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Chair

Mr. Daryl Kramp

Standing Committee on Public Safety and National Security

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• (1545)

[English]

The Chair (Mr. Daryl Kramp (Prince Edward—Hastings, CPC)): We are back in public.

Yes, Ms. Ablonczy.

Hon. Diane Ablonczy (Calgary—Nose Hill, CPC): I'd like to raise a point of order, Mr. Chair.

I see at my place a letter from the Privacy Commissioner setting out some viewpoints about the clauses that we're studying today. However, I noted that the Privacy Commissioner is not appearing. I would make two comments. One is that if an invited witness seriously wants their views considered, they ought to be here to answer questions and to defend their viewpoints. The other is I would point out that the Privacy Commissioner is an officer of this Parliament and I'd like to know the circumstances behind his failure to appear, because it seems to me to be a disrespect to the committee, at the very least, that he's failing to be here.

The Chair: Thank you very much.

You've made obviously a very, very strong point. Is there any further discussion on Ms. Ablonczy's point before the chair asks for some direction on it?

Yes, Mr. Easter.

Hon. Wayne Easter (Malpeque, Lib.): Sorry I'm late, and I just caught the last of it. I think the thrust was that the Privacy Commissioner was asked and didn't come. I do think that's a serious issue. I would agree with Diane on it. When the committee invites people, we do have the right, as you would know, Mr. Chair, if we wanted to, to subpoena witnesses. I would hope we wouldn't have to go that far, but it's customary and I think it's proper for a committee to invite especially parliamentary officers, and they should have an excellent reason for not being here, in my view.

The Chair: Obviously the chair can take the will and the concerns of the committee and direct a letter to the Privacy Commissioner expressing our deep concern on this issue. Beyond that, if the chair wishes and/or the committee wishes to take any different direction regarding either rescheduling or asking for further explanation beyond simply echoing our concerns, the chair would have to have some direction from the committee.

Is that fine at this point? Then the chair will obviously write a letter of concern.

Hon. Diane Ablonczy: I don't want to take any more time on this. I just want to raise it.

The Chair: This could be followed up on at a future meeting.

Hon. Diane Ablonczy: I appreciate Mr. Easter's support. Thank you.

The Chair: Thank you very much.

We will now go to our meeting, and the first hour of witness testimony followed by questioning. Obviously, we have an abbreviated meeting and we do have votes very shortly. We do apologize in advance. Gentlemen, we would ask you to keep your comments as short as possible, and then we will try to get as much time in as possible for Qs and As, with the understanding that if we are called to vote, we will suspend, but we will reconvene as soon as the votes are finished.

We have before us as witnesses today from the Royal Canadian Mounted Police, Peter Henschel, deputy commissioner, specialized policing services; Ron Fournay, director of science and strategic partnerships, forensic science and identification services; and Sean Jorgensen, director, strategic policy and integration, specialized policing services. From the Department of Public Safety and Emergency Preparedness, we have Trevor Bhupsingh, director general, law enforcement and border strategies directorate.

Gentlemen, I apologize if I did not pronounce your names correctly. You can certainly correct me at any time.

We'll take your opening comments. You have up to 10 minutes, preferably much shorter if at all possible. Thank you very kindly.

Mr. Henschel, you're first.

Assistant Commissioner Peter Henschel (Deputy Commissioner, Specialized Policing Services, Royal Canadian Mounted Police): Thank you, and good afternoon.

[Translation]

I would like to provide you with a brief overview of the proposed legislative amendments and explain the five new indices that would be created. I also want to describe how those indices would support the investigation of missing persons and unidentified human remains, and strengthen the current DNA regime in Canada.

• (1550)

[English]

Proclaimed in 2000, the DNA Identification Act governs the national use of DNA for criminal purposes and enabled the creation of the National DNA Data Bank, or NDDB.

The DNA Identification Act created two indices: the convicted offender index, comprised of DNA profiles taken from offenders convicted of a designated offence, and the crime scene index, comprised of unknown DNA profiles derived from biological material found at crime scenes. The use of DNA has contributed significantly to criminal investigations. In Canada, the NDDDB has assisted investigations of over 2,200 murders, 3,800 sexual assaults, and 24,000 other designated offences.

[Translation]

Other countries, such as the United States and the United Kingdom, use DNA identification to support investigations of missing persons and unidentified human remains. This is not currently possible in Canada. Since the establishment of the National DNA Data Bank, there have been a number of calls for the creation of a national DNA-based missing persons' index that could assist investigators in finding missing persons and identifying human remains.

[English]

Notably, committees of both the House of Commons and the Senate recommended the creation of a DNA-based missing persons index following their reviews of the DNA Identification Act in 2009 and 2010. These recommendations were echoed by the Special Committee on Violence Against Indigenous Women and the B.C. Missing Women Commission of Inquiry.

This past spring, budget 2014 announced \$8.1 million over five years beginning in 2016-17 to specifically create a DNA-based missing persons index. Since then, consultations on proposed options for legislative amendments were undertaken with a number of stakeholders, including provincial and territorial policy-makers, coroners and medical examiners, the Office of the Privacy Commissioner of Canada, the Federal Ombudsman for Victims of Crime, the Canadian Association of Chiefs of Police, and the National DNA Data Bank Advisory Committee, as well as a preliminary engagement with the Native Women's Association of Canada.

Stakeholders generally supported the creation of a DNA-based missing persons index. Feedback provided through these consultations informed the development of a number of safeguards in the legislation which I will address in a moment.

Bill C-43, economic action plan 2014 act, No. 2, proposes amendments to the DNA Identification Act that would expand the use of DNA identification to support the investigations of missing persons and unidentified remains by creating three new indices.

The first is the missing persons index comprised of DNA profiles of missing persons developed from personal effects, such as a toothbrush or an article of clothing.

The second is the human remains index comprised of DNA profiles from found human remains.

The third is the relatives of the missing index, comprised of DNA profiles voluntarily submitted by close relatives of the missing, and used to either confirm the DNA profile of the missing persons, or to compare against the human remains index.

To ensure the most effective use of these new indices, the missing persons and human remains indices would be compared to approximately 400,000 unique DNA profiles in the convicted offenders and crime scene indices. Comparison against the crime scene index would help to place a missing person at a crime scene at a particular time, thereby providing vital clues to the missing person investigator. Comparison against the convicted offender index could help to link found human remains to a specific convicted offender.

[Translation]

In addition to the changes to support the investigation of missing persons and unidentified human remains, the proposed legislative amendments would also strengthen the existing operations of the National DNA Data Bank.

[English]

Currently, the act does not permit the use of a victim's DNA to support criminal investigations, nor does it permit the use of DNA from relevant individuals who may wish to volunteer their DNA to further an investigation. To address these issues, the legislation would create two additional indices. The victims index would be comprised of DNA profiles from the victims of crime. These profiles would be uploaded in a number of circumstances including when a victim may voluntarily provide a sample. The victims of crime index will help police identify serial offenders and link crime scenes.

The voluntary donors index would be comprised of DNA profiles, voluntarily submitted by any person other than a victim, to advance a criminal, missing persons, or unidentified remains investigation. This index will be used primarily to exclude individuals from an investigation.

I would also like to note that the proposed legislation does not provide any new authorities to police to compel the collection of DNA from individuals. The proposed legislation would make retention provisions for offenders who have received either a conditional or an absolute discharge consistent with retention provisions for sentenced offenders. This change would address situations where the National DNA Data Bank may be retaining DNA profiles when it should not, or destroying profiles when they should be retained.

• (1555)

Finally, the proposed amendments would allow the RCMP to share DNA information related to missing persons or identified remains with foreign governments or international agencies. Consistent with current practices, this sharing would occur on a case-by-case basis and be governed by strict international agreements to protect the privacy and security of Canadians.

[Translation]

I would now like to explain the measures in the legislation to ensure the proper use of the new indices and the privacy safeguards in place.

[English]

First, it would remain a criminal offence for anybody to use or communicate any DNA information for a purpose other than what is specifically stated in the act.

Second, a two-factor legislated threshold would require investigators of missing person cases to demonstrate to the RCMP before a DNA profile is added to the data bank that there are reasonable grounds to suspect DNA analysis will assist in an ongoing investigation, and that other investigatory techniques have been tried and failed, or exigent circumstances exist.

Third, in the event that a DNA profile of a missing person links to a profile from a crime scene, the RCMP would communicate this information to investigators for humanitarian purposes only. Should a criminal investigator wish to use information derived from such a match to further a criminal investigation, that investigator must have reasonable grounds to suspect this information would assist in the investigation or prosecution of a designated offence.

Fourth, recognizing that the relatives of the missing persons index, the victims index, and voluntary donors index would be populated with voluntarily provided profiles, a number of consent provisions have been included in the legislation. To submit a DNA profile of any of the relatives of those on the missing persons index, the victims index, or the voluntary donors index, informed consent must be obtained. Anyone volunteering a DNA profile may withdraw their consent at anytime requiring its removal from the National DNA Data Bank.

Finally, the RCMP will remove profiles after a period specified in regulation unless the investigating agency confirms that DNA profiles remain associated with an ongoing investigation and that informed consent has not been withdrawn.

Operationally, this legislation will leverage the existing work of two program areas within the RCMP: the National DNA Data Bank and the National Centre for Missing Persons and Unidentified Remains.

[Translation]

Funding identified in budget 2014 will be used to create and maintain the infrastructure within the RCMP to operate the new humanitarian indices, so as to provide investigators with technical and scientific support and ensure the national coordination of information.

[English]

Thank you for the opportunity to present to you today. My colleagues and I would be happy to answer any questions you may have.

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

Colleagues, obviously we're going to have to make a decision. We're going to run out of time within a very few minutes and we're not going to have time to hear the full testimony from our witnesses. By the time we do return, we'll be well past their time and will have limited time for the second hour of witnesses.

At this particular point we have heard one testimony. We have a copy of the written statement that has been distributed to you. The

Chair would suggest that we hear further testimony until the time goes and if there's any further opportunity for the witnesses to provide any written documentation to this committee, it would be accepted.

At the end of our time, they would be excused as we would be well into the second hour and it would be shameful to bring our witnesses back here to sit and not even have an opportunity to participate in the second hour.

Does the Chair have agreement to proceed in that manner?

Some hon. members: Agreed.

The Chair: Mr. Easter.

Hon. Wayne Easter: There are some questions that we would like to raise. How do we get answers to some of these questions? That is the problem.

• (1600)

The Chair: Mr. Easter, I certainly understand your concerns and share them, but the bells are now ringing, sir, and I have to give some direction to our witnesses.

We already have a limited time that we'll be cutting into for the second hour of witnesses, of which we will probably only have 15 to 20 minutes. We obviously cannot do both. We will probably not even have time to question the second witnesses.

The Chair is stuck with that dilemma, and I don't see—

Hon. Wayne Easter: You're kind of handcuffed, Mr. Chair.

The Chair: At this particular point the bells are going.

With the concurrence of the committee, we will excuse our witnesses.

Thank you very kindly. We do sincerely apologize.

If you have an opportunity to present us with a brief, as we have from Mr. Henschel, and any comment that you would like to make before this committee, it would be duly received.

The meeting is suspended.

• (1600)

_____ (Pause) _____

• (1650)

The Chair: We are reconvened.

We welcome our guests today. From the Office of the Federal Ombudsman for Victims of Crime, we have Sue O'Sullivan, the federal ombudsman for the victims of crime. Also, we have by video conference from Vancouver, Judy Peterson. Welcome to both of our guests.

Ms. James, on a point of order.

Ms. Roxanne James (Scarborough Centre, CPC): Given the fact that we missed some of this committee meeting and the fact that the votes are now going to be at 5:45, I'm going to seek unanimous consent to extend the meeting for this second half to 5:45. The witnesses would be here until 5:30 and then we would allot 15 minutes at the end.

The Chair: Is it agreed?

Some hon. members: Agreed.

The Chair: Thank you very kindly and thank you for the courtesy.

To our witnesses, we apologize for being late, but we've obviously had a delay in Parliament because of our voting procedures and processes, which happens here every now and then, sometimes too frequently, some people say, but we are now back.

We will hear opening statements. I realize you have up to 10 minutes, but the Chair would certainly appreciate, as I know our committee members do because we are a little short of time, if you would try to abbreviate them down to five, if at all possible.

We will now go to our witnesses for an opening statement and we will follow with Qs and As. The Chair will have a look at the time and would maybe suggest to our committee that instead of seven and five, we would drop down to five and two. I will leave that for you to deliberate between now and then. By the time we get to that, I think we will have the time. That should get us a little closer to having a little bit more involvement.

Ms O'Sullivan, would you make your opening statement, please.

Ms. Sue O'Sullivan (Federal Ombudsman for Victims of Crime, Office of the Federal Ombudsman for Victims of Crime): Thank you.

[*Translation*]

Mr. Chair, dear committee members, good afternoon.

[*English*]

Thank you for inviting me today to discuss Bill C-43, a second act to implement certain provisions of the budget tabled in Parliament, as it relates to the DNA Identification Act.

I would like to begin by providing you with a very brief overview of my office and its mandate. We were created in 2007. The Office of the Federal Ombudsman for Victims of Crime helps victims in two main ways: individually and collectively. We help victims individually by speaking with them every day, answering their questions, and addressing their complaints. We help victims collectively by reviewing important issues and making recommendations to the federal government on how to improve its laws, policies, or programs to better support victims of crime.

The proposed amendments to the DNA Identification Act and the attached federal funding would create a national DNA missing persons index. This would supplement the work of the RCMP's National Centre for Missing Persons and Unidentified Remains by enabling the collection and matching of DNA profiles from missing persons and unidentified remains to other DNA profiles. The creation of a DNA missing persons index is not the final answer, but it does provide another important tool in the tool box for investigators and coroners in locating missing persons or identifying human remains.

Since my appointment, I have had the opportunity to speak with victims and victims groups. They have a sincere and determined hope that the ability to match the DNA of missing persons to that of unidentified human remains would alleviate the suffering that the families of missing persons endure. Not knowing what has happened

to a loved one is an overwhelming burden, a burden which is often accompanied by the unrelenting feeling that more could be done to try to locate their loved ones. For this reason, my office has on numerous occasions made recommendations to the Government of Canada that the development of these indices be given a high priority and that jurisdictional issues be resolved on an urgent basis.

Throughout the years, I have seen considerable support for the creation of a national missing persons index from the Canadian public, law enforcement, victims groups, parliamentarians, and various levels of government. In 2005, the Department of Public Safety released a public consultation paper on the missing persons index. The following year, federal, provincial, and territorial ministers responsible for justice agreed in principle to the concept of a missing persons index and directed an intergovernmental working group to resolve the ongoing concerns.

In 2007, this committee, the Standing Committee on Public Safety and National Security, expressed its support in principle for Bill C-279, an act to amend the DNA Identification Act, and recommended that the government introduce legislation to establish a missing persons index. The government accepted this recommendation, but little progress was achieved over the following two years.

Following a statutory review of the DNA Identification Act, in June 2009 the committee, along with the Standing Committee on Legal and Constitutional Affairs, recommended the creation a missing persons index and a victims index. For our part the Office of the Federal Ombudsman for Victims of Crime made recommendations in 2009, 2011, and again in 2013, that the development of a missing persons index and an unidentified human remains index be a priority for the Government of Canada. In addition to strong Parliamentary support for the creation of a missing persons index, the Canadian Association of Chiefs of Police passed a resolution in 2012 that also urged the federal government to move forward with creation of the indexes.

In Canada, as we're aware, there is currently no capacity at a national level to compare and match the DNA of existing unidentified remains against the DNA of missing persons or their close relatives. This legislation will add five new indices to the National DNA Data Bank which could be used by provincial and municipal law enforcement agencies to investigate cases involving missing persons and unidentified remains. The capacity to compare the DNA profiles of missing persons to unidentified remains ultimately strengthens law enforcement's investigative capacity by providing a tool for comparison across Canada.

While I am very pleased by the changes in the DNA Identification Act that are proposed in this budget bill, there are important implementation and operational considerations for victims that I would like to highlight.

Once the missing persons index and other indices are created, it will be important to ensure that victims receive clear and consistent information with regard to the following: the purposes of collecting DNA information from a victim or a family member and how it will be stored and used; the retention period of the DNA profiles; the process for withdrawing a voluntary DNA sample from the database; the notification process if a match is found, particularly if a match means a death notification for a family; a point of contact for family members regarding information and updates; and all victims across Canada be provided with the same choices and options with respect to their involvement with these indices.

Most of the contact with victims will likely occur with provincial and municipal law enforcement agencies or contracted RCMP. I therefore encourage the Government of Canada to work with the provinces and territories so that the proper resources are available to ensure that victims have equal access to the indices and understand how they work.

● (1655)

In conclusion, I fully support the amendments proposed in this bill regarding the creation of a national DNA indices of missing persons and unidentified human remains. Victims deserve to know what has happened to their loved ones. The missing persons index and unidentified human remains index are additional tools that we can use to provide answers to some of those families. It is time to move ahead with its implementation.

I thank you for your time and welcome any questions you may have.

The Chair: Thank you very much, Ms. O'Sullivan.

Ms. Peterson, welcome. You have the floor.

Ms. Judy Peterson (As an Individual): Thank you very much, Mr. Chair, and honourable members, for the opportunity to present on this important matter.

I'm here today as the mother of a missing child. My 14-year-old daughter, Lindsey Jill Nicholls, vanished in August 1993. For the past 15 years I have been working to have DNA profiles of missing persons and unidentified human remains included in the National DNA Data Bank.

I know that you've heard from technical and legal experts on this issue, so my presentation today will focus on trying to give you an insight from the perspective of a searching mother. I'll provide a few details of the investigation into Lindsey's disappearance, explain how I first got involved, touch on some privacy issues, and clarify why it is so critical to me that Lindsey's DNA be compared to those in the crime scene index.

Lindsey was last seen walking down a rural road in Comox Valley, and was presumed to be hitchhiking when she disappeared. She simply vanished, and the file is classified as foul play suspected.

The investigation has included thousands of hours of RCMP effort, including two full file reviews by the major crimes unit. The Missing Children Society of Canada sent investigators and launched several poster campaigns. There have been dozens of local and national media events over the years, including coverage by *W5*, *Canada AM*, *Chatelaine*, *Reader's Digest*, and most recently, *16x9*.

When Lindsey had been missing for about five years, I contacted the RCMP requesting that her DNA be put into the National DNA Data Bank in case her remains were found. It was a painful decision, and it felt as though I was giving up hope, but I knew it was time to get it done. When I was told that a missing persons DNA data bank did not exist in Canada, I was horrified. All I could think about was: What if her remains had been found? I would never know.

The RCMP investigator at the time heard my anxiety and contacted individual coroners across the country to make sure that they were aware of Lindsey's particulars. He was able to tell me that they reported back to him that there were no remains that they thought were a close match, but I couldn't get it out of my mind. I didn't know how they could say that. Maybe the remains were not a full skeleton, or they didn't have the capacity to do the testing, and what if her remains were found the next week or the next year?

With the case into her disappearance going cold, I felt as though the only way I could search for her was through DNA, and I began lobbying in earnest. What was so frustrating to me was that I spoke to hundreds of people about my lobby, and every single person thought the same thing that I did: they all thought that Canada already did this type of comparison.

I'm sure it's obvious why the families of the missing need the humanitarian aspect of this legislation, comparing human remains with the missing. I know that we will start to get some matches once things are loaded, and family members will start to get the answers, but what often isn't so obvious is why I believe it's so critical to search for Lindsey in the crime scene index.

If Lindsey was abducted and murdered, I believe it was done by someone who had done this before. Media coverage and rewards are only effective in cases where more than one person knows what happened, and these types of child serial murderers don't tell their friends.

When a serial murderer is arrested, and the crime scene is profiled and loaded into the crime scene index, it may be possible to identify other victims, and then the investigation into their disappearance can start. The only way to do that is to compare the DNA of the missing.

As an example, some years ago there was a murder near Merritt, B.C. The perpetrator had hidden the body of a young girl in the woods. The police, I believe, leaked the information that they knew where the body was and then followed him when he drove out to move the body. What if a forensic analysis had been done of the trunk of his car? What if he had put Lindsey or some other young girl in the same trunk?

My contention is that Lindsey's DNA could well be within the crime scene index. If her DNA was found in the trunk of that car, in someone's basement, or at the Pickton pig farm, we would know what happened to her, and there would likely be an additional murder charge.

● (1700)

What I'm saying is, what if the only remains of Lindsey are in the crime scene index? Then that comparison would be for humanitarian purposes as well. Keeping her murderer in jail for an additional term may save someone else's child from the same fate.

I'd like to try to touch on privacy issues. So many times over the years I've heard people say, "What if someone wants to be missing? What if there's an abused spouse?", and those types of scenarios. I can only say that, if an abused spouse tries to disappear, unless an unidentifiable body part of her is found by a coroner and placed into the missing persons index, MPI, the legislation would never find her. There would be nothing to match. If Lindsey's in Toronto working at McDonald's or working in Vancouver's downtown eastside, this data bank will not find her.

I've also heard people take issue with the privacy of people at a crime scene who may not be a victim. Maybe they don't want to be found either. My answer to that is, by the time the profile is submitted and matched, they're certainly not going to be at the crime scene. If this information did help to find them, the police would simply tell the family that they had located the person, but the person did not want to make contact with the family. That's exactly what happens now if they find someone who does not want to be found. If a person who they do find is the murderer, then he should be found and identified.

Regarding international searches, I understand it would be done on a case-by-case basis as it is done now, with the difference being that the DNA would be ready as required. I can tell you from my perspective that it would be far less painful for the families. Twice I have had an investigator from the United States contact the RCMP about Lindsey's case. The first one requested dental records, and the second one requested DNA. If we had had her DNA profile ready to send, we would have significantly reduced that excruciating waiting period.

I can't even begin to explain to you what it means for me to have this legislation tabled and to have this opportunity to speak to the committee. I once heard a coroner speak about this issue and he said, "A missing person's really a national disaster. It's just that it's a disaster that happens over time."

I've watched many news stories about Canada sending forensic teams to identify remains in foreign countries. I submit to you that our missing persons deserve to be identified and our families deserve answers. If the link to the crime scene index provides the identity of a serial murderer as well, then the victim and family may also get justice, and our country will be a safer place.

Remember that Lindsey is one of the thousands of missing loved ones. Each one has a desperately searching family like ours whose lives have been devastated first by the loss and then compounded by the unknown. This is the time to move forward with this legislation and provide us all with the comfort of knowing that we would know if our loved one is found.

Thank you very much, Mr. Chair.

•(1705)

The Chair: Thank you very much for your personal testimony, Ms. Peterson.

With the time extensions from the motion put forward, I think we will want to go back to our routine timeframe now. We will go to our seven-minute and five-minute periods. We will start off with Mr. Norlock, please.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Thank you very much, Mr. Chair, and through you to the witnesses, thank you for attending today.

Ms. Peterson, first of all, I'd like to begin with an apology from all politicians. Unfortunately this place in Ottawa moves far too slowly. I know after several decades of pushing you're finally seeing the results that you deserve. It's only the love of a parent, and in this case the love of a mother, that has moved us, and especially Minister Flaherty, the late Jim Flaherty.

Ms. Judy Peterson: Yes.

Mr. Rick Norlock: I know you were present at the last budget speech when the funding that will allow this to happen took place. So that's the apology.

I thank you as a parent to another parent for being so tenacious. There aren't many Canadians who would have stuck by their child and the need to know. Most of us would just be resigned to sitting back and wishing that somebody else would do it, so this is a thank you to you for doing this. This may not have occurred had you not been so tenacious, and for that I thank you.

Ms. Judy Peterson: Thank you.

Mr. Rick Norlock: I was particularly interested when you mentioned the Missing Children Society and your interaction with them. I wonder if you could tell us about some other people who have gone through what you've gone through. You put a face to the very legislation that we're dealing with. I wonder if you could talk about your interaction with other parents and perhaps other agencies that are supporting you through this endeavour and giving us a little, and sometimes not so little, nudge towards doing what we're doing.

Ms. Judy Peterson: I first got involved with the Missing Children Society of Canada when I saw a poster. It was early in the investigation and that week I sat at my computer and typed, trying to format a missing poster, trying to pick a picture, and trying to find a colour printer. I had gone around the town with my roll of Scotch tape and my stack of posters tearfully putting up posters. The next week when I saw one of a missing child from the Missing Children Society, I contacted them and they flew out an investigator who did most of the interviews with Lindsey's friends.

I've been in contact with them, probably weekly, for the last 21 years and they have been an enormous support. I've worked with them on media events and they sort of walked me through how to speak to the media and how to generate a media event.

I haven't had a lot of contact with other families of missing children. Missing Children has contacted me probably five or six times, specifically to ask, "Would you speak to this mother? She seems to be struggling and it might help her to speak with you." I have spoken to them and I've had lots of e-mails from people across the country saying, "Thank you", and "I'm sending some letters myself." People in Manitoba have done thousands of petitions, have stood at malls, all of those people have been wonderful.

•(1710)

Mr. Rick Norlock: Thank you very much for that.

If you had one message you could send to legislators and folks here in Ottawa, the elected officials especially, what would that message be when we deal with issues such as missing persons and the use of data banks, such as DNA data banks? Is there a message you'd like to send us that might get us to be a little more proactive?

Ms. Judy Peterson: I feel we are so close. I feel that everybody, myself included, and some of the Conservative caucus, and I met with Wayne Easter when he was the solicitor general back in 2003.... I know it's not a partisan issue and I hope that the people who are working on this legislation and voting for this legislation, if I can say frankly, have the guts to put this through finally.

It was supposed to go through in 2000 and my understanding is that they got a little nervous and pulled out the missing persons DNA data bank, thinking they would put it in later. Well, it will be 15 years later, so now is the time to actually.... I believe it's set up very well and is very well thought out. I'm very pleased with the way the databases are linked. I work with databases myself, so I know full well how they can be separated and how they will work. I'm very pleased and I hope this goes through finally. I'm terrified that something will go wrong because I'm so hopeful and I'm so excited. I would say, please have the guts to get this through.

Mr. Rick Norlock: Thank you very much for that.

Ms. O'Sullivan, I wonder if you've had similar contacts with the Missing Children Society of Canada. Utilizing that, plus your police experience, can you put the pieces together and let us know—you've already told us how important this is to your office—how important this will be not only to families of victims, but also to police officers?

Ms. Sue O'Sullivan: Again I'll speak on behalf of victims. I think Judy has quite eloquently talked about how important it is that we implement this. The same as she has, I've had opportunities to speak to the RCMP in terms of the implementation of this bill.

I would encourage people to make sure that this goes through. As it is implemented, however—and these are some of the messages I have, and I've been reassured that these have been thought of in terms of the implementation—Judy obviously has a tremendous amount of experience, but for families who haven't and don't know, make sure that they're going to have clear information on how their DNA will be used.

The other thing is that there is a voluntariness here. You've heard me say before committee that victims need choices and options. In order to be able to make those choices, they need the right information. I've been reassured that those processes are in place, or will be put in place.

I would also encourage that as it's rolled out for implementation the provinces and territories have the resources to be able to ensure that when the victim picks up the phone.... We know that this is a last tool. We know that most missing persons cases are resolved through investigation. This was the missing piece, the last piece, that we should have an ability to search these systems on a national level to make sure there is any chance for these families, even that some families are able to find out if their loved ones are in those found

human remains, as Judy and many other victims from whom we've heard have been fighting for, for many years.

Thank you.

The Chair: Thank you very much, Mr. Norlock, and thank you, Ms. O'Sullivan.

Mr. Garrison, please, for seven minutes.

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Chair, I'll be sharing my time with Madam Doré Lefebvre.

Of course, I want to thank Ms. O'Sullivan for being here again, but in particular I want to thank Judy Peterson. You're truly inspirational in the effort you've put into this. I think all of us around the table want to assure you that we'll make sure nothing goes wrong, but it's Parliament and we can't always control things as of today.

I know something of what you go through, because Crystal and Bruce Dunahee are constituents of mine whose son, Michael, disappeared at the age of four in 1991.

•(1715)

Ms. Judy Peterson: That's the poster I saw, yes.

Mr. Randall Garrison: Each year they've organized a run to raise funds for Child Find. Crystal Dunahee served as president of Child Find. The remarks you've made today remind me of what they've always said, that you have to keep the hope alive, but eventually you have to accept that knowing the truth is better than not knowing.

I wonder if you would say a bit more about that, because I think that's the difficult part of this for most of the families who have missing members.

Ms. Judy Peterson: People will often say to me that I need closure. What I've learned by meeting people whose children have died—maybe they've been murdered or they've died of cancer or whatever, and we've been in groups together—is that there is no closure. They know what's happened to their child, and they have the same anguish that I have. I think that people who use the word “closure” have never lost a child. It's not closure.

For me, when I hear on the news about the finding of human remains, or that somebody killed a young girl, it opens up the wound every time, and I wonder. Maybe I'll be phoning the police or doing research or something. It's that the wound keeps getting ripped open all the time.

I would really like to know what happened to her. I feel as if she's out there waiting for me to find her, I really do. It makes no sense, but I feel that.

Mr. Randall Garrison: In your presentation you addressed a couple of the concerns that people have raised about the data bank, but I wonder if you feel that most victims' families will have any reluctance at all to enter DNA in the data bank. My impression is that most of them, if they were given the right information, would be willing to have such a tool.

Ms. Judy Peterson: I think they'll be lined up, once they understand. As Sue said, they need clear instructions or some sort of diagram that lays this out. I know if I start speaking about it, people will say that they don't understand. They need to understand how a database works. For example, you could tell them that if you search on the Internet for somebody who doesn't have a Facebook page, you're not going to find anything, that sort of thing, to give them clear and simple parameters of how it's going to be used.

People think that maybe they're going to get cloned or something like that, but it's just a number that's being stored. If you make that very clear, I think they'll be more than happy.

Mr. Randall Garrison: Thank you once again.

I'll turn the rest of my time over to Madam Doré Lefebvre.

[Translation]

The Chair: Ms. Doré Lefebvre, you have four minutes.

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

I would like to thank Ms. O'Sullivan and Ms. Peterson for joining us today.

This is really interesting, and we are fortunate to have you with us. I want to thank you for sharing your story with us.

I have some more technical questions about the National DNA Data Bank. I don't know whether Ms. O'Sullivan will be able to answer them, but I will still put my questions to her.

I saw that the National DNA Data Bank contained a voluntary donors index. I am not necessarily familiar with all the details, but I know that, according to the RCMP, this would mainly be used to clear certain individuals during an investigation.

What do you think about the voluntary donors index? What does that tool mean for victims?

[English]

Ms. Sue O'Sullivan: That is really a question for the RCMP—

Ms. Rosane Doré Lefebvre: I know.

Ms. Sue O'Sullivan: —but my understanding, and this could be a great follow-up question for the RCMP, is simply that you may find different people in their different roles who attend at many scenes, for example, forensic identification officers, paramedics, and they could....

I think there are RCMP behind me. That's my understanding of it, but I would certainly refer that question to the RCMP for a response.

[Translation]

Ms. Rosane Doré Lefebvre: That part is voluntary, but parents could also provide a DNA sample.

I am not sure I understand what victims of crime think about this. Are parents in favour of this measure being practically mandatory?

● (1720)

[English]

Ms. Sue O'Sullivan: There are two. There's the humanitarian where you're well aware a family member may provide DNA. It's a choice they make. That's why I'm trying to highlight how important it is. These are complex issues to explain. If I'm a family member and I'm providing it for humanitarian reasons, I would like you to tell me in simple language how my DNA is going to be used. How long are you going to keep it? If I change my mind a year later, how do I say I don't want my DNA in there any more? They have put processes in place for this. I'm just emphasizing how important it is that when this rolls out, we set expectations for victims as well.

For example, this is not the first thing, that we all check the DNA databases. The legislation is designed for when they've exhausted other investigative means. But you want to set that expectation. I think all Canadians, as does everyone else, watch TV and have a lot of misconceptions about what it is. I think Judy alluded to that too in some of her comments. We need to set the expectation in plain language to be able to explain to victims in a consistent way across this country, if you're in the humanitarian, you're volunteering.

You're quite right. I have heard from different victims that perhaps some family members may not want their DNA there. Again, it comes down to, if I'm going to provide it, and I understand why I would provide it, how would it be used? Also, if I change my mind, I can voluntarily have that removed from the database.

On the police side, and again this is more the police, but my understanding is if there's a victims index, for example, one thing I hear from every victim I talk to is that they don't want what happened to them or their family to happen to anyone else. For example, if I'm a victim of sexual assault and an item is taken from me, and there's an opportunity for me—it's my choice—to provide my DNA, should that item show up at another crime scene, as was indicated in the first panel, which could potentially identify a serial predator or aid another investigation, I want to know that if I make that choice if that means I'm going to have to testify if somebody's caught, or something else. I want to know that information. It's really important, and I am emphasizing this because as we roll this out, it's like anything else: I can only make a choice if I have the information I need to make that informed decision.

The Chair: Thank you very much, Ms. O'Sullivan. Our time is over on that now.

We will go to Mr. Falk, please.

Mr. Ted Falk (Provencher, CPC): I want to thank both our witnesses for attending today.

Ms. Peterson, I want to extend my condolences to you on the loss of your daughter, Lindsey. As a parent, I can't imagine what losing a child would be like, let alone not knowing what happened.

Ms. Judy Peterson: Thank you.

Mr. Ted Falk: I was present as well when the late Jim Flaherty mentioned you in the House when he introduced his budget earlier this year, as being the champion of bringing this change into legislation, which we're working on today. I'm wondering a couple of things, and I know you talked a little about it. At what point would you have availed yourself of this service had it been available? How do you see this helping families who will experience the same tragedy that you've had to go through?

Ms. Judy Peterson: I think it took me about five years, and then when the case went cold, I felt that was the next step. When I say I was horrified, that I couldn't do it, it took so much emotional energy to make that decision and put out the request, and then to find out what if she has been sitting there for a year or two and I didn't know.

I think it's one more step. As Sue mentioned, it's a tool. At the point we're at now...I described what's been done on the file, and we've also had an undercover operation. It's been pretty extensive and I feel the only way we're going to find her now is through DNA. She's been gone long enough that lots of the people who lived in that neighbourhood are gone or have forgotten or have moved. I think all families get to a point where they feel this is one thing, just in case. They're probably going to think it's never going to happen, but this is a safeguard for them and their loved ones, just in case.

It's devastating phoning around to find the dentist she went to four years ago to try to get the dental records, and trying to explain why you need them, and getting copies, and trying to ship them off somewhere, and then wondering if when comparing the records to the skull they found there were enough teeth to be able to identify. DNA is the only way I am going to feel that we have found her. I can't speak for all families, but that's the way I feel.

• (1725)

Mr. Ted Falk: If this law had been in place, the ability to provide DNA for your daughter, and you had used it, and it hadn't netted a positive identification, how would that have affected you?

Ms. Judy Peterson: I don't want to give the impression that I feel once her DNA is in the National DNA Data Bank that we're going to find her remains, because I don't. The coroner in British Columbia has been doing this for years, and he has profiled all his unidentified remains. I think I was one of the first people or the first to offer my DNA to compare against his profile, so I know her human remains have not been found in British Columbia.

I don't know if she's in the B.C. crime scene index, but statistics show that if somebody is abducted, usually their remains are found within five kilometres of where they were last seen. So statistics would say she's likely in British Columbia, but who knows? Maybe she hitchhiked and somebody took her to Alberta or Saskatchewan

or Ontario. I don't feel as if the minute this is going to get turned on I'm going to find her. I want to know that if I were to get sick and die next week, and if she gets found, somebody would be able to know and give her a proper service.

That's another aspect.

Mr. Ted Falk: Ms. Peterson, I thank you for your testimony.

Like Mr. Norlock, I want to thank you for your tenacity, and I think you have done your daughter proud.

Ms. Judy Peterson: Thank you very much.

Mr. Ted Falk: I think you have done more than any parent would have done, and I commend you for that.

Ms. O'Sullivan, I'd like to direct a few questions to you.

My predecessor was the Honourable Vic Toews, and he championed the victim bills of rights. I think he would be pleased to see another step whereby victims, and not the perpetrators are the centre of our justice again. Would you agree that this bill will do that?

Ms. Sue O'Sullivan: We've all been waiting for this implementation, for this bill to come forward. As was pointed out earlier, this was originally contemplated in 2000, and I think it's about time we got to where we are now. If we can help moms and families like Judy's make that connection, at least if their loved ones' remains are out there, then we can be assured that the needs of victims are being met.

Mr. Ted Falk: Would you like to add anything else?

Ms. Sue O'Sullivan: Again, I thank you for the opportunity to present to the committee. I think this is important to implement, and it's going to be that one piece, the tool in the tool kit, for families who have exhausted all other means to be able to make that connection and know whether or not their loved ones are there.

I think it's so important, and I think Ms. Peterson said it so eloquently, just by providing this committee and listening to her experience. Again, I thank Ms. Peterson, all the families, who have pushed to make sure that we have the tools in place to be able to support families, and you've heard me say this, to ensure that victims within our system are informed, considered, and supported.

The Chair: Thank you very much.

We will go to Mr. Easter, please.

Hon. Wayne Easter: Welcome to Ms. O'Sullivan, and a special welcome to Judy.

I think the finish line is in sight, but I did think that once before—

Ms. Judy Peterson: You did.

Hon. Wayne Easter: —in 2003, when we had the RCMP with the database in place. So here we are five Parliaments later.

For you, it's had to be years of hope and despair, and very trying many times. While we're not quite there yet, I think I can honestly say that, having talked to you several times over the years, thinking it was in place in 2003, if it wasn't for your personal effort, we wouldn't be here today. I don't think there's any question about that.

Yes, while many will talk about how important this is for finding issues related to criminal investigations, I think the other side is as important as well. That's the human side of knowing what happened, or maybe not even knowing what happened but knowing your loved one is not out there somewhere in the wilderness, even if they've passed away.

Maybe you could talk a little bit about that side, because I do think that for parents of missing children, how having lost someone impacts their lives, that knowing what happened, or knowing they're dead if that is the case, is as important as the crime side.

I wonder if you have anything to say on that.

• (1730)

Ms. Judy Peterson: Well, I can give you some examples. I mean, I have already alluded to what if she's out there? I feel like she's waiting for me to find her. You know, I feel that once in a while.

My biggest fear is that all of a sudden I realize what if I never know what happened to her? I sort of went through the first few months, the first year, and then, holy, I can't believe it's been this long, and how did I ever survive? Then all of a sudden it hits me. What if I never know? That's my biggest fear.

In the meantime, you're living this life. You go to work. Most people at work don't know, and they'll ask how many kids I have. How do I answer that question? Most often I say two, because that's how many I have. I have some funny stories about some incidents about that. My younger daughter, if we moved and she'd go out with friends and they would question her, it would be awkward. You feel like you don't want to tell people, not because you don't want to tell them, but because they'll be so shocked they don't know what to say.

One of the members said here today, "I can't even imagine." I can't tell you how many times I've heard that. In fact, when people question me further and I finally tell them, they look at me, and I can see them trying to envision it of their own children or their own

family, and they physically shake their head and say, "I can't even imagine." They can't even think about it for more than 10 seconds.

That's my experience. Knowing has got to be better than this, that's for sure.

Hon. Wayne Easter: Thank you for that.

I hope we are near the finish line and things happen. I hope you can celebrate the day it goes to be signed off by the Governor General, and I hope that day comes pretty soon.

Ms. Judy Peterson: I'll be there.

Hon. Wayne Easter: Good.

I would say to the government, while I'm never happy about having this kind of legislation in a budget bill, I'm satisfied that at least the legislation is there, and I would congratulate the government for that.

My other questions, Mr. Chair, were mainly for RCMP officials. I don't know if anyone can answer this one, because I do think it is.... I had several questions for the RCMP. They're not here any longer.

The Chair: Excuse me, Mr. Easter. I'll just interrupt for a second.

We still have RCMP here from the first hour. At the will of the committee, they could be called up—

• (1735)

Hon. Wayne Easter: Okay, if that's possible.

The Chair: —to answer any questions, if you so desire.

Hon. Wayne Easter: Yes. Good.

The Chair: Please feel free to come forward, sir.

Hon. Wayne Easter: While they're coming forward, I'm wondering whether this is something the parliamentary secretary can take back. In the questions and answers provided by the department, no funding is provided to provinces or to local jurisdictions or municipalities to cover the costs of the expanded DNA data bank. On that, I'm wondering, the provinces will be responsible for the costs of the creation of the DNA profiles for missing persons and unidentified human remains.

The Chair: Briefly, Mr. Easter.

Hon. Wayne Easter: Are we confident the provinces will do that? How do we force them to do it—it's a federal law—if we're not providing the funding for the provinces to get it done?

My question for the RCMP is related to some of the other labs in the country that are not the normal labs. Will they also be involved in the collecting of DNA?

The Chair: Just a brief response from the RCMP, please, to tie in as far as the preparation and involvement of other labs in the country is concerned.

Mr. Sean Jorgensen (Director, Strategic Policy and Integration, Specialized Policing Services, Royal Canadian Mounted Police): Certainly. Under the proposal, the RCMP will be given the resources it requires to set up the infrastructure and to support the indices. You're aware that the provinces and territories, as part of their normal investigation, will be asked to pay for the DNA analysis.

That DNA analysis could come to the RCMP in a number of ways. For example, Ontario and Quebec, which have their own public laboratories, may choose to do the humanitarian-related DNA analysis themselves. That would be up to them.

The RCMP is going to be working with Public Works to identify private sector laboratories to which the provinces and territories may submit DNA analysis, and that would then be submitted to the NDDB.

The Chair: Fine, thank you very much, Mr. Easter. Your time is well over.

Ms. Roxanne James: Mr. Chair, on a point of order, we need to allot up to 50 minutes at the end to respond back to the finance committee.

The Chair: Yes.

Hon. Wayne Easter: Time goes fast.

The Chair: We are already there. According to the routine motions, yes, the chair has missed that point.

We will have to call our testimony at this point, and we will then go back to the motion before the....

At this point the chair, on behalf of all of the committee, would like to express not only our gratitude but certainly also our condolences. As you can see from the line of questioning and the concerns of the committee today, you should be a little reassured that there is some pretty significant drive across the political spectrum. We're very hopeful we can bring this to fruition for you at some particular point.

The witnesses will now be excused.

Thank you.

Ms. Judy Peterson: Thank you.

The Chair: I have two quick points, if I may, just a quick little housekeeping detail.

We're a little short following our budget for a witness. We need another \$2,500 to ensure we're looked after for today and going forward.

Could I have a motion to accept that?

Mr. Rick Norlock: So moved.

(Motion agreed to)

The Chair: Thank you very kindly.

Now the chair needs some direction as to reporting back to the finance committee.

Ms. James.

Ms. Roxanne James: Mr. Chair, I'm hoping everybody is in agreement. I'm going to put forward this motion:

That the Chair of the Committee send a letter to the Chair of the Standing Committee on Finance stating that this Committee has achieved the objective that it set, and that this Committee has no amendments to propose to clauses No. 232 to No. 249 of Bill C-43, C-43, A Second Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures.

• (1740)

The Chair: Thank you very kindly. We've heard the motion.

Yes, Mr. Garrison.

Mr. Randall Garrison: What I'd like to ask is that the committee append to that report the letter from the Privacy Commissioner that raises a couple of points which might lead the committee to consider amendments which we do not have time to do here today. I'm not sure procedurally how to do that, so I guess I move that that letter have attached to it the letter we received today from the Privacy Commissioner.

The Chair: Okay, we understand that. Of course, there was concern already registered earlier to do with the fact that we did not have the Privacy Commissioner here, so should his evidence even be considered to be accepted by the committee without his personal attendance? Of course, that is up to the committee to decide where we're going to move on your motion. So I will throw this back to the government for a response.

Ms. Roxanne James: Thank you. I think that would be out of normal procedure, because we're not appending any other things that were handed in, or speeches specifically. I would disagree with appending anything. I think we need to have the Chair respond to the finance committee and I'd like the motion to stand as is.

The Chair: Thank you.

Yes, Mr. Easter.

Hon. Wayne Easter: Mr. Chair, I'm going to support the parliamentary secretary's motion, but I think the discussion and the kind of box we're showing the difficulty of putting legislation in a budget bill that really should have been on its own, where this committee would do its full work on it and maybe make amendments accordingly. If the Privacy Commissioner has a problem, there might need to be an amendment made, but we're not in that position as a committee when it's really this committee, in my view, that should have dealt with a separate piece of legislation on this. Be that as it may, that's the position we're in and I'm willing to support the motion and let it move ahead.

The Chair: Is there any further conversation?

Yes, Mr. Norlock.

Mr. Rick Norlock: I have one comment. I think we owe it to Judy Peterson to just get on with it. She didn't have any objection. She didn't complain that it was in a budget bill. She didn't complain about all that. Let's simply get the damn thing done. It's been around since 2000 and all this political bickering isn't going to get it through, so let's just do it.

The Chair: Thank you very much.

Mr. Garrison, you had made a suggestion as to an amendment. Did you wish to consider that as an amendment?

Mr. Randall Garrison: Yes.

(Motion agreed to)

The Chair: Okay, we will vote on the amendment by Mr. Garrison.

(Amendment negatived [See *Minutes of Proceedings*])

Hon. Wayne Easter: Mr. Chair, some people voted twice.

The Chair: Thank you very kindly, but we will now go to the motion as presented by Mrs. James.

The Chair: It's unanimous. Thank you very much, committee. While we have some differences as to process and procedure, the bottom line is that I think the goodwill of the public will be served here, so thank you very kindly.

The meeting is adjourned.

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