, the tools and technology were different, the decision-making process about their use was different, and the responses to alarms were different. However, the one thing that was common was that it was a tool that assisted correctional and probation staff in their supervision and management of offenders in the community.

Let's be clear: the intent of electronic monitoring will not by itself lead to reductions in recidivism. However, equipping staff with the proper tools to assist them with their supervision responsibilities will help with the safe transition of eligible offenders into the community, and this will ultimately contribute to strengthening public safety.

Thank you, Mr. Chair.

I welcome any questions you may have of me at this time.

**The Chair:** Thank you again for your statement.

We'll now move to the government side for seven minutes.

Mr. Leef, please.

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

Thank you again, Mr. Head, for being so willing to attend committees, oftentimes at short notice. You've done so once again, and we greatly appreciate it.

In your statement you talked a bit about geographical conditions in which electronic monitoring has helped. Could you, from the program evaluation, give us any indication of issues or challenges that you may have observed or have read about in that report concerning GPS drift or false alarms?

**Mr. Don Head:** Thank you. That's a very good question.

One thing we learned from the pilot was the limitations on the equipment. Learning that allowed us to modify our procedures, our policies, and our protocols. We also learned from it that although there is a drift factor, there is sometimes, even taking that into account, good reason to engage an offender in questions as to why they were getting close to an area for which they may have had conditions requiring them to stay away.

To give you an example, sex offenders out in the community often have conditions that restrict them from places where young children meet, such as playgrounds, swimming pools, or schoolyards. Even though there may be some drift, if they're getting close to those zones and the drift is showing that they're in the zone, whether or not the drift was accurate we still have questions as to why they were coming close to an area such as that. It allows the parole officer to engage the offender in the kinds of discussions that are needed to supervise some of the conditions that are placed on offenders.

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

We heard testimony—and I'm not saying that it was specific to the Ontario experience—that there were some cases in which the GPS technology didn't work and you had an offender showing as being 60 miles in one direction on the GPS who was actually 60 miles in the other direction.

Are you aware of anything in the Ontario study like that?

• (1540)

**Mr. Don Head:** No, I'm not—nothing to that extent.

When we worked through this pilot project, we worked with the Province of Nova Scotia and were able to learn from some of their early experience. When they had people down near the waterfront and the GPS was showing them in the middle of the Halifax harbour, unless they were fishing they knew there was some issue there. They were able to address those kinds of things. But these weren't 60-mile kinds of problems.

Some of the early technology that I experienced previously in other jurisdictions had significant drift problems, but with some of the newer technology there's still drift. With any GPS tool that you can buy on the street right now, you're never pinpointed to one-foot accuracy anyway; that kind of technology is usually reserved for the military. But you get a level of accuracy that allows you, in this case, to do the kinds of supervision that you would expect from us of offenders in the community.

**Mr. Ryan Leef:** In part of your evaluation, you said the objectives were successfully met. Maybe I'll ask you a bit about what some of the objectives were.

I'm wondering if part of the evaluation process was finding out what reaction of the offenders was. Maybe you could give us a general sense of how it was received by the people who were part of that program.

**Mr. Don Head:** As to the objectives we were trying to achieve, we did not go into this with any lofty goal of trying to reduce recidivism. It was a pilot for us, done to test some types of equipment. We were trying to get a sense of the equipment's capacities and limitations, to see what we needed to develop in the way of practices, protocols, policies, and training. We also wanted to find out whether using this kind of technology would assist a parole officer in managing offenders.

There were two reactions found in the evaluation. One was the reaction from the parole supervision staff. They saw this as a positive tool to help them with their work. We knew that in Canada and the U.S. there had been some indications that the probation staff were spending more time monitoring the alarms than engaging offenders. But we had the monitoring done in the national monitoring centre, so the information was fed to the parole officers, who were able to balance the informational input with the management of offenders. This way we didn't have our probation staff tied up watching an alarm screen. We got very positive feedback from the staff.

As for the offenders that were surveyed, this pilot was very small. Its purpose was to test the equipment and develop practices and procedures. But the feedback from the offenders was that wearing of the bracelet did not cause them to change their behaviour, and we saw that as positive.

**Mr. Ryan Leef:** We heard about the level of offender this is being used on. In this study was it low-risk, medium-risk, or high-risk offenders?

**Mr. Don Head:** These were mostly low-risk offenders and individuals who agreed to wear the bracelet. We were not striving for reductions in recidivism rates. We were working toward understanding the equipment and how we could best use it.

**The Chair:** Thank you.

Mr. Sandhu.

**Mr. Jasbir Sandhu (Surrey North, NDP):** Thank you, Mr. Chair.

Thank you, Commissioner Head, for being here again today. I know that we last talked just before December.

I'm looking at a CBC report published back in July 2010. They looked at the pilot program and some of the summaries of it. The

CBC report says that the internal review of the program found that the pilot project was "plagued with technical malfunctions" of the ankle's global positioning system and "showed little proof of the device's effectiveness".

Is that true? Was that the result of the pilot project?

• (1545)

**Mr. Don Head:** The report indicated that there were some deficiencies but that through amendments to practices and procedures we could address these deficiencies.

**Mr. Jasbir Sandhu:** So the pilot project was plagued with technical malfunctions, and it showed that the devices weren't effective.

**Mr. Don Head:** No, no. Again, we.... It depends on what was being defined by "effectiveness". Again, the newspaper articles take only the extracts of what they want to use.

In terms of what we had set out as the objectives for the pilot project, those objectives were met. They were to test the equipment, understand its capacity and limitations, and understand, from learning that, what we would have to put in place for practices and procedures—even response protocols and training—in order to use such a tool if the provisions in Bill C-10 pass.

**Mr. Jasbir Sandhu:** How many participants took part in this study?

**Mr. Don Head:** At any given time, I think we had between 46 and 50. It was between 40 and 50 on any given day.

**Mr. Jasbir Sandhu:** I have the report here. It says there were 46 participants. I'm going to read again from the report, which basically "acknowledged the project was too small to draw conclusions on the usefulness of the program...". Is that from the pilot project review?

**Mr. Don Head:** Again, that reference is in relation to discussions about the effectiveness in relation to recidivism. We were not testing the equipment to gauge the level of impact on recidivism.

**Mr. Jasbir Sandhu:** Okay.

To go back to the report, here are some of the examples of the actual electronic deficiencies that were detected. Would it be true that "there was only one valid electronic ankle alert out of 19 where a parolee had actually tampered with his ankle strap"?

**Mr. Don Head:** If you're reading from the report, that reflected the situation, yes.

**Mr. Jasbir Sandhu:** Okay. So "[m]ost of the false alarms were due to equipment sensitivity and hardware or software issues"?

**Mr. Don Head:** Yes, and that's why we were doing the pilot: to understand the limitations.

**Mr. Jasbir Sandhu:** Okay. So "one-third, or six cases, were caused by accidental jarring at work or during activities"...?

**Mr. Don Head:** That's right, yes.

**Mr. Jasbir Sandhu:** If I'm reading this news from CBC, this doesn't look like a program that was successful at all. It shows that there were quite a few ineffective technical aspects and malfunctions.

In fact, we had another witness last week, who I'm going to quote. He said, "This [electronic monitoring] project that they ran was so expensive that they would have been better off just to keep people locked up in jail". This was said by Professor Gendreau, who was here last week.

He also mentioned that "the program was poorly orchestrated, contained too small a sample size, didn't properly collect data, and experienced too many technological breakdowns". Professor Gendreau is a renowned corrections....

So would it be fair to say that this pilot project was "an unmitigated disaster"?

**Mr. Don Head:** I think it's totally unfair to say that. Again, I have the greatest respect for Professor Gendreau and his work in terms of looking at the impact and the effectiveness of correctional programs and on recidivism. This pilot was not intended to address the issue of recidivism rates. It was to understand the use of the technology that we were using at the time: its limitations and its capacities.

• (1550)

**Mr. Jasbir Sandhu:** I understand that. You've already pointed that out. We've heard from other people that recidivism rates are not affected, whether you're wearing.... This is not for that.

I'm going to go back to the numbers again here. One of the parolees complained that he "received more than 30 calls in a month" because of a malfunction or technical issues. Is that a problem?

**Mr. Don Head:** I'm not sure if it's a problem per se. To be honest, if I have my parole officers engaging an offender out in the community more often than they have in the past, I actually see that as a positive thing. As to the fact that they were dealing with an issue around a piece of technology, it was understood by the offenders that this was a pilot. They volunteered for this. They could have agreed to opt out of the pilot at any time.

Even with those false alarms, what we found was that parole officers were engaging the offenders out in the community more than they had in the past. I think most Canadians would accept the fact that if you have parole supervision staff engaging offenders more frequently, that's probably going to lead to better safety and security.

**Mr. Jasbir Sandhu:** I have a last question. You said the program was voluntary. How many people actually participated in the evaluation of the program at the end?

**Mr. Don Head:** I'd have to go back and check the number. I think that at some point we might have been up to 84. It might be a little higher. I'd have to get you the actual number again.

**Mr. Jasbir Sandhu:** Okay. Would it be fair to say there were only nine people agreeing to evaluate the program at the end of the day? I have that here from the CBC report.

**Mr. Don Head:** Yes, in terms of participating in the conversation on the evaluation report.

**The Chair:** Thank you.

We'll move back to the government side.

We'll go to Mr. Norlock, please.

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

What was the total cost of the program?

**Mr. Don Head:** The cost for the period of time they ran it was just over \$800,000, but that included the set-up of our national monitoring centre, which doesn't just monitor the electronic monitoring piece; it also is our duty officer centre for any major incident that occurs across the country, and it also monitors our staff safety program for parole officers in the community.

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

So it was basically all-encompassing, to make sure that you conducted this study in a proper, holistic way?

**Mr. Don Head:** Yes.

**Mr. Rick Norlock:** I'm very interested in your cost analysis, the average daily cost for incarcerating a federal prisoner. Would that be all levels or is that an average?

**Mr. Don Head:** That's an average, at all levels, yes.

**Mr. Rick Norlock:** So that's an average. Good.

Maintaining an offender under supervision in the community is at roughly \$81 a day. That's the traditional method, I would guess...?

**Mr. Don Head:** That's right, yes.

**Mr. Rick Norlock:** Also, in a residential non-government organization on contract with CSC, it's \$100 a day.

So these are significantly less than \$312 a day.

Who is your typical offender who would qualify for the non-governmental organization under contract?

**Mr. Don Head:** The profile for offenders who are managed or supervised by places like the John Howard Society, Elizabeth Fry, St. Leonard's, etc., is not much different from the normal community-based profile that we manage, except that the higher-risk offenders who have a residency clause are more likely to be managed in one of our community correctional centres.

**Mr. Rick Norlock:** Would they be the type of person who would qualify for an EM?

**Mr. Don Head:** There may be some in that group, depending on the conditions placed on their release in terms of full parole or even statutory release. That would determine if somebody was going to be eligible for electronic monitoring.

**Mr. Rick Norlock:** So on the \$15-a-day cost for the program, could you give me a profile of the person who you would think best qualifies for EM?

**Mr. Don Head:** Sure. I'll just give you a quick example of some of the kinds of conditions that we have for individuals.

We'll often see individuals when there are concerns in relation to victims. We'll have a condition on their release that says to avoid certain places. I will give you a very specific example: they cannot enter the area of Malvern to Steeles to the north, Port Union to the east, McCowan to the west, and Neilson to the south. Obviously, these are streets in the Toronto area. It's a very specific geographic area.

We'll have other cases that will say where we have registered victims and very serious concerns raised by victims, we'll have conditions that say not to come anywhere near the victim's home or place of work. For individuals who have had as part of their crime cycle an issue related to the use of alcohol, we'll have conditions such as not to enter establishments where the primary source of income is derived from the sale or consumption of alcohol.

These are just some examples. Also, for some of the individuals who have significant gambling problems that lead to the crimes they commit, we'll have conditions to avoid gambling establishments.

I think as you can see, Mr. Chair, through these kinds of conditions, without some tools to help the parole supervision staff understand whether individuals are going there, it's almost impossible for them to enforce some of these types of conditions.

• (1555)

**Mr. Rick Norlock:** So when you make a statement near the end of the analysis, in the next paragraph, you say that “the evaluation was completed and published in December 2009”—that was what precipitated some of the discussion previous to mine—“and it was determined that all of the EM pilot objectives were successfully met”. By “successfully met”, are you saying that it was successful in ensuring that the offender met all his recognizance conditions, or are you referring in particular to the technical aspect, or would you be referring to both?

**Mr. Don Head:** In this case, we were referring, again, to the issues of understanding the limitations and capacities of the tool. So if we have individuals who have these kinds of geographic conditions, can the tool be used in such a way that it will give us the information to monitor an individual in that way?

From that perspective, we understood the capacities of the tool. We also understood the limitations as that relates to the comments around drift. We know that there is some drift, but it's not a 60-mile drift, at least not with the equipment we were dealing with. So we understood that. But again, the purpose of the pilot was to test out the test equipment.

**Mr. Rick Norlock:** Good: so you know the technical limitations of the products. Did you use various products—in other words, products from various suppliers—to evaluate which are better and which are not, which met your...? I guess “better or not” is not a good term for governments to use. “Which met your needs better” is a good term to use. If so, did you receive any indication that there would be continual improvement to their products should you enter into a contract?

**Mr. Don Head:** We used one specific product that was being used in Nova Scotia at the time, so again, in terms of being informed of how that specific product could be used, we gained information, but we know that the technology for electronic monitoring is evolving on a day-to-day basis.

We are engaging with the Defence Research and Development Canada group based on what we learned in terms of limitations as to how to properly shape a future request for proposals—again if the bill is passed and we're able to implement the electronic monitoring provisions. Having learned all of that information, we know what kind of equipment to ask for, and we'll continue to refine that as the technology improves.

**The Chair:** Thank you very much, Mr. Commissioner and Mr. Norlock.

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

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

Welcome back, Commissioner.

Just remind me of the clauses of Bill C-10 that pertain to the use of this technology. Bill C-10 will allow it to be used on a broad scale...?

**Mr. Don Head:** It will actually allow us to use it specifically for temporary absences, work releases, conditional releases, and parole into the community, and for long-term supervision orders, those cases that follow after warrant expiry. But the limitations will be in relation to restrictions to geographic areas or people staying within a specific geographic area, so it won't be a broad use that we could just slap on any offender regardless of the conditions they have.

• (1600)

**Mr. Francis Scarpaleggia:** Could you go over that list again? You'll be able to use it in which cases? House arrest, parole...?

**Mr. Don Head:** Yes, and temporary absence, work releases—offenders who go out on a work release—day parole, full parole, statutory release, and for long-term supervision orders.

**Mr. Francis Scarpaleggia:** Okay.

So you are saying that essentially the benefit comes from the interaction this technology allows between the parole officer and the offender, because unless the offender is wearing a bracelet, if he or she steps into a zone they're not supposed to be in, no one will know, and the parole officer won't be able to intervene. So this is really about strengthening that bond between the parole officer and the offender. Is that what it is?

**Mr. Don Head:** That's very much the case. The more that I can find tools that allow my staff to engage offenders in the community more often, more frequently, and with a focus on those risk elements that lead them back into the criminal lifestyle, the better off I'm going to be and the better off Canadians are going to be.

**Mr. Francis Scarpaleggia:** In some way, I guess, you could look at it as a case of the offender having less personal responsibility, because there's less of an honour system, if you will. The person doesn't really have to take responsibility for abiding by the rules of the parole order. Offenders don't seem to have to take that responsibility as much anymore. Would you say that's correct?

**Mr. Don Head:** I would actually say the opposite, sir. The fact is that they're aware now that we're going to be aware in relation to those specific kinds of conditions. We're going to be aware that they've gone near a school's grounds, or they've gone into a gambling establishment, or they've gone into a liquor establishment, so they're going to be much more cognizant.

One of the accountability elements that comes out of the use of electronic monitoring is having an incentive approach or an incentive process built into it, and one of the elements that is proposed in Bill C-10 is to give offenders the opportunity to come back and make arguments about how long they would have to use this kind of equipment. So if individuals show through their behaviour that they're respecting it, that would allow us to engage them in an accountability discussion about removing the device.

**Mr. Francis Scarpaleggia:** So even if it's not perfect, even if there are problems with drift and there are technical problems, could you still see it as being useful?

**Mr. Don Head:** I would very much, sir.

**Mr. Francis Scarpaleggia:** It has to be perfect with high-risk dangerous offenders. You can't take the chance that they'll step out of their zone. Then you could argue that it has to be perfect.

But if you're dealing with low-risk offenders who are not such a danger, then, even if it's imperfect, you're still creating a stronger bond with the parole officer. You're still allowing offenders to progressively argue that they need it less and less.

So would you say that even if it's not perfect, it may still be useful?

**Mr. Don Head:** I would very much, sir.

The more we can have a tool that helps us have the parole officers engage the offenders, the safer we're going to be. The alternative is to carry on doing business the way we're doing, without any kind of tool to assist the parole officers, and we'll never know if that sex offender has been skulking around a playground or a swimming pool until it's too late.

This isn't going to stop the criminal behaviour from happening, but if it does happen, we're going to know more quickly. We're going to know if somebody is starting to show certain behaviours that are leading that person back into a crime cycle, and we can have the parole officer intervene much earlier and make the appropriate case-management decisions.

So my preference, sir, would very much be to have this kind of tool—understanding its limitations and understanding its shortfalls—as opposed to having the approach we have now.

• (1605)

**Mr. Francis Scarpaleggia:** We've tested the reliability of the technology, but we don't really know. Intuition and experience would tell us that what you're saying makes sense and that there's a good probability it will reduce recidivism through the greater interaction with the parole officer and so on, but that's not what we were testing here. We weren't testing that. We weren't testing recidivism.

You said before that it would allow us to know if someone who has a drinking problem was going to a bar or if someone who has a

gambling problem was going to a casino. Is it that precise? Is the technology that precise? It seems to my mind that it would tell you the general area the person was in, but the person could be at the barbershop or at the bar next door—you just wouldn't know.

**Mr. Don Head:** You're absolutely right. As we've indicated, there are some drift issues. Depending on the piece of equipment, that drift could be small or it could be large, but again, it allows our staff to have the discussion with the offender.

**The Chair:** Thank you—

**Mr. Don Head:** You know what—

**The Chair:** I'm sorry.

Thanks, Francis.

We'll now go back to the opposition.

[*Translation*]

Mr. Chicoine, you have five minutes.

**Mr. Sylvain Chicoine (Châteauguay—Saint-Constant, NDP):** Thank you, Mr. Chair.

Thank you for coming to speak to us, Mr. Head.

I would like to come back for a minute to your pilot project. You said that you had tested this technology on low-risk offenders. But a number of witnesses have told us that the use of electronic monitoring was not really useful for this type of offender.

What type of offender would you like to use electronic surveillance with?

[*English*]

**Mr. Don Head:** The types of offenders we would be targeting would be individuals that we would classify as moderate to high risk. The only reason we went with low offenders is that it was easier to get volunteers. Again, the intent was not to measure issues related to the offenders themselves; it was in relation to the equipment. So moderate- to high-risk offenders are the right target group for this type of technology.

[*Translation*]

**Mr. Sylvain Chicoine:** It seems to me I saw that the technology used in this pilot project was radio frequency. Is that right?

[*English*]

**Mr. Don Head:** No, we were using GPS technology. I have had experience with RF in the other jurisdictions. Again, each type of equipment, whether it be RF or GPS, active or passive, all have their limitations. They all have their benefits. There are certain circumstances in which you would use one versus another.

[*Translation*]

**Mr. Sylvain Chicoine:** This Tuesday, the engineers from National Defence seemed to confirm the technical problems of electronic monitoring and GPS technology. What makes you so sure of the effectiveness of this technology?

[English]

**Mr. Don Head:** Again, it's about a tool that gives us more information than we have now. If we understand very clearly what the shortfalls and the limitations are, we can adapt our policies and our procedures right now. But the issue or the concern we have is that without a tool like this, at best we're reliant on the goodwill of an offender in the community, and for moderate- to higher-risk offenders, I'm not sure Canadians would want me to put all my eggs in one basket and rely on one that way.

[Translation]

**Mr. Sylvain Chicoine:** You also said that electronic monitoring was a tool for strengthening public safety. Witnesses have also told us, however, that electronic monitoring did not really prevent recidivism since the time required for officers to intervene was far too long.

What makes you think that electronic monitoring is going to strengthen public safety?

• (1610)

[English]

**Mr. Don Head:** There's a couple of things. Again, other reports suggest that maybe there are some levels of deterrence associated with that. That's debatable as well, but the fact that we're going to have more real-time information about the locations of offenders, particularly as they relate to geographic restrictions or coming close to victims, victims' homes, and victims' workplaces, is going to allow us to respond sooner rather than later.

If we see, for example, that somebody is on a track heading toward an area near the victim's home, we can, through protocols arranged with the police, have somebody respond sooner rather than later. The last thing I want to get is a phone call from a victim who is asking: "Why is Don Head in my backyard? He's supposed to be conditioned. How are you supervising this...?" Not that I have that condition, sir....

[Translation]

**Mr. Sylvain Chicoine:** Thank you.

[English]

**The Chair:** Thank you.

We'll now move back to Ms. Hoepfner, please.

**Ms. Candice Hoepfner (Portage—Lisgar, CPC):** Thank you very much.

Thanks, Commissioner Head, for being here.

This has been interesting. I thought I had an opinion on EM at the beginning of this study, and we've had some really interesting testimony. I think that we all want to find the most effective way it can be used.

Would you say, then, that your sole purpose, when you look at using EM, would be to reduce recidivism? Or would it be to give you a better way to monitor? What would be the sole purpose and the goal? I think that would help us to know if that means it would be effective.

**Mr. Don Head:** I think the best way to describe it is that the purpose would be to give my parole officers a tool to assist them in

managing some of the more difficult conditions that are placed on offenders in the community. The more information they have in being able to manage them and, in some cases, to manage them in real time, the more it is going to lead to better public safety, and ultimately, I believe, to better recidivism rates in the long run.

That will have to be proved over time. The immediate thing is giving my parole officers the kinds of tools that will help them to manage offenders who have these kinds of conditions.

**Ms. Candice Hoepfner:** Two days ago, the John Howard Society was here, and also the John Howard Society from Manitoba, and they told us about some pilot projects that they've been working on in Manitoba.

One had to do with young offenders, specifically car thieves, who we have had a lot of problems with. The young offenders would literally just rip the bracelets off. Now, what we don't know is, was it because they knew that there was basically no consequence because of their young offender status? Was it because of that? We're not sure.

The other thing they told us about was another pilot project that they're working on, where they're working solely with parole officers and counsellors, and they have a very, very high success rate. It's working very well, and Mr. Hutton—I think that was the gentleman's name—said that it was because of the direct human contact with a parole officer.

My colleague, Mr. Scarpaleggia, referred to that too. An EM can be just a bracelet, an inanimate object that's easy to decide to remove if you don't care, whereas if you're actually meeting with someone, you have some accountability. When it comes to recidivism, there seems to be a real link between the programs and the support, and the bracelet is just a part of it.

Would you agree with that?

**Mr. Don Head:** Very much so: I think I couldn't be any more clear than the way you've put it. The EM, or any device like that, is a tool, and it has to be part of a continuum approach to managing or supervising offenders in the community.

If I have something that has my parole officers engaging offenders more frequently than with our normal standards of contact, those offenders know that there's somebody out there watching them—minimally. They also know that they're going to have to explain their behaviours, and they're also going to have the opportunity to talk about things that may be happening in their lives that may be troubling them, that may ultimately lead them down a bad path while they're out in the community.

So that continuum of having tools that lead to more and better engagement is going to lead to better public safety.

**Ms. Candice Hoepfner:** As well, we heard testimony the other day from the Centre for Security Science, Defence Research and Development Canada. They weren't really able to provide a whole lot of information because they said they were waiting to see what operational requirements they would be looking at. They did tell us not just about GPS, but also about radio frequency and biometrics as ways of monitoring.

Are you looking at that at all? Where are we in terms of providing this research group with the operational things that we're looking at, so that they would be able to go ahead and start their research?

•(1615)

**Mr. Don Head:** We've started some initial engagements with them, and they've indicated that they will help us out in terms of shaping any requests for proposal once the legislation is passed. So they understand our needs. They understand the conditions in which we're going to work.

We also continue to look at the experience of other jurisdictions. We're looking at those jurisdictions that are using biometrics as part of the process. Radio frequency is one of the items, one of the pieces of technology that we've looked at. Radio frequency technology is probably used more in situations where there are curfews. That kind of technology is easier to use there, and you don't need to have the kind of contact you need with satellites through the equipment. Different types have different purposes.

**The Chair:** Thank you. We're well over the time.

Thank you, Mr. Head.

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

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

Thank you, Mr. Head, for spending so much time with this committee. I feel that we're getting to know you well, and you're probably getting to know us.

You've made reference—and some of the media make reference—to reports on this pilot project. There's talk about both a full report on the project and an internal report on the project. Are these two different reports?

**Mr. Don Head:** No, there's the evaluation report, which is the report that was being referred to. We have copies available

[*Translation*]

in English and French for the committee.

[*English*]

**Mr. Randall Garrison:** So we could make those part of the evidence for the committee. So there isn't another report that the journalists were referring to, an internal evaluation different from what was published?

**Mr. Don Head:** No, it's the evaluation report. We do have a literature review document as well, but in terms of the earlier questions, those questions were based on the evaluation report.

**Mr. Randall Garrison:** So if I'm right, the reports on the cost of this program indicate that it was just under a million dollars...?

**Mr. Don Head:** It was just over \$800,000.

**Mr. Randall Garrison:** This started in September 2008. I'm trying to back up a step and understand why you did the pilot of this project. This technology has existed for a long time, so why, in September 2008, did it seem like a good idea to do this?

**Mr. Don Head:** We were.... It was being suggested that this was something we should look at in terms of a possibility for providing tools to our staff. We figured that if we were going to pursue anything there.... Again, we started on the basis that "we're not sure whether this will work for us", although, as I mentioned, I had my experience in terms of the province and the territory. But a federal parole environment is a little different from the probation environment.

So rather than committing wholeheartedly to it, we decided to go down the path of a pilot. One of the issues we had in the beginning—and still do—in terms of going much broader was that there was not necessarily the policy cover or the legislative cover to allow us to do this in a mandatory way. That's why we started off using a voluntary approach.

**Mr. Randall Garrison:** The English language is a wonderful thing with the passive voice. I think you said, "It was suggested...". Who...? Was this an initiative of the government that came to Corrections Canada or was this something that came internally from you?

**Mr. Don Head:** Well, we had discussions internally on looking at how we could equip, so we'd had discussions with our own staff and with the unions. The minister of the day, Minister Day, also had suggested that we look at opportunities. We decided that we would look at how we could use some technology to assist us.

At that time, there were a few incidents of individuals who were involved in some incidents in the community. Their conditions, in terms of doing our investigations...when we looked at how certain conditions were being managed, we knew that we had to find a different approach than the one we had been pursuing.

**Mr. Randall Garrison:** As a result of this pilot project, are you making further budgetary expenditures on electronic monitoring? Have you submitted budget requests for more funding for another pilot or for additional programming?

•(1620)

**Mr. Don Head:** No. We had set aside money in our budget for the pilot. We had also set aside money for the possibility that the provisions in Bill C-10, which were previously in Bill C-39, or in Bill C-43—I can't remember all the numbers now—might pass. So I'm not asking for any additional moneys. We have money set aside within our...our budget to pursue this if the legislation is passed.

**Mr. Randall Garrison:** So you do have money in your current budget to pursue this?

**Mr. Don Head:** Yes.

**Mr. Randall Garrison:** Is this a strategy for coping with a possible increased prison population overall, where you can put more people on electronic monitoring?

**Mr. Don Head:** No. There's all kinds of literature out there about people trying to use electronic monitoring to reduce prison populations. That's not the case for us. For us, it's very specifically the kinds of conditions that are placed on offenders who are released into the community and providing a tool to my parole staff to assist them in managing those cases in the best way they can.

**The Chair:** I'll give you a few more seconds.

**Mr. Randall Garrison:** Okay.

You talked about it as integrated, and it was operated by Corrections Canada staff, so there was no involvement by the private sector other than in providing equipment, and you wouldn't anticipate any involvement by the private sector...?

**Mr. Don Head:** No. I mean, ideally the situation for us is to have that kind of equipment provided and us monitoring it through our own monitoring centre.

**The Chair:** Thank you very much

Ms. Hoepfner, you wanted to...?

**Ms. Candice Hoepfner:** Yes. I have just a short question, and I understand that you have one, Chair.

I just wondered about the \$15 a day. You might have actually said this in your notes. Did that include the monitoring or was that all the...?

**Mr. Don Head:** That's all inclusive.

**Ms. Candice Hoepfner:** All inclusive for \$15 a day. Okay.

Thank you.

Go ahead, Chair. You have a question.

**The Chair:** I do have a couple of questions.

If this is specific to Bill C-10, there are two clauses that bring it out, and you went perfectly...you were right in order, even, on the use of them.

First of all, the bill says:

The Service may demand that an offender wear a monitoring device in order to monitor their compliance with a condition of a temporary absence, work release, parole, statutory release or long-term supervision that restricts their access to a person or a geographical area or requires them to be in a geographical area.

That's exactly as you stated it. The second part says:

An offender who is required to wear a monitoring device is to be given reasonable opportunities to make representations to the prescribed official in relation to the duration of the requirement.

The first question I would have is that it says the service "may demand", so it's discretionary...?

**Mr. Don Head:** Yes.

**The Chair:** Who makes that call? Is it the parole officer, the probation officer, the Corrections Service...? Who?

**Mr. Don Head:** Yes, it will be the Correctional Service, and it will be between our probation staff and—I'm sorry. Not probation staff, that's the province. It will be between our parole officers and parole supervisors.

**The Chair:** So in provincial jurisdictions, where this is used, the probation officer does much the same as what our parole officer is doing, then, or will do?

**Mr. Don Head:** Yes. Just very quickly, Mr. Chair, in the provinces and territories there's a couple of different regimes. One is where it is controlled by the probation staff, who do a very similar job to that of parole officers. Yes, they supervise the court-ordered probation orders. In Saskatchewan, it's actually the court that decides who wears the bracelet.

**The Chair:** Okay. This is my point. If the service has the discretion to do it, is it a possibility that, without the use of that EM, release may not be given? If you are giving them temporary absences—or ETAs, escorted temporary absences—or work releases, is there a chance that without this monitoring system a parole officer may say that he or she is just not certain yet that they should release someone?

**Mr. Don Head:** It is quite possible. If I have a series of conditions that are going to be impossible for a parole officer to meet, we'll be explaining that to the Parole Board of Canada and saying that with those conditions we're not going to be able to supervise this individual.

**The Chair:** Then an EM may be a quick opportunity for an offender to get out and to work and to maybe better himself or whatever. That was my first question—the discretion.

The second one is about a condition of temporary absence. Is that the same as an escorted temporary absence?

• (1625)

**Mr. Don Head:** Yes, it's probably unlikely that we would use electronic monitoring for escorted temporary absences, because there would be a staff member who is supposed to be within sight and sound of the offender at all times. But for unescorted temporary absences, this is probably where we'd use it—again, if we had specific conditions.

**The Chair:** All right, and I'm sorry to hear that, to be quite honest.

Drumheller Institution is in my riding. There have been two escorted temporary absences there with two offenders—Mr. Bicknell I think was one of them and the other one was Fowler—and on these escorted temporary absences, staff members were attacked. I think there was probably an attempted murder charge on one; he tried to kill her.

And there was no GPS. They were on this escorted temporary absence for a family visit, and we weren't certain what road they took. I mean, there was a real concern there. Are you saying that on an escorted temporary absence this wouldn't be something that you may use?

**Mr. Don Head:** No, I should clarify. It would not necessarily be a case that absolutely no escorted temporary absences...that it would not be used. It's possible to use it. Again, you yourself mentioned the discretion we have under the proposed legislation.

In the two examples you've brought up, there is actually a broader question as to whether those individuals should have been out on an ETA or any kind of temporary absence. But minimally, for unescorted temporary absences going to specific locations, we are more than likely probably going to use those all the time. Escorted ones will be based on a risk/need assessment, and the warden will have the authority to make the decision as to whether that condition will be applied to that kind of temporary absence.

**The Chair:** Some day I'd like to talk to you a little more about those two examples, because those were horrific, in my opinion, and I think there are a lot of things that we can be doing to maybe correct some of the things that took place.

The final question I would like to ask you...it has now slipped from me. They will be given the opportunity, if they're wearing this monitoring thing, and if they don't like it... If they aren't given that opportunity, they may given a chance to lobby why they should have one and why then they should be able to go on an ETA. But if they are wearing one, this says they are given ample opportunity to go to a parole officer or to anyone in corrections and discuss or make representation to the duration for which they are going to wear one.

**Mr. Don Head:** Yes. They can make all the representations they want about whether they wear it or don't wear it, but as you see in the legislation, if we decide to use the discretion, we'll be directing it, so it's not that they'll have the choice to wear it or not. The opportunity they will have is to make representation for the duration. The duration could be for the entire time of a release or, as we've talked about, it may be based on an incentive. If they show the right kind of behavioural changes and whatever, it may be for a shorter period of time. They can make representations for that.

**The Chair:** All right.

Madame Morin.

[Translation]

**Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP):** First of all, I would like to thank Mr. Head. I know that you spend a lot of time with our committee, so I thank you for being here once again.

I just have a few small questions about the use of the bracelet we have been talking about. If we managed to correct all the weaknesses in this system, would you recommend that it be used alone or in combination with a rehabilitation program for the offenders in question?

**Mr. Don Head:** That is a good question.

[English]

For me, it needs to be part of an overall rehabilitative, continuum-of-care program approach. On EM by itself, I have no problem accepting the research that has been done.

Based on my own experience, EM by itself is not going to change moderate-risk or high-risk offenders' behaviours. It needs to be part of a process that has the engagement of the parole officer with them and the programs and the interventions that go along with that.

In terms of the research that's been done, all indications are that if you couple all those things together, you're more than likely going to have a positive impact on recidivism. But if you just do EM by itself,

no research suggests you're going to get a positive change in recidivism rates.

• (1630)

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

I want to thank all of you for your questions.

Again, we've had very good answers and good testimony.

Thank you for appearing here, Commissioner. In the past when you've come before us, members from all parties have said that we should try to get the commissioner back again.

**Mr. Don Head:** Thank you, Mr. Chair.

**The Chair:** Don't forget where we live.

We will suspend for one moment and welcome our next guests to the table.

Again, thank you very much, Mr. Commissioner.

• (1630)

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

• (1630)

**The Chair:** Welcome back, everyone. Thank you for not leaving your spots in between these two hours.

In the second hour, we have appearing before us Mr. Peter Hill, director general of post-border programs. I see that we also have with us Ms. Susan Kramer, director of case management for Canada Border Services. I guess that's the two. I thought that perhaps there would be another one who was going to be here.

Is Glenda Lavergne not...? Is Ms. Kramer taking her place? All right. That's perfect.

We also understand that you have an opening statement.

Mr. Hill, we'll ask you to make that statement and then we'll proceed to a round of questioning.

**Mr. Peter Hill (Director General, Post-Border Programs, Canada Border Services Agency):** Good afternoon. Thank you to the committee for the invitation to be here today.

[Translation]

The members of the committee realize that the agency's mandate is large and complex. Our Border Services officers are peace officers who are bound to enforce any laws respecting customs and immigration, including the Customs Act and the Immigration and Refugee Protection Act, not to mention some 90 other laws and regulations of Parliament.

[English]

Since 2003, the CBSA has played a key role in immigration to Canada. It has assumed the port-of-entry and enforcement mandates formerly held by Citizenship and Immigration Canada.

In administering and enforcing the Immigration and Refugee Protection Act, the CBSA's role is very specific. We are responsible for admitting individuals into Canada who meet the requirements under the law and refusing those who do not; referring refugee claims made at ports of entry to the Immigration and Refugee Board; preventing illegally documented people from entering the country; detaining people who pose a security risk or a danger to the public; and removing people who are inadmissible to Canada.

While the role of the border services officer at the physical border may be widely known, what might be lesser known to the committee is the role of our inland enforcement officers.

[Translation]

Our immigration legislation specifies who is prohibited on Canadian territory. That includes people who represent a threat to national security, who are involved in war crimes, who are involved in organized crime, who are criminals, people who are working, studying or living in Canada without permission, and defrauders.

[English]

The CBSA currently employs 409 inland enforcement officers who carry out a broad range of activities. These activities include investigating, arresting, detaining, and removing individuals from the country, as well as representing the minister in hearings before the Immigration and Refugee Board. However, the system is not a linear one, and I would like to describe first for the committee members how the detention process works in order to present how electronic monitoring fits into that framework.

It's important to differentiate the circumstances whereby individuals would be detained. Unlike detentions in a criminal justice environment, detentions under the Immigration and Refugee Protection Act are not meant to be punitive. Immigration legislation has specific parameters that allow the CBSA to detain someone under very specific circumstances: first, if the individual poses a danger to the public; second, if they are at risk of fleeing to avoid an immigration process, such as removal; and third, if the individual's identity has not been confirmed.

When an individual is detained, the CBSA can grant a release within the first 48 hours and may impose certain terms and conditions that must be adhered to by that individual upon release. If the CBSA releases an individual, there are a number of terms and conditions available to mitigate any risk an individual presents.

However, in those circumstances where those options have been deemed to be insufficient, the CBSA has used electronic monitoring. If, after 48 hours, an individual remains in detention, the reasons for detention must be reviewed by the Immigration and Refugee Board. Should the decision to detain be upheld, the Immigration and Refugee Board must conduct additional detention reviews after seven days, and every 30 days thereafter, until such time as a person is released from detention, including for removal from Canada.

At each of these detention reviews, it is the Immigration and Refugee Board that has the sole authority to decide to either continue detention or release the individual, and it must take into account specific considerations as required by the regulations, including the availability of alternatives to detention. The CBSA represents the

position of the minister at the Immigration and Refugee Board concerning the grounds for detention during these reviews.

Once it weighs all of these considerations, the Immigration and Refugee Board may decide to release the individual with certain terms and conditions imposed, such as posting cash or performance bonds, reporting requirements, curfews, and living arrangements. Although seldom used, electronic monitoring is also one of these several options.

To date, the CBSA's use of electronic monitoring has been quite limited. It has been primarily used on individuals subject to security certificates, where the Federal Court has ordered its use, as well as for some cases involving serious criminality. In these cases, electronic monitoring was used in conjunction with a range of other measures to mitigate risk.

To describe the technology, the CBSA uses two types of devices: a one-piece unit for the ankle, and a two-piece unit that has an ankle and a hip component. It provides the ability to monitor the individual's location by satellite and cellular signals. That way, if a GPS reading isn't available, then the cellular tracking technology would take over.

The technology is sound, but it is not without its challenges. For example, it provides location information only, and not information such as what the individual is doing or with whom they may be interacting. Large, tall buildings or subways in an urban core affect the GPS monitoring signal, which can be weakened or refracted, interrupting readings of the individual's location. The battery life generally lasts one to two days. The individual is required to recharge the unit, which can take up to two hours.

● (1635)

[Translation]

Mr. Chair, I can confirm to the committee that the use of monitoring has been effective for meeting our needs in the situations mentioned above.

[English]

Application of this technology by the CBSA has been on a relatively small scale to date.

I would not be in a position to comment at this time with certainty regarding the use of the technology in future on a larger scale. A thorough program review and cost-benefit analysis would first need to be completed before giving any serious consideration to moving in the direction of a broader application.

That being said, the CBSA remains open to the potential use of electronic monitoring on a broader scale.

I thank you once again for this opportunity. We look forward to your questions.

● (1640)

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

We'll move into the first round of questioning.

Ms. Hoepfner, please.

**Ms. Candice Hoepfner:** Thank you very much, both of you, for being here at our committee today.

The first thing I just want to make sure is clear on the record is that CBSA has nothing to do with the decisions regarding removal orders or any of those kinds of decisions. You would just be enforcing removal orders that are decided by the IRB.

**Mr. Peter Hill:** That's right. The agency is responsible for enforcing the removal of persons who are deemed to be inadmissible to Canada by the Immigration and Refugee Board.

**Ms. Candice Hoepfner:** Can you tell me how many removal orders would be issued every year in Canada?

**Mr. Peter Hill:** Yes. I can tell you that during the past five years the agency has removed quite a number of individuals. In the last two years, the agency has removed over 15,000 individuals. Going back to five years, the number of removals has ranged over 12,000, so the range for each year is 12,000 to 15,000. In the last two years, we've reached a milestone in terms of the most removals in the history of the agency.

**Ms. Candice Hoepfner:** Can I ask you to clarify total actual removal orders compared to which ones you've successfully removed?

**Mr. Peter Hill:** Yes. We have what we refer to as a warrant inventory for removals and a working inventory of individuals who have exhausted all of the recourse mechanisms they have under the Immigration and Refugee Protection Act. In our working inventory today, we have approximately 17,000 cases, so we're removing about 15,500, as of last year, on an annual basis.

**Ms. Candice Hoepfner:** Okay. Maybe I'm not quite getting the answer I'm looking for. I'm just wondering basically how many outstanding ones there are.

Do you get a total of 17,000 removal orders, let's say, for a variety of reasons...? I understand that maybe some are warrants and some are working, but of those, you're able to successfully remove 15,000, so that means there are 2,000 removal orders that you're just not able to enforce because people have disappeared. How many? That's what I'm looking for: that difference.

**Mr. Peter Hill:** Okay. We have approximately 17,000 cases in our working inventory. We're in the process of taking action to remove those. We have cases where we have warrants for their arrest for removal; in that category, we have approximately 44,000 individuals.

**Ms. Candice Hoepfner:** So 44,000 individuals under warrant...? You don't know where they are?

**Mr. Peter Hill:** These individuals have a warrant for their arrest. By and large, the majority of them—in the range of 80% of those cases—are failed refugee claimants without any criminality or security concerns. They have absconded—they have not shown up for an immigration process or they have not shown up for their removal—so we have warrants for their arrest for removal.

**Ms. Candice Hoepfner:** Would you say it's accurate that there are 44,000 people in Canada illegally? Or is there some way of determining if they maybe have already left the country? What's your thinking in terms of those 44,000 people?

**Mr. Peter Hill:** There is the possibility that up to perhaps 20% of those individuals for who we have warrants for arrest for removal have left the country. We have undertaken projects to address the warrant inventory in the past. Based on those projects, we've been able to determine that up to about 20% may have left the country. Does that answer your question?

**Ms. Candice Hoepfner:** Yes. So there are still a lot. Obviously, 20% is a portion that may have left, but the rest are still in Canada, here illegally—for a variety of reasons, but they're here illegally—and you're not able to find them and remove them. This is really what we're hearing.

**Mr. Peter Hill:** The agency is of course working to find those individuals to remove them. The fact that we have a warrant for their arrest also means that those warrants are showing up in the Canadian Police Information Centre. As law enforcement officers are conducting their work across the country, if they come across an individual, they'll be able to arrest them and hand them over to the agency. Then we would detain them for removal.

• (1645)

**Ms. Candice Hoepfner:** Okay.

How much time do I have?

**The Chair:** You have two minutes.

**Ms. Candice Hoepfner:** I want to go on, then, to the electronic monitoring part of this and how this possibly could help you do your job.

We heard testimony on Tuesday in terms of how electronic monitoring may not be as useful for offenders in trying to rehabilitate or reduce recidivism, but we did hear from those same experts that possibly in the case of immigration purposes, where we're not trying to rehabilitate anyone, where we're just trying to make sure we know where they are so we can remove them as needed, there seemed to be a consensus around everyone's opinion that it could possibly be a useful tool.

You said that right now your use of it is limited. Can you tell us why it's limited? What could we do to see it used more? Is it something that you think your agency would value and would want to be able to use more? Could you tell me why it's limited and what we can do?

**Mr. Peter Hill:** We found in our practice that it has been useful in the cases relating to national security. In those cases—there are five—the Immigration and Refugee Board has imposed the use of electronic monitoring. We have used electronic monitoring in the small number of other cases involving criminality.

We have not undertaken a cost-benefit analysis to determine the feasibility and the cost-effectiveness of the broader application of electronic monitoring for lower-risk populations. This is, however, an area of interest.

We are considering the potential for undertaking such a study, and we're doing that for a number of reasons. Our detention population is about 400 to 500 on a daily basis, but we do have aging infrastructure. We do have developments across the world that have brought us mass arrivals.

Also, of course, as part of our own evaluation, and as part of evaluations that have been conducted by the Auditor General in recent years, we are constantly looking for ways to strengthen the program performance and its effectiveness. In an environment of increasing fiscal constraint, the possibility of the application of EM is something that we're starting to look at with a bit more focus.

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

Thank you, Ms. Hoepfner.

We'll now move to Mr. Sandhu and Madame Morin on a split here, for seven minutes.

**Mr. Jasbir Sandhu:** So 80% of the population of the 44,000 would be low risk...?

**Mr. Peter Hill:** That's correct.

**Mr. Jasbir Sandhu:** That's out there right now...?

**Mr. Peter Hill:** That's correct.

**Mr. Jasbir Sandhu:** Would it serve any purpose to have the low-risk population fitted with the bracelets if they show up at our borders, like these asylum seekers show up?

**Mr. Peter Hill:** That's the kind of analysis that we haven't undertaken on a rigorous, comprehensive basis. Our use of the technology to date doesn't indicate that this would be a cost-effective approach.

**Mr. Jasbir Sandhu:** So it wouldn't be across the board. The people that we've identified as low risk, low flight risk people...this technology wouldn't be used on those people...?

**Mr. Peter Hill:** What I'm saying is that our current practices are not to use them on that population.

**Mr. Jasbir Sandhu:** Would you see that changing in the future?

**Mr. Peter Hill:** You know, as I said in my remarks, the agency is open to the consideration of a broader application of EM in the future, but I'd be speculating. We would need to undertake a thorough cost-benefit analysis and appropriate feasibility studies before we could make that determination.

**Mr. Jasbir Sandhu:** You said that you have anywhere from 400 to 500 detentions on a daily basis. Have you done any sort of evaluation on your program?

**Mr. Peter Hill:** Of our detention program?

• (1650)

**Mr. Jasbir Sandhu:** Yes.

**Mr. Peter Hill:** We certainly have. We have undertaken an evaluation of the program, which is continuing, and we're looking at the cost-effectiveness of our detention. The costs on a daily basis are rising.

**Mr. Jasbir Sandhu:** Is the evaluation done monthly, or quarterly, or yearly...?

**Mr. Peter Hill:** It depends. In the past year, we have just completed a thorough program analysis, a programmatic assessment, which has given us the basis for a go-forward strategy to strengthen the detention program. Our detention strategy is essentially multi-faceted, which includes the consideration of alternatives to detention.

**Mr. Jasbir Sandhu:** On the program evaluation you were talking about, can you forward the last one you did to the committee?

**Mr. Peter Hill:** I believe I could certainly provide that to the committee.

**Mr. Jasbir Sandhu:** How much does this detention program cost on a yearly basis?

**Mr. Peter Hill:** For the detention program?

**Mr. Jasbir Sandhu:** Right.

**Mr. Peter Hill:** I can tell you that on a daily basis it costs us approximately \$200 to \$250 a day to house our immigration detainees. We house them in three immigration holding centres that are administered by the CBSA, and we also rely on the provinces to house our high-risk population or to house our low-risk population in areas of the country where we don't have an immigration holding centre.

**Mr. Jasbir Sandhu:** How much was spent on electronic monitoring in the last year?

**Mr. Peter Hill:** Do you want to answer that, Susan?

**Ms. Susan Kramer (Director, Case Management Division, Operations Branch, Canada Border Services Agency):** We don't track how much we spend precisely on electronic monitoring because that budget is put in with the other activities around monitoring of conditions. However, I can tell you that we spend between \$40,000 to \$60,000 on contract: that's equipment, access to the vendor's website, and to get support when equipment breaks down. Last year, for example, the CBSA spent \$1.2 million. That's for the entire monitoring-of-conditions unit, so it includes other activities besides electronic monitoring.

**The Chair:** Thank you.

[Translation]

Ms. Morin, you have three minutes.

**Ms. Marie-Claude Morin:** Thank you.

First I would like to thank you for coming here today. Your presentation was very interesting.

The representative from the Correctional Service of Canada talked to us earlier about an electronic monitoring pilot project conducted by his agency. It involved some 50 people.

Was there a similar project within your agency and, if so, what were the results? Were they conclusive?

[English]

**Mr. Peter Hill:** We haven't undertaken a similar pilot project to date at CBSA, but I can tell you that our officials have initiated a dialogue with our CSC colleagues in order to learn from their experience as we consider EM in our own context.

[Translation]

**Ms. Marie-Claude Morin:** The other witness also said that it might be an additional tool for personnel. I imagine that that might also apply to your agency. How might this tool enable officers to do their job better?

[English]

**Mr. Peter Hill:** I'll start off and then invite my colleague to add to this.

As I mentioned, there are three reasons for detention under the Immigration and Refugee Protection Act: the individual represents a danger to the country; the individual represents a flight risk, so they won't show up for a proceeding; or, their identity hasn't been established.

So the terms and conditions and the measures that CBSA uses, which, on a selective basis, include EM, are to mitigate the risk that the individual represents to the safety and security of Canadians and to mitigate the risk that their absconding presents to the integrity of the immigration and refugee system. We use terms and conditions, such as reporting, curfews, and, on a selective basis, EM, to mitigate those risks.

That's essentially how our officers would find the tools helpful. Certainly, to the extent that studies would show this, it would be helpful in terms of investment value-for-dollar and ensuring that our programs are as efficient and effective as possible.

•(1655)

**The Chair:** Thank you. The time is up.

We'll go back to Ms. Hoepfner and Mr. Aspin, please.

**Ms. Candice Hoepfner:** Thank you. I'm going to share my time with Mr. Aspin.

I want to clarify this so that we're using correct terminology in regard what an asylum seeker is. Let's say 500 people show up on our shores seeking asylum. Their identity needs to be confirmed because, as I hear you say, that's one of the criteria.

While you're determining that identity, that's when they will be detained. There's a process and a timeline to get that done. Then their identity would be confirmed. If it's not confirmed and their refugee application is rejected, has failed, they're no longer asylum seekers. They're failed refugee claimants, which means a removal order. Is that the correct terminology?

**Mr. Peter Hill:** That's exactly correct.

**Ms. Candice Hoepfner:** Okay. So we're not talking now about asylum seekers. We're talking about failed refugee applicants when we're talking about removal orders being issued.

**Mr. Peter Hill:** That's right. They could be failed refugee claimants or they could be inadmissible to Canada for other reasons under the act.

**Ms. Candice Hoepfner:** That's possibly because their identity isn't determined or the danger or some of the other criteria...?

**Mr. Peter Hill:** They could represent a security risk.

**Ms. Candice Hoepfner:** It's for a variety of reasons.

**Mr. Peter Hill:** Yes.

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

Mr. Aspin, go ahead.

**Mr. Jay Aspin (Nipissing—Timiskaming, CPC):** Welcome to both of you. Thank you for coming here and answering our questions.

I just want to get a flavour for how we're doing in Canada vis-à-vis other countries. Can either of you give me a flavour for that in terms of the U.S. and European countries on EM for border control?

**Mr. Peter Hill:** I'd have to undertake to get back to you on an accurate assessment of what like-minded countries are doing. We often compare ourselves to the United States, the United Kingdom, Australia, and New Zealand. I know they have various types of programs that include EM. I'd be happy to provide further information so that I give you accurate information.

**Mr. Jay Aspin:** Thank you.

I wonder if there's any impediment to a mandatory EM policy.

**Mr. Peter Hill:** There certainly isn't a legislative impediment. Depending on the cost-effectiveness, there could be a fiscal impediment, but essentially it is an option we're considering. There's no particular impediment that prevents us from exploring its use further.

**Ms. Susan Kramer:** I think you have to look at what the electronic monitoring bracelet can do for you and look at the population that would be using it.

For example, people under a removal order generally don't want to go home, so that may not be the best technology to use for that group. They could just cut the bracelet off and, by the time you got to them, they would be gone. They would have disappeared.

We use them at the CBSA in particular types of cases, such as those people who are on security certificates and whose goal is not necessarily to leave, but to remain in Canada. Because they probably are going to be here for some time, it's the best option when you consider that with respect to detention.

**Mr. Jay Aspin:** Okay. Thanks to both of you.

I would appreciate you getting back to us on just the flavour of how we're doing vis-à-vis other countries.

**Mr. Peter Hill:** I'd be happy to do that.

Mr. Chair, if I may, I just want to make sure that I was clear in my response to a previous question regarding failed refugee claimants and the question with respect to identity. I hope I didn't mislead you by saying that the failure to establish someone's identity means that they're automatically a failed refugee. That is not the case. I just want to make sure that I was perfectly clear in my response.

Thank you.

•(1700)

**The Chair:** All right. Thank you.

You can continue, Mr. Aspin.

**Mr. Jay Aspin:** Those are all the questions I have.

**The Chair:** You have another minute and a half, but we can come back to you.

Next we have Mr. Scarpaleggia, please, for seven minutes

**Mr. Francis Scarpaleggia:** I'm not quite sure what you mean by "working inventory". Could you explain that?

**Mr. Peter Hill:** I'd be happy to explain that.

The working inventory essentially is the group of cases who have basically exhausted all of their recourse mechanisms before they are removal-ready. For example, before an individual is removed from Canada, because we are a signatory to the 1951 convention on refugees—

**Mr. Francis Scarpaleggia:** There are all kinds of appeal stages—

**Mr. Peter Hill:** Yes. We—

**Mr. Francis Scarpaleggia:** So for somebody who has exhausted all of that—

**Mr. Peter Hill:** That's right.

**Mr. Francis Scarpaleggia:** —and now they're leaving, they have a removal order and they would be part of your working inventory.

**Mr. Peter Hill:** Exactly.

**Mr. Francis Scarpaleggia:** You say you have 15,000 a year...?

**Mr. Peter Hill:** We removed 15,500 last year and over 15,000 the year before. Those are our highest levels ever.

**Mr. Francis Scarpaleggia:** Is that your working inventory or the part of your inventory that was successfully removed?

**Mr. Peter Hill:** The 15,000 were the successful removals. We have 17,000 on a yearly basis in our working inventory.

**Mr. Francis Scarpaleggia:** So there's a discrepancy there of a couple of thousand. It accumulates over time and that's how you end up with 44,000.

**Mr. Peter Hill:** That's right. The agency is fairly effective in terms of removing those whose obstacles have been overcome. We continue to work to achieve greater efficiencies in that regard.

**Mr. Francis Scarpaleggia:** First of all, just to follow up on Mr. Aspin's point, unlike the corrections commissioner, who was here a little while ago, you have the legislative authority to use electronic monitoring as you see fit.

**Mr. Peter Hill:** Yes, we do.

**Mr. Francis Scarpaleggia:** Do you think it would be effective for someone who gets to the point of the IRB, is refused, and then maybe their first appeal is refused, or whatever...? At some point along that process, is it feasible, in your agency's mind, to equip some of these people, who presumably do not want to leave the country, with these bracelets so that if ever they decide they're just going to go underground, we would know where they are? That way they wouldn't figure into the 2,000 a year that you just can't seem to find.

Is that something that is done in other countries? Is that something that you might like to see happen?

**Mr. Peter Hill:** It certainly is a plausible scenario. Currently, if an individual is determined to be a flight risk, if we believe they're not going to show up for removal, then we would argue in front of the IRB to maintain detention so that the person is available for removal.

**Mr. Francis Scarpaleggia:** Oh, you would...?

**Mr. Peter Hill:** Yes, we would.

**Mr. Francis Scarpaleggia:** So how come you have 2,000 who just disappear every year? Have they not been properly assessed as a flight risk?

**Mr. Peter Hill:** No. In terms of the 17,000 in the working inventory, we know exactly where they are, and we're working towards removing all of those cases that are removal-ready on an annual basis.

**Mr. Francis Scarpaleggia:** Oh, you do know where the 17,000 are...?

**Mr. Peter Hill:** Yes, we do.

**Mr. Francis Scarpaleggia:** So how come you don't reach 17,000? How come you reach only 15,000 a year?

**Mr. Peter Hill:** Well, there are many obstacles to removal. Countries do have to cooperate with us to provide travel documents.

**Mr. Francis Scarpaleggia:** Yes, okay. So these people are not necessarily underground.

**Mr. Peter Hill:** No.

**Ms. Susan Kramer:** No.

**Mr. Francis Scarpaleggia:** So the 44,000 are not necessarily underground. You know where they are.

**Mr. Peter Hill:** No, for those, we have warrants for arrest, because we don't know where they are.

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

We have this new category of asylum seeker called designated foreign arrival...?

• (1705)

**Mr. Peter Hill:** Designated countries of origin.

**Mr. Francis Scarpaleggia:** No. We're talking about Bill C-4. It hasn't passed yet, but we're talking about Bill C-4. They will be designated foreign arrivals and the government will have the right to keep them in detention for a very long time, really, if they come more than two together, or whatever it is....

**Mr. Peter Hill:** Yes. The current bill that was tabled today gives the Minister of Public Safety the right to designate "an irregular arrival" under two conditions. When the arrival—

**Mr. Francis Scarpaleggia:** Excuse me. I don't mean to interrupt, but I have limited time.

Bill C-4, which is the bill that we've debated already at second reading, was a response to the arrival of the *Sun Sea* and so on.

**Mr. Peter Hill:** Yes.

**Mr. Francis Scarpaleggia:** If someone is coming as part of group, a smuggled group, immediately they go into detention.

**Mr. Peter Hill:** No.

No, what I'm trying to say is that there are two criteria that trigger mandatory detention under Bill C-4: the arrival of numbers that overwhelm CBSA's capacity to conduct the necessary examinations to determine identity or to determine admissibility, or the arrival being associated with the suspicion that there's a link to smuggling, organized crime, or terrorism.

If either of those conditions are present, then the Minister of Public Safety may designate—

**Mr. Francis Scarpaleggia:** Right.

**Mr. Peter Hill:** —and then they are subject to mandatory detention for a period of 12 months after a negative determination by the IRB.

**Mr. Francis Scarpaleggia:** Right.

**Mr. Peter Hill:** Or if they're determined by the IRB to be refugees, they'll be released from detention.

**Mr. Francis Scarpaleggia:** Okay. In Australia, I think the time they would spend in detention is even longer. Maybe you're not aware, but it's not important....

What I'm getting at is, would it not be more humane and effective—and this has come up—rather than keeping families and young children in detention for up to a year or more.... Would it not be more humane to equip them with electronic monitoring devices?

**Mr. Peter Hill:** Well, let me say that the general practice for detention is that, on average, the individuals are in detention for about 17 days.

**Mr. Francis Scarpaleggia:** No, but now, though, they may be in detention for up to a year.

**Mr. Peter Hill:** Under Bill C-4, for a very specific group of individuals who arrive, could be in detention for up to a year or until their refugee claim is determined by the IRB, whichever is sooner. Under the bill that has been released today, the expectation is that a refugee determination will be made very quickly, within a matter of I think 40 days for designated country of origins. So the new system will work to ensure that people are not in detention unnecessarily.

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

I am sorry, Mr. Scarpaleggia, but I've already given you an extra minute.

We'll now go back to Mr. Chicoine.

[*Translation*]

**Mr. Sylvain Chicoine:** Thank you, Mr. Chair.

Thank you to the witnesses for being here and talking to us about their experience.

You mentioned earlier that, in some cases, it has been established that release options were inadequate and that the Canada Border Services Agency used electronic monitoring. The CBSA has been around since 2008. How long has it been using electronic monitoring?

[*English*]

**Ms. Susan Kramer:** We've been using it since 2006 when it was ordered by the Federal Court for our security certificate cases. We've had anywhere between three to five people on a bracelet in any given year.

[*Translation*]

**Mr. Sylvain Chicoine:** You say that it has been used for three to five people a year since 2006. How many people in all have worn

electronic monitoring bracelets following an intervention on the part of your agency?

**Ms. Susan Kramer:** Right now, there are four cases:

[*English*]

three who are security certificate cases, and one who has a background in organized crime.

[*Translation*]

**Mr. Sylvain Chicoine:** So there have not been a lot of cases in the past five years.

● (1710)

**Ms. Susan Kramer:** No.

**Mr. Sylvain Chicoine:** Sir, in your introductory remarks, you mentioned being able to confirm that electronic monitoring was effective. So you are referring only to electronic monitoring in security certificate cases.

**Mr. Peter Hill:** That is right. I was referring to those cases.

**Mr. Sylvain Chicoine:** Ms. Kramer, you spoke of people associated with organized crime. Could electronic monitoring be useful for other people?

[*English*]

**Ms. Susan Kramer:** Electronic monitoring is very good to follow movement, but it doesn't prevent someone from disappearing or going underground, so for the purposes of immigration, where it's important that we know where the people are, that would not always be the best option. In some cases, other conditions of release are just as effective, such as curfews, or reporting conditions, or even bonds—monetary bonds or performance bonds are just as effective.

In most other cases, it would be excessive and not necessarily cost-effective, because it's not just the bracelet. You need people to monitor the screen and to respond to the alerts and the alarms 24 hours a day, seven days a week.

You have to take those things into consideration. Quite often, a low-risk population wouldn't warrant that type of response.

[*Translation*]

**Mr. Sylvain Chicoine:** I imagine there would be other cases in which it might be effective. We are talking about four or five people a year, mainly security certificate cases, if I am not mistaken. Still there are a lot more people who are detained. I think there are four detention centres in Canada. Among detainees as a whole, do you think there might be more cases in which electronic monitoring would be effective? Would it be too expensive?

[*English*]

**Ms. Susan Kramer:** We never rule out that option. It depends on the case-by-case situation. In some cases, it's quite a good option, particularly for security certificate cases, in which we know they're going to be here for a while because they're going through litigation and court proceedings. In other cases, where removal may be imminent, a better solution, depending on the case, might be detention rather than putting them on a bracelet.

**The Chair:** You have another minute.

[*Translation*]

**Mr. Sylvain Chicoine:** Thank you.

You said earlier that electronic monitoring had been used in other measures designed to reduce risk. What measures are those?

[English]

**Ms. Susan Kramer:** I would say that sometimes we ask that they apply to have their outings approved before they can go out. Sometimes we ask for visitors to be approved before they meet with certain people. We may put restrictions on them—for example, you can't go to a certain mosque—or put restrictions on Internet access. It really depends on the situation. Quite often, these are conditions of release that are prescribed by the court.

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

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

**Mr. Rick Norlock:** Thank you very much, Mr. Chair.

Through you, Mr. Chair, I thank the witnesses for attending.

Concerning your last statement when you were saying they can't use the Internet, I don't know how you would ever enforce that, but do you have a way of enforcing it?

**Ms. Susan Kramer:** Well, you can ask that someone have a computer without Internet access, or quite often we have supervisors, and you could say that the person can only use the computer in the presence of an approved supervisor. It is difficult, of course, but we have a way of going in to look at the computer to see what has been accessed.

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

I'd like to ask a couple of questions. I'll start off by asking in roughly how many cases per year—"cases" meaning people—you would use EM.

**Ms. Susan Kramer:** We currently have it on four people, but I don't think we're limited by the number; it's more by the types of cases in which it would make sense to use it.

**Mr. Rick Norlock:** Have you done a study with regard to how you could possibly reduce your costs of monitoring, etc., for compliance? I guess that's the appropriate overarching word. As to the costs, if it's only four people, then why bother sort of thing...? Have you looked at this as a way—in a global perspective, for all the things you have to do—as to how best, from a cost perspective, to monitor?

• (1715)

**Mr. Peter Hill:** No, we haven't. We are considering whether or not we might be wise to undertake such a study in the near future, but we have not undertaken a global study to date.

**Mr. Rick Norlock:** The reason I ask this is that if it's going to be a lower number.... I can see the application towards some of your conditions, although you're the expert and I am not, so we'd have to acquiesce to your best judgment.... But if I may be so bold as to suggest this, should you be looking at this from a cost-effective perspective? Might I also be so bold as to suggest that you perhaps would want to work in conjunction with Corrections and pool your resources?

In other words, you could have a joint contract to reduce costs, etc., because the government is just one big operation, and if we

operate in silos, sometimes it's more expensive; however, when we have similarities.... That's just a suggestion.

Another suggestion would be this. On the defence committee, we just recently—as a matter of fact, on Monday—took a tour of the defence research facility in Downsview. They have some world-class scientists there who know what they're doing and are able, as Mr. Head previously witnessed, to do things.

These are just suggestions. Please, I'm not telling you how to do your jobs: these are just suggestions from looking at things. To the average Canadian, 44,000 people, and we don't know where they are....

In your experience—because I'm sure both of you have been with CBSA for some time—would some of these people be collecting provincial benefits or those types of things? Also, do you have formalized contacts with provincial agencies, or even with municipal agencies, because in the province of Ontario, municipalities handle social services, that would enable you to ferret out who might be one or more or many of these 44,000 people? I guess the basic question is this: how vigorously do you try to track these people?

**Mr. Peter Hill:** Thank you for that. Let me make a few comments about the warrant inventory.

The first comment I'd like to make and to be clear on is that we consider the warrant inventory to be a cornerstone mechanism for the effective management of our inland enforcement program, and in particular, removal, and we've been working to ensure that the policy framework around that inventory is modern and up to date.

For example, we have issued a policy framework setting out the requirements before an officer may issue a warrant. We've also established a fairly robust risk management framework to ensure that warrants are cancelled on an appropriate basis when there's no risk to the safety and security of Canadians. We continue to evaluate that policy framework.

In addition, we have been very fortunate, through the refugee reform initiative, to secure funding for our systems, and in particular, for our national case management system, which, several years ago, the Auditor General noted needed enhancements, also noting that we didn't have the resources at that time. So we're now beginning to see some of the benefits of the investment to enhance our system to manage the inventory.

Last and importantly—and of course this is by no means an exhaustive list of things that we're doing—the Beyond the Border action plan envisages an entry-exit system for Canada to work with the U.S., and then in the future with other countries, so that for the first time we'll be able to know who and which foreign nationals have left the country. We believe that this will be very helpful in terms of allowing us to ensure that our warrant inventory is the most up-to-date inventory possible. The number itself, I would say, sounds large and significant—and it is—but it is also, as I mentioned, a very effective enforcement tool that law enforcement across the country uses, because those warrants are in the CPIC inventory.

I appreciate your earlier comments. We and CSC are partners within the public safety portfolio. We have initiated discussions with CSC. They have more experience in the use of electronic monitoring than we do, having run the pilots, and they're open to sharing that information with us.

Lastly, I am very familiar with DRDC, having worked with that community before I joined the Border Services Agency, and it was interesting to hear Mr. Head talk about the possibility that the DRDC would help them in establishing their requirements for requests for proposals. It's an interesting idea that could be beneficial to CBSA.

• (1720)

**The Chair:** Thank you.

Thank you very much, both of you.

Now we'll go back to Mr. Garrison, please.

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

This is a topic that I have a great deal of interest in, as co-founder of an immigrant and refugee centre in my own community some 20 years ago.

Both Mr. Hill and Ms. Kramer made comments about the changes that are being proposed, both in Bill C-4 and the bill was that was introduced today, whatever the number is, and how they might make the new system function more quickly. I'm not going to comment—neither here nor there—on whether that would be more justly: we'll have another time to debate that elsewhere.

But I believe both of you commented that if the system were operating more rapidly, electronic monitoring would become less useful as an alternative to consider. Is that correct? Is that a bit of an extension, maybe...?

**Mr. Peter Hill:** I would say that might be a bit of an extension.

We certainly believe—and we've been very much involved in the development of both pieces of legislation, the Balanced Refugee Reform Act and Bill C-4, in partnership with Citizenship and Immigration Canada—the new system will ensure faster decision-making, so that those in need will get the protection more quickly and those who are found not to be in need will be removed more quickly from the country.

That really doesn't negatively impact the potential use for EM. I would still say that the potential use for EM remains very strong, even under the new system, if and as it's implemented as intended.

**Mr. Randall Garrison:** But I believe I heard Ms. Kramer say that maybe in that case it might not be the most cost-effective if things were faster...?

**Mr. Peter Hill:** I think that's right. I think what we're looking at is a range of measures. I think what we've found to date is that EM has been effective in our security certificate cases, in serious criminality, but I would defer to my colleague to add other remarks.

**Ms. Susan Kramer:** I'd just like to add that normally for refugee claimants, or for other inadmissible people as well, they're very compliant, up until the end, okay? It's at the end that we lose that 90% of the people.

It may not always be the best solution when someone has been compliant all along to use a heavy-handed approach, because you have no reason to do so. The person has been compliant all along, at every stage. It's at the end, when it's time to go, that people abscond.

**Mr. Randall Garrison:** If I can just turn to the 44,000 who seem to be the main topic of concern, Mr. Hill, I think you said earlier that about 80% of them are low security, low criminal threat, so it's not a large group of people who provide a direct threat to Canadians in any way.

**Mr. Peter Hill:** That's right. About 80% of those cases have no criminality and no security concerns. They are failed refugee claimants.

I would add that, under the Protecting Canada's Immigration System Act, which was introduced by the government today, CBSA is introducing a very promising pilot project called the “assisted voluntary returns and reintegration pilot”.

As my colleague has mentioned, we are doing everything we can to stay in touch with failed refugee claimants, or claimants along the way, so they understand their rights and obligations and the consequences of their activities. When appropriate, that will facilitate voluntary removals. We have found this to be the most cost-effective way. The use of this kind of program in European Union countries, Australia, and others has been very effective and cost effective.

• (1725)

**Mr. Randall Garrison:** If you had more resources, could you whittle down that 44,000 more effectively? In other words, the example I always give is that between the provinces there are non-returnable warrants, and the police say that unless it's a high-risk person they simply don't bother with them because they don't have the resources to do that.

If you had more resources and more agents working on this, could you reduce that number?

**Mr. Peter Hill:** Well, I'm working in the world with maximizing the resources I have. We are undertaking the development of a memorandum of understanding with our colleague departments, such as Human Resources and Skills Development Canada, to exchange information so we can identify if people are in Canada collecting benefits. That's one way in which we hope to be able to address the warrant inventory. We are undertaking a number of other measures to deal with the issue by reallocating resources and being smarter in using good management practices.

**Mr. Randall Garrison:** Do you have adequate manpower or staff to deal with this at the current time?

**Mr. Peter Hill:** Yes. We are fully utilizing the staff we have. We're pleased with the staff we have.

**The Chair:** Thank you.

Welcome, Mr. Albrecht, to the public safety committee. We look forward to your questions.

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Thanks for the opportunity.

I want to pick up on a comment that Mr. Scarpaleggia made earlier about the mass arrival of asylum seekers and the inference that these folks are detained for a year.

There has been a lot of misinformation in the public that they are all detained for a year, so thank you for clarifying that it's only until their refugee determination has been decided.

I'm not 100% sure, but I believe the bill that was tabled today clarifies some of the possible miscommunication related to the detention of young people. Will those in a certain age bracket no longer be detained? Can you clarify that for me, Mr. Hill?

**Mr. Peter Hill:** Thank you very much. I'd be happy to try to clarify that.

According to the bill that was tabled today, individuals who are under 16 will be exempt from the mandatory detention system. In addition, there is a special clause for individuals to apply to the Minister of Public Safety for early release from detention. The minister can order the release in exceptional circumstances of vulnerable persons, for example. These are two measures that have been implemented to support the detention regime under the new legislation.

**Mr. Harold Albrecht:** I thank you for clarifying that. In my riding, people have contacted my office because they have been misinformed about the length of detention. Many of them are assuming that it's a full year regardless of what happened. I think it's important that the accurate facts are out there.

Thank you, Mr. Chair.

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

Thank you to our guests for attending today.

I would also like to add that if you suddenly think of information you have that might be pertinent to our study, or if you second-guess

some of the answers you've given—you've given very good answers, but there may be more information because I cut you off—please feel free to provide that information to our committee. We will circulate it and see that everyone gets it.

Thank you for being here today.

Mr. Scarpaleggia...?

**Mr. Francis Scarpaleggia:** After the witnesses leave, I just want to ask about a point of information.

**The Chair:** Okay. We'll adjourn.

Thank you for being here.

Mr. Scarpaleggia has a question.

**Mr. Francis Scarpaleggia:** Yes, I just—

**The Chair:** On the record or off the record?

**Mr. Francis Scarpaleggia:** On the record, as the meeting ends.

As you know, I submitted a motion last week for the committee to have at least one or two days of hearings. How would I go about moving that?

**The Chair:** Basically, now that you have.... You just notify the desk. We can put committee business down, and if you want to let us know when you are going to do that, we can work it out.

**Mr. Francis Scarpaleggia:** Maybe next time...? Tuesday...?

**The Chair:** Okay. We can arrange that, then.

**Mr. Francis Scarpaleggia:** Okay.

**The Chair:** All right. We are adjourned.

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